

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60503	46 App.:104.	May 28, 1908, ch. 212, §5, 35 Stat. 425; Aug. 5, 1909, ch. 6, §37 (3d par.), 36 Stat. 112; June 26, 1948, ch. 673, 62 Stat. 1051.

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. 104.

§ 60505. Retaliatory suspension of commercial privileges

(a) GENERAL AUTHORITY.—The President may proclaim a suspension of commercial privileges to vessels of a foreign country when—

(1) vessels of that country have been given the same commercial privileges in the ports and waters of the United States given to vessels of the United States (except the privilege of engaging in coastwise commerce); and

(2) vessels of the United States are denied commercial privileges in the ports or waters of that country given to vessels of that country.

(b) APPLICATION.—A suspension under this section shall apply to the same commercial privileges denied to vessels of the United States in the ports or waters of the foreign country, and to the same class of vessels of that country as the class of vessels of the United States denied the privileges.

(c) EFFECTIVE DATE.—The President shall designate the effective date of the suspension in the proclamation.

(d) PENALTIES.—

(1) SEIZURE AND FORFEITURE.—If the master, officer, or agent of a vessel of a foreign country does an act for the vessel in the ports or waters of the United States in violation of a proclamation issued under this section, the vessel and the goods on the vessel may be seized by, and forfeited to, the United States Government.

(2) FINE OR IMPRISONMENT.—A person opposing an official of the Government enforcing this section shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1681.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60505	46 App.:142.	June 19, 1886, ch. 421, §17, 24 Stat. 82.

In this section, the words “vessels of the United States” are used instead of both “vessels of the United States” and “American vessels” for consistency in the section. The words “vessels of a foreign country” and “vessels of that country” are substituted for “foreign country whose vessels”, “national vessels”, “vessels of such foreign country”, and similar references, for consistency. The words “ports and waters” and “ports or

waters” are substituted for “ports”, “harbors, ports, or waters”, and “ports, harbors, or waters” for consistency.

In subsection (a), before paragraph (1), the words “on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States” are omitted as unnecessary. In paragraph (1), the words “given the same commercial privileges” are substituted for “placed on the same footing” for clarity and for consistency in the section.

Subsection (b) is substituted for “excluding . . . from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against” for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for “on and after such time as he may indicate” for clarity.

Subsection (d)(1) is substituted for “and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States” for consistency in the revised title and to eliminate unnecessary words.

Subsection (d)(2) is substituted for “any person opposing any officer of the United States in the enforcement of this section, or aiding and abetting any other person in such opposition, shall forfeit \$800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years” because of chapter 227 of title 18.

§ 60506. Retaliation against British dominions of North America

(a) GENERAL AUTHORITY.—The President by proclamation may prohibit vessels of the British dominions of North America, their masters and crews, and products of or coming from those dominions, from entering waters, ports, or places of the United States when the President is satisfied that—

(1) fishermen or fishing vessels of the United States in waters, ports, or places of the British dominions of North America are being or recently have been—

- (A) denied rights provided by law or treaty;
- (B) subjected to unreasonable restrictions in the exercise of those rights; or
- (C) otherwise harassed;

(2) fishermen or fishing vessels of the United States, having a permit under the laws of the United States to dock or trade at a port or place in the British dominions of North America, are being or recently have been—

- (A) denied the privilege of entering the port or place in the same manner and under the same regulations applicable to trading vessels of the most-favored-nation;
- (B) prevented from buying supplies allowed to be sold to trading vessels of the most-favored-nation; or
- (C) otherwise harassed; or

(3) other vessels of the United States or their masters or crews in waters, ports, or places of the British dominions of North America are being or recently have been—

- (A) denied privileges given to vessels of the most-favored-nation or their masters or crews; or
- (B) otherwise harassed.

(b) **COVERAGE AND EXCEPTIONS.**—The President may apply a proclamation under this section to any of the subjects named, and may include exceptions for vessels in distress or need of supplies. The President may change, revoke, and renew the proclamation.

(c) **PENALTIES.**—A person violating a proclamation issued under this section shall be fined under title 18, imprisoned for not more than 2 years, or both. A vessel or goods found in waters, ports, or places of the United States in violation of the proclamation may be seized by, and forfeited to, the United States Government.

(Pub. L. 109-304, §9(b), Oct. 6, 2006, 120 Stat. 1681.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60506	46 App.:143.	Mar. 3, 1887, ch. 339, 24 Stat. 475.

In this section, the words “fishermen or fishing vessels of the United States” are substituted for “American fishing vessels or American fishermen” for consistency in the revised title. The words “are or recently have been denied” are substituted for “are or then lately have been denied or abridged” to eliminate unnecessary words.

In subsection (a), the words before paragraph (1) are substituted for “Whenever the President of the United States shall be satisfied . . . then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States . . . whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States” to eliminate unnecessary words.

In subsection (a)(1)(B), the words “regulations, or requirements” are omitted as unnecessary.

In subsection (a)(1)(C), the words “otherwise harassed” are substituted for “unjustly vexed or harassed in the enjoyment of such rights, . . . or otherwise unjustly vexed or harassed” to eliminate unnecessary words.

In subsection (a)(2), before subparagraph (A), the word “dock” is substituted for “touch” for clarity. In subparagraph (C), the words “otherwise harassed” are substituted for “unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein” to eliminate unnecessary words.

In subsection (a)(3)(B), the words “otherwise harassed” are substituted for “unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein” to eliminate unnecessary words.

Subsection (b) is substituted for “(with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper)” and “The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section” to eliminate unnecessary words.

Subsection (c) is substituted for “Every violation of any such proclamation, or any part thereof, is declared

illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.” for consistency in the revised title and with chapter 227 of title 18 and to eliminate unnecessary words.

§ 60507. Suspension of free passage through Saint Marys Falls Canal

(a) **PURPOSE.**—The purpose of this section is to secure reciprocal advantages for the citizens, ports, and vessels of the United States.

(b) **GENERAL AUTHORITY.**—When the President is satisfied that vessels of the United States, or passengers or cargo being transported to a port of the United States, are prohibited from passing through a canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or their connecting waterways, or burdened in that passage by tolls or other means that are unreasonable in view of the free passage through the Saint Marys Falls Canal allowed to vessels of all countries, the President by proclamation may suspend the right of free passage 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 oth-