

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1679.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60311 .....	46 App.:133. 46 App.:134.	Mar. 24, 1908, ch. 96, 35 Stat. 46.

The words “and possessions thereof” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

§ 60312. Rights under treaties preserved

This chapter and chapter 605 of this title do not affect a right or privilege of a foreign country relating to tonnage taxes or other duties on vessels under a law or treaty of the United States.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60312 .....	46 App.:121 (last sentence words before semicolon). 46 App.:135.	R.S. §4219 (last sentence words between 1st and last semicolons); Feb. 27, 1877, ch. 69, §1, 19 Stat. 250. R.S. §4227.

The words “This chapter and chapter 605 of this title” are substituted for “title 48 of the Revised Statutes” in 46 App. U.S.C. 135 because the provisions of title 48 of the Revised Statutes which are still alive and relate to tonnage or other duties on vessels are restated in these two chapters. Although these two chapters restate other provisions which are not from title 48 of the Revised Statutes, expansion of the reference to include those provisions is done for consistency.

CHAPTER 605—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES

Sec.	
60501.	Vessels allowed to import.
60502.	Discriminating duty on goods imported in foreign vessels or from contiguous countries.
60503.	Reciprocal suspension of discriminating duties.
60504.	Reciprocal privileges for recreational vessels.
60505.	Retaliatory suspension of commercial privileges.
60506.	Retaliation against British dominions of North America.
60507.	Suspension of free passage through Saint Marys Falls Canal.

§ 60501. Vessels allowed to import

(a) IN GENERAL.—Except as otherwise provided by treaty, goods may be imported into the United States from a foreign port or place only in—

- (1) a vessel of the United States; or
- (2) a foreign vessel owned only by citizens or subjects of the country—
  - (A) in which the goods are grown, produced, or manufactured; or
  - (B) from which the goods can only be, or most usually are, first shipped for transportation.

(b) EXCEPTION FOR VESSELS OF COUNTRIES NOT MAINTAINING SIMILAR RESTRICTIONS.—Subsection (a) does not apply to a vessel of a foreign coun-

try that does not maintain a similar restriction against United States documented vessels.

(c) EXCEPTION FOR VESSELS BECOMING DOCUMENTED.—Subsection (a) does not apply to a vessel that—

- (1) is owned only by citizens of the United States; and
- (2) after entering a port of the United States, becomes documented as a vessel of the United States before leaving that port.

(d) SEIZURE AND FORFEITURE.—If goods are imported in violation of this section, the goods and the vessel in which they are imported, along with its equipment and other cargo, may be seized by and forfeited to the United States Government.

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HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60501(a) .....	19:130 (1st sentence).	Oct. 3, 1913, ch. 16, §IV(J)(2), (3), 38 Stat. 196; Mar. 15, 1915, ch. 171, §1, 38 Stat. 1193; Pub. L. 103-182, title VI, §689(a)(2), Dec. 8, 1993, 107 Stat. 2222.
60501(b) .....	19:131 (words before “nor”).	
60501(c) .....	19:131 (words beginning with “nor”).	
60501(d) .....	19:130 (last sentence related to 19:130).	

In this section, the word “goods” is substituted for “goods, wares, or merchandise” to eliminate unnecessary words.

In subsection (a)(2), before subparagraph (A), the words “owned only by” are substituted for “truly and wholly belong to” for consistency in the revised title.

In subsection (b), the words “or goods, wares, or merchandise imported in vessels” are omitted as unnecessary because of the wording of subsection (a) of the revised section. The word “restriction” is substituted for “regulation” as being more appropriate.

Subsection (d) is substituted for “All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws” to eliminate unnecessary words.

§ 60502. Discriminating duty on goods imported in foreign vessels or from contiguous countries

(a) IMPOSITION OF DUTY.—A discriminating duty of 10 percent ad valorem (in addition to other duties imposed by law) is imposed on goods—

- (1) imported in a vessel not of the United States unless the vessel—
  - (A) is entitled by law or treaty to enter the ports of the United States on payment of the same duties as are payable on goods imported in a vessel of the United States; or
  - (B)(i) is owned only by citizens of the United States; and
  - (ii) after entering a port of the United States, becomes documented as a vessel of