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**DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection**

19 CFR Part 4

CBP Dec. 11-21

**ADDITION OF THE COOK ISLANDS TO THE LIST OF NATIONS ENTITLED
TO SPECIAL TONNAGE TAX EXEMPTION**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: The Department of State has informed U.S. Customs and Border Protection (CBP) that discriminating or countervailing duties are not imposed by the government of the Cook Islands on vessels owned by citizens of the United States. Accordingly, vessels of the Cook Islands are exempt from special tonnage taxes and light money in ports of the United States. This document amends the CBP regulations by adding the Cook Islands to the list of nations whose vessels are exempt from payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

DATES: This amendment is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The exemption from special tonnage taxes and light money for vessels registered in the Cook Islands became applicable on August 22, 2011.

FOR FURTHER INFORMATION CONTACT: George F. McCray, Chief, Cargo Security, Carriers and Immigration Branch, Regulations and Rulings, Office of International Trade, (202) 325-0082.

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, called “light money,” on all foreign vessels which enter U.S. ports (46 U.S.C. 60302-60303). However, vessels of a foreign country may be exempted from the payment of special tonnage taxes and light money upon presentation of satisfactory proof that the government of that foreign country does not impose discriminatory or countervailing duties to the disadvantage of the United States (46 U.S.C. 60304).

Section 4.22, U.S. Customs and Border Protection (CBP) regulations (19 CFR 4.22), lists those countries whose vessels have been found to be exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. The authority to amend this section of the CBP regulations has been delegated to the Chief, Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade.

By letter dated August 22, 2011, the Department of State informed CBP that the government of the Cook Islands does not impose discriminating or countervailing duties on vessels owned by citizens of the United States. Accordingly, the Department of State recommended that the Cook Islands be added to the list of countries whose vessels are

exempt from special tonnage taxes and light money in ports of the United States, effective August 22, 2011.

Finding

On the basis of the above-mentioned information from the Department of State regarding the absence of discriminating or countervailing duties imposed by the government of the Cook Islands on vessels owned by citizens of the United States, CBP considers vessels of the Cook Islands to be exempt from the payment of special tonnage tax and light money, effective August 22, 2011. The CBP regulations are amended accordingly.

INAPPLICABILITY OF NOTICE AND DELAYED EFFECTIVE DATE

Because this amendment merely implements a statutory requirement and confers a benefit upon the public, CBP has determined that notice and public procedure are unnecessary pursuant to section 553(b)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)). Further, for the same reasons, good cause exists for dispensing with a delayed effective date under section 553(d)(3) of the APA (5 U.S.C. 553(d)(3)).

REGULATORY FLEXIBILITY ACT AND EXECUTIVE ORDER 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

SIGNING AUTHORITY

This document is being issued by CBP in accordance with § 0.1(b)(1) of the CBP regulations (19 CFR 0.1(b)(1)).

LIST OF SUBJECTS IN 19 CFR PART 4

Cargo vessels, Customs duties and inspection, Maritime carriers, Vessels.

AMENDMENT TO THE CBP REGULATIONS

For the reasons set forth above, part 4 of Title 19 of the Code of Federal Regulations (19 CFR part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for part 4 and the specific authority for § 4.22 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * *

Section 4.22 also issued under 46 U.S.C. 60301, 60302, 60303, 60304, 60305, 60306, 60312, 60503;

* * * *

§ 4.22 [Amended]

2. Section 4.22 is amended by adding the “Cook Islands” in appropriate alphabetical order.

Dated: October 28, 2011

Joanne Roman Stump
Chief, Trade and Commercial Regulations Branch,
Regulations and Rulings, Office of International Trade

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