

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 dis-

posed 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; Pub. L. 89-670, §6(b)(1), (2), Oct. 15, 1966, 80 Stat. 938; Pub. L. 97-31, §12(152), Aug. 6, 1981, 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

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Secretary of the department in which the Coast Guard is operating” substituted in subsec. (a) for “Secretary 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.

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.)