

fare, or charge, that is based in whole or in part on the fact that the persons or property affected are to be transported to, or have been transported from, a port in a territory or possession of the United States or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than the carrier charges, collects, or receives for the transportation of persons or similar property for the same distance, in the same direction, and over the same route, in commerce wholly within the United States, unless the vessel used for the transportation is or was at the time of the transportation documented under the laws of the United States.

(b) **SUSPENSION OF PROHIBITION.**—Whenever the Secretary of Transportation believes that adequate shipping facilities to or from any port in a territory or possession of the United States or a foreign country are not being provided by vessels documented under the laws of the United States, the Secretary shall certify this fact to the Surface Transportation Board. On receiving the certification, the Board may by order suspend the operation of subsection (a) with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from or to be transported to those ports, for such time and under such terms and conditions as the Secretary may specify in the order or in any supplemental order.

(c) **TERMINATION OF SUSPENSION.**—Whenever the Secretary believes that adequate shipping facilities are being provided to those ports by vessels documented under the laws of the United States, and certifies that fact to the Board, the Board may order the termination of the suspension.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1673.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 58108, 46 App.:884, June 5, 1920, ch. 250, §28, 41 Stat. 999; Ex. Ord. No. 6166, §12, eff. June 10, 1933; June 29, 1936, ch. 858, §§204, 904, 49 Stat. 1987, 2016; Pub. L. 97-31, §12(50), Aug. 6, 1981, 95 Stat. 157; Pub. L. 104-88, title III, §321(3), Dec. 29, 1995, 109 Stat. 950.

The words "territory or possession" are substituted for "possession or dependency" for consistency in the revised title.

§ 58109. Penalties

(a) **INDIVIDUALS.**—An individual convicted of violating section 58101(d), 58103, or 58105 of this title shall be fined under title 18, imprisoned for at least one year but not more than 5 years, or both.

(b) **ORGANIZATIONS.**—An organization convicted of committing an act prohibited by this subtitle shall be fined under title 18.

(c) **INELIGIBILITY TO RECEIVE BENEFITS.**—An individual or organization convicted of violating a section referred to in subsection (a) is ineligible, at the discretion of the Secretary of Transportation, to receive any benefit under the construction-differential subsidy or operating-differential subsidy programs, or a charter

under chapter 575 of this title, for 5 years after the conviction.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1673.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 58109, 46 App.:1228 (1st, 2d pars.), June 29, 1936, ch. 858, title VIII, §806(b), (c), 49 Stat. 2014; Pub. L. 97-31, §12(125), Aug. 6, 1981, 95 Stat. 164.

In subsection (a), the word "individual" is substituted for "natural person" for consistency in the revised title. The words "convicted of violating section 58101(d), 58103, or 58105 of this title" are substituted for "found guilty of any act or acts declared in this chapter to constitute a misdemeanor" because the sections referred to restate the provisions which declare certain acts to be misdemeanors and because the restatement of those provisions does not use the word "misdemeanor". The words "in any district court of the United States" are omitted as unnecessary. The words "shall be fined under title 18, imprisoned for at least one year but not more than five years, or both" are substituted for "shall be punished by a fine of not more than \$10,000, or by imprisonment for not less than one year or more than five years, or by both fine and imprisonment" because of title 18. See 18 U.S.C. 3559 (which classifies offenses based on the maximum term of imprisonment) and 3571 (which establishes fines based on those classifications).

In subsection (b), the word "organization" is substituted for "corporation" to reflect the probable intent that the penalty should apply to other organizations in addition to corporations. The words "convicted of committing an act prohibited by this subtitle" are substituted for "found guilty of any act or acts declared in this chapter to be unlawful" for clarity and consistency. The words "shall be fined under title 18" are substituted for "shall be punished by a fine of not more than \$25,000" for consistency with subsection (a).

In subsection (c), the words "An individual or organization convicted of violating a section referred to in subsection (a)" are substituted for "any person or corporation convicted of a misdemeanor under the provisions of this chapter" for consistency in the section. Reference to the Federal Maritime Commission is omitted because the Commission does not administer any of the provisions referred to.

Subtitle VI—Clearance, Tonnage Taxes, and Duties

Chapter Sec.
601. Arrival and Departure Requirements 60101
603. Tonnage Taxes and Light Money 60301
605. Discriminating Duties and Reciprocal Privileges 60501

PRIOR PROVISIONS

A prior subtitle VI, consisting of chapter 701, was redesignated subtitle VII of this title by Pub. L. 109-241, title IX, §901(k)(1), July 11, 2006, 120 Stat. 564. An identical amendment was made by Pub. L. 109-304, §9(a), Oct. 6, 2006, 120 Stat. 1674.

CHAPTER 601—ARRIVAL AND DEPARTURE REQUIREMENTS

Sec.
60101. Boarding arriving vessels before inspection.
60102. Production of certificate on entry.
60103. Oath of ownership on entry.
60104. Depositing certificates of documentation with consular officers.

Sec.	
60105.	Clearance of vessels.
60106.	State inspection laws.
60107.	Payment of fees on departing vessel.
60108.	Duty to transport tendered cargo.
60109.	Duty to transport money and securities of the United States Government.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60102	46 App.:57.	R.S. §4184.

§ 60101. Boarding arriving vessels before inspection

(a) REGULATIONS.—The Secretary of Homeland Security shall prescribe and enforce regulations on the boarding of a vessel arriving at a port of the United States before the vessel has been inspected and secured.

(b) CRIMINAL PENALTY.—A person violating a regulation prescribed under this section shall be fined under title 18, imprisoned for not more than 6 months, or both.

(c) RELATIONSHIP TO OTHER LAW.—This section shall be construed as supplementary to section 2279 of title 18.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60101	46 App.:163.	Mar. 31, 1900, ch. 120, §§1-3, 31 Stat. 58.

In subsection (a), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 163. The word "shall" is substituted for "is authorized and directed to" for consistency in the revised title and to eliminate unnecessary words. The word "port" is substituted for "seaports" for consistency in the revised title. The word "secured" is substituted for "placed in security" to eliminate unnecessary words. The words "from time to time", "properly", and "and for that purpose to employ any of the officers of the United States Customs Service" are omitted as unnecessary.

In subsection (b), the words "fined under title 18, imprisoned for not more than 6 months, or both" are substituted for "subject to a penalty of not more than \$100 or imprisonment not to exceed six months, or both" because of chapter 227 of title 18. The words "in the discretion of the court" are omitted as unnecessary.

In subsection (c), the words "section 2279 of title 18" are substituted for "section forty-six hundred and six of the Revised Statutes" in the Act of Mar. 31, 1900, because R.S. §4606 (formerly classified to 46 U.S.C. 708 (1946 ed.)) was replaced by 18 U.S.C. 2279 in the codification of title 18 by the Act of June 25, 1948 (ch. 645, 62 Stat. 683). The words "section 9 of act August 2, 1882 (22 Stat. 189)" are omitted because that law was repealed by section 4(b) of Public Law 98-89 (Aug. 26, 1983, 97 Stat. 600).

§ 60102. Production of certificate on entry

On entry of a vessel documented under chapter 121 of this title, the master or other individual in charge of the vessel shall produce the certificate of documentation to the customs officer at the place where the vessel is entered. If the certificate is not produced, the vessel is not entitled to the privileges of a documented vessel.

The words "vessel documented under chapter 121 of this title" are substituted for "vessel, recorded in pursuance of title 48 of the Revised Statutes", and the words "certificate of documentation" are substituted for "certificate of such record", for consistency with chapter 121 of title 46. The words "in charge" are substituted for "having the command or charge" to eliminate unnecessary words. The words "customs officer" are substituted for "collector of the district" because the office of collector of customs was abolished by Reorganization Plan No. 1 of 1965. For additional requirements relating to entry of vessels, see 19 U.S.C. 1434.

§ 60103. Oath of ownership on entry

(a) REQUIRED STATEMENT.—On entry of a vessel of the United States from a foreign port, the individual designated under subsection (b) shall state under oath that—

(1) the vessel's certificate of documentation contains the names of all the owners of the vessel; or

(2) part of the ownership has been transferred since the certificate was issued and, to the best of the individual's knowledge and belief, the vessel is still owned only by citizens of the United States.

(b) PERSON TO MAKE STATEMENT.—The statement under subsection (a) shall be made by—

(1) an owner if one resides at the port of entry; or

(2) the master if an owner does not reside at the port of entry.

(c) CONSEQUENCE OF NOT MAKING STATEMENT.—If the appropriate individual does not make the statement required by this section, the vessel is not entitled to the privileges of a vessel of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60103	46 App.:42.	R.S. §4173.

In subsection (a), the words "certificate of documentation" and "certificate" are substituted for "register" for consistency with chapter 121 of the revised title. In paragraph (2), the words "sold or" are omitted as unnecessary. The words "owned only by citizens of the United States" are substituted for "no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise" for consistency in the revised title and to eliminate unnecessary words.

§ 60104. Depositing certificates of documentation with consular officers

(a) REQUIREMENT OF MASTER.—When a vessel owned by citizens of the United States, on a voyage from a port in the United States, arrives at a foreign port, the master of the vessel shall deposit the vessel's certificate of documentation with a consular officer at the foreign port if there is a consular officer at that port.

(b) RETURN OF CERTIFICATE.—When the master produces a clearance from the appropriate offi-

cer of the foreign port, the consular officer shall return the certificate of documentation to the master if the master has complied with the provisions of law related to the discharge of seamen in a foreign country and the payment of fees of consular officers.

(c) CIVIL PENALTY AND COLLECTION.—The master of a vessel failing to deposit the certificate of documentation as required by subsection (a) is liable to the United States Government for a civil penalty of \$500. The consular officer shall bring an action to recover the penalty in any court of competent jurisdiction. The action shall be brought in the name of the consular officer for the benefit of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1675.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60104, 46 App.:354, R.S. §4309; Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100.

In this section, the words "certificate of documentation" are substituted for "register" and "papers" for consistency with chapter 121 of title 46. The words "sea-letter, and Mediterranean passport" in R.S. §4309 are omitted because the use of those documents was discontinued by Presidential proclamation on April 10, 1815. The words "consular officer" are substituted for "consul or vice consul" for consistency with 22 U.S.C. 4205. The words "commercial agent, or vice commercial agent" in R.S. §§4309 and 4310 are omitted because of the abolition of the grade of commercial agent by the Act of Apr. 5, 1906 (ch. 1366, 34 Stat. 99).

In subsection (b), the words "or commander" are omitted as unnecessary and for consistency in the section.

In subsection (c), the word "failing" is substituted for "refuses or neglects" to eliminate unnecessary words. The words "liable to the United States Government for a civil penalty" are substituted for "liable to a penalty" for clarity and for consistency in the revised title.

§ 60105. Clearance of vessels

(a) VESSELS OF THE UNITED STATES.—Except as otherwise provided by law, a vessel of the United States shall obtain clearance from the Secretary of Homeland Security before proceeding from a port or place in the United States—

- (1) for a foreign port or place;
(2) for another port or place in the United States if the vessel has on board foreign merchandise for which entry has not been made; or
(3) outside the territorial sea to visit a hovering vessel or to receive merchandise while outside the territorial sea.

(b) OTHER VESSELS.—Except as otherwise provided by law, a vessel that is not a vessel of the United States shall obtain clearance from the Secretary before proceeding from a port or place in the United States—

- (1) for a foreign port or place;
(2) for another port or place in the United States; or
(3) outside the territorial sea to visit a hovering vessel or to receive or deliver merchandise while outside the territorial sea.

(c) REGULATIONS.—The Secretary may by regulation—

(1) prescribe the manner in which clearance under this section is to be obtained, including the documents, data, or information which shall be submitted or transmitted, pursuant to an authorized data interchange system, to obtain the clearance;

(2) permit clearance to be obtained before all requirements for clearance are complied with, but only if the owner or operator of the vessel files a bond in an amount set by the Secretary conditioned on the compliance by the owner or operator with all specified requirements for clearance within a time period (not exceeding 4 business days) established by the Secretary; and

(3) permit clearance to be obtained at a place other than a designated port of entry, under conditions the Secretary may prescribe.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1675.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60105, 46 App.:91, R.S. §4197; Aug. 5, 1935, ch. 438, title II, §209, 49 Stat. 526; June 16, 1938, ch. 476, §1, 52 Stat. 758; Sept. 1, 1954, ch. 1213, title V, §501(a), 68 Stat. 1140; Pub. L. 103-182, title VI, §686(b), Dec. 8, 1993, 107 Stat. 2221; Pub. L. 106-476, title I, §1452(a)(3), Nov. 9, 2000, 114 Stat. 2167.

The Secretary of Homeland Security is substituted for the Customs Service and for the Secretary of the Treasury because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178).

§ 60106. State inspection laws

When State law requires a certificate of inspection for goods carried on a vessel, a vessel transporting the goods may not be cleared until the certificate is produced.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1676.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60106, 46 App.:97, R.S. §4202.

This section is substituted for the source provision to eliminate unnecessary words.

§ 60107. Payment of fees on departing vessel

A departing vessel may be cleared only when all legal fees that have accrued on the vessel are paid and proof of payment is presented to the individual granting the clearance.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1676.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60107, 46 App.:100, R.S. §4206.

This section is substituted for the source provision to eliminate unnecessary words.

§ 60108. Duty to transport tendered cargo

Clearance may be refused to a vessel or vehicle transporting cargo destined for a domestic or foreign port when the owner, master, or other individual in charge refuses to accept cargo tendered in good condition, with proper charges, for the same or an intermediate port by a citizen of the United States. This section does not apply if the vessel or vehicle is already fully loaded (giving appropriate consideration to its proper loading) or is not adaptable to transport the tendered cargo.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1676.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60108, 46 App.:834, Sept. 7, 1916, ch. 451, §36, 39 Stat. 738.

Only the word "cargo" is used, instead of "merchandise", "freight", and "cargo", for consistency in the section.

§ 60109. Duty to transport money and securities of the United States Government

Before being given clearance, a vessel owned by a citizen of the United States and bound on a voyage from a port in the United States to another port in the United States or in a foreign country, or on a voyage from a port in a foreign country to a port in the United States, shall receive on board any bullion, coin, notes, bonds, or other securities of the United States Government that an agency, consular officer, or other agent of the Government offers. The vessel shall transport the items securely and deliver them promptly to the proper authorities or consignees on arriving at the port of destination. Compensation shall be paid for services provided under this section that is equal to compensation paid to other carriers in the ordinary transaction of business.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1676.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60109, 46 App.:98, R.S. §4204; Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100.

This section is substituted for the source provision to eliminate unnecessary words.

CHAPTER 603—TONNAGE TAXES AND LIGHT MONEY

Table with 2 columns: Sec., Description. Rows include 60301 (Regular tonnage taxes), 60302 (Special tonnage taxes), 60303 (Light money), 60304 (Presidential suspension of tonnage taxes and light money), 60305 (Vessels in distress), 60306 (Vessels not engaged in trade), 60307 (Vessels engaged in coastwise trade or the fisheries), 60308 (Vessels engaged in Great Lakes trade), 60309 (Passenger vessels making trips between ports of the United States and foreign ports), 60310 (Vessels making daily trips on interior waters), 60311 (Hospital vessels in time of war), 60312 (Rights under treaties preserved).

§ 60301. Regular tonnage taxes

(a) LOWER RATE.—A tax is imposed at the rate of 2 cents per ton (but not more than a total of 10 cents per ton per year) at each entry in a port of the United States of—

(1) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

(2) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

(A) a vessel of the United States;

(B) a recreational vessel (as defined in section 2101 of this title); or

(C) a barge.

(b) HIGHER RATE.—A tax is imposed at the rate of 6 cents per ton (but not more than a total of 30 cents per ton per year) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

(c) EXCEPTION FOR VESSELS ENTERING OTHER THAN BY SEA.—Subsection (a) does not apply to a vessel entering other than by sea from a foreign port or place at which tonnage, lighthouse, or other equivalent taxes are not imposed on vessels of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1677; Pub. L. 109-171, title IV, §4001, Feb. 8, 2006, 120 Stat. 27.)

AMENDMENTS NOT SHOWN IN TEXT

This section was derived from sections 121 (2d sentence) and 132 of the former Appendix to this title, which were amended by Pub. L. 109-171, title IV, §4001, Feb. 8, 2006, 120 Stat. 27. For applicability of those amendments to this section, see section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title. The second sentence of section 121 of the former Appendix to this title, as amended, read as follows:

"A tonnage duty of 4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and on all vessels (except vessels of the United States, recreational vessels, and barges, as those terms are defined in section 2101 of title 46) that depart a United States port or place and return to the same port or place without being entered in the United States from another port or place; and a duty of 13.5 cents per ton, not to exceed 67.5 cents per ton per annum, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed 30 cents per ton per annum, for each fiscal year thereafter is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port."

Section 132 of the former Appendix to this title, as amended, read as follows:

“Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, for each fiscal year thereafter, prescribed by section 121 of this Appendix.”

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60301(a)	46 App.:121 (2d sentence words before semicolon).	Aug. 5, 1909, ch. 6, §36 (1st sentence), 36 Stat. 111; Pub. L. 101-508, title X, §10402(a), Nov. 5, 1990, 104 Stat. 1388-398; Pub. L. 103-66, title IX, §9001(a)(1), (2), (c)(1), Aug. 10, 1993, 107 Stat. 402; Pub. L. 105-33, title IX, §9201(a), Aug. 5, 1997, 111 Stat. 671.
60301(b)	46 App.:121 (2d sentence words after semicolon).	
60301(c)	46 App.:132.	Mar. 8, 1910, ch. 86, 36 Stat. 234; Pub. L. 101-508, title X, §10402(b), Nov. 5, 1990, 104 Stat. 1388-399; Pub. L. 103-66, title IX, §9001(b), Aug. 10, 1993, 107 Stat. 402; Pub. L. 105-33, title IX, §9201(b), Aug. 5, 1997, 111 Stat. 671.

In this section, the tax rates for fiscal years 1991 through 2002 are omitted as obsolete.

In subsection (a)(1), the words “West Indies Islands” are substituted for “West India Islands” to conform to current geographic terminology. The word “Newfoundland” is omitted because Newfoundland is now part of Canada.

In subsection (a)(2), the reference to the definitions in section 2101 is confined to “recreational vessel” because the definitions of “vessel of the United States” and “barge” are being moved to chapter 1 of the revised title and being made applicable title-wide.

§ 60302. Special tonnage taxes

(a) ENTRY FROM FOREIGN PORT OR PLACE.—Regardless of whether a tax is imposed under section 60301 of this title, a tax is imposed on a vessel at each entry in a port of the United States from a foreign port or place at the following rates:

- (1) 30 cents per ton on a vessel built in the United States but owned in any part by a subject of a foreign country.
- (2) 50 cents per ton on other vessels not of the United States.
- (3) 50 cents per ton on a vessel of the United States having an officer who is not a citizen of the United States.
- (4) \$2 per ton on a foreign vessel entering from a foreign port or place at which vessels of the United States are not ordinarily allowed to enter and trade.

(b) VESSELS NOT OF THE UNITED STATES TRANSPORTING PROPERTY BETWEEN DISTRICTS.—Regardless of whether a tax is imposed under section 60301 of this title, a tax of 50 cents per ton is imposed on a vessel not of the United States at each entry in one customs district from another district when transporting goods loaded in one district to be delivered in another district.

(c) EXCEPTION FOR VESSELS BECOMING DOCUMENTED.—The tax of 50 cents per ton under this section does not apply to a vessel that—

(1) is owned only by citizens of the United States; and

(2) after entering a port of the United States, becomes documented as a vessel of the United States before leaving that port.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1677.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60302(a)	46 App.:121 (1st sentence, 5th sentence words before semicolon, last sentence words after semicolon).	R.S. §4219 (1st, 2d sentences, 4th sentence words before semicolon, last sentence words before 1st semicolon and after last semicolon); Feb. 27, 1877, ch. 69, §1, 19 Stat. 250.
60302(b)	46 App.:121 (4th sentence words before proviso).	
60302(c)	46 App.:121 (4th sentence proviso).	Mar. 4, 1915, ch. 171, §1, 38 Stat. 1193.

In subsections (a) and (b), the words “Regardless of whether a tax is imposed under section 60301 of this title” are added for clarity. See 19 C.F.R. §4.20(c) (2003).

In subsection (a)(1), the word “owned” is substituted for “belonging” for consistency in the revised title.

In subsection (a)(3), the words “vessel of the United States” are substituted for “vessel” for clarity.

In subsection (c), the words “The tax of 50 cents per ton” are substituted for “no such duty” in 46 App. U.S.C. 121 to conform more closely to the language in section 1 of the Act of March 4, 1915 (ch. 171, 38 Stat. 1193). The word “documented” is substituted for “registered” for consistency in the revised title.

The words “In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place” in R.S. §4219 were omitted from the original codification of R.S. §4219 in 46 U.S.C. 121 (1926 edition, 44 Stat. 1467). A codification note which first appeared in the 1958 edition of the United States Code for 46 U.S.C. 121 says that the words apparently were omitted as superseded and repealed by section 14 of the Act of June 26, 1884 (ch. 121, 23 Stat. 57), as amended by section 11 of the Act of June 19, 1886 (ch. 421, 24 Stat. 81), and section 1 of the Act of April 4, 1888 (ch. 61, 25 Stat. 80).

§ 60303. Light money

(a) IMPOSITION OF TAX.—A tax of 50 cents per ton, to be called “light money”, is imposed on a vessel not of the United States at each entry in a port of the United States. This tax shall be imposed and collected under the same regulations that apply to tonnage taxes.

(b) EXCEPTION FOR VESSELS OWNED BY CITIZENS.—

(1) IN GENERAL.—Subsection (a) does not apply to a vessel owned only by citizens of the United States if—

- (A) the vessel is carrying a regular document issued by a customhouse of the United States proving the vessel to be owned only by citizens of the United States; and
- (B) on entry of the vessel from a foreign port, the individual designated under paragraph (2) states under oath that—

- (i) the document contains the names of all the owners of the vessel; or
- (ii) part of the ownership has been transferred since the document was issued and, to the best of that individual’s knowledge and belief, the vessel is still owned only by citizens of the United States.

(2) PERSON TO MAKE STATEMENT.—The statement under paragraph (1)(B) shall be made by—

- (A) an owner if one resides at the port of entry; or
- (B) the master if an owner does not reside at the port of entry.

(c) EXCEPTION FOR VESSELS BECOMING DOCUMENTED.—Subsection (a) section does not apply to a vessel that—

- (1) is owned only by citizens of the United States; and
- (2) after entering a port of the United States, becomes documented as a vessel of the United States before leaving that port.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1678.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60303(a)	46 App.:128 (words before proviso).	R.S. §4225.
60303(b)	46 App.:129.	R.S. §4226.
60303(c)	46 App.:128 (proviso).	Mar. 4, 1915, ch. 171, §1, 38 Stat. 1193.

In subsection (a), the word “tax” is substituted for “duty”, and the word “imposed” is substituted for “levied and collected”, for consistency in the chapter. The words “in the same manner” are omitted as unnecessary.

In subsection (b)(1), before subparagraph (A), the words “does not apply to” are substituted for “shall not be deemed to operate upon” to eliminate unnecessary words. The word “unregistered” is omitted as unnecessary. The word “only” is added for clarity and for consistency in the revised title. In subparagraph (A), the words “owned only by citizens of the United States” are substituted for “American property” for consistency. In subparagraph (B)(ii), the words “sold or” are omitted as unnecessary. The words “owned only by citizens of the United States” are substituted for “no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise” to eliminate unnecessary words.

In subsection (b)(2), subparagraph (A) is substituted for “if the same shall be at the port at which the owner or any of the part owners reside”, and subparagraph (B) is substituted for “If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect”, to eliminate unnecessary words.

§ 60304. Presidential suspension of tonnage taxes and light money

If the President is satisfied that the government of a foreign country does not impose discriminating or countervailing duties to the disadvantage of the United States, the President shall suspend the imposition of special tonnage taxes and light money under sections 60302 and 60303 of this title on vessels of that country.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1678.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60304	46 App.:121 (5th sentence words after semicolon).	R.S. §4219 (4th sentence words after semicolon); Feb. 27, 1877, ch. 69, §1, 19 Stat. 250.

The words “If the President is satisfied . . . the President shall suspend the imposition” are substituted for “none of the duties . . . shall be levied . . . if the

President of the United States shall be satisfied”, the words “does not impose” are substituted for “have been abolished”, and the words “special tonnage taxes and light money” are substituted for “duties on tonnage above mentioned”, for clarity.

§ 60305. Vessels in distress

A vessel is exempt from tonnage taxes and light money when it enters because it is in distress.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1678.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60305	46 App.:121 (3d sentence related to distress).	Aug. 5, 1909, ch. 6, §36 (2d sentence related to distress), 36 Stat. 111; Pub. L. 101–508, title X, §10402(a), Nov. 5, 1990, 104 Stat. 1388–398; Pub. L. 103–66, title IX, §9001(a)(3), (c)(1), Aug. 10, 1993, 107 Stat. 402.

The words “and light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003).

§ 60306. Vessels not engaged in trade

A vessel is exempt from tonnage taxes and light money when not engaged in trade.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1678.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60306	46 App.:121 (3d sentence related to trade).	Aug. 5, 1909, ch. 6, §36 (2d sentence related to trade), 36 Stat. 111; Pub. L. 101–508, title X, §10402(a), Nov. 5, 1990, 104 Stat. 1388–398; Pub. L. 103–66, title IX, §9001(a)(3), (c)(1), Aug. 10, 1993, 107 Stat. 402.

The words “and light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003).

§ 60307. Vessels engaged in coastwise trade or the fisheries

A vessel with a registry endorsement or a coastwise endorsement, trading from one port in the United States to another port in the United States or employed in the bank, whale, or other fisheries, is exempt from tonnage taxes and light money.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1678.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60307	46 App.:122.	R.S. §4220.

The words “with a registry endorsement or a coastwise endorsement” are substituted for “if such vessel be licensed, registered, or enrolled” for consistency with chapter 121 of the revised title. The words “belonging to any citizen of the United States” are omitted as unnecessary because, under chapter 121 as amended by this bill, ownership by a citizen of the United States is a requirement for documentation. The words “and light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003).

§ 60308. Vessels engaged in Great Lakes trade

A documented vessel with a registry endorsement, engaged in foreign trade on the Great

Lakes or their tributary or connecting waters in trade with Canada, does not become subject to tonnage taxes or light money because of that trade.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60308	46 App.:123.	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.

The words “or light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003).

The statutory source for this section, R.S. §2793, is amended by section 13(a) of this bill. See the explanation in this report for that amendment.

§ 60309. Passenger vessels making trips between ports of the United States and foreign ports

A passenger vessel making at least 3 trips per week between a port of the United States and a foreign port is exempt from tonnage taxes and light money.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60309	46 App.:124.	R.S. §2792; May 28, 1908, ch. 212, §1, 35 Stat. 424.

The words “at least 3 trips per week” are substituted for “triweekly or oftener” for clarity. The words “and light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003). The words “while such service triweekly or oftener is maintained” are omitted as unnecessary.

§ 60310. Vessels making daily trips on interior waters

A vessel making regular daily trips between a port of the United States and a port of Canada only on interior waters not navigable to the ocean is exempt from tonnage taxes and light money, except on its first clearing each year.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60310	46 App.:125.	R.S. §4221.

The words “is exempt from tonnage taxes” are substituted for “no tonnage fees shall be charged” for consistency in the revised chapter. The words “and light money” are added for clarity and consistency. See 19 C.F.R. §4.21 (2003). The words “by the officers of the United States” are omitted as unnecessary.

§ 60311. Hospital vessels in time of war

In time of war, a hospital vessel is exempt from tonnage taxes, light money, and pilotage charges in the ports of the United States if the vessel is one for which the conditions of the international convention for the exemption of hospital ships from taxation in time of war, concluded at The Hague on December 21, 1904, are

satisfied. The President by proclamation shall name the vessels for which the conditions are satisfied and state when the exemption begins and ends.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60311	46 App.:133. 46 App.:134.	Mar. 24, 1908, ch. 96, 35 Stat. 46.

The words “and possessions thereof” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 60312. Rights under treaties preserved

This chapter and chapter 605 of this title do not affect a right or privilege of a foreign country relating to tonnage taxes or other duties on vessels under a law or treaty of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60312	46 App.:121 (last sentence words before semicolon). 46 App.:135.	R.S. §4219 (last sentence words between 1st and last semicolons); Feb. 27, 1877, ch. 69, §1, 19 Stat. 250. R.S. §4227.

The words “This chapter and chapter 605 of this title” are substituted for “title 48 of the Revised Statutes” in 46 App. U.S.C. 135 because the provisions of title 48 of the Revised Statutes which are still alive and relate to tonnage or other duties on vessels are restated in these two chapters. Although these two chapters restate other provisions which are not from title 48 of the Revised Statutes, expansion of the reference to include those provisions is done for consistency.

CHAPTER 605—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES

- Sec. 60501. Vessels allowed to import.
- 60502. Discriminating duty on goods imported in foreign vessels or from contiguous countries.
- 60503. Reciprocal suspension of discriminating duties.
- 60504. Reciprocal privileges for recreational vessels.
- 60505. Retaliatory suspension of commercial privileges.
- 60506. Retaliation against British dominions of North America.
- 60507. Suspension of free passage through Saint Marys Falls Canal.

§ 60501. Vessels allowed to import

(a) IN GENERAL.—Except as otherwise provided by treaty, goods may be imported into the United States from a foreign port or place only in—

- (1) a vessel of the United States; or
- (2) a foreign vessel owned only by citizens or subjects of the country—
 - (A) in which the goods are grown, produced, or manufactured; or
 - (B) from which the goods can only be, or most usually are, first shipped for transportation.

(b) EXCEPTION FOR VESSELS OF COUNTRIES NOT MAINTAINING SIMILAR RESTRICTIONS.—Subsection (a) does not apply to a vessel of a foreign country that does not maintain a similar restriction against United States documented vessels.

(c) EXCEPTION FOR VESSELS BECOMING DOCUMENTED.—Subsection (a) does not apply to a vessel that—

(1) is owned only by citizens of the United States; and

(2) after entering a port of the United States, becomes documented as a vessel of the United States before leaving that port.

(d) SEIZURE AND FORFEITURE.—If goods are imported in violation of this section, the goods and the vessel in which they are imported, along with its equipment and other cargo, may be seized by and forfeited to the United States Government.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60501(a)	19:130 (1st sentence).	Oct. 3, 1913, ch. 16, §IV(J)(2), (3), 38 Stat. 196; Mar. 15, 1915, ch. 171, §1, 38 Stat. 1193; Pub. L. 103–182, title VI, §689(a)(2), Dec. 8, 1993, 107 Stat. 2222.
60501(b)	19:131 (words before “nor”).	
60501(c)	19:131 (words beginning with “nor”).	
60501(d)	19:130 (last sentence related to 19:130).	

In this section, the word “goods” is substituted for “goods, wares, or merchandise” to eliminate unnecessary words.

In subsection (a)(2), before subparagraph (A), the words “owned only by” are substituted for “truly and wholly belong to” for consistency in the revised title.

In subsection (b), the words “or goods, wares, or merchandise imported in vessels” are omitted as unnecessary because of the wording of subsection (a) of the revised section. The word “restriction” is substituted for “regulation” as being more appropriate.

Subsection (d) is substituted for “All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws” to eliminate unnecessary words.

§ 60502. Discriminating duty on goods imported in foreign vessels or from contiguous countries

(a) IMPOSITION OF DUTY.—A discriminating duty of 10 percent ad valorem (in addition to other duties imposed by law) is imposed on goods—

(1) imported in a vessel not of the United States unless the vessel—

(A) is entitled by law or treaty to enter the ports of the United States on payment of the same duties as are payable on goods imported in a vessel of the United States; or

(B)(i) is owned only by citizens of the United States; and

(ii) after entering a port of the United States, becomes documented as a vessel of the United States before leaving that port; or

(2) produced or manufactured in a foreign country not contiguous to the United States and imported from a country contiguous to the United States, unless imported in the usual course of strictly retail trade.

(b) SEIZURE AND FORFEITURE.—If goods are imported without payment of the duty required by this section, the goods and the vessel in which they are imported may be seized by, and forfeited to, the United States Government.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1680.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60502(a)	19:128.	Oct. 3, 1913, ch. 16, §IV(J)(1), 38 Stat. 196; Mar. 15, 1915, ch. 171, §1, 38 Stat. 1193; Pub. L. 103–182, title VI, §689(a)(1), Dec. 8, 1993, 107 Stat. 2222.
60502(b)	46 App.:146. 19:130 (last sentence related to 19:128).	Oct. 3, 1913, ch. 16, §IV(J)(2), 38 Stat. 196.

In this section, the word “goods” is substituted for “goods, wares, or merchandise” to eliminate unnecessary words.

In subsection (a)(1), subparagraphs (A) and (B) are substituted for “but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46” to eliminate unnecessary words.

Subsection (a)(2) is substituted for “or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country” and “but this discriminating duty shall not apply . . . nor to such products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade” to eliminate unnecessary words.

Subsection (b) is substituted for the source provision for consistency with section 60501(d) and to eliminate unnecessary words. See note for section 60501(d) in this report.

§ 60503. Reciprocal suspension of discriminating duties

(a) GENERAL AUTHORITY.—On receiving satisfactory proof from the government of a foreign country that it has suspended, in any part, the imposition of discriminating duties for any class of vessels owned by citizens of the United States or goods imported in those vessels, the President may proclaim a reciprocal suspension of discriminating duties for the same class of vessels owned by citizens of that country or goods imported in those vessels.

(b) EFFECTIVE AND EXPIRATION DATES.—A suspension under this section takes effect retroactively from the date the President received

the proof from the foreign government, and expires when that government stops granting the reciprocal suspension.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60503	46 App.:141.	R.S. §4228; July 24, 1897, ch. 13, 30 Stat. 214.

In this section, the word “goods” is substituted for “produce, manufactures, or merchandise”, “merchandise”, and “cargoes” for consistency in the chapter. Other changes are made to eliminate unnecessary words.

§ 60504. Reciprocal privileges for recreational vessels

When the President is satisfied that yachts owned by residents of the United States and used only for pleasure are allowed to arrive at, depart from, and cruise in the waters of a foreign port without entering, clearing, or paying any duties or fees (including cruising license fees), the Secretary of Homeland Security may allow yachts from that foreign port used only for pleasure to arrive at and depart from the ports of the United States and to cruise in the waters of the United States without paying any duties or fees. However, the Secretary may require foreign yachts to obtain a license to cruise in the waters of the United States. The license shall be in the form prescribed by the Secretary and contain limitations about length of time, direction, place of cruising and action, and other matters the Secretary considers appropriate. The license shall be issued without cost to the yacht.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60503	46 App.:104.	May 28, 1908, ch. 212, §5, 35 Stat. 425; Aug. 5, 1909, ch. 6, §37 (3d par.), 36 Stat. 112; June 26, 1948, ch. 673, 62 Stat. 1051.

The Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 104.

§ 60505. Retaliatory suspension of commercial privileges

(a) GENERAL AUTHORITY.—The President may proclaim a suspension of commercial privileges to vessels of a foreign country when—

- (1) vessels of that country have been given the same commercial privileges in the ports and waters of the United States given to vessels of the United States (except the privilege of engaging in coastwise commerce); and

(2) vessels of the United States are denied commercial privileges in the ports or waters of that country given to vessels of that country.

(b) APPLICATION.—A suspension under this section shall apply to the same commercial privileges denied to vessels of the United States in the ports or waters of the foreign country, and to the same class of vessels of that country as the class of vessels of the United States denied the privileges.

(c) EFFECTIVE DATE.—The President shall designate the effective date of the suspension in the proclamation.

(d) PENALTIES.—

(1) SEIZURE AND FORFEITURE.—If the master, officer, or agent of a vessel of a foreign country does an act for the vessel in the ports or waters of the United States in violation of a proclamation issued under this section, the vessel and the goods on the vessel may be seized by, and forfeited to, the United States Government.

(2) FINE OR IMPRISONMENT.—A person opposing an official of the Government enforcing this section shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 109–304, §9(b), Oct. 6, 2006, 120 Stat. 1681.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60505	46 App.:142.	June 19, 1886, ch. 421, §17, 24 Stat. 82.

In this section, the words “vessels of the United States” are used instead of both “vessels of the United States” and “American vessels” for consistency in the section. The words “vessels of a foreign country” and “vessels of that country” are substituted for “foreign country whose vessels”, “national vessels”, “vessels of such foreign country”, and similar references, for consistency. The words “ports and waters” and “ports or waters” are substituted for “ports”, “harbors, ports, or waters”, and “ports, harbors, or waters” for consistency.

In subsection (a), before paragraph (1), the words “on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States” are omitted as unnecessary. In paragraph (1), the words “given the same commercial privileges” are substituted for “placed on the same footing” for clarity and for consistency in the section.

Subsection (b) is substituted for “excluding . . . from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against” for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for “on and after such time as he may indicate” for clarity.

Subsection (d)(1) is substituted for “and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States” for consistency in the revised title and to eliminate unnecessary words.

Subsection (d)(2) is substituted for “any person opposing any officer of the United States in the enforce-

ment of this section, or aiding and abetting any other person in such opposition, shall forfeit \$800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years” because of chapter 227 of title 18.

§ 60506. Retaliation against British dominions of North America

(a) GENERAL AUTHORITY.—The President by proclamation may prohibit vessels of the British dominions of North America, their masters and crews, and products of or coming from those dominions, from entering waters, ports, or places of the United States when the President is satisfied that—

(1) fishermen or fishing vessels of the United States in waters, ports, or places of the British dominions of North America are being or recently have been—

- (A) denied rights provided by law or treaty;
- (B) subjected to unreasonable restrictions in the exercise of those rights; or
- (C) otherwise harassed;

(2) fishermen or fishing vessels of the United States, having a permit under the laws of the United States to dock or trade at a port or place in the British dominions of North America, are being or recently have been—

- (A) denied the privilege of entering the port or place in the same manner and under the same regulations applicable to trading vessels of the most-favored-nation;
- (B) prevented from buying supplies allowed to be sold to trading vessels of the most-favored-nation; or
- (C) otherwise harassed; or

(3) other vessels of the United States or their masters or crews in waters, ports, or places of the British dominions of North America are being or recently have been—

- (A) denied privileges given to vessels of the most-favored-nation or their masters or crews; or
- (B) otherwise harassed.

(b) COVERAGE AND EXCEPTIONS.—The President may apply a proclamation under this section to any of the subjects named, and may include exceptions for vessels in distress or need of supplies. The President may change, revoke, and renew the proclamation.

(c) PENALTIES.—A person violating a proclamation issued under this section shall be fined under title 18, imprisoned for not more than 2 years, or both. A vessel or goods found in waters, ports, or places of the United States in violation of the proclamation may be seized by, and forfeited to, the United States Government.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60506	46 App.:143.	Mar. 3, 1887, ch. 339, 24 Stat. 475.

In this section, the words “fishermen or fishing vessels of the United States” are substituted for “American fishing vessels or American fishermen” for consistency in the revised title. The words “are or recently

have been denied” are substituted for “are or then lately have been denied or abridged” to eliminate unnecessary words.

In subsection (a), the words before paragraph (1) are substituted for “Whenever the President of the United States shall be satisfied . . . then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States . . . whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States” to eliminate unnecessary words.

In subsection (a)(1)(B), the words “regulations, or requirements” are omitted as unnecessary.

In subsection (a)(1)(C), the words “otherwise harassed” are substituted for “unjustly vexed or harassed in the enjoyment of such rights, . . . or otherwise unjustly vexed or harassed” to eliminate unnecessary words.

In subsection (a)(2), before subparagraph (A), the word “dock” is substituted for “touch” for clarity. In subparagraph (C), the words “otherwise harassed” are substituted for “unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein” to eliminate unnecessary words.

In subsection (a)(3)(B), the words “otherwise harassed” are substituted for “unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein” to eliminate unnecessary words.

Subsection (b) is substituted for “(with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper)” and “The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section” to eliminate unnecessary words.

Subsection (c) is substituted for “Every violation of any such proclamation, or any part thereof, is declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.” for consistency in the revised title and with chapter 227 of title 18 and to eliminate unnecessary words.

§ 60507. Suspension of free passage through Saint Marys Falls Canal

(a) PURPOSE.—The purpose of this section is to secure reciprocal advantages for the citizens, ports, and vessels of the United States.

(b) GENERAL AUTHORITY.—When the President is satisfied that vessels of the United States, or passengers or cargo being transported to a port of the United States, are prohibited from passing through a canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or their connecting waterways, or

burdened in that passage by tolls or other means that are unreasonable in view of the free passage through the Saint Marys Falls Canal allowed to vessels of all countries, the President by proclamation may suspend the right of free passage through the Saint Marys Falls Canal for vessels owned by subjects of the country imposing the prohibition, tolls, or other burdens and for passengers and cargo being transported to the ports of that country, even when carried in vessels of the United States. The suspension shall apply to the extent and for the time the President considers appropriate.

(c) IMPOSITION OF TOLL.—

(1) IN GENERAL.—During a suspension under this section, the President shall impose a toll of not more than \$2 per ton on cargo and not more than \$5 on each passenger.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), a toll may not be imposed on passengers or cargo landed at Ogdensburg, New York, or any port west of Ogdensburg and south of a line drawn from the northern boundary of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of Minnesota.

(d) COLLECTION OF TOLL.—

(1) IN GENERAL.—A toll imposed under this section shall be collected under regulations prescribed by the Secretary of Homeland Security. The Secretary may require the master of a vessel to provide a sworn statement of the amount and kind of cargo, the number of passengers, and the destination of the passengers and cargo.

(2) PROOF OF LANDING.—When applicable, the Secretary also may require satisfactory proof that the passengers and cargo were landed at a port described in subsection (c)(2). Until that proof is provided, the Secretary may assume the passengers and cargo were not landed at such a port, and the amount of a toll that otherwise would be imposed is a lien enforceable against the vessel when found in the waters of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1682.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 60507(a) through (d) with their respective source citations.

In this section, the word “cargo” is substituted for “cargo”, “cargoes”, “portions or cargoes”, “freight”, and “freight of whatever kind or description” for consistency and to eliminate unnecessary words.

Subsection (a) is substituted for “With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States” to improve the organization of the section.

In subsection (b), the words “and so often as” are omitted as unnecessary. The word “burdened” is substituted for “made difficult or burdensome”, the word “unreasonable” is substituted for “reciprocally unjust and unreasonable”, the words “the President by proclamation may suspend” are substituted for “he shall

have the power, and it shall be his duty, to suspend by proclamation to that effect”, the words “even when carried in vessels of the United States” are substituted for “whether carried in vessels of the United States or of other nations”, and the words “The suspension shall apply to the extent and for the time the President considers appropriate” are substituted for “for such time and to such extent (including absolute prohibition) as he shall deem just”, to eliminate unnecessary words.

In subsection (c)(1), the words “the President shall impose a toll of” are substituted for “tolls shall be levied, collected, and paid as follows, to wit: . . . as shall be from time to time determined by the President” for clarity and to eliminate unnecessary words.

In subsection (c)(2), the word “landed” is substituted for “carried to and landed” to eliminate unnecessary words.

In subsection (d), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 145.

In subsection (d)(2), the words “a port described in subsection (c)(2) of this section” are substituted for “some port or place within the limits above named” for clarity.

Subtitle VII—Security and Drug Enforcement

Chapter Sec.
701. Port Security 70101
703. Maritime Security 70301
705. Maritime Drug Law Enforcement ... 70501

AMENDMENTS

2006—Pub. L. 109-304, §10(1), Oct. 6, 2006, 120 Stat. 1683, amended analysis generally, substituting “Security and Drug Enforcement” for “Miscellaneous” in subtitle heading and adding items 703 and 705.

Pub. L. 109-304, §9(a), Oct. 6, 2006, 120 Stat. 1674, which directed redesignation of subtitle VI of this title as subtitle VII, could not be executed because of prior amendment by Pub. L. 109-241, §901(k)(1). See below.

Pub. L. 109-241, title IX, §901(k)(1), July 11, 2006, 120 Stat. 564, redesignated subtitle VI of this title as subtitle VII.

CHAPTER 701—PORT SECURITY

Sec.
70101. Definitions.
70102. United States facility and vessel vulnerability assessments.
70103. Maritime transportation security plans.
70104. Transportation security incident response.
70105. Transportation security cards.
70106. Maritime safety and security teams.
70107. Grants.
70107A. Interagency operational centers for port security¹
70108. Foreign port assessment.
70109. Notifying foreign authorities.
70110. Actions and assistance for foreign ports and United States territories.
70111. Enhanced crewmember identification.
70112. Maritime security advisory committees.²
70113. Maritime intelligence.
70114. Automatic identification systems.

¹ So in original. Probably should be followed by a period.

² So in original. Does not conform to section catchline.