

§ 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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), (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 con-

siders 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

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

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. Deployable, specialized forces. 70107. Grants. 70107A. Interagency operational centers for port security. 70108. Foreign port assessment. 70109. Notifying foreign authorities. 70110. Actions and assistance for foreign ports or facilities and United States territories. 70111. Enhanced crewmember identification. 70112. Maritime Security Advisory Committees. 70113. Maritime intelligence. 70114. Automatic identification systems. 70115. Long-range vessel tracking system. 70116. Secure systems of transportation. [70117. Repealed.] 70118. Enforcement by State and local officers.