

(2) the disproportionately more frequent assignment of overtime work to customs officers who are near to retirement.

(e) Definitions

As used in this section:

(1) The term “customs officer” means an individual performing those functions specified by regulation by the Secretary of the Treasury for a customs inspector or canine enforcement officer. Such functions shall be consistent with such applicable standards as may be promulgated by the Office of Personnel Management.

(2) The term “holiday” means any day designated as a holiday under a Federal statute or Executive order.

(Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901; Feb. 7, 1920, ch. 61, 41 Stat. 402; Pub. L. 91-271, title III, § 316, June 2, 1970, 84 Stat. 293; Pub. L. 103-66, title XIII, § 13811(a), Aug. 10, 1993, 107 Stat. 668.)

CODIFICATION

Section derived from R.S. § 2872, as amended by act June 26, 1884, ch. 121, § 25, 23 Stat. 59.

Prior to the general revision of section 5 of act Feb. 13, 1911, by section 13811(a) of Pub. L. 103-66, provisions of section 5 of act Feb. 13, 1911, relating to extra compensation for boarding officers performing services at night or on Sundays and holidays, were classified to section 261 of this title.

AMENDMENTS

1993—Pub. L. 103-66 amended section generally, substituting provisions relating to overtime and premium pay for customs officers for provisions relating to fixing of working hours and overtime compensation by Secretary of the Treasury.

1970—Pub. L. 91-271 substituted references to the appropriate customs officer for references to the collector of customs wherever appearing, and struck out reference to inspectors, storekeepers, weighers, and other customs officers and employees.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 13811(c) of Pub. L. 103-66 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 1450 of this title, repealing section 1451a of this title, and omitting provisions formerly set out as section 261 of this title] apply to customs inspectional services provided on or after January 1, 1994.”

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as a note under section 1500 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.

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July

31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Customs officers, referred to in this section, were under Department of the Treasury.

§ 267a. Foreign language proficiency awards

Cash awards for foreign language proficiency may, under regulations prescribed by the Secretary of the Treasury, be paid to customs officers (as referred to in section 267(e)(1) of this title) to the same extent and in the same manner as would be allowable under subchapter III of chapter 45 of title 5 with respect to law enforcement officers (as defined by section 4521 of such title).

(Pub. L. 103-66, title XIII, § 13812(b), Aug. 10, 1993, 107 Stat. 671.)

EFFECTIVE DATE

Section 13812(c)(2) of Pub. L. 103-66 provided that: “Subsection (b) [enacting this section] takes effect on January 1, 1994.”

§§ 268 to 272. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 454-458, 42 Stat. 955, 956, related to duties and compensation of boarding and discharging inspectors, custody of cargo not unladen promptly, unloading at risk of consignee and time for unloading bulk cargo.

Provisions of Tariff Act of 1930 corresponding to section 268, see section 1455 of this title; section 269, see section 1456 of this title; section 270, see section 1457 of this title; section 271, none; section 272, see section 1458 of this title.

§§ 273, 274. Repealed. Aug. 8, 1953, ch. 397, § 4(b), 67 Stat. 509

Sections, R.S. §§ 2885, 2886, required the containers of imported liquors or distilled spirits to be marked or scored at the port of landing with the capacity, wine gallons, proof, proof gallons, and other detailed information, such marks to be obliterated upon sale.

EFFECTIVE DATE OF REPEAL

Section 1 of act Aug. 8, 1953, provided that such act is effective, except as otherwise specifically provided for, on and after the thirtieth day following the date of its enactment (Aug. 8, 1953).

The exception “except as otherwise specifically provided for” apparently refers to the amendments made to the provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

SAVINGS PROVISION

Section 23 of act Aug. 8, 1953, provided: “Except as may be otherwise provided for in this Act, the repeal of existing law or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this Act, and may be enforced in the same manner as if such repeal, or modification had not been made.”

§§ 275 to 281. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 459-465, 42 Stat. 956, 957, related to documentary reports, mani-

feasts, permits on imports from contiguous countries and enforcement provisions.

Provisions of Tariff Act of 1930 corresponding to sections 275 to 281, see sections 1459 to 1465 of this title, respectively.

§ 282. Repealed. Pub. L. 103-182, title VI, § 690(a)(2), Dec. 8, 1993, 107 Stat. 2222

Section, R.S. §3111; Pub. L. 91-271, title III, §317, June 2, 1970, 84 Stat. 293, related to oath to be taken by masters of certain vessels.

§ 283. Duty on saloon stores

Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel, belonging to and owned by such saloon keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon keeper or other person so purchasing and owning shall be liable to a penalty of not less than \$100 and not more than \$500, and shall be punishable by imprisonment for not less than three months and not more than two years.

(R.S. §3113.)

CODIFICATION

R.S. §3113 derived from acts July 18, 1866, ch. 201, §22, 14 Stat. 183; Feb. 10, 1871, ch. 45, 16 Stat. 409.

§§ 284, 285. Repealed. July 3, 1926, ch. 757, § 3, 44 Stat. 832

Sections, R.S. §§3116, 3117, related to manifests of vessels in coasting trade and entry for goods taken or delivered at intermediate ports.

§§ 286, 287. Repealed. Pub. L. 103-182, title VI, § 690(a)(3), (4), Dec. 8, 1993, 107 Stat. 2222

Section 286, R.S. §3118, mandated that master of any enrolled or licensed vessel file a manifest and obtain clearance before departing from a port in one collection district to a place in another collection district where there is not customhouse.

Section 287, R.S. §3119, related to reporting requirements for merchandise destined for foreign ports and exempted unloading of cargo brought from American ports from permit requirements.

§ 288. Documented vessels

Documented vessels with a registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada, shall not thereby become liable to the payment of entry and clearance fees.

(R.S. §2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; Pub. L. 103-182, title VI, §686(a)(1), Dec. 8, 1993, 107 Stat. 2220; Pub. L. 104-324, title XI, §1115(b)(4), Oct. 19, 1996, 110 Stat. 3972; Pub. L. 109-304, §14(a), Oct. 6, 2006, 120 Stat. 1702.)

CODIFICATION

R.S. §2793 as it related to entry and clearance fees was classified to this section and section 111 of the

former Appendix to Title 46, Shipping. R.S. §2793 as it related to payment of tonnage taxes was classified to section 123 of the former Appendix to Title 46. Pub. L. 109-304, §§9(b), 14(a), Oct. 6, 2006, 120 Stat. 1674, 1702, amended R.S. §2793 to strike "or tonnage tax" after "clearance fees", in effect eliminating section 123 of the former Appendix to Title 46, and restated R.S. §2793 as it related to payment of tonnage taxes in section 60308 of Title 46, Shipping. Section 111 of the former Appendix to Title 46 was omitted from the Code upon the completion of the enactment of Title 46 into positive law.

R.S. §2793 derived from Res. Feb. 10, 1871, No. 27, §2, 16 Stat. 595.

AMENDMENTS

2006—Pub. L. 109-304 amended R.S. §2793 to strike out the words "or tonnage tax" which words had been omitted from this section for purposes of codification. See Codification note above.

1996—Pub. L. 104-324 substituted "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada," for "coastwise, Great Lakes endorsement, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports," and struck out ", as if from or to foreign ports" before period at end.

1993—Pub. L. 103-182 substituted "Documented vessels with a coastwise, Great Lakes endorsement," for "Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States," and "foreign ports," for "foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Commissioner of Customs may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel."

1941—Act Sept. 25, 1941, inserted exception and proviso at end of section.

§§ 289 to 292. Repealed. Pub. L. 103-182, title VI, § 690(a)(1), (5)-(7), Dec. 8, 1993, 107 Stat. 2222, 2223

Section 289, R.S. §2792; May 28, 1908, ch. 212, §1, 35 Stat. 424, exempted certain ferryboats and passenger vessels from clearance fees.

Section 290, R.S. §3122, mandated that master of any enrolled or licensed vessel destined with cargo from a place in the United States, at which there may be no customhouse, to a port where there may be a customhouse, deliver a manifest within twenty-four hours after arriving at port of destination.

Section 291, R.S. §3124; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, related to format and content of forms for manifests, certificates of clearance, and oaths.

Section 292, R.S. §3125, related to penalty for neglect or failure to comply with sections 286, 287, 290, and 291 of this title.

§ 293. Documented vessels touching at foreign ports

Any United States documented vessel with a registry or coastwise endorsement, or both, may engage in trade between one port in the United