

Editorial Notes**CODIFICATION**

Another section 70119 was renumbered section 70118 of this title.

AMENDMENTS

2006—Pub. L. 109-241 designated existing provisions as subsec. (a), inserted heading, substituted “day during which the violation continues” for “violation”, and added subsec. (b).

§ 70120. In rem liability for civil penalties and certain costs

(a) **CIVIL PENALTIES.**—Any vessel operated in violation of this chapter or any regulations prescribed under this chapter shall be liable in rem for any civil penalty assessed pursuant to section 70119 for such violation, and may be proceeded against for such liability in the United States district court for any district in which the vessel may be found.

(b) **REIMBURSABLE COSTS OF SERVICE PROVIDERS.**—A vessel shall be liable in rem for the reimbursable costs incurred by any service provider related to implementation and enforcement of this chapter and arising from a violation by the operator of the vessel of this chapter or any regulations prescribed under this chapter, and may be proceeded against for such liability in the United States district court for any district in which such vessel may be found.

(c) **DEFINITIONS.**—In this subsection—

(1) the term “reimbursable costs” means costs incurred by any service provider acting in conformity with a lawful order of the Federal government or in conformity with the instructions of the vessel operator; and

(2) the term “service provider” means any port authority, facility or terminal operator, shipping agent, Federal, State, or local government agency, or other person to whom the management of the vessel at the port of supply is entrusted, for—

(A) services rendered to or in relation to vessel crew on board the vessel, or in transit to or from the vessel, including accommodation, detention, transportation, and medical expenses; and

(B) required handling of cargo or other items on board the vessel.

(Added Pub. L. 108-293, title VIII, § 802(a)(2), Aug. 9, 2004, 118 Stat. 1078, § 70117; renumbered § 70120 and amended Pub. L. 109-241, title IX, § 901(l)(2), (3), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, § 15(33)(B), (C), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

Editorial Notes**AMENDMENTS**

2008—Pub. L. 110-181 repealed Pub. L. 109-304, § 15(33)(B), (C). See 2006 Amendment notes below.

2006—Pub. L. 109-304, § 15(33)(B), which directed renumbering identical to that made by Pub. L. 109-241, § 901(l)(2), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(2), renumbered section 70117 of this title, as added by Pub. L. 108-293, § 802(a)(2), as this section.

Subsec. (a), Pub. L. 109-304, § 15(33)(C), which directed amendment identical to that made by Pub. L. 109-241, § 901(l)(3), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(3), substituted “section 70119” for “section 70120”.

Statutory Notes and Related Subsidiaries**CONSTRUCTION OF 2006 AMENDMENT**

Provisions of Pub. L. 109-304 repealed by section 3529(c)(1) of Pub. L. 110-181 to be treated as if never enacted, see section 3529(c)(2) of Pub. L. 110-181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

§ 70121. Withholding of clearance

(a) **REFUSAL OR REVOCATION OF CLEARANCE.**—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 60105 of this title.

(b) **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. 108-293, title VIII, § 802(a)(2), Aug. 9, 2004, 118 Stat. 1079, § 70118; renumbered § 70121 and amended Pub. L. 109-241, title IX, § 901(l)(2), (4), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, § 15(33)(B), (D), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

Editorial Notes**AMENDMENTS**

2008—Pub. L. 110-181 repealed Pub. L. 109-304, § 15(33)(B), (D)(i). See 2006 Amendment notes below.

2006—Pub. L. 109-304, § 15(33)(B), which directed renumbering identical to that made by Pub. L. 109-241, § 901(l)(2), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(2), renumbered section 70118 of this title, as added by Pub. L. 108-293, § 802(a)(2), as this section.

Subsec. (a), Pub. L. 109-304, § 15(33)(D)(ii), substituted “section 60105 of this title” for “section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)”.

Pub. L. 109-304, § 15(33)(D)(i), which directed amendment identical to that made by Pub. L. 109-241, § 901(l)(4), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(4), substituted “section 70119” for “section 70120”.

Statutory Notes and Related Subsidiaries**CONSTRUCTION OF 2006 AMENDMENT**

Provisions of Pub. L. 109-304 repealed by section 3529(c)(1) of Pub. L. 110-181 to be treated as if never enacted, see section 3529(c)(2) of Pub. L. 110-181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

§ 70122. Waterway Watch Program

(a) **PROGRAM ESTABLISHED.**—There is hereby established, within the Coast Guard, the America’s Waterway Watch Program.

(b) **PURPOSE.**—The Secretary shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18) against a vessel, facility, port, or waterway.

(c) **INFORMATION; TRAINING.**—

(1) **INFORMATION.**—The Secretary may establish, as an element of the Program, a network of individuals and community-based organizations that encourage the public and industry to recognize activities referred to in subsection (b), promote voluntary reporting of such activity, and enhance the situational awareness within the Nation's ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(2) **TRAINING.**—The Secretary may provide training in—

(A) observing and reporting on covered activities; and

(B) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(d) **VOLUNTARY PARTICIPATION.**—Participation in the Program—

(1) shall be wholly voluntary;

(2) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(3) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(e) **COORDINATION.**—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President's budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the purposes of this section \$3,000,000 for each of fiscal years 2011 through 2016. Such funds shall remain available until expended.

(Added Pub. L. 111-281, title VIII, § 801(a), Oct. 15, 2010, 124 Stat. 2988; amended Pub. L. 114-120, title III, § 306(a)(11), Feb. 8, 2016, 130 Stat. 55.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-120 substituted “Watch Program” for “watch program” in section catchline.

§ 70123. Mobile biometric identification

(a) **IN GENERAL.**—Within one year after the date of the enactment of the Coast Guard Authorization Act of 2010, the Secretary shall conduct, in the maritime environment, a program

for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) **REQUIREMENTS.**—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) **DEFINITION.**—For the purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images and facial and iris scan technology and any other technology considered applicable by the Department of Homeland Security.

(Added Pub. L. 111-281, title VIII, § 807(a), Oct. 15, 2010, 124 Stat. 2993.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2010, referred to in subsec. (a), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

§ 70124. Regulations

Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.

(Added Pub. L. 111-281, title VIII, § 820(a), Oct. 15, 2010, 124 Stat. 3001.)

§ 70125. Port security training for facility security officers

(a) **FACILITY SECURITY OFFICERS.**—The Secretary shall establish comprehensive facility security officer training requirements designed to provide full security training that would lead to certification of such officers. In establishing the requirements, the Secretary shall—

(1) work with affected industry stakeholders; and

(2) evaluate—

(A) the requirements of subsection (b);

(B) existing security training programs employed at marine terminal facilities; and

(C) existing port security training programs developed by the Federal Government.

(b) **REQUIREMENTS.**—The training program shall provide validated training that—

(1) provides training at the awareness, performance, management, and planning levels;

(2) utilizes multiple training mediums and methods;

(3) establishes a validated provisional online certification methodology;

(4) provide for continuing education and training for facility security officers beyond certification requirements, including a program to educate on the dangers and issues associated with the shipment of hazardous and especially hazardous cargo;

(5) addresses port security topics, including—

(A) facility security plans and procedures, including how to develop security plans and security procedure requirements when threat levels are elevated;