

Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4262.)

## SUBCHAPTER V—REGATTAS AND MARINE PARADES

### § 70041. Regattas and marine parades

(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

(c) TRANSFER OF AUTHORITY.—The authority of the Commandant under this section may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President's judgment such transfer is desirable.

(d) PENALTIES.—

(1) IN GENERAL.—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

(C) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations occurred without the owner's knowledge.

(D) Any other person shall be liable to a penalty of \$2,500.

(2) MITIGATION OR REMISSION.—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

(Added Pub. L. 115-282, title IV, § 406(a), Dec. 4, 2018, 132 Stat. 4265.)

## SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

### § 70051. 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 the department in which the Coast Guard is operating<sup>1</sup> 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.<sup>1</sup> Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this subchapter.

<sup>1</sup> See Codification note below.

(Added Pub. L. 115–282, title IV, § 407(b)(5), Dec. 4, 2018, 132 Stat. 4267.)

#### CODIFICATION

Section, as added by Pub. L. 115–282, is based on acts 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. 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; Pub. L. 115–232, div. C, title XXXV, § 3548(a), Aug. 13, 2018, 132 Stat. 2328; Pub. L. 115–282, title IV, § 407(b)(1)–(4), Dec. 4, 2018, 132 Stat. 4267, which was formerly classified to section 191 of Title 50, War and National Defense, before being transferred to this chapter and renumbered as this section. Prior to such renumbering and transfer, section 3548(a) of Pub. L. 115–232 amended section 1 of title II of act June 15, 1917, by substituting “the Secretary of the department in which the Coast Guard is operating” for “the Secretary of the Treasury” in the first par. Subsequently, section 407(b)(2) of Pub. L. 115–282 directed striking out “of the Treasury” but could not be executed because of the amendment by Pub. L. 115–232. Section 407(b)(3) of Pub. L. 115–282 further directed striking out “of the department in which the Coast Guard is operating”, which appeared in two places following the amendment by Pub. L. 115–232, but the amendment did not specify where the deletion should occur. The amendment was executed by striking out such phrase following “regulations to the Secretary” in concluding provisions, to reflect the probable intent of Congress.

#### PROC. NO. 6867. DECLARATION OF NATIONAL EMERGENCY AND INVOCATION OF EMERGENCY AUTHORITY RELATING TO REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS

Proc. No. 6867, Mar. 1, 1996, 61 F.R. 8843, provided:

WHEREAS, on February 24, 1996, Cuban military aircraft intercepted and destroyed two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba;

WHEREAS the Government of Cuba has demonstrated a ready and reckless willingness to use excessive force, including deadly force, in the ostensible enforcement of its sovereignty;

WHEREAS, on July 13, 1995, persons in U.S.-registered vessels who entered into Cuban territorial waters suffered injury as a result of the reckless use of force against them by the Cuban military; and

WHEREAS the entry of U.S.-registered vessels into Cuban territorial waters could again result in injury to, or loss of life of, persons engaged in that conduct, due to the potential use of excessive force, including deadly force, against them by the Cuban military, and could threaten a disturbance in international relations;

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191) [see 46 U.S.C. 70051], sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) [50 U.S.C. 1621, 1631], and section 301 of title 3, United States Code, find and do hereby proclaim that a national emergency does exist by reason of a disturbance or threatened disturbance of international relations. In order to address this national emergency and to secure the observance of the rights and obligations of the United States, I hereby authorize and direct the Secretary of Transportation (the “Secretary”) to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Act of June 15, 1917 [see Tables for classification].

SECTION 1. The Secretary may make rules and regulations governing the anchorage and movement of any

vessel, foreign or domestic, in the territorial waters of the United States, which may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions and threaten a disturbance of international relations. Any rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance as such rule or regulation shall involve a foreign affairs function of the United States.

SEC. 2. The Secretary is authorized to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew, and all other persons not specifically authorized by the Secretary to go or remain on board the vessel when necessary to secure the rights and obligations of the United States.

SEC. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as the Secretary deems necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities 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. 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 first day of March, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.

WILLIAM J. CLINTON.

[Provisions of Proc. No. 6867 superseded to the extent of inconsistency with provisions of Procs. No. 7757, 9398, and 9699, see Sec. 6 of Proc. No. 7757, Sec. 6 of Proc. No. 9398, and Sec. 6 of Proc. No. 9699, set out below.]

#### CONTINUATION OF NATIONAL EMERGENCY DECLARED BY PROC. NO. 6867

Notice of President of the United States, dated Feb. 19, 2019, 84 F.R. 5579, provided:

On February 22, 2018, by Proclamation 9699, the national emergency with respect to Cuba declared in Proclamation 6867 of March 1, 1996, expanded by Proclamation 7757 of February 26, 2004, and modified by Proclamation 9398 of February 24, 2016 [46 U.S.C. 70051 notes], was modified and continued based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba. The unauthorized entry of any United States-registered vessel into Cuban territorial waters and the situation in Cuba continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) and section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), I am continuing for 1 year the national emergency declared in Proclamations 6867, 7757, 9398, and 9699.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

DONALD J. TRUMP.

Prior continuations of national emergency declared by Proc. No. 6867 were contained in the following:

Notice of President of the United States, dated Jan. 13, 2017, 82 F.R. 6185.

Notice of President of the United States, dated Feb. 25, 2015, 80 F.R. 11075.

Notice of President of the United States, dated Feb. 25, 2014, 79 F.R. 10949.

Notice of President of the United States, dated Feb. 22, 2013, 78 F.R. 13209.

Notice of President of the United States, dated Feb. 23, 2012, 77 F.R. 11379.

Notice of President of the United States, dated Feb. 24, 2011, 76 F.R. 11073.

Notice of President of the United States, dated Feb. 23, 2010, 75 F.R. 8793.

Notice of President of the United States, dated Jan. 15, 2009, 74 F.R. 3959.

Notice of President of the United States, dated Feb. 6, 2008, 73 F.R. 7459.

Notice of President of the United States, dated Feb. 26, 2007, 72 F.R. 9231.

Notice of President of the United States, dated Jan. 10, 2006, 71 F.R. 2133.

Notice of President of the United States, dated Feb. 18, 2005, 70 F.R. 8919.

Notice of President of the United States, dated Feb. 26, 2004, 69 F.R. 9513.

Notice of President of the United States, dated Feb. 27, 2003, 68 F.R. 9849.

Notice of President of the United States, dated Feb. 26, 2002, 67 F.R. 9387.

Notice of President of the United States, dated Feb. 27, 2001, 66 F.R. 12841.

Notice of President of the United States, dated Feb. 25, 2000, 65 F.R. 10929.

Notice of President of the United States, dated Feb. 24, 1999, 64 F.R. 9903.

Notice of President of the United States, dated Feb. 25, 1998, 63 F.R. 9923.

Notice of President of the United States, dated Feb. 27, 1997, 62 F.R. 9347.

PROC. NO. 7757. EXPANDING THE SCOPE OF THE NATIONAL EMERGENCY AND INVOCATION OF EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS INTO CUBAN TERRITORIAL WATERS

Proc. No. 7757, Feb. 26, 2004, 69 F.R. 9515, provided:

By the authority vested in me by the Constitution and the laws of the United States of America, in order to expand the scope of the national emergency declared in Proclamation 6867 of March 1, 1996 [set out above], based on the disturbance or threatened disturbance of the international relations of the United States caused by actions taken by the Cuban government, and in light of steps taken over the past year by the Cuban government to worsen the threat to United States international relations, and,

WHEREAS the United States has determined that Cuba is a state-sponsor of terrorism and it is subject to the restrictions of [former] section 6(j)(1)(A) of the Export Administration Act of 1979 [former 50 U.S.C. 4605(j)(1)(A)], section 620A of the Foreign Assistance Act of 1961 [22 U.S.C. 2371], and section 40 of the Arms Export Control Act [22 U.S.C. 2780];

WHEREAS the Cuban government has demonstrated a ready and reckless willingness to use excessive force, including deadly force, against U.S. citizens, in the ostensible enforcement of its sovereignty, including the February 1996 shoot-down of two unarmed U.S.-registered civilian aircraft in international airspace, resulting in the deaths of three American citizens and one other individual;

WHEREAS the Cuban government has demonstrated a ready and reckless willingness to use excessive force, including deadly force, against U.S. citizens and its own citizens, including on July 13, 1995, when persons in U.S.-registered vessels that entered into Cuban territorial waters suffered injury as a result of the reckless use of force against them by the Cuban military, and including the July 1994 sinking of an unarmed Cuban-

registered vessel, resulting in the deaths of 41 Cuban citizens;

WHEREAS the Cuban government has impounded U.S.-registered vessels in Cuban ports and forced the owners, as a condition of release, to violate U.S. law by requiring payments to be made to the Cuban government;

WHEREAS the entry of any U.S.-registered vessels into Cuban territorial waters could result in injury to, or loss of life of, persons engaged in that conduct, due to the potential use of excessive force, including deadly force, against them by the Cuban military, and could threaten a disturbance of international relations;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of U.S. law and contrary to U.S. policy;

WHEREAS the objectives of U.S. policy regarding Cuba are the end of the dictatorship and a rapid, peaceful transition to a representative democracy respectful of human rights and characterized by an open market economic system;

WHEREAS a critical initiative by the United States to advance these U.S. objectives is to deny resources to the repressive Cuban government, resources that may be used by that government to support terrorist activities and carry out excessive use of force against innocent victims, including U.S. citizens;

WHEREAS the unauthorized entry of U.S.-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States, which is to deny monetary and material support to the repressive Cuban government, and, therefore, such unauthorized entries threaten to disturb the international relations of the United States by facilitating the Cuban government's support of terrorism, use of excessive force, and continued existence;

WHEREAS the Cuban government has over the course of its 45-year existence repeatedly used violence and the threat of violence to undermine U.S. policy interests. This same regime continues in power today, and has since 1959 maintained a pattern of hostile actions contrary to U.S. policy interests. Among other things, the Cuban government established a military alliance with the Soviet Union, and invited Soviet forces to install nuclear missiles in Cuba capable of attacking the United States, and encouraged Soviet authorities to use those weapons against the United States; it engaged in military adventurism in Africa; and it helped to form and provide material and political support to terrorist organizations that sought the violent overthrow of democratically elected governments in Central America and elsewhere in the hemisphere allied with the United States, thereby causing repeated disturbances of U.S. international relations;

WHEREAS the Cuban government has recently and over the last year taken a series of steps to destabilize relations with the United States, including threatening to abrogate the Migration Accords with the United States and to close the U.S. Interests Section, and Cuba's most senior officials repeatedly asserting that the United States intended to invade Cuba, despite explicit denials from the U.S. Secretaries of State and Defense that such action is planned, thereby causing a sudden and worsening disturbance of U.S. international relations;

WHEREAS U.S. concerns about these unforeseen Cuban government actions that threaten to disturb international relations were sufficiently grave that on May 8, 2003, the United States warned the Cuban government that political manipulations that resulted in a mass migration would be viewed as a "hostile act;"

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191) [see 46 U.S.C. 70051], sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) [50 U.S.C. 1621, 1631], and section 301 of title 3, United



States Code, in order to expand the scope of the national emergency declared in Proclamation 6867 of March 1, 1996 [set out above], and to secure the observance of the rights and obligations of the United States, hereby authorize and direct the Secretary of Homeland Security (the “Secretary”) to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and authorize and approve the Secretary’s issuance of such rules and regulations, as authorized by the Act of June 15, 1917 [see Tables for classification].

SECTION 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, which may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, and thereby threaten a disturbance of international relations. Any rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance as such rule or regulation shall involve a foreign affairs function of the United States.

SEC. 2. The Secretary is authorized to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel when necessary to secure the rights and obligations of the United States.

SEC. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as the Secretary deems necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities 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.

[Provisions of Proc. No. 7757 superseded to the extent of inconsistency with provisions of Procs. No. 9398 and 9699, see Sec. 6 of Proc. No. 9398 and Sec. 6 of Proc. No. 9699, set out below.]

PROC. NO. 9398. MODIFYING AND CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND CONTINUING TO AUTHORIZE THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS

Proc. No. 9398, Feb. 24, 2016, 81 F.R. 9737, provided:

By the authority vested in me by the Constitution and the laws of the United States of America, in order to modify and continue the national emergency declared in Proclamation 6867 of March 1, 1996, and ex-

panded by Proclamation 7757 of February 26, 2004 [both set out above], in light of the need to continue the national emergency based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba, and,

WHEREAS the descriptions of the national emergency set forth in Proclamations 6867 and 7757 no longer reflect the international relations of the United States related to Cuba;

WHEREAS longstanding U.S. policy towards Cuba had, at times, tended to isolate the United States from regional and international partners, constrained our ability to influence outcomes throughout the Western Hemisphere, and impaired the use of the full range of tools available to the United States to promote positive change in Cuba;

WHEREAS the following descriptions accurately describe the national emergency with respect to Cuba;

WHEREAS the United States and Cuba reestablished diplomatic relations and opened embassies in each other’s capitals on July 20, 2015, and the United States continues to pursue the progressive normalization of relations while aspiring towards a peaceful, prosperous, and democratic Cuba;

WHEREAS the United States has committed to work with the Government of Cuba on matters of mutual concern that advance U.S. national interests, such as migration, human rights, counter-narcotics, environmental protection, and trafficking in persons, among other issues;

WHEREAS the United States is committed to supporting safe, orderly, and legal migration from Cuba through the effective implementation of the 1994-95 U.S.-Cuba Migration Accords;

WHEREAS the Cuban economy is in a relatively weak state, contributing to an outflow of its nationals towards the United States and neighboring countries;

WHEREAS the overarching objective of U.S. policy is stability in the region, and the outflow of Cuban nationals may have a destabilizing effect on the United States and its neighboring countries;

WHEREAS it is United States policy that a mass migration from Cuba would endanger the security of the United States by posing a disturbance or threatened disturbance of the international relations of the United States;

WHEREAS the United States continues to maintain an embargo with respect to Cuba;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of U.S. law and contrary to U.S. policy;

WHEREAS the unauthorized entry of United States-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States, and counter to the purpose of Executive Order 12807 [8 U.S.C. 1182 note], which is to ensure, among other things, safe, orderly, and legal migration;

WHEREAS the possibility of large-scale unauthorized entries of United States-registered vessels would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191) [see 46 U.S.C. 70051], sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code, in order to modify the scope of the national emergency declared in Proclamations 6867 and 7757, and to secure the observance of the rights and obligations of the United States, hereby continue the national emergency with regard to Cuba as set forth above and authorize and direct the Secretary of Homeland Security (the “Secretary”) to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and authorize and

approve the Secretary's issuance of such rules and regulations, as authorized by the Act of June 15, 1917. Accordingly, I hereby direct:

SECTION 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, which may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, and thereby threaten a disturbance of international relations. Any rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance as such rule or regulation shall involve a foreign affairs function of the United States.

SEC. 2. The Secretary is authorized, to the extent consistent with international law, to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel when necessary to secure the rights and obligations of the United States.

SEC. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as the Secretary deems necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities 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 of March 1, 1996, and expanded by Proclamation 7757 of February 26, 2004, 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-fourth day of February, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA.

[Provisions of Proc. No. 9398 superseded to the extent of inconsistency with provisions of Proc. No. 9699, see Sec. 6 of Proc. No. 9699, set out below.]

PROC. NO. 9699, MODIFYING AND CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND CONTINUING TO AUTHORIZE THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS

Proc. No. 9699, Feb. 22, 2018, 83 F.R. 8161, provided:

In order to modify and continue the ongoing national emergency declared in Proclamation 6867 of March 1, 1996, expanded by Proclamation 7757 of February 26, 2004, and modified by Proclamation 9398 of February 24, 2016 [all set out above], in light of the need to continue the national emergency based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba, and,

WHEREAS it is the policy of the United States that a mass migration from Cuba would endanger our security by posing a disturbance or threatened disturbance of the international relations of the United States;

WHEREAS the Cuban economy is in a relatively weak state, contributing to an outflow of its nationals toward the United States and neighboring countries;

WHEREAS the overarching objective of our policy is stability with our immediate neighboring countries and an outflow of Cuban nationals may have a destabilizing effect on the United States and its neighboring countries;

WHEREAS it is the policy of the United States to ensure that engagement between the United States and Cuba advances the interests of the United States and of the Cuban people as described in National Security Presidential Memorandum-5 of June 16, 2017 (Strengthening the Policy of the United States Toward Cuba) [not set out in the Code];

WHEREAS the United States continues to maintain an embargo with respect to Cuba;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of the law of the United States and contrary to the policy of the United States;

WHEREAS the unauthorized entry of United States-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States and counter to the purpose of Executive Order 12807 of May 24, 1992 [8 U.S.C. 1182 note], which is to ensure, among other things, safe, orderly, and legal migration;

WHEREAS the possibility of large-scale unauthorized entries of United States-registered vessels into Cuban territorial waters would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191) [see 46 U.S.C. 70051], sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, in order to modify the scope of the national emergency declared in Proclamations 6867, 7757, and 9398, and to secure the observance of the rights and obligations of the United States, hereby continue the national emergency declared in Proclamations 6867, 7757, and 9398, and authorize and direct the Secretary of Homeland Security (the "Secretary") to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Act of June 15, 1917. Accordingly, I hereby direct as follows:

SECTION 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, that may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, thereby threatening a disturbance of international relations. A rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance if it involves a foreign affairs function of the United States.

SEC. 2. The Secretary is authorized, to the extent consistent with international law, to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel, when necessary to secure the rights and obligations of the United States.

SEC. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities shall, consistent with other provisions of law and to the extent practicable, provide the assistance requested.

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 consistent with applicable law.

SEC. 6. Any provisions of Proclamations 6867, 7757, or 9398 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-second day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP.

#### § 70052. 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 subchapter, or obstructs or interferes with the exercise of any power conferred by this subchapter, 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 subchapter, or knowingly obstructs or interferes with the exercise of any power conferred by this subchapter, 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 subchapter, or a regulation prescribed under this subchapter, 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 subchapter, or of any regulation issued under this subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) 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), 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 4197<sup>1</sup> of the Revised Statutes of the United States (46 U.S.C. App. 91).

(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.

(Added Pub. L. 115–282, title IV, § 407(c)(3), Dec. 4, 2018, 132 Stat. 4267.)

#### REFERENCES IN TEXT

Section 4197 of the Revised Statutes of the United States, referred to in subsec. (e)(1), was classified to section 91 of the former Appendix to this title, prior to repeal and restatement as section 60105 of this title by Pub. L. 109–304, §§9(b), 19, Oct. 6, 2006, 120 Stat. 1675, 1710.

#### CODIFICATION

Section, as added by Pub. L. 115–282, is based on acts 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; Pub. L. 115–282, title IV, § 407(c)(1), (2), Dec. 4, 2018, 132 Stat. 4267, which was formerly classified to section 192 of Title 50, War and National Defense, before being transferred to this chapter and renumbered as this section.

#### § 70053. Enforcement provisions

The President may employ such departments, agencies, officers, or instrumentalities of the United States as he may deem necessary to carry out this subchapter.

(Added Pub. L. 115–282, title IV, § 407(d)(3), Dec. 4, 2018, 132 Stat. 4267.)

#### CODIFICATION

Section, as added by Pub. L. 115–282, is based on acts June 15, 1917, ch. 30, title II, § 4, 40 Stat. 220; Aug. 9, 1950, ch. 656, §2, 64 Stat. 428; Pub. L. 115–282, title IV, § 407(d)(1), (2), Dec. 4, 2018, 132 Stat. 4267, which was formerly classified to section 194 of Title 50, War and National Defense, before being transferred to this chapter and renumbered as this section.

#### § 70054. Definitions

In this subchapter:

(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.

(Added Pub. L. 115–282, title IV, § 407(a), Dec. 4, 2018, 132 Stat. 4266.)

#### REFERENCES IN TEXT

Presidential Proclamation Number 5928, referred to in par. (2), is Proc. No. 5928, Dec. 27, 1988, 54 F.R. 777,

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