

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.

**(b) Application to others**

If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title,<sup>1</sup> or knowingly obstructs or interferes with the exercise of any power conferred by this title,<sup>1</sup> 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.

**(c) Civil penalty**

A person violating this title,<sup>1</sup> or a regulation prescribed under this title,<sup>1</sup> shall be liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

**(d) In rem liability**

Any vessel that is used in violation of this title,<sup>1</sup> or of any regulation issued under this title,<sup>1</sup> shall be liable in rem for any civil penalty assessed pursuant to subsection (c) of this section and may be proceeded against in the United States district court for any district in which such vessel may be found.

**(e) Withholding of clearance**

**(1) In general**

If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c) of this section, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under this section, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 60105 of title 46.

**(2) Clearance upon filing of bond or other surety**

The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.

(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; Pub. L. 107-295, title I, § 104(b), Nov. 25, 2002, 116 Stat. 2085; Pub. L. 108-293, title VIII, § 802(b), Aug. 9, 2004, 118 Stat. 1079.)

REFERENCES IN TEXT

This title, referred to in subsecs. (a) to (d), 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.

CODIFICATION

In subsec. (e)(1), “section 60105 of title 46” substituted for “section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-293, § 802(b)(1), substituted “title” for “Act” in two places.

Subsecs. (d), (e). Pub. L. 108-293, § 802(b)(2), added subsecs. (d) and (e).

2002—Pub. L. 107-295 inserted subsec. headings, designated first par. as subsec. (a), redesignated former subsec. (a) as (b), and added subsec. (c).

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.

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.

**§ 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.<sup>1</sup>

(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.

**§ 195. Definitions**

In this Act:

(1) UNITED STATES.—The term “United States” includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(2) TERRITORIAL WATERS.—The term “territorial waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

(June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231; Pub. L. 96-70, title III, § 3302(b), Sept. 27, 1979, 93 Stat. 498; Pub. L. 107-295, title I, § 104(a), Nov. 25, 2002, 116 Stat. 2085.)

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.

<sup>1</sup> See References in Text note below.

Presidential Proclamation 5928 of December 27, 1988, referred to in par. (2), is set out as a note under section 1331 of Title 43, Public Lands.

#### 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 section 5 of Title 18, Crimes and Criminal Procedure.

#### AMENDMENTS

2002—Pub. L. 107-295 added introductory provisions, designated existing provisions as par. (1), inserted heading, struck out “as used in this Act” before “includes”, and added par. (2).

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 chapter 563 of title 46, 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 chapter 563 of title 46. 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 section 56305 of title 46 shall be made from such fund upon the certificate of the Secretary of Transportation.

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

#### CODIFICATION

In text, “chapter 563 of title 46” substituted for “section 902 of the Merchant Marine Act, 1936, as amended” in two places and “section 56305 of title 46” substituted for “the second paragraph of subsection (d) of such section 902, as amended,” on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted chapter 563 of Title 46, Shipping.

#### 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.

### § 197. Voluntary purchase or charter agreements

During any period in which vessels may be requisitioned under chapter 563 of title 46, 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; Pub. L. 97-31, §12(152), Aug. 6, 1981, 95 Stat. 167.)

#### CODIFICATION

In text, “chapter 563 of title 46” substituted for “section 902 of the Merchant Marine Act, 1936, as amended” on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted chapter 563 of Title 46, Shipping.

#### AMENDMENTS

1981—Pub. L. 97-31 substituted “Secretary of Transportation” for “Secretary of Commerce”.

### § 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