

3112 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as amended by Pub. L. 108-178, §2(a)(8), Dec. 15, 2003, 117 Stat. 2638, 2640.

§ 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 Repealed.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	Repealed.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	Repealed.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.	Definitions.
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.

§ 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.

The President may delegate the authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating. 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; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 96-70, title III, §3302(a), Sept. 27, 1979, 93 Stat. 498; Pub. L. 104-208, div. C, title VI, §649, Sept. 30, 1996, 110 Stat. 3009-711; Pub. L. 108-293, title II, §223, Aug. 9, 2004, 118 Stat. 1040.)

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 title II to the Code, see Tables.

AMENDMENTS

2004—Pub. L. 108-293 inserted “The President may delegate the authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating.” at beginning of concluding provisions.

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,”.

¹ See References in Text note below.