

Chapter 605. Discriminating Duties and Reciprocal Privileges 60501

Editorial Notes

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

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§ 60101. Boarding arriving vessels before inspection

(a) REGULATIONS.—The Secretary of Homeland Security shall prescribe and enforce regulations on the boarding of a vessel arriving at a port of the United States before the vessel has been inspected and secured.

(b) CRIMINAL PENALTY.—A person violating a regulation prescribed under this section shall be fined under title 18, imprisoned for not more than 6 months, or both.

(c) RELATIONSHIP TO OTHER LAW.—This section shall be construed as supplementary to section 2279 of title 18.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60101, 46 App.:163, Mar. 31, 1900, ch. 120, §§1-3, 31 Stat. 58.

In subsection (a), 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. 163. The word "shall" is substituted for "is authorized and directed to" for consistency in the revised title and to eliminate unnecessary words. The word "port" is substituted for "seaports" for consistency in the revised title. The word "secured" is substituted for "placed in security" to eliminate unnecessary words. The words "from time to time", "properly", and "and for that purpose to employ any of the officers of the United States Customs Service" are omitted as unnecessary.

In subsection (b), the words "fined under title 18, imprisoned for not more than 6 months, or both" are substituted for "subject to a penalty of not more than \$100

or imprisonment not to exceed six months, or both" because of chapter 227 of title 18. The words "in the discretion of the court" are omitted as unnecessary.

In subsection (c), the words "section 2279 of title 18" are substituted for "section forty-six hundred and six of the Revised Statutes" in the Act of Mar. 31, 1900, because R.S. §4606 (formerly classified to 46 U.S.C. 708 (1946 ed.)) was replaced by 18 U.S.C. 2279 in the codification of title 18 by the Act of June 25, 1948 (ch. 645, 62 Stat. 683). The words "section 9 of act August 2, 1882 (22 Stat. 189)" are omitted because that law was repealed by section 4(b) of Public Law 98-89 (Aug. 26, 1983, 97 Stat. 600).

§ 60102. Production of certificate on entry

On entry of a vessel documented under chapter 121 of this title, the master or other individual in charge of the vessel shall produce the certificate of documentation to the customs officer at the place where the vessel is entered. If the certificate is not produced, the vessel is not entitled to the privileges of a documented vessel.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60102, 46 App.:57, R.S. §4184.

The words "vessel documented under chapter 121 of this title" are substituted for "vessel, recorded in pursuance of title 48 of the Revised Statutes", and the words "certificate of documentation" are substituted for "certificate of such record", for consistency with chapter 121 of title 46. The words "in charge" are substituted for "having the command or charge" to eliminate unnecessary words. The words "customs officer" are substituted for "collector of the district" because the office of collector of customs was abolished by Reorganization Plan No. 1 of 1965. For additional requirements relating to entry of vessels, see 19 U.S.C. 1434.

§ 60103. Oath of ownership on entry

(a) REQUIRED STATEMENT.—On entry of a vessel of the United States from a foreign port, the individual designated under subsection (b) shall state under oath that—

(1) the vessel's certificate of documentation contains the names of all the owners of the vessel; or

(2) part of the ownership has been transferred since the certificate was issued and, to the best of the individual's knowledge and belief, the vessel is still owned only by citizens of the United States.

(b) PERSON TO MAKE STATEMENT.—The statement under subsection (a) shall be made by—

(1) an owner if one resides at the port of entry; or

(2) the master if an owner does not reside at the port of entry.

(c) CONSEQUENCE OF NOT MAKING STATEMENT.—If the appropriate individual does not make the statement required by this section, the vessel is not entitled to the privileges of a vessel of the United States.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1674.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 60103, 46 App.:42, R.S. §4173.