

State to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of State reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien.

(Aug. 27, 1954, ch. 1018, § 3, 68 Stat. 883; Pub. L. 90-482, § 2, Aug. 12, 1968, 82 Stat. 730; Pub. L. 92-569, § 2, Oct. 26, 1972, 86 Stat. 1182; Pub. L. 94-265, title IV, § 403(a)(2), Apr. 13, 1976, 90 Stat. 360; Pub. L. 98-364, title III, § 302(a), July 17, 1984, 98 Stat. 444.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-364, § 302(a)(1), substituted “Secretary of State in the amount determined and certified by him” for “Secretary of the Treasury in the amount certified to him by the Secretary of State”.

Subsec. (b). Pub. L. 98-364, § 302(a)(2), inserted “determination and” before “certification” in first sentence, and substituted “State” for “the Treasury” in second and third sentences.

1976—Subsec. (a). Pub. L. 94-265 inserted definition of “other direct charge”.

1972—Pub. L. 92-569 designated existing provisions as subsec. (a), inserted provision that reimbursement under this section shall be made from the Fishermen’s Protective Fund, and added subsec. (b).

1968—Pub. L. 90-482 inserted “, license fee, registration fee, or any other direct charge” after “fine” whenever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-265, title IV, § 403(b), Apr. 13, 1976, 90 Stat. 360, provided in part that the amendment made by section 403(a)(2) of Pub. L. 94-265 to this section was to apply with respect to seizures of vessels of the United States occurring on or after Dec. 31, 1974, prior to the general amendment of title IV of Pub. L. 94-265 by Pub. L. 104-297.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-569 applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under this section may be made from the fund established by section 1979 of this title with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972 if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as a note under section 1972 of this title.

§ 1974. Inapplicability of chapter to certain seizures

The provisions of this chapter shall not apply with respect to a seizure made by a country at war with the United States or a seizure made in accordance with the provisions of any applicable convention or treaty, if that treaty or convention was made with advice and consent to¹ the Senate and was in force and effect for the United States and the seizing country at the time of the seizure.

(Aug. 27, 1954, ch. 1018, § 4, 68 Stat. 883; Pub. L. 98-364, title III, § 303(b), July 17, 1984, 98 Stat. 444.)

¹ So in original. Probably should be “of”.

AMENDMENTS

1984—Pub. L. 98-364 substituted “any applicable convention or treaty, if that treaty or convention was made with advice and consent to the Senate and was in force and effect for the United States and the seizing country at the time of the seizure” for “any fishery convention or treaty to which the United States is a party”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-364 applicable with respect to seizures made after Apr. 1, 1983, by foreign countries of vessels of the United States, see section 303(c) of Pub. L. 98-364, set out as a note under section 1972 of this title.

§ 1975. Claims for amounts expended because of seizure

(a) Action by Secretary

The Secretary of State shall—

(1) immediately notify a foreign country of—

(A) any reimbursement made by him under section 1973 of this title as a result of the seizure of a vessel of the United States by such country,

(B) any payment made pursuant to section 1977 of this title in connection with such seizure, and

(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

(b) Withholding amount of unpaid claim from foreign assistance funds

If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] unless the President certifies to the Congress that it is in the national interest not to do so in the particular instance (and if such funds are insufficient to cover such claim, transfer shall be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen’s Protective Fund established pursuant to section 1979 of this title if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 1973 of this title, or (2) the separate account established in the Treasury of the United States pursuant to section 1977(c) of this title if the amount is transferred with respect to an unpaid claim for a payment made under section 1977(a) of this title. Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country.

(Aug. 27, 1954, ch. 1018, § 5, 68 Stat. 883; Pub. L. 90-482, § 3, Aug. 12, 1968, 82 Stat. 730; Pub. L. 92-569, § 3, Oct. 26, 1972, 86 Stat. 1182; Pub. L. 98-364, title III, § 302(b), July 17, 1984, 98 Stat. 444.)