

## GENERAL INSTRUCTIONS

**PRIVACY ACT STATEMENT:** Submission of an Internal Review Service Number or a Social Security Number is mandatory for cargo moves subject to the harbor maintenance fee. These identification numbers are solicited under the authority of Executive Order 9397 and Public Law 99-662. The identification number provides unique identification of the party liable for the payment of the harbor maintenance fee. The number will be given to the U.S. Customs Service to compare the information provided on the ENG Form 3925 with information submitted on summary sheets accompanying the payment of the fee. Failure to submit the appropriate identification number can result in a fine of not more than \$5,000.00 or imprisonment not to exceed 2 months and/or an assessment of a civil penalty up to \$2,500.00 per violation. (Section 11 of the Rivers and Harbors Act of 1992 as amended by PL 99-662, 33 USC 555).

### 1. WHO SHALL FILE:

a. In general (except as excluded in (2) below) the entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for ensuring that the statement of commercial activity is filed with the U.S. Army Corps of Engineers.

b. In the case of lease/charter agreements the lessee or charterer of any vessel engaged in commercial transportation will be responsible for the filing of said reports for all vessels under lease or charter.

c. Ultimately the vessel owner (or his designated agent) becomes the responsible party for ensuring that all commercial activity of the vessel is reported to the Corps of Engineers.

2. **VESSEL MOVES TO REPORT:** All domestic waterborne commerce vessel moves shall be reported including but not limited to: dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, movement of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery. Notwithstanding the above requirement, the following waterborne vessel moves need not be reported:

- (I) Movements of recreational vessels.
- (II) Fire, police and patrol vessels.
- (III) Movements of vessels exclusively engaged in construction (e.g., pile drivers and crane barges.) NOTE, however, that movements of supplies, materials and crews to or from a construction site must be reported.
- (IV) Specific movements granted exception by the U.S. Army Corps of Engineers.

3. **HOW TO REPORT:** The Corps will furnish ENG Form 3925C to vessel operating companies required to report. The companies shall complete the forms monthly for all voyages terminated during the month. Upon approval of the Corps instead of completing the forms, companies may submit computer printouts, computer tapes, or

diskettes containing the information required on the forms. Vessels that did not complete a move during the month shall be reported as inactive or intransit. Reports of monthly vessel activity shall be forwarded to the Corps within 30 days after the close of the month in which the vessel moves took place.

Forms and reporting instructions can be obtained by writing the

Department of the Army  
Waterborne Commerce Statistics Center  
CEIWR-NDC-CE  
US Army Corps of Engineers  
Institute for Water Resources  
PO Box 61280  
New Orleans, LA 70161-1280

or

By logging on to the Institute for Water Resources Web site:

[www.iwr.usace.army.mil/ndc/wcsc.htm](http://www.iwr.usace.army.mil/ndc/wcsc.htm)

4. **LOADED AT-DISCHARGED AT:** The loading port and dock, the discharge port and dock, and the commodities transported between them must be stated. If there is only one commodity reported, all entries will be made on the first line. Where several commodities are transported between the same points the commodities only will be shown separately on succeeding lines. If there is more than one loading point or discharging point, complete information should be reported on a separate line or lines for each origin/destination pair between which commodities were transported. For example, if corn and soybeans were loaded at Port/Dock A and the corn was discharged at Port/Dock B and the soybeans discharged at Port/Dock C and then wheat was loaded at Port/Dock C and discharged at Port/Dock D, then the form should be completed as follows:

On the first line enter A in the "Loaded at" column and B in the "Discharged at" column, "corn" in the "Commodity" column and tonnage of corn in the "Net Tons" (2,000 lbs.) column.

On the second line enter A in the "Loaded at" column and C in the "Discharged at" column, "soybeans" in the "Commodity" column and the tonnage of soybeans in the "Net Tons" column. On the third line enter C in the "Loaded at" column, D in the "Discharged at" column, "wheat" in the "Commodity" column and the tonnage of wheat in the

"Net Tons" column. Please note that commodity types must be specific. "Grain" for example is unacceptable.

Port arrivals and departures involving no cargo would be marked "intransit" or "light" in the "Commodity" column. For light or empty moves, the origin of the trip will be entered in the "Loaded at" column, and the destination will be entered under the "Discharged at" column.

5. **CONTAINERS AND CONTAINERIZED CARGO:** If the cargo being reported is containerized check the containerized column (CONTRZD) on ENG Form 3925 or 3925B. Complete ENG Form 3925 or 3925B including the COMMODITY and TONS. Then complete ENG Form 3925C indicating the number and size (20 ft units, 40 ft units or write in the size) of loaded and light containers for the same vessel moves reported on ENG Form 3925 or 3925B.

6. **PENALTIES:** Every person or persons offending against the provisions of this regulation shall, for each and every offense, be liable to a fine of not more than \$5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. In addition, the Corps of Engineers may assess a civil penalty of up to \$2,500 per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this regulation (33 U.S.C., Section 555). In addition to the fines and imprisonment cited above, the lock master can refuse to allow a vessel passage through a lock if the required data has not been furnished to the Corps. The Corps of Engineers will pursue legal action against waterborne vessel operating companies that fail to submit timely, accurate, and complete vessel operation reports (ENG Form 3925 and 3925B or equivalent). Vessel and commodity movement information is to be sent to the Corps within 30 days after the close of the month in which the movement takes place.