

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 chapter 227 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.
<b>601. Arrival and Departure Requirements .....</b>	<b>60101</b>
<b>603. Tonnage Taxes and Light Money ....</b>	<b>60301</b>
<b>605. Discriminating Duties and Reciprocal Privileges .....</b>	<b>60501</b>

#### 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, prior to its repeal by Pub. L. 110–181, div. C, title XXXV, §3529(c)(1), Jan. 28, 2008, 122 Stat. 603.

#### 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.