

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Any provisions of Proclamations 6867, 7757, or 9398 that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.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.

PROC. NO. 10371. DECLARATION OF NATIONAL EMERGENCY AND INVOCATION OF EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF RUSSIAN-AFFILIATED VESSELS TO UNITED STATES PORTS

Proc. No. 10371, Apr. 21, 2022, 87 F.R. 24265, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (Magnuson Act) (46 U.S.C. 70051), I, JOSEPH R. BIDEN JR., President of the United States of America, hereby find and proclaim that:

The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. In order to address this national emergency and secure the observance of the rights and obligations of the United States, I hereby authorize the Secretary of Homeland Security (Secretary) to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of Russian-affiliated vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Magnuson Act.

SECTION 1. I hereby prohibit Russian-affiliated vessels from entering into United States ports.

SEC. 2. The prohibition of section 1 of this proclamation applies except:

(a) to Russian-affiliated vessels used in the transport of source material, special nuclear material, and nu-

clear byproduct material for which, and for such time as, the Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, determines that no viable source of supply is available that would not require transport by Russian-affiliated vessels; and

(b) to Russian-affiliated vessels requesting only to enter United States ports due to force majeure, solely to allow seafarers of any nationality to disembark or embark for purposes of conducting crew changes, emergency medical care, or for other humanitarian need.

SEC. 3. For the purposes of this proclamation:

(a) the term "Russian-affiliated vessels" means:

(i) vessels of Russian registry (i.e., the vessel is Russian flagged);

(ii) vessels that are Russian owned (i.e., the legal title of ownership of the vessel that appears on the ship's registration documents is the Government of the Russian Federation or a Russian company, citizen, or permanent resident); or

(iii) vessels that are Russian operated (i.e., a Russian company, citizen, or permanent resident is responsible for the commercial decisions concerning the employment of a ship and decides how and where that asset is employed).

(b) the term "byproduct material" has the same meaning given to that term in section 11(e) of the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. 2014(e)).

(c) the term "source material" has the same meaning to that term in section 11(z) of the AEA (42 U.S.C. 2014(z)).

(d) the term "special nuclear material" has the same meaning given to that term in section 11(aa) of the AEA (42 U.S.C. 2014(aa)).

SEC. 4. The prohibition set forth in this proclamation shall be effective as of 12:01 a.m. eastern daylight time on April 28, 2022, and shall be immediately transmitted to the Congress and published in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-sixth.

J.R. BIDEN, JR.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY PROC. NO. 10371

Notice of President of the United States, dated Apr. 16, 2024, 89 F.R. 27649, provided:

On April 21, 2022, by Proclamation 10371, I declared a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States and authorized the Secretary of Homeland Security to regulate the anchorage and movement of Russian-affiliated vessels, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (Magnuson Act) (46 U.S.C. 70051).

The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine continue to constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Russian Federation and the emergency authority relating to the regulation of the anchorage and movement of Russian-affiliated vessels to United States ports set out in Proclamation 10371.

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

J.R. BIDEN, JR.

§ 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 of the department in which the Coast Guard is operating may, with respect to such vessel, refuse or revoke any clearance required by section 4197¹ 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 of the department in which the Coast Guard is operating 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; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8507(a)(11), Jan. 1, 2021, 134 Stat. 4754.)

Editorial Notes

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.

¹ See References in Text note below.

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.

AMENDMENTS

2021—Subsec. (e). Pub. L. 116–283 substituted “Secretary of the department in which the Coast Guard is operating” for “Secretary” in pars. (1) and (2).

§ 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.)

Editorial Notes

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.)

Editorial Notes

REFERENCES IN TEXT

Presidential Proclamation Number 5928, referred to in par. (2), is Proc. No. 5928, Dec. 27, 1988, 54 F.R. 777, which is set out as a note under section 1331 of Title 43, Public Lands.

CHAPTER 701—PORT SECURITY

SUBCHAPTER I—GENERAL

Sec.	
70101.	Definitions.
70102.	United States facility and vessel vulnerability assessments.
[70102a.	Repealed.]
70103.	Maritime transportation security plans.
70104.	Transportation security incident response.
70105.	Transportation worker identification credentials.
70106.	Deployable, specialized forces.
70107.	Grants.