(Mar. 4, 1923, ch. 251, § 6, 42 Stat. 1454; Mar. 3, 1927, ch. 348, § 3(c), 44 Stat. 1382.)

REFERENCES IN TEXT

Sections 7 and 8 of this title, referred to in text, were repealed by Pub. L. 91–271, title III, § 321(c), (d), June 2, 1970, 84 Stat. 293.

Section 13 of this title, referred to in text, was repealed by act Aug. 2, 1956, ch. 887, § 4(a)(2), 70 Stat. 947.

Section 48 of this title, referred to in text, was repealed by act Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946. See section 5724 of Title 5, Government Organization and Employees.

Section 51 of this title, referred to in text, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 645. See, also, Additional Repeal note set out thereunder.

CODIFICATION

Act Mar. 3, 1927, abolished the offices of Director and Assistant Director of Customs.

§§ 53 to 57. Repealed. Aug. 2, 1956, ch. 887, § 4(a)(16)–(20), 70 Stat. 947

Section 53, R.S. § 2687, provided for apportionment of compensation according to time served. See, generally, sections 5504 and 6101 of Title 5, Government Organization and Employees.

Section 54, R.S. § 2646, related to books to be furnished to collectors and other officers.

Section 55, R.S. § 2647; acts Aug. 24, 1912, ch. 355, 37 Stat. 434; June 17, 1930, ch. 497, title IV, § 523, 46 Stat. 740, provided that collectors of customs, and comptrollers and surveyors performing functions of collectors, should render quarterly accounts to Secretary of the Treasury of fines collected, moneys received as rents, etc.

Section 56, R.S. § 2944, related to additional hours of service at public stores in New York.

Section 57, R.S. § 2648; act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434, related to sale of blanks by collectors and surveyors.

§ 58. Repealed. Pub. L. 95–410, title II, § 214(a), Oct. 3, 1978, 92 Stat. 904

Section, R.S. § 2654; acts Aug. 24, 1912, ch. 355, 37 Stat. 434; June 2, 1970, Pub. L. 91–271, title III, § 307, 84 Stat. 292, provided for fees of customs officers for eleven enumerated types of services. See section 58a of this title.

§ 58a. Fees for services of customs officers

The Secretary may charge such fees as may be necessary to cover the costs of providing services similar to or the same as services furnished by customs officers under the sections repealed by subsection (a).

(Pub. L. 95–410, title II, § 214(b), Oct. 3, 1978, 92 Stat. 904.)

REFERENCES IN TEXT

The sections repealed by subsection (a), referred to in text, means the sections repealed by Pub. L. 95–410, § 214(a), which provided: ''Sections 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58 and 46 U.S.C. 329, 330, and 333) are each repealed.''

§ 58b. User fee for customs services at certain small airports and other facilities

(a) Authorized airports, seaports, or other facilities

The Secretary of the Treasury shall make customs services available and charge a fee for the use of such customs services at—

(1) the airport located at Lebanon, New Hampshire,

(2) the airport located at Pontiac/Oakland, Michigan, and

(3) any other airport, seaport, or other facility designated by the Secretary of the Treasury under subsection (c) of this section.

(b) Liability for and amount of fee

The fee which is charged under subsection (a) of this section shall be paid by each person using the customs services at the airport, seaport, or other facility and shall be in an amount equal to the expenses incurred by the Secretary of the Treasury in providing the customs services which are rendered to such person at such airport, seaport, or other facility (including the salary and expenses of individuals employed by the Secretary of the Treasury to provide such customs services).

(c) Justification for service

The Secretary of the Treasury may designate airports, seaports, and other facilities under this subsection. An airport, seaport, or other facility may be designated under this subsection only if—

(1) the Secretary of the Treasury has made a determination that the volume or value of business cleared through such airport, seaport, or other facility is insufficient to justify the availability of customs services at such airport, seaport, or other facility, and

(2) the governor of the State in which such airport, seaport, or other facility is located approves such designation.

(d) Failure to pay fee

Any person who, after notice and demand for payment of any fee charged under subsection (a) of this section, fails to pay such fee shall be guilty of a misdemeanor and if convicted thereof shall pay a fine that does not exceed an amount equal to 200 percent of such fee.

(e) Small airport, seaport, or other facility account; expenditures for services

Fees collected by the Secretary of the Treasury under subsection (a) of this section with respect to the provision of services at an airport, seaport, or other facility shall be deposited in an account within the Treasury of the United States that is specially designated for such airport, seaport, or other facility. The Secretary of the Treasury is authorized and directed to pay out of any funds available in such account any expenses incurred by the Federal Government in providing customs services at such airport, seaport, or other facility (including expenses incurred for the salaries and expenses of individuals employed to provide such services). None of the funds deposited into such account shall be available for any purpose other than making payments authorized under the preceding sentence.

(f) Customs services for foreign trade zones or subzones

For purposes of this section, customs services provided in connection with, or with respect to, any foreign trade zone or subzone that is located at, or in the vicinity of, any airport, seaport, or other facility described in subsection (a) of this

section or designated under subsection (c) of this section shall be considered to be customs services provided at such airport, seaport, or other facility.

(Pub. L. 98–573, title II, § 236, Oct. 30, 1984, 98 Stat. 2992; Pub. L. 99–190, § 142, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 99–272, title XIII, § 13032, Apr. 7, 1986, 100 Stat. 310; Pub. L. 100–418, title I, § 1905, Aug. 23, 1988, 102 Stat. 1313; Pub. L. 101–207, § 3(c)(2), (f)(1), Dec. 7, 1989, 103 Stat. 1834, 1835.)

AMENDMENTS

1989—Pub. L. 101–207, § 3(f)(1)(C), inserted ''and other facilities'' after ''airports'' in section catchline.

Subsecs. (a)(3), (b). Pub. L. 101–207, § 3(f)(1)(A), inserted '', seaport, or other facility'' after ''airport'' wherever appearing.

Subsec. (c). Pub. L. 101–207, § 3(f)(1)(A), (B), inserted '', seaports, and other facilities'' after ''airports'' in introductory provisions and '', seaport, or other facility'' after ''airport'' wherever appearing.

Subsec. (e). Pub. L. 101–207, § 3(f)(1)(A), inserted '', seaport, or other facility'' after ''airport'' wherever appearing.

Subsec. (f). Pub. L. 101–207, § 3(c)(2), (f)(1)(A), added subsec. (f) and inserted '', seaport, or other facility'' after ''airport'' in two places.

1988—Subsec. (a)(2), (3). Pub. L. 100–418, § 1905(1)–(3), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 100–418, § 1905(4), struck out ''20'' before ''airports''.

1986—Subsec. (c). Pub. L. 99–272, § 13032(1), made amendment identical to Pub. L. 99–190, substituting ''20 airports'' for ''4 airports''.

Subsec. (e). Pub. L. 99–272, § 13032(2), substituted last two sentences for former last sentence which read as follows: ''The funds in such account shall only be available, as provided by appropriation Acts, for expenditures relating to the provision of customs services at such airport (including expenditures for the salaries and expenses of individuals employed to provide such services).''

1985—Subsec. (c). Pub. L. 99–190 substituted ''20 airports'' for ''4 airports''.

EFFECTIVE DATE

Section effective on 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98–573, set out as an Effective Date of 1984 Amendment note under section 1304 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 58b–1. Expenses from fees collected

Beginning in fiscal year 1998 and thereafter, such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 58b of this title for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

(Pub. L. 105–61, title I, Oct. 10, 1997, 111 Stat. 1279.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 58c. Fees for certain customs services

(a) Schedule of fees

In addition to any other fee authorized by law, the Secretary of the Treasury shall charge and collect the following fees for the provision of customs services in connection with the following:

(1) For the arrival of a commercial vessel of 100 net tons or more, $397.

(2) For the arrival of a commercial truck, $5.

(3) For the arrival of each railroad car carrying passengers or commercial freight, $7.50.

(4) For all arrivals made during a calendar year by a private vessel or private aircraft, $25.

(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75.

(6) For each item of dutiable mail for which a document is prepared by a customs officer, $5.

(7) For each customs broker permit held by an individual, partnership, association, or corporate customs broker, $125 per year.

(8) For the arrival of a barge or other bulk carrier from Canada or Mexico, $100.

(9)(A) For the processing of merchandise that is formally entered or released during any fiscal year, a fee in an amount equal to 0.21 percent ad valorem, unless adjusted under subparagraph (B).

(B)(i) The Secretary of the Treasury may adjust the ad valorem rate specified in subparagraph (A) to an ad valorem rate (but not to a rate of more than 0.21 percent nor less than 0.15 percent) and the amounts specified in subsection (b)(8)(A)(i) (but not to more than $485 nor less than $21) to rates and amounts which would, if charged, offset the salaries and expenses that will likely be incurred by the Customs Service in the processing of such entries and releases during the fiscal year in which such costs are incurred.

(ii) In determining the amount of any adjustment under clause (i), the Secretary of the Treasury shall take into account whether there is a surplus or deficit in the fund estab-