

Stat. 498; Pub. L. 107-295, title I, §104(a), Nov. 25, 2002, 116 Stat. 2085.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means act June 15, 1917, ch. 30, 40 Stat. 217. For complete classification of this Act to the Code, see Tables.

Presidential Proclamation 5928 of December 27, 1988, referred to in par. (2), is set out as a note under section 1331 of Title 43, Public Lands.

CODIFICATION

Section was formerly classified to section 40 of this title. In the original this section defined “United States” as used in act June 15, 1917. Other provisions of that act were contained in sections 31 to 42 of this title and certain sections of former Title 18, Criminal Code and Criminal Procedure. The definition of “United States” as used in present provisions derived from those former sections is covered by section 5 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2002—Pub. L. 107-295 added introductory provisions, designated existing provisions as par. (1), inserted heading, struck out “as used in this Act” before “includes”, and added par. (2).

1979—Pub. L. 96-70 struck out “the Canal Zone and” after “this Act includes”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

SEPARABILITY

Act June 15, 1917, ch. 30, title XIII, §4, 40 Stat. 231, provided: “If any clause, sentence, paragraph, or part of this Act [see Tables for classification] shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.”

§§ 196 to 198. Transferred

Editorial Notes

CODIFICATION

Section 196, Aug. 9, 1954, ch. 659, §1, 68 Stat. 675; Pub. L. 96-70, title III, §3302(c), Sept. 27, 1979, 93 Stat. 498; Pub. L. 97-31, §12(152), Aug. 6, 1981, 95 Stat. 167, was redesignated as and transferred to section 56309 of Title 46, Shipping, by Pub. L. 115-91, div. C, title XXXV, §3504(a)(1), Dec. 12, 2017, 131 Stat. 1911.

Section 197, Aug. 9, 1954, ch. 659, §2, 68 Stat. 675; Pub. L. 97-31, §12(152), Aug. 6, 1981, 95 Stat. 167, was redesignated as and transferred to section 56310 of Title 46, Shipping, by Pub. L. 115-91, div. C, title XXXV, §3504(b)(1), Dec. 12, 2017, 131 Stat. 1912.

Section 198, Aug. 9, 1954, ch. 659, §3, 68 Stat. 675; Pub. L. 89-670, §6(b)(1), (2), Oct. 15, 1966, 80 Stat. 938; Pub. L. 97-31, §12(152), Aug. 6, 1981, 95 Stat. 167, was redesignated as and transferred to section 56311 of Title 46, Shipping, by Pub. L. 115-91, div. C, title XXXV, §3504(c)(1), Dec. 12, 2017, 131 Stat. 1912.

CHAPTER 13—INSURRECTION

Sec.

201 to 204. Repealed.

Sec.

- 205. Suspension of commercial intercourse with State in insurrection.
- 206. Suspension of commercial intercourse with part of State in insurrection.
- 207. Persons affected by suspension of commercial intercourse.
- 208. Licensing or permitting commercial intercourse with State or region in insurrection.
- 209. Repealed.
- 210. Penalties for unauthorized trading, etc.; jurisdiction of prosecutions.
- 211. Investigations to detect and prevent frauds and abuses.
- 212. Confiscation of property employed to aid insurrection.
- 213. Jurisdiction of confiscation proceedings.
- 214. Repealed.
- 215. Institution of confiscation proceedings.
- 216. Preventing transportation of goods to aid insurrection.
- 217. Trading in captured or abandoned property.
- 218. Repealed.
- 219. Removal of customhouse and detention of vessels thereat.
- 220. Enforcement of section 219.
- 221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.
- 222. Transferred.
- 223. Forfeiture of vessels owned by citizens of insurrectionary States.
- 224. Refusing clearance to vessels with suspected cargoes; forfeiture for departing without clearance.
- 225. Bond to deliver cargo at destination named in clearance.
- 226. Protection of liens on condemned vessels.

§§ 201 to 204. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 201, R.S. §5297, provided for Federal aid for State Governments in case of an insurrection in any State. See section 251 of Title 10, Armed Forces.

Section 202, R.S. §5298, related to use of military and naval forces to enforce authority of Federal Government. See section 252 of Title 10.

Section 203, R.S. §5299, related to denial by State of equal protection of laws and authorized the President to take measures for the suppression of any insurrection, domestic violence, or combinations. See section 253 of Title 10.

Section 204, R.S. §5300, authorized the President to issue a proclamation commanding insurgents to disperse. See section 254 of Title 10.

§ 205. Suspension of commercial intercourse with State in insurrection

Whenever the President, in pursuance of the provisions of this chapter, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part

thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

(R.S. § 5301.)

Editorial Notes

CODIFICATION

R.S. § 5301 derived from acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; July 31, 1861, ch. 32, 12 Stat. 284.

§ 206. Suspension of commercial intercourse with part of State in insurrection

Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of section 205 of this title for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

(R.S. § 5302.)

Editorial Notes

CODIFICATION

R.S. § 5302 derived from act July 2, 1864, ch. 225, § 5, 13 Stat. 376.

§ 207. Persons affected by suspension of commercial intercourse

The provisions of this chapter in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection.

(R.S. § 5303.)

Editorial Notes

CODIFICATION

R.S. § 5303 derived from act July 2, 1864, ch. 225, § 4, 13 Stat. 376.

§ 208. Licensing or permitting commercial intercourse with State or region in insurrection

The President may, in his discretion, license and permit commercial intercourse with any

part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury.

(R.S. § 5304.)

Editorial Notes

CODIFICATION

R.S. § 5304 derived from acts July 13, 1861, ch. 3, § 5, 12 Stat. 257; July 2, 1864, ch. 225, § 9, 13 Stat. 377.

§ 209. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 5305, related to appointment of officers to carry into effect licenses to trade in State or region in an insurrection.

§ 210. Penalties for unauthorized trading, etc.; jurisdiction of prosecutions

Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this chapter, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury con-