

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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------------|--|
| 60104 | 46 App.:354. 46 App.:355. | R.S. §4309; Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100. R.S. §4310; 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 60107 | 46 App.:100. | R.S. §4206. |

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