

any court of record of the United States, or to any judge thereof, or to any United States magistrate judge, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or magistrate judge shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

(R.S. § 4080; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### CODIFICATION

R.S. § 4080 derived from act June 11, 1864, ch. 116, § 2, 13 Stat. 121.

Act Mar. 2, 1901, provided in part that all acts or parts of acts applicable to commissioners of the circuit court, except as to appointment and fees, shall be applicable to United States commissioners.

#### CHANGE OF NAME

Act May 28, 1896, abolished the circuit court and required the district court to appoint persons to be known as United States commissioners.

"United States magistrate judge" and "magistrate judge" substituted in text for "United States magistrate" and "magistrate", respectively, pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

### § 258. Commitment and discharge

If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or magistrate judge finds, upon the papers referred to in section 257 of this title, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessel, or whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States,

or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application: *Provided*, That nothing in this section or section 257 of this title shall authorize the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment.

(R.S. § 4081; Mar. 4, 1915, ch. 153, §§ 16, 17, 38 Stat. 1184; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### CODIFICATION

R.S. § 4081 derived from act June 11, 1864, ch. 116, § 2, 13 Stat. 121.

#### CHANGE OF NAME

Words "magistrate judge" substituted in text for "magistrate" pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

### § 258a. Enforcement of awards of foreign consuls

The district courts and the United States magistrate judges shall have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice consul or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or magistrate judge, by petition of such consul, vice consul, or commercial agent. And said courts and magistrate judges may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration or decree is complied with, or the parties are otherwise discharged therefrom,

by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent. The expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and magistrate judges.

(Mar. 3, 1911, ch. 231, §271, 36 Stat. 1163; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

Section was formerly classified to section 393 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, §1, 62 Stat. 869.

CHANGE OF NAME

“United States magistrate judges”, “magistrate judge”, and “magistrate judges” substituted in text for “United States magistrates”, “magistrate”, and “magistrates”, respectively, pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrate” substituted for “commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

**§ 259. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section, act May 31, 1939, ch. 161, 53 Stat. 795, authorized Secretary of Army to sell supplies to aircraft operated by any foreign military or air attaché accredited to United States. See sections 4626, 4629, 9626, and 9629 of Title 10, Armed Forces.

**CHAPTER 7—INTERNATIONAL BUREAUS, CONGRESSES, ETC.**

- Sec. 261. Policy as to settlement of disputes and disarmament.
- 262. President's participation in international congresses restricted.
- 262-1. Restriction relating to United States accession to any new international criminal tribunal.
- 262a. Contributions to international organizations; consent of State Department; limitations as to certain organizations.
- 262b. Commitments for United States contributions to international organizations; limitations; consultation with Congressional committees.
- 262c. Commitments for United States contributions to international financial institutions fostering economic development in less developed countries; continuation of participation.
- 262d. Human rights and United States assistance policies with international financial institutions.
- 262d-1. Congressional statement of policy of human rights and United States assistance policies with international institutions.
- 262e. Comparability of salaries and benefits of employees of international financial institutions with employees of American private business and governmental service.

- Sec. 262f. Promotion of development and utilization of light capital technologies and United States assistance policies with international financial institutions.
- 262g. Human nutrition in developing countries and United States assistance policies with international financial institutions; declaration of policy.
- 262g-1. Targeting assistance to specific populations.
- 262g-2. Establishment of guidelines for international financial institutions.
- 262g-3. International negotiations on future replenishments of international financial institutions; consultation with appropriate Members of Congress.
- 262h. Opposition by United States Executive Directors of international financial institutions to assistance for production or extraction of export commodities or minerals in surplus on world markets.
- 262i. Repealed.
- 262j. Use of renewable resources for energy production.
- 262k. Financial assistance to international financial institutions; considerations and criteria.
- 262k-1. Transparency of budgets.
- 262k-2. Female genital mutilation.
- 262l. Environmental reform measures and remedial measures; Committee on Health and the Environment.
- 262l-1. Sustainable economic growth and management of natural resources; environmental impact of loans; pest management; addition of trained professionals; “early warning system”.
- 262l-2. Sustainable use of natural resources; use of agricultural and industrial chemicals.
- 262l-3. Environmental and energy initiatives; benchmarks; Global Warming Initiative; appropriations.
- 262m. Congressional findings and policies for multilateral development banks respecting environment, public health, natural resources, and indigenous peoples.
- 262m-1. Environmental performance of banks; mechanisms for improvement.
- 262m-2. Environmental impact of assistance proposals.
- 262m-3. Cooperative information exchange system.
- 262m-4. Environmental educational and training programs for mid-level bank managers and officials of borrowing countries.
- 262m-5. Environmental impact statements; factors considered; promotion of activities by United States Executive Directors.
- 262m-6. Repealed.
- 262m-7. Assessment of environmental impact of proposed multilateral development bank actions.
- 262m-8. Climate change mitigation and greenhouse gas accounting.
- 262n. Congressional findings and policies respecting agricultural and commodity production.
- 262n-1. Increase in income and employment in developing countries; enhancement of purchasing power; diversification away from single crop or product economies.
- 262n-2. Financing projects for production of export commodities, products, or minerals in surplus in world markets discouraged; instructions by Secretary of the Treasury to United States Executive Directors.
- 262n-3. Reduction of barriers to agricultural trade.
- 262o. Negotiations concerning replenishment or increase in capital; annual reports on implementation of lending policy goals.
- 262o-1. Military spending by recipient countries; military involvement in economies of recipient countries.