

§ 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

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

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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

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.
60105. Clearance of vessels.
60106. State inspection laws.
60107. Payment of fees on departing vessel.
60108. Duty to transport tendered cargo.
60109. Duty to transport money and securities of the United States Government.

§ 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