



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 4

[CBP Dec. 26-18]

RIN 1651-AB68

Pleasure Vessels of Malta Entitled to Cruising Licenses

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

ACTION: Final rule.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations by adding the Republic of Malta (Malta) to the list of countries whose pleasure vessels may be issued U.S. cruising licenses. The U.S. Department of State has notified CBP that yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States are allowed to arrive at and depart from Maltese ports, and to cruise in Maltese waters without complying with formal entry and clearance procedures. Therefore, CBP is extending reciprocal cruising privileges to Maltese-flagged pleasure vessels.

DATES: This amendment is effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. These reciprocal privileges became applicable for Malta as of June 10, 2026.

FOR FURTHER INFORMATION CONTACT: W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0084, ccrbranchcomments@cbp.dhs.gov.

SUPPLEMENTAL INFORMATION:

I. Background

Under 46 U.S.C. 60504, the Secretary of Homeland Security (Secretary) may allow foreign-flagged yachts used only for pleasure to arrive at and depart from U.S. ports and cruise in

U.S. waters without paying any duties or fees, provided that the President is satisfied that the foreign country allows yachts owned by U.S. residents and used only for pleasure to arrive at and depart from its ports and cruise in its waters without entering, clearing, or paying any duties or fees. The statute also provides the Secretary discretion to require foreign yachts to obtain cruising licenses and to prescribe the form and conditions of those licenses. *See* 46 U.S.C. 60504; Pub. L. 109-304, § 9(b), 120 Stat. 1485, 1680-81 (2006).

The Secretary has delegated to the Commissioner of CBP the authority to prescribe and approve cruising licenses for foreign countries under section 4.94(b) of title 19 of the Code of Federal Regulations (CFR). *See* DHS Delegation No. 07010.3, Revision 03.2. Accordingly, CBP has promulgated regulations governing cruising privileges for U.S. and foreign pleasure vessels. Section 4.94(a) of title 19 of the CFR provides that U.S.-documented vessels with a recreational endorsement, used exclusively for pleasure, not engaged in any trade, and not violating the customs or navigation laws of the United States, may proceed from port to port in the United States or to foreign ports without clearing, and is not subject to entry upon its arrival in the United States, as long as they have not visited hovering vessels, received merchandise while in the customs waters beyond the territorial sea, or received merchandise while on the high seas. When returning from a foreign port or place, such pleasure vessels are required to report their arrival pursuant to 19 CFR 4.2.

Generally, foreign-flagged yachts entering the United States are required to comply with the laws applicable to foreign vessels arriving at, departing from, and proceeding between ports of the United States. *See* section 433 of the Tariff Act of 1930, as amended (19 U.S.C. 1433). However, CBP may issue cruising licenses to pleasure vessels from certain countries if it is found that yachts of the United States are exempt from formal entry and clearance procedures (e.g., filing manifests, obtaining permits to proceed, and paying entry and clearance fees) in those countries. *See* 19 CFR 4.94(b).

To obtain a cruising license, the owner of a foreign-flagged yacht must file an application with a port director. 19 CFR 4.94(c). If CBP issues a foreign-flagged yacht a cruising license, the yacht may arrive at and depart from the United States and cruise in specified waters of the United States without entering and clearing, without filing manifests and obtaining or delivering permits to proceed, and without the payment of certain fees. *Id.* Such fees include entrance and clearance fees, fees for receiving manifests and granting permits to proceed, duty on tonnage, tonnage tax, or light money. *Id.* A port director may issue a cruising license for a period not to exceed one year. *Id.* Upon arrival at each port in the United States, the master of a foreign-flagged yacht with a cruising license must report the fact of arrival to the appropriate CBP office. *Id.* Section 4.94(b) sets forth the list of countries whose yachts are eligible for cruising licenses.

By diplomatic note dated February 4, 2026, the Embassy of the Republic of Malta, in Washington, D.C., informed the Department of State that Malta allows yachts from the United States, used exclusively as pleasure vessels and belonging to any resident of the United States, to arrive at and depart from Maltese ports, and to cruise in the waters of Malta without entering and clearing Maltese Customs and without the payment of any related charges for entry or clearance, dues, duty per ton, tonnage, taxes, or charges for a cruising license. By letter dated June 10, 2026, the Department of State advised the Chief, Cargo Security, Carriers and Restricted Merchandise Branch, CBP, that the Maltese treatment of U.S. pleasure vessels in Maltese waters appears to satisfy the conditions for reciprocal privileges and therefore recommended that Malta be added to the list of countries under the provisions of 19 CFR 4.94(b).

The Chief, Cargo Security, Carriers and Restricted Merchandise Branch, has determined that satisfactory evidence has been furnished to grant the reciprocal privileges allowed under 19 CFR 4.94(b), effective June 10, 2026. Accordingly, under the authority of 46 U.S.C. 60504, Maltese-flagged yachts used only for pleasure may proceed from port to port in the United States or to foreign ports without clearing and are not subject to entry upon arrival at a U.S. port,

including the payment of any duties or fees. This final rule revises the list of countries in 19 CFR 4.94(b) to include Malta for the above reasons.

Administrative Procedure Act

CBP has initiated this rulemaking pursuant to an exchange of diplomatic notes between the U.S. Department of State and the Embassy of the Republic of Malta. This rule implements the reciprocal cruising privileges established through that diplomatic exchange. Therefore, this amendment involves a foreign affairs function of the United States and is being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, the 30-day delayed effective date does not apply under 5 U.S.C. 553(a)(1).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Because no notice of proposed rulemaking is required for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

Pursuant to 46 U.S.C. 60504, the Secretary of Homeland Security has the authority to issue cruising licenses for foreign pleasure vessels and promulgate regulations related to those cruising licenses under 19 CFR 4.94. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve cruising licenses for foreign countries under 19 CFR 4.94(b).

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to Susan S. Thomas, the Executive Assistant Commissioner, Office of Trade, for purposes of publication in the *Federal Register*.

List of Subjects in 19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

Amendment to the Regulations

For the reasons set forth above, part 4 of the title 19 of the Code of Federal Regulations is amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority for part 4 and the specific authority for § 4.94 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

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Section 4.94 also issued under 19 U.S.C. 1441; 46 U.S.C. 60504;

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2. In § 4.94, amend the list of countries in paragraph (b) by adding, in appropriate alphabetical order, “Malta” to read as follows:

§ 4.94 – Yacht privileges and obligations.

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(b) * * *

Malta

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Susan S. Thomas,
Executive Assistant Commissioner,
Office of Trade,

U.S. Customs and Border Protection.

[FR Doc. 2026-22089 Filed: 10/28/2026 8:45 am; Publication Date: 10/29/2026]