

§ 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), (b), (c), and (d) with their respective sources.

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

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AMENDMENTS

2008—Pub. L. 110-181, div. C, title XXXV, §3529(c)(1), Jan. 28, 2008, 122 Stat. 603, repealed Pub. L. 109-304, §9(a). See 2006 Amendment note below.

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 amendment identical to that made by Pub. L. 109-241, was repealed by Pub. L. 110-181, §3529(c)(1), with Pub. L. 109-304, §9(a), to be treated as if never enacted. See note 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

SUBCHAPTER I—GENERAL

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