§ 174. Omitted

CODIFICATION

Section, act Aug. 18, 1890, ch. 797, § 1, 26 Stat. 316, provided that nothing contained in former section 171 of this title should be construed to authorize an expenditure or involve the Government in any contract for future payment of money in excess of sums appropriated therefor.

§ 175. Transferred

CODIFICATION

Section, R.S. § 355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Sept. 1, 1970, Pub. L. 91–393, § 1, 84 Stat. 835, which related to approval of title prior to Federal land purchases, payment of title expenses, application to Tennessee Valley Authority, and Federal jurisdiction over acquisitions, was transferred to section 255 of Title 40, Public Buildings, Property, and Works.

§ 176. Omitted

CODIFICATION

Section, act Mar. 28, 1918, ch. 28, § 1, 40 Stat. 460, authorized acquisition of property on Hudson River owned by North German Lloyd Dock Company and Hamburg-American Line Terminal & Navigation Company and provided that section 175 of this title did not apply to expenditures authorized in connection with such property. The President, by proclamation dated June 28, 1918, took possession of such property.

§§ 177 to 179. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat 641

Section 177, act June 25, 1906, ch. 3540, 34 Stat. 463, related to contracts for construction of fortifications and other works of defense.

Section 178, act Apr. 11, 1898, No. 21, 30 Stat. 737, provided for erection of forts in emergency. See sections 4776 and 9776 of Title 10, Armed Forces.

Section 179, act June 30, 1921, ch. 33, § 1, 42 Stat. 81, related to chargeability of appropriations with respect to transportation cost incident to construction and maintenance of seacoast fortifications.

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Sec.
191. Regulation of anchorage and movement of vessels during national emergency.
191a. Transfer of Secretary of Transportation's powers to Secretary of Navy when Coast Guard operates as part of Navy.
191b, 191c. Repealed.
192. Seizure and forfeiture of vessel; fine and imprisonment.
193. Repealed.
194. Enforcement provisions.
195. ''United States'' defined.
196. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters.
197. Voluntary purchase or charter agreements.
198. Requisitioned vessels.
(a) Documentation of vessels.
(b) Waiver of compliance.
(c) Coastwise trade; inspection.
(d) Reconditioning of vessels.
(e) Effective period.
(f) ''Documented'' defined.

CROSS REFERENCES

Definition of ''Foreign government'', see section 11 of Title 18, Crimes and Criminal Procedure.

§ 191. Regulation of anchorage and movement of vessels during national emergency

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to, or arriving off the coast of, the United States presents urgent circumstances requiring an immediate Federal response, the Secretary of Transportation may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States and all territory and water, continental or insular, subject to the jurisdiction of the United States.

Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this title.[1]

(June 15, 1917, ch. 30, title II, § 1, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 1, 64 Stat. 427; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038; Oct. 15, 1966, Pub. L. 89–670, § 6(b)(1), 80 Stat. 938; Sept. 27, 1979, Pub. L. 96–70, title III, § 3302(a), 93 Stat. 498;

[1] See References in Text note below.

Sept. 30, 1996, Pub. L. 104–208, div. C, title VI, § 649, 110 Stat. 3009–711.)

REFERENCES IN TEXT

This title, referred to in text, means title II of act June 15, 1917, ch. 30, 40 Stat. 220, as amended, which enacted sections 191 and 192 to 194 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1996—Pub. L. 104–208, in first par., inserted ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to, or arriving off the coast of, the United States presents urgent circumstances requiring an immediate Federal response,'' after ''international relations of the United States,''.

1979—Pub. L. 96–70 struck out second par., providing that within the territory and waters of the Canal Zone the Governor of the Canal Zone, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury, and in cl. (b) of third par., struck out ''the Canal Zone,'' after ''facilities in the United States,''.

1950—Act Sept. 26, 1950, substituted ''Governor of the Canal Zone'' for ''Governor of the Panama Canal'' in second par.

Act Aug. 9, 1950, authorized the President to institute such rules and regulations to control anchorage and movement of foreign-flag vessels in United States waters when the national security is endangered.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96–70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

TERMINATION DATE OF 1950 AMENDMENT

Section 4 of act Aug. 9, 1950, provided that: ''The provisions of this Act [amending this section and sections 192 and 194 of this title] shall expire on such date as may be specified by concurrent resolution of the two Houses of Congress.''

TERMINATION OF WAR AND EMERGENCIES

Act July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

REGULATIONS—POST-WAR GENERALLY

For regulations relating to safeguarding of vessels, harbors, ports, and waterfront facilities, under a finding that the security of the United States is endangered by reason of subversive activity, see Ex. Ord. No. 10173, Oct. 18, 1950, 15 F.R. 7005.

REGULATIONS—WORLD WAR II

Proc. No. 2732, June 2, 1947, 12 F.R. 3583, 61 Stat. 1069, revoked Proc. No. 2412, June 27, 1940, 5 F.R. 2419, 54 Stat. 2711, which granted consent of President to the exercise of certain powers under this section by the Secretary of the Treasury and the Governor of the Canal Zone.

REGULATIONS—WORLD WAR I

A proclamation was issued under this section on December 3, 1917.

SEPARABILITY

Section 4 of title XIII of act June 15, 1917, provided: ''If any clause, sentence, paragraph, or part of this Act [see Tables for classification] shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.''

TRANSFER OF FUNCTIONS

''Secretary of Transportation'' substituted for ''Secretary of the Treasury'' in first paragraph of text pursuant to section 6(b)(1) of Pub. L. 89–670, which transferred Coast Guard to Department of Transportation and transferred to and vested in Secretary of Transportation functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other officers and offices of Department of the Treasury. See section 108 of Title 49, Transportation.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see section 2(e) of Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, as amended, and section 1(r) of Ex. Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, set out as notes under section 301 of Title 3, The President.

PROC. NO. 6867. DECLARATION OF NATIONAL EMERGENCY AND INVOCATION OF EMERGENCY AUTHORITY RELATING TO REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS

Proc. No. 6867, Mar. 1, 1996, 61 F.R. 8843, provided:

WHEREAS, on February 24, 1996, Cuban military aircraft intercepted and destroyed two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba;

WHEREAS the Government of Cuba has demonstrated a ready and reckless willingness to use excessive force, including deadly force, in the ostensible enforcement of its sovereignty;

WHEREAS, on July 13, 1995, persons in U.S.-registered vessels who entered into Cuban territorial waters suffered injury as a result of the reckless use of force against them by the Cuban military; and

WHEREAS the entry of U.S.-registered vessels into Cuban territorial waters could again result in injury to, or loss of life of, persons engaged in that conduct, due to the potential use of excessive force, including deadly force, against them by the Cuban military, and could threaten a disturbance in international relations;

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) [50 U.S.C. 1621, 1631], and section 301 of title 3, United States Code, find and do hereby proclaim that a national emergency does exist by reason of a disturbance or threatened disturbance of international relations. In order to address this national emergency and to secure the observance of the rights and obligations of the United States, I hereby authorize and direct the Secretary of Transportation (the ''Secretary'') to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Act of June 15, 1917 [see Tables for classification].

SECTION 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, which may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions and threaten a disturbance of international relations. Any rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance as such rule or regulation shall involve a foreign affairs function of the United States.

SEC. 2. The Secretary is authorized to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew, and all other persons not specifically authorized by the Secretary to go or remain on board the vessel when necessary to secure the rights and obligations of the United States.

SEC. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as the Secretary deems necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities shall, consistent with other provisions of law and to the extent practicable, provide requested assistance.

SEC. 4. The Secretary may seek assistance from State and local authorities in carrying out the purposes of this proclamation. Because State and local assistance may be essential for an effective response to this emergency, I urge all State and local officials to cooperate with Federal authorities and to take all actions within their lawful authority necessary to prevent the unauthorized departure of vessels intending to enter Cuban territorial waters.

SEC. 5. All powers and authorities delegated by this proclamation to the Secretary may be delegated by the Secretary to other officers and agents of the United States Government unless otherwise prohibited by law.

SEC. 6. This proclamation shall be immediately transmitted to the Congress and published in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.

WILLIAM J. CLINTON.

CROSS REFERENCES

Carrying or possessing explosives or dangerous weapons on vessels seized, forfeited, or upon which guard has been placed under this chapter, see section 2277 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 191a of this title; title 18 section 2277; title 42 section 267.

§ 191a. Transfer of Secretary of Transportation's powers to Secretary of Navy when Coast Guard operates as part of Navy

When the Coast Guard operates as a part of the Navy pursuant to section 3 of title 14, the powers conferred on the Secretary of Transportation by section 191 of this title, shall vest in and be exercised by the Secretary of the Navy.

(Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763; Oct. 18, 1962, Pub. L. 87–845, § 11, 76A Stat. 699; Oct. 15, 1966, Pub. L. 89–670, § 6(b)(1), 80 Stat. 938.)

AMENDMENTS

1962—Pub. L. 87–845 substituted ''section 3 of title 14'' for ''section 1 of title 14''.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–845 effective Jan. 2, 1963, see section 25 of Pub. L. 87–845, set out as a note under section 14 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

''Secretary of Transportation'' substituted in text for ''Secretary of the Treasury'' pursuant to section 6(b)(1) of Pub. L. 89–670, which transferred Coast Guard to Department of Transportation and transferred to and vested in Secretary of Transportation functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other officers and offices of Department of the Treasury. See section 108 of Title 49, Transportation.

§ 191b. Repealed. Pub. L. 96–70, title III, § 3303(a)(5), Sept. 27, 1979, 93 Stat. 499

Section, acts Nov. 15, 1941, ch. 471, § 4, 55 Stat. 763; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038; Oct. 18, 1962, Pub. L. 87–845, § 12, 76A Stat. 699, provided that this section, section 191a of this title, and section 91 of title 14 not affect the authority of the Governor of the Canal Zone conferred by section 191 of this title or section 34 of Title 2, Canal Zone Code.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 3304 of Pub. L. 96–70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§ 191c. Repealed. Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561

Section, act Nov. 15, 1941, ch. 471, § 1, 55 Stat. 763, related to control of anchorage and movement of vessels to insure safety of naval vessels. See section 91 of Title 14, Coast Guard.

§ 192. Seizure and forfeiture of vessel; fine and imprisonment

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title,[1] or obstructs or interferes with the exercise of any power conferred by this title,[1] the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title,[1] or knowingly obstructs or interferes with the exercise of any power conferred by this title,[1] he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

(June 15, 1917, ch. 30, title II, § 2, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3(a), 54 Stat. 79; Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763; Aug. 9, 1950, ch. 656, § 3, 64 Stat. 428.)

REFERENCES IN TEXT

This title, referred to in text, means title II of act June 15, 1917, ch. 30, 40 Stat. 220, as amended, which enacted sections 191 and 192 to 194 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1950—Subsec. (a). Act Aug. 9, 1950, added subsec. (a).

1941—Act Nov. 15, 1941, struck out ''by the Secretary of the Treasury or the Governor of the Panama Canal'' before ''under the provisions of this title''.

1940—Act Mar. 28, 1940, increased term of imprisonment.

[1] See References in Text note below.

TERMINATION DATE OF 1950 AMENDMENT

For termination of amendment by act Aug. 9, 1950, see section 4 of act Aug. 9, 1950, set out as a note under section 191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 267.

§ 193. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, acts June 15, 1917, ch. 30, title II, § 3, 40 Stat. 220; Mar. 28, 1940, ch. 72, § 3(b), 54 Stat. 79, related to destruction of, injury to, or improper use of vessels. See section 2274 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 194. Enforcement provisions

The President may employ such departments, agencies, officers, or instrumentalities of the United States as he may deem necessary to carry out the purpose of this title.[1]

(June 15, 1917, ch. 30, title II, § 4, 40 Stat. 220; Aug. 9, 1950, ch. 656, § 2, 64 Stat. 428.)

REFERENCES IN TEXT

This title, referred to in text, means title II of act June 15, 1917, ch. 30, 40 Stat. 220, as amended, which enacted sections 191 and 192 to 194 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1950—Act Aug. 9, 1950, authorized President to employ such departments, agencies, etc., as he may deem necessary to carry out title II of act June 15, 1917.

TERMINATION DATE OF 1950 AMENDMENT

For termination of amendment by act Aug. 9, 1950, see section 4 of act Aug. 9, 1950, set out as a note under section 191 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 267.

§ 195. "United States" defined

The term ''United States'' as used in this Act includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231; Sept. 27, 1979, Pub. L. 96–70, title III, § 3302(b), 93 Stat. 498.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 15, 1917, ch. 30, 40 Stat. 217, as amended. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 40 of this title. In the original this section defined ''United States'' as used in act June 15, 1917. Other provisions of that act were contained in sections 31 to 42 of this title and certain sections of former Title 18, Criminal Code and Criminal Procedure. The definition of ''United States'' as used in present provisions derived from those former sections is covered by sections 5 and 14 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1979—Pub. L. 96–70 struck out ''the Canal Zone and'' after ''this Act includes''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96–70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§ 196. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters

During any period in which vessels may be requisitioned under section 1242 of title 46, Appendix, the President is authorized and empowered through the Secretary of Transportation to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by citizens of the United States which is lying idle in waters within the jurisdiction of the United States and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 1242 of title 46, Appendix. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of section 1242 of title 46, Appendix, shall be made from such fund upon the certificate of the Secretary of Transportation.

(Aug. 9, 1954, ch. 659, § 1, 68 Stat. 675; Sept. 27, 1979, Pub. L. 96–70, title III, § 3302(c), 93 Stat. 498; Aug. 6, 1981, Pub. L. 97–31, § 12(152), 95 Stat. 167.)

AMENDMENTS

1981—Pub. L. 97–31 substituted references to Secretary of Transportation for references to Secretary of Commerce wherever appearing.

1979—Pub. L. 96–70 struck out ''\, including the Canal Zone,'' after ''jurisdiction of the United States''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96–70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 198 of this title.

§ 197. Voluntary purchase or charter agreements

During any period in which vessels may be requisitioned under section 1242 of title 46, Appendix, the President is authorized through the Secretary of Transportation to acquire by voluntary agreement of purchase or charter the ownership or use of any merchant vessel not owned by citizens of the United States.

(Aug. 9, 1954, ch. 659, § 2, 68 Stat. 675; Aug. 6, 1981, Pub. L. 97–31, § 12(152), 95 Stat. 167.)

[1] See References in Text note below.

AMENDMENTS

1981—Pub. L. 97–31 substituted ''Secretary of Transportation'' for ''Secretary of Commerce''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 198 of this title.

§198. Requisitioned vessels

(a) Documentation of vessels

Any vessel not documented under the laws of the United States, acquired by or made available to the Secretary of Transportation under sections 196 to 198 of this title, or otherwise, may, notwithstanding any other provision of law, in the discretion of the Secretary of the department in which the Coast Guard is operating be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of the department in which the Coast Guard is operating may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of sections 196 to 198 of this title, and in accordance with the provisions of subsection (c) of this section, engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this subsection shall be surrendered at any time that such surrender may be ordered by the Secretary of the department in which the Coast Guard is operating. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

(b) Waiver of compliance

The President may, notwithstanding any other provisions of law, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this section to such extent and upon such terms as he finds necessary because of the lack of physical facilities on such vessels, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

(c) Coastwise trade; inspection

Any vessel while documented under the provisions of this section, when chartered under sections 196 to 198 of this title by the Secretary of Transportation to Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Secretary of Transportation, who is authorized to issue permits for such purpose pursuant to such rules and regulations as he may prescribe. The Secretary of Transportation is authorized to prescribe such rules and regulations as he may deem necessary or appropriate to carry out the purposes and provisions of this section. The second paragraph of section 9 of the Shipping Act, 1916, as amended [46 App. U.S.C. 808], shall not apply with respect to vessels chartered to Government agencies or departments or to private operators or otherwise used or disposed of under sections 196 to 198 of this title. Existing laws covering the inspection of steam vessels are made applicable to vessels documented under this section only to such extent and upon such conditions as may be required by regulations of the Secretary of the department in which the Coast Guard is operating: *Provided*, That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

(d) Reconditioning of vessels

The Secretary of Transportation without regard to the provisions of section 5 of title 41 may repair, reconstruct, or recondition any vessels to be utilized under sections 196 to 198 of this title. The Secretary of Transportation and any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under sections 196 to 198 of this title may, with the aid of any funds available and without regard to the provisions of said section 5 of title 41, repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning. The Secretary of Transportation may operate or charter for operation any vessel to be utilized under sections 196 to 198 of this title to private operators, citizens of the United States, or to any department or agency of the United States Government, without regard to the provisions of title VII of the Merchant Marine Act, 1936 [46 App. U.S.C. 1191 et seq.], and any department or agency of the United States Government is authorized to enter into such charters.

(e) Effective period

In case of any voyage of a vessel documented under the provisions of this section begun before the date of termination of an effective period of section 196 of this title, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

(f) "Documented" defined

When used in sections 196 to 198 of this title, the term ''documented'' means ''registered'', ''enrolled and licensed'', or ''licensed''.

(Aug. 9, 1954, ch. 659, §3, 68 Stat. 675; Oct. 15, 1966, Pub. L. 89–670, §6(b)(1), (2), 80 Stat. 938; Aug. 6, 1981, Pub. L. 97–31, §12(152), 95 Stat. 167.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsec. (d), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended. Title VII of the Merchant Marine Act, 1936 is classified generally to subchapter VII (§1191 et seq.) of chapter 27 of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

AMENDMENTS

1981—Subsecs. (a), (c), (d). Pub. L. 97–31 substituted references to Secretary of Transportation for references to Secretary of Commerce wherever appearing.

TRANSFER OF FUNCTIONS

''Secretary of the department in which the Coast Guard is operating'' substituted in subsec. (a) for ''Sec-

retary of the Treasury'' pursuant to section 6(b)(1), (2) of Pub. L. 89–670, which transferred Coast Guard to Department of Transportation and transferred to and vested in Secretary of Transportation functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of all other officers and offices of Department of the Treasury, and which provided that notwithstanding such transfer Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by subsec. (a) of this section, see Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note set out preceding section 3 of the Appendix to Title 46, Shipping.

CHAPTER 13—INSURRECTION

Sec.
201 to 204. Repealed.
205. Suspension of commercial intercourse with State in insurrection.
206. Suspension of commercial intercourse with part of State in insurrection.
207. Persons affected by suspension of commercial intercourse.
208. Licensing or permitting commercial intercourse with State or region in insurrection.
209. Repealed.
210. Penalties for unauthorized trading, etc.; jurisdiction of prosecutions.
211. Investigations to detect and prevent frauds and abuses.
212. Confiscation of property employed to aid insurrection.
213. Jurisdiction of confiscation proceedings.
214. Repealed.
215. Institution of confiscation proceedings.
216. Preventing transportation of goods to aid insurrection.
217. Trading in captured or abandoned property.
218. Repealed.
219. Removal of customhouse and detention of vessels thereat.
220. Enforcement of section 219.
221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.
222. Transferred.
223. Forfeiture of vessels owned by citizens of insurrectionary States.
224. Refusing clearance to vessels with suspected cargoes; forfeiture for departing without clearance.
225. Bond to deliver cargo at destination named in clearance.
226. Protection of liens on condemned vessels.

§§ 201 to 204. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 201, R.S. § 5297, provided for Federal aid for State Governments in case of an insurrection in any State. See section 331 of Title 10, Armed Forces.

Section 202, R.S. § 5298, related to use of military and naval forces to enforce authority of Federal Government. See section 332 of Title 10.

Section 203, R.S. § 5299, related to denial by State of equal protection of laws and authorized the President to take measures for the suppression of any insurrection, domestic violence, or combinations. See section 333 of Title 10.

Section 204, R.S. § 5300, authorized the President to issue a proclamation commanding insurgents to disperse. See section 334 of Title 10.

§ 205. Suspension of commercial intercourse with State in insurrection

Whenever the President, in pursuance of the provisions of this chapter, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

(R.S. § 5301.)

CODIFICATION

R.S. § 5301 derived from acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; July 31, 1861, ch. 32, 12 Stat. 284.

CROSS REFERENCES

Extension of this section to—
Parts of States, see section 206 of this title.
Persons in occupied territory and aliens, see section 207 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 206, 223 of this title.

§ 206. Suspension of commercial intercourse with part of State in insurrection

Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of section 205 of this title for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

(R.S. § 5302.)

CODIFICATION

R.S. § 5302 derived from act July 2, 1864, ch. 225, § 5, 13 Stat. 376.