

SUBCHAPTER II—PORTS AND WATERWAYS
SAFETY

§ 70011. Waterfront safety

(a) IN GENERAL.—The Secretary may take such action as is necessary to—

- (1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and
- (2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

- (1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;
- (2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;
- (3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and
- (4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

(Added Pub. L. 115–282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4258.)

§ 70012. Navigational hazards

(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

(b) SECRETARY'S RESPONSE.—

(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters,

the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

(c) PIPELINE DEFINED.—For purposes of this section, the term “pipeline” has the meaning given the term “pipeline facility” in section 60101(a)(18) of title 49.

(Added Pub. L. 115–282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4259.)

§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

(Added Pub. L. 115–282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4259.)

REFERENCES IN TEXT

Section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899, referred to in subsec. (a), means section 10 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, known as the Rivers and Harbors Appropriation Act of 1899, which is classified to section 403 of Title 33, Navigation and Navigable Waters.

SUBCHAPTER III—CONDITION FOR ENTRY
INTO PORTS IN THE UNITED STATES

§ 70021. Conditions for entry to ports in the United States

(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

- (1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;
- (2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;
- (3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;
- (4) does not comply with any applicable vessel traffic service requirements;
- (5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for li-

censing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation, or condition, as appropriate.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4260.)

SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

§ 70031. Definitions

As used in subchapters A through C¹ and this subchapter, unless the context otherwise requires:

(1) The term “marine environment” means—
(A) the navigable waters of the United States and the land and resources therein and thereunder;

(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

(D) the recreational, economic, and scenic values of such waters and resources.

(2) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

(3) The term “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4261.)

¹So in original. Probably should be “subchapters I through III”.

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in par. (3), is set out under section 1331 of Title 43, Public Lands.

§ 70032. Saint Lawrence Seaway

The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C¹ and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4261.)

§ 70033. Limitation on application to foreign vessels

Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters A through C¹ and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

(1) innocent passage through the territorial sea of the United States; or

(2) transit through the navigable waters of the United States that form a part of an international strait.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4261.)

§ 70034. Regulations

(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C¹ and this subchapter.

(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C¹ and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

(1) interested Federal departments and agencies;

(2) officials of State and local governments;

(3) representatives of the maritime community;

(4) representatives of port and harbor authorities or associations;

(5) representatives of environmental groups;

(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and

(7) advisory committees consisting of all interested segments of the public when the es-

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