

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 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.

Sec.	
70119.	Civil penalty.
70120.	In rem liability for civil penalties and certain costs.
70121.	Withholding of clearance.
70122.	Waterway Watch Program.
70123.	Mobile biometric identification.
70124.	Regulations.
70125.	Port security training for facility security officers.

SUBCHAPTER II—PORT SECURITY ZONES

70131.	Definitions.
70132.	Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.

AMENDMENTS

2016—Pub. L. 114–120, title III, §306(a)(8), Feb. 8, 2016, 130 Stat. 54, inserted a period at end of item 70107A and substituted “Security Advisory Committees” for “security advisory committees” in item 70112 and “Watch Program” for “watch program” in item 70122.

2010—Pub. L. 111–281, title VIII, §828(c)(2), Oct. 15, 2010, 124 Stat. 3007, as amended by Pub. L. 111–330, §1(17)(B)–(D), Dec. 22, 2010, 124 Stat. 3570, added items for subchapters I and II and items 70131 and 70132.

Pub. L. 111–281, title II, §208(b), title VIII, §§801(b), 804(b), 806(c)(2)(C), 807(b), 820(b), 821(c), Oct. 15, 2010, 124 Stat. 2912, 2989, 2991, 2993, 3001, 3003, substituted “Deployable, specialized forces” for “Maritime safety and security teams” in item 70106 and “Actions and assistance for foreign ports or facilities and United States territories” for “Actions and assistance for foreign ports and United States territories” in item 70110, struck out item 70117 “Firearms, arrests, and seizure of property”, and added items 70122 to 70125.

2006—Pub. L. 109–347, title I, §108(d), title II, §233(d), Oct. 13, 2006, 120 Stat. 1893, 1918, added item 70107A and substituted “Actions and assistance for foreign ports and United States territories” for “Actions when foreign ports not maintaining effective antiterrorism measures” in item 70110.

Pub. L. 109–304, §15(33)(E), Oct. 6, 2006, 120 Stat. 1705, which directed the substitution of items 70117 to 70121 for items 70117 to 70119, was executed by making the substitution for items 70117 “Civil penalty”, 70118 “Enforcement”, 70117 “In rem liability for civil penalties and certain costs”, 70118 “Enforcement by injunction or withholding of clearance”, and 70119 “Civil penalty” to reflect the probable intent of Congress.

Pub. L. 109–241, §901(f)(5), July 11, 2006, 120 Stat. 565, which directed amendment of analysis by striking items 70117 through the second 70119 and inserting items 70117 “Firearms, arrests, and seizure of property”, 70118 “Enforcement by State and local officers”, 70119 “Civil penalty”, 70120 “In rem liability for civil penalties and certain costs”, and 70121 “Withholding of clearance”, could not be executed because only one item 70119 appeared.

2004—Pub. L. 108–293, title VIII, §802(c), Aug. 9, 2004, 118 Stat. 1080, added items 70117 “In rem liability for civil penalties and certain costs”, 70118 “Enforcement by injunction or withholding of clearance”, and 70119 “Civil penalty”, and struck out former item 70119 “Enforcement by State and local officers”.

Pub. L. 108–293, title VIII, §801(b), Aug. 9, 2004, 118 Stat. 1078, added items 70118 “Enforcement” and 70119 “Enforcement by State and local officers”.

SUBCHAPTER I—GENERAL

AMENDMENTS

Pub. L. 111–330, §1(17)(A), Dec. 22, 2010, 124 Stat. 3570, amended Pub. L. 111–281, title VIII, §828(c)(1), Oct. 15, 2010, 124 Stat. 3007, which added subchapter I heading.

§ 70101. Definitions

For the purpose of this chapter:

(1) The term “Area Maritime Transportation Security Plan” means an Area Maritime Transportation Security Plan prepared under section 70103(b).

(2) The term “facility” means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States.

(3) The term “National Maritime Transportation Security Plan” means the National Maritime Transportation Security Plan prepared and published under section 70103(a).

(4) The term “owner or operator” means—

(A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel; and

(B) in the case of a facility, any person owning, leasing, or operating such facility.

(5) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(6) The term “transportation security incident” means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. In this paragraph, the term “economic disruption” does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employee-employer dispute.

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2068; amended Pub. L. 109–347, title I, §124, Oct. 13, 2006, 120 Stat. 1900.)

AMENDMENTS

2006—Par. (6). Pub. L. 109–347 inserted at end “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employee-employer dispute.”

REGULATIONS

Pub. L. 107–295, title I, §102(d), Nov. 25, 2002, 116 Stat. 2084, provided that:

“(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section [enacting this subtitle and provisions set out as notes under sections 70104 and 70114 of this title] (including the amendments made by this section) as soon as practicable after the date of enactment of this section [Nov. 25, 2002], without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act [Nov. 25, 2002].

“(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reor-