



U.S. Department  
of Transportation  
**Maritime  
Administration**

# Compilation of Maritime Laws

[As amended through the First Session of the 109th Congress]



**January, 2008**

## CHAPTER 563—EMERGENCY ACQUISITION OF VESSELS.

**46 U.S.C. 56301 (2007). General authority.**<sup>74</sup> During a national emergency declared by Presidential proclamation, or a period for which the President has proclaimed that the security of the national defense makes it advisable, the Secretary of Transportation may requisition or purchase, or requisition or charter the use of, a vessel owned by citizens of the United States, a documented vessel, or a vessel under construction in the United States.

### **46 U.S.C. 56302 (2007). Charter terms.**

**(a) In General.**—If a vessel is requisitioned for use but not ownership under this chapter, the Secretary of Transportation, at the time of requisition or as soon thereafter as the situation allows, shall offer the person entitled to possession of the vessel a charter containing—

- (1) the terms the Secretary believes should govern the relationship between the United States Government and the person; and
- (2) the rate of hire the Secretary considers just compensation for the use of the vessel and the services required under the charter.

**(b) Refusal to Accept.**—If the person does not accept the charter and rate of hire, the parties shall proceed as provided in section 56304 of this title.

### **46 U.S.C. 56303 (2007). Compensation.**

**(a) In General.**—As soon as practicable, the Secretary of Transportation shall determine and pay just compensation for a vessel requisitioned under this chapter.

**(b) Factors Not Affecting Value.**—The value of a vessel may not be considered enhanced by the circumstances requiring its requisition. Consequential damages arising from the requisition may not be paid.

**(c) Effect of Construction-Differential Subsidy.**—

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<sup>74</sup> Section 8 of Public Law 109-304, approved October 6, 2006 (120 STAT. 1654), codified the first two sentences of Section 902(a) of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1242(a)), as 46 U.S.C. 56301. For the purposes of section 902(a), World War II and the national emergencies of September 8, 1939 and May 27, 1941 were terminated by Public Law 80-239, approved July 25, 1947 (61 STAT. 449). The President, on December 16, 1950, issued a Proclamation of National Emergency (15 F.R. 9029). Note the effect of Public Law 94-412, approved September 14, 1976 (90 STAT. 1255), the National Emergencies Act, at page 467, on existing and future declarations of a national emergency.