

(Added Pub. L. 117-263, div. K, title CXIII, § 11318(a), Dec. 23, 2022, 136 Stat. 4090.)

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 117-263, div. K, title CXIII, § 11318(c), Dec. 23, 2022, 136 Stat. 4091, provided that: “Nothing in this section [enacting this section and provisions set out as a note under this section] shall limit any authority available, as of the date of enactment of this Act [Dec. 23, 2022], to the captain of a port with respect to safety measures or any other authority as necessary for the safety of vessels located in anchorage grounds in the navigable waters of the United States.”

CONSTRUCTION; APPLICABILITY OF REGULATIONS

Pub. L. 117-263, div. K, title CXIII, § 11318(e), Dec. 23, 2022, 136 Stat. 4091, provided that: “The amendments made by subsection (a) [enacting this section] may not be construed to alter any existing rules, regulations, or final agency actions issued under section 70006 of title 46, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 23, 2022], until all regulations required under subsection (b) [136 Stat. 4091] take effect.”

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.)

Editorial Notes

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.

§ 70014. Aiming laser pointer at vessel

(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel op-

erating on the navigable waters of the United States.

(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(c) LASER POINTER DEFINED.—In this section the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(Added Pub. L. 116-283, div. G, title LVXXXIII, § 8342(a), Jan. 1, 2021, 134 Stat. 4709.)

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 licensing 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 provi-

sional 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.)

§ 70022. Prohibition on entry and operation

(a) PROHIBITION.—

(1) IN GENERAL.—Except as otherwise provided in this section, no vessel described in subsection (b) may enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States.

(2) LIMITATIONS ON APPLICATION.—

(A) IN GENERAL.—The prohibition under paragraph (1) shall not apply with respect to—

(i) a vessel described in subsection (b)(1), if the Secretary of State determines that—

(I) the vessel is owned or operated by or on behalf of a country the government of which the Secretary of State determines is closely cooperating with the United States with respect to implementing the applicable United Nations Security Council resolutions (as such term is defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016); or

(II) it is in the national security interest not to apply the prohibition to such vessel; or

(ii) a vessel described in subsection (b)(2), if the Secretary of State determines that the vessel is no longer registered as described in that subsection.

(B) NOTICE.—Not later than 15 days after making a determination under subparagraph (A), the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate written notice of the determination and the basis upon which the determination was made.

(C) PUBLICATION.—The Secretary of State shall publish a notice in the Federal Register of each determination made under subparagraph (A).

(b) VESSELS DESCRIBED.—A vessel referred to in subsection (a) is a foreign vessel for which a notice of arrival is required to be filed under section 70001(a)(5), and that—

(1) is on the most recent list of vessels published in Federal¹ Register under subsection (c)(2); or

(2) more than 180 days after the publication of such list, is knowingly registered, pursuant to the 1958 Convention on the High Seas entered into force on September 30, 1962, by a

¹ So in original. Probably should be preceded by “the”.