

ities 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. Any provisions of Proclamation 6867 [set out above] that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.

SEC. 7. 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 twenty-sixth day of February, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-eighth.

GEORGE W. BUSH.

**§ 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; Pub. L. 87-845, §11, Oct. 18, 1962, 76A Stat. 699; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 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 414 of Title 28, Judiciary and Judicial Procedure.

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 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 sec-

tion, 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**

**(a) In general**

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,<sup>1</sup> or obstructs or interferes with the exercise of any power conferred by this title,<sup>1</sup> 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.

**(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

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