

(g) RIGHT OF INNOCENT PASSAGE AND RIGHT OF TRANSIT PASSAGE.—This section shall not be construed as authority to restrict the right of innocent passage or the right of transit passage as recognized under international law.

(Added and amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8508(1), Jan. 1, 2021, 134 Stat. 4755.)

#### Editorial Notes

##### REFERENCES IN TEXT

Sections 3 and 205(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016, referred to in subsecs. (a)(2)(A)(i)(I) and (c)(1)(B), (C), are classified to sections 9202 and 9225(a)(1)(A), respectively, of Title 22, Foreign Relations and Intercourse.

##### CODIFICATION

Section, as added and amended by Pub. L. 116–283, is based on section 16 of Pub. L. 92–340, as added Pub. L. 115–44, title III, §315(a), Aug. 2, 2017, 131 Stat. 948, which was formerly classified to section 1232c of Title 33, Navigation and Navigable Waters, repealed by Pub. L. 115–282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264, then transferred to this title and renumbered as this section effective upon the enactment of such Pub. L. 115–282 and notwithstanding such repeal.

##### AMENDMENTS

2021—Pub. L. 116–283, §8508(1)(A), transferred section 16 of Pub. L. 92–340 to this title and renumbered it as this section. See Codification note above.

Subsec. (b). Pub. L. 116–283, §8508(1)(B)(i), substituted “section 70001(a)(5)” for “section 4(a)(5)” in introductory provisions.

Subsec. (c)(2). Pub. L. 116–283, §8508(1)(B)(ii), substituted “periodically” for “not later than 180 days after the date of the enactment of this section, and periodically thereafter,”.

Subsec. (e). Pub. L. 116–283, §8508(1)(B)(i), substituted “section 70001(a)(5)” for “section 4(a)(5)” in introductory provisions.

Subsec. (h). Pub. L. 116–283, §8508(1)(B)(iii), struck out subsec. (h). Text read as follows: “In this section, the term ‘foreign vessel’ has the meaning given that term in section 110 of title 46, United States Code.”

#### Statutory Notes and Related Subsidiaries

##### PROHIBITION ON ENTRY AND OPERATION OF RUSSIAN VESSELS

Pub. L. 117–263, div. K, title CXV, §11524, Dec. 23, 2022, 136 Stat. 4143, provided that:

“(a) PROHIBITION.—

“(1) IN GENERAL.—Except as otherwise provided in this section, during the period in which Executive Order 14065 (87 Fed. Reg. 10293, relating to blocking certain Russian property or transactions), or any successor Executive Order is in effect, 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 a vessel described in subsection (b) if the Secretary of State determines that—

“(i) the vessel is owned or operated by a Russian national or operated by the government of the Russian Federation; and

“(ii) it is in the national security interest not to apply the prohibition to such vessel.

“(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).

“(3) SAVINGS CLAUSE.—The prohibition under paragraph (1) shall not apply with respect to vessels engaged in passage permitted under international law.

“(b) VESSELS DESCRIBED.—A vessel referred to in subsection (a) is a vessel owned or operated by a Russian national or operated by the government of the Russian Federation.

“(c) INFORMATION AND PUBLICATION.—The Secretary, with the concurrence of the Secretary of State, shall—

“(1) maintain timely information on the registrations of all foreign vessels owned or operated by or on behalf of the Government of the Russian Federation, a Russian national, or a entity organized under the laws of the Russian Federation or any jurisdiction within the Russian Federation; and

“(2) periodically publish in the Federal Register a list of the vessels described in paragraph (1).

“(d) NOTIFICATION OF GOVERNMENTS.—

“(1) IN GENERAL.—The Secretary of State shall notify each government, the agents or instrumentalities of which are maintaining a registration of a foreign vessel that is included on a list published under subsection (c)(2), not later than 30 days after such publication, that all vessels registered under such government’s authority are subject to subsection (a).

“(2) ADDITIONAL NOTIFICATION.—In the case of a government that continues to maintain a registration for a vessel that is included on such list after receiving an initial notification under paragraph (1), the Secretary shall issue an additional notification to such government not later than 120 days after the publication of a list under subsection (c)(2).

“(e) NOTIFICATION OF VESSELS.—Upon receiving a notice of arrival under section 70001(a)(5) of title 46, United States Code, from a vessel described in subsection (b), the Secretary shall notify the master of such vessel that the vessel may not 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, unless—

“(1) the Secretary of State has made a determination under subsection (a)(2); or

“(2) the Secretary allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

“(f) PROVISIONAL ENTRY OR CARGO TRANSFER.—Notwithstanding any other provision of this section, the Secretary may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.”

[For definition of “Secretary” as used in section 11524 of Pub. L. 117–263, set out above, see section 11002 of Pub. L. 117–263, set out as a note under section 106 of Title 14, Coast Guard.]

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

##### § 70031. Definitions

As used in subchapters I through III 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; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8507(a)(4), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C” in introductory provisions.

#### § 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 Great Lakes St. Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters I through III and this subchapter shall be delegated by the Secretary to the Great Lakes St. 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; amended Pub. L. 116–260, div. AA, title V, § 512(c)(6)(F), Dec. 27, 2020, 134 Stat. 2757; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8507(a)(5), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C”.

2020—Pub. L. 116–260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation” in two places.

#### § 70033. Limitation on application to foreign vessels

Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters I through III 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; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8507(a)(6), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C” in introductory provisions.

#### § 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 I through III and this subchapter.

(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters I through III 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 establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4261; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], § 8507(a)(7), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C” in subsecs. (a) and (b).

#### Statutory Notes and Related Subsidiaries

##### SAFETY OF SPECIAL ACTIVITIES

Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], § 8343, Jan. 1, 2021, 134 Stat. 4710, provided that:

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 2-year pilot program to establish and implement a process to—

“(1) establish safety zones to address special activities in the exclusive economic zone;

“(2) account for the number of safety zones established for special activities;