

engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

(Nov. 4, 1939, ch. 2, § 9, 54 Stat. 8.)

REFERENCES IN TEXT

Section 452 of this title, referred to in text, was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(12), 68 Stat. 861. See former section 1934(a) and section 2778(a) of this title.

§ 450. Restrictions on use of American ports

(a) Bond to insure non-delivery of men, ammunition, fuel, etc.

Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 967 of title 18, and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title.

(b) Departure prohibited

If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 441(a) of this title, he may prohibit the departure of such vessel during the duration of the war.

(c) Alien seaman; bond

Whenever the President shall have issued a proclamation under section 441(a) of this title he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel

shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 168¹ of title 8. Notwithstanding the provisions of said section 168¹ of title 8, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

(Nov. 4, 1939, ch. 2, § 10, 54 Stat. 9.)

REFERENCES IN TEXT

Section 168 of title 8, referred to in subsec. (c), was repealed by act June 27, 1952, ch. 477, § 403(a)(13), 66 Stat. 279. See section 1286 of Title 8, Aliens and Nationality.

CODIFICATION

In subsec. (a), "section 967 of title 18" substituted for "section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. 217, 221; U.S.C., 1934 edition, title 18, sec. 31)" on authority of act June 25, 1948, ch. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

DELEGATION OF FUNCTIONS

For delegation to Secretary of Homeland Security of authority vested in President by subsecs. (a) and (b) of this section, see sections 1(n) and 1(o) of Ex. Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, as amended, set out as a note under section 301 of Title 3, The President.

§ 451. Submarines and armed merchant vessels

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

(Nov. 4, 1939, ch. 2, § 11, 54 Stat. 9.)

USE OF UNITED STATES PORTS AND TERRITORIAL WATERS BY SUBMARINES OF FOREIGN NATIONS

By Proc. Nos. 2375, Nov. 4, 1939, 4 F.R. 4494, 54 Stat. 2672; 2400, Apr. 25, 1940, 5 F.R. 1570, 54 Stat. 2699; 2406, May 11, 1940, 5 F.R. 1690, 54 Stat. 2705; 2409, June 10, 1940, 5 F.R. 2192, 54 Stat. 2707; 2445, Nov. 15, 1940, 5 F.R. 4524, 54 Stat. 2672, submarines of France, Germany, Poland, United Kingdom, India, Australia, Canada, New Zealand, Union of South Africa, Norway, Belgium, the Netherlands, Italy, and Greece were denied use of United States ports and territorial waters.

¹ See References in Text note below.