

EXECUTIVE ORDER 10173

REGULATIONS RELATING TO THE SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES OF THE UNITED STATES

By virtue of the authority vested in me by Public Law 679, 81st Congress, 2d Session, approved August 9, 1950, which amended section 1, Title II of the act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), and as President of the United States, I hereby find that the security of the United States is endangered by reason of subversive activity, and I hereby prescribe the following regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, of 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, exclusive of the Canal Zone, and the said regulations shall constitute Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations; and all agencies and authorities of the Government of the United States shall, and all state and local authorities and all persons are urged to, support, conform to, and assist in the enforcement of these regulations and all supplemental regulations issued pursuant thereto:

Subchapter A-General

PART 6-PROTECTION AND SECURITY OF VESSELS, HARBORS, AND WATERFRONT FACILITIES

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AUTHORITY: §§ 6.01-1 to 6.18-1, inclusive, issued under the act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191, as amended by Pub. Law 679, 81st Cong., 2d Session, approved August 9, 1950.

SUBPART 6.01-DEFINITIONS

§ 6.01-1 Commandant, as used in this part, means the Commandant of the United States Coast Guard.

§ 6.01-2 District Commander, as used in this part, means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 6.01-3 Captain of the Port, as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

§ 6.01-4 Waterfront facility, as used in this part, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

SUBPART 6.04-GENERAL PROVISIONS

§ 6.04-1 Enforcement. (a) The rules and regulations shall be enforced by the captain of the port under the supervision and general direction of the District Commander, and all authority and power vested in the captain of the port by these regulations shall be deemed vested in and may be exercised by the District Commander.

(b) These rules and regulations may be enforced by any other officer of the Coast Guard designated by the Commandant or the District Commander.

§ 6.04-5 Preventing access of persons, articles or things to vessels or waterfront facilities. The captain of the port may prevent any person, article or thing from boarding or being taken on board any vessel or entering or being taken into any waterfront facility when he deems that the presence of such person, article or thing would be inimical to the purposes set forth in § 6.04-8.

§ 6.04-7 Visitation and search. The captain of the port may cause to be inspected and searched at any time any vessel or waterfront facility or any person, article or thing thereon, within the jurisdiction of the

United States, may place guards upon any such vessel and waterfront facility and may remove therefrom any or all persons, articles or things not specifically authorized by him to go or to remain thereon.

§ 6.04-8 Possession and control of vessels. The captain of the port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

§ 6.04-11. Assistance of other agencies. The captain of the port may enlist the aid and cooperation of Federal, State, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this part.

SUBPART 6.10-IDENTIFICATION AND EXCLUSION OF PERSONS FROM VESSELS AND WATERFRONT FACILITIES

§ 6.10-1 Issuance of documents and employment of persons aboard vessels. No person shall be issued a document required for employment on a merchant vessel of the United States nor shall any licensed officer or certificated man be employed on a merchant vessel of the United States if the Commandant is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would be inimical to the security of the United States: Provided, That the Commandant may designate categories of merchant vessels to which the foregoing shall not apply.

§ 6.10-3 Special validation of merchant marine documents. The Commandant may require that all licensed officers and certificated men who are employed on other than the exempted designated categories of merchant vessels of the United States be holders of specially validated documents. The form of such documents, the conditions, and the manner of their issuance shall be as prescribed by the Commandant. The Commandant shall revoke and require the surrender of a specially validated document when he is no longer satisfied that the holder is entitled thereto.

§ 6.10-5 Access to vessels and waterfront facilities. Any person on board any vessel or any person seeking access to any vessel or any waterfront facility within the jurisdiction of the United States may be required to carry identification credentials issued by or otherwise satisfactory to the Commandant. The Commandant may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 6.10-7 Identification credentials. The identification credential to be issued by the Commandant shall be known as the Coast Guard Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Commandant after consultation with the Secretary of Labor. The Commandant shall not issue a Coast Guard Port Security Card if he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would be inimical to the security of the United States. The Commandant shall revoke and require the surrender of a Coast Guard Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Commandant may recognize for the same purpose such other credentials as he may designate in lieu of the Coast Guard Port Security Card.

§ 6.10-9 Appeals. Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this subpart, shall have the right of appeal, and the Commandant shall appoint Boards for acting on such appeals. Each such Board shall, so far as practicable, be composed of one Coast Guard officer, one member drawn from management, and one member drawn

from labor. The members drawn from management and labor shall, upon suitable security clearance, be nominated by the Secretary of Labor. Such members shall be deemed to be employees of the United States and shall be entitled to compensation under the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a) while performing duties incident to such employment. The Board shall consider each appeal brought before it and, in recommending final action to the Commandant, shall insure the appellant all fairness consistent with the safeguarding of the national security.

SUBPART 6.12-SUPERVISION AND CONTROL OF EXPLOSIVES OR OTHER DANGEROUS CARGO

§ 61.2-1 General supervision and control. The captain of the port may supervise and control the transportation, handling, loading, discharging, stowage, or storage of explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 38, inclusive).

§ 6.12-3 Approval of facility for dangerous cargo. The Commandant may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 6.12-1, and may require the owners operators, masters, and others concerned to secure permits for such handling, storage, loading, and unloading from the captain of the port, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Commandant may prescribe.

SUBPART 6.16-SABOTAGE AND SUBVERSIVE ACTIVITY

§ 6.16-1 Reporting of sabotage and subversive activity. Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or waterfront facility shall be reported immediately to the Federal Bureau of Investigation and to the captain of the port, or to their respective representatives.

§ 6.16-3 Precautions against sabotage. The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

SUBPART 6.18-PENALTIES

§ 6.18-1 Violations. Section 2, Title II of the act of June 15, 1917, as amended 50 U.S.C. 192, provides as follows:

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 title, or obstructs or interferes with the exercise of any power conferred by this title, 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.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, 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.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 18, 1950.