

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Any provisions of Proclamations 6867, 7757, or 9398 that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.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

¹ See References in Text note below.