

Subsec. (f). Pub. L. 101-207, §3(c)(2), (f)(1)(A), added subsec. (f) and inserted “, seaport, or other facility” after “airport” in two places.

1988—Subsec. (a)(2), (3). Pub. L. 100-418, §1905(1)-(3), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 100-418, §1905(4), struck out “20” before “airports”.

1986—Subsec. (c). Pub. L. 99-272, §13032(1), made amendment identical to Pub. L. 99-190, substituting “20 airports” for “4 airports”.

Subsec. (e). Pub. L. 99-272, §13032(2), substituted last two sentences for former last sentence which read as follows: “The funds in such account shall only be available, as provided by appropriation Acts, for expenditures relating to the provision of customs services at such airport (including expenditures for the salaries and expenses of individuals employed to provide such services).”

1985—Subsec. (c). Pub. L. 99-190 substituted “20 airports” for “4 airports”.

EFFECTIVE DATE

Section effective on 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98-573, set out as an Effective Date of 1984 Amendment note under section 1304 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 58b-1, 58c of this title.

§ 58b-1. Expenses from fees collected

Beginning in fiscal year 1998 and thereafter, such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 58b of this title for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

(Pub. L. 105-61, title I, Oct. 10, 1997, 111 Stat. 1279.)

§ 58c. Fees for certain customs services

(a) Schedule of fees

In addition to any other fee authorized by law, the Secretary of the Treasury shall charge and collect the following fees for the provision of customs services in connection with the following:

- (1) For the arrival of a commercial vessel of 100 net tons or more, \$397.
- (2) For the arrival of a commercial truck, \$5.
- (3) For the arrival of each railroad car carrying passengers or commercial freight, \$7.50.
- (4) For all arrivals made during a calendar year by a private vessel or private aircraft, \$25.
- (5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), \$5.

(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, \$1.75¹

(6) For each item of dutiable mail for which a document is prepared by a customs officer, \$5.

(7) For each customs broker permit held by an individual, partnership, association, or corporate customs broker, \$125 per year.

(8) For the arrival of a barge or other bulk carrier from Canada or Mexico, \$100.

(9)(A) For the processing of merchandise that is formally entered or released during any fiscal year, a fee in an amount equal to 0.21 percent ad valorem, unless adjusted under subparagraph (B).

(B)(i) The Secretary of the Treasury may adjust the ad valorem rate specified in subparagraph (A) to an ad valorem rate (but not to a rate of more than 0.21 percent nor less than 0.15 percent) and the amounts specified in subsection (b)(8)(A)(i) (but not to more than \$485 nor less than \$21) to rates and amounts which would, if charged, offset the salaries and expenses that will likely be incurred by the Customs Service in the processing of such entries and releases during the fiscal year in which such costs are incurred.

(ii) In determining the amount of any adjustment under clause (i), the Secretary of the Treasury shall take into account whether there is a surplus or deficit in the fund established under subsection (f) of this section with respect to the provision of customs services for the processing of formal entries and releases of merchandise.

(iii) An adjustment may not be made under clause (i) with respect to the fee charged during any fiscal year unless the Secretary of the Treasury—

(I) not later than 45 days after the date of the enactment of the Act providing full-year appropriations for the Customs Service for that fiscal year, publishes in the Federal Register a notice of intent to adjust the fee under this paragraph and the amount of such adjustment;

(II) provides a period of not less than 30 days following publication of the notice described in subclause (I) for public comment and consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the proposed adjustment and the methodology used to determine such adjustment;

(III) upon the expiration of the period provided under subclause (II), notifies such committees in writing regarding the final determination to adjust the fee, the amount of such adjustment, and the methodology used to determine such adjustment; and

(IV) upon the expiration of the 15-day period following the written notification described in subclause (III), submits for publication in the Federal Register notice of the final determination regarding the adjustment of the fee.

(iv) The 15-day period referred to in clause (iii)(IV) shall be computed by excluding—

(I) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

¹ So in original. Probably should be followed by a period.