

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8314(2)(A), substituted “public safety personnel—” for “law enforcement personnel—” in introductory provisions.

Subsec. (b). Pub. L. 116-283, §8314(2)(B), substituted “public safety personnel” for “law enforcement personnel” wherever appearing.

Subsec. (d). Pub. L. 116-283, §8314(2)(C), added subsec. (d).

2010—Pub. L. 111-330 amended Pub. L. 111-281, §828(a), which enacted this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(16) is effective with the enactment of Pub. L. 111-281.

CHAPTER 703—MARITIME SECURITY

Sec.

- 70301. Definitions.
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70305. Suspension of passenger services.
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§ 70301. Definitions

In this chapter:

(1) COMMON CARRIER.—The term “common carrier” has the meaning given that term in section 40102 of this title.

(2) PASSENGER VESSEL.—The term “passenger vessel” has the meaning given that term in section 2101 of this title.

(3) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1683.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70301, 46 App.:1807, Pub. L. 99-399, title IX, §911, Aug. 27, 1986, 100 Stat. 892.

In paragraph (2), the term “vessel of the United States” is omitted because the definition of that term in 46 U.S.C. 2101 is being moved to chapter 1 of the revised title and will apply generally throughout the title.

In paragraph (3), the definition of “Secretary” is new. The functions of the Secretary of Transportation under this chapter were carried out by the Coast Guard, and its functions have been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2249).

§ 70302. International measures for seaport and vessel security

Congress encourages the President to continue to seek agreement on international seaport and vessel security through the International Maritime Organization. In developing an agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. The agreement would establish seaport and vessel security measures and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on vessels.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1683.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70302, 46 App.:1801, Pub. L. 99-399, title IX, §902, Aug. 27, 1986, 100 Stat. 889.

The word “vessel” is substituted for “shipboard” for consistency in the revised title. The words “and commends him on his efforts to date” are omitted as unnecessary.

§ 70303. Security standards at foreign ports

(a) GENERAL REQUIREMENTS.—The Secretary shall develop and implement a plan to assess the effectiveness of the security measures maintained at foreign ports that the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism against passenger vessels. In carrying out this subsection, the Secretary shall consult with the Secretary of State about the terrorist threat that exists in each country and poses a high risk of acts of terrorism against passenger vessels.

(b) NOTICE AND RECOMMENDATIONS TO OTHER COUNTRIES.—If the Secretary, after implementing the plan under subsection (a), determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary) shall—

(1) notify the appropriate government authorities of the country in which the port is located of the determination; and

(2) recommend steps necessary to bring the security measures at that port up to the standard used by the Secretary in making the assessment under subsection (a).

(c) ANTITERRORISM ASSISTANCE.—The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) to foreign countries, especially for a port that the Secretary determines under subsection (b) does not maintain and administer effective security measures.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70303, 46 App.:1803, Pub. L. 99-399, title IX, §907(a), (b), (d), (e), Aug. 27, 1986, 100 Stat. 891.

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Chapter 8 of part II of the Act is classified generally to part VIII (§2349aa et seq.) of subchapter II of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

§ 70304. Travel advisories on security at foreign ports

(a) GENERAL REQUIREMENTS.—On being notified by the Secretary that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port that the Secretary has determined under section 70303(b) of this title does not maintain and administer effective security measures, the Secretary of State immediately shall issue a travel advisory for that port. The Secretary of State shall take the necessary steps to widely publicize the travel advisory.

(b) LIFTING ADVISORIES.—A travel advisory issued under subsection (a) may be lifted only if the Secretary, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port.

(c) NOTICE TO CONGRESS.—The Secretary of State shall notify Congress immediately of any change in the status of a travel advisory issued under this section.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70304, 46 App.:1804, Pub. L. 99-399, title IX, §908, Aug. 27, 1986, 100 Stat. 891; Pub. L. 105-277, div. G, title XXII, §2224(b), Oct. 21, 1998, 112 Stat. 2681-819.

In subsection (b), the words "with respect to which the Secretary of Transportation had made the determination described in section 1803(d) of this Appendix" are omitted as unnecessary.

§ 70305. Suspension of passenger services

(a) GENERAL AUTHORITY.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, a terrorist or terrorist group that knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may suspend the right of any passenger vessel common carrier to operate to or from, and the right of any passenger vessel of the United States to use, a port in that foreign nation for passenger service. The suspension may be without notice or hearing and for as long as the President determines is necessary to ensure the security of passenger vessels against unlawful seizure.

(b) PROHIBITION.—A passenger vessel common carrier, or a passenger vessel of the United

States, may not operate in violation of a suspension under this section.

(c) PENALTIES.—

(1) DENIAL OF ENTRY.—If a person operates a vessel in violation of this section, the Secretary may deny the vessels of that person entry to ports of the United States.

(2) CIVIL PENALTY.—A person violating this section is liable to the United States Government for a civil penalty of not more than \$50,000. Each day a vessel uses a prohibited port is a separate violation.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70305, 46 App.:1805, Pub. L. 99-399, title IX, §909, Aug. 27, 1986, 100 Stat. 892.

§ 70306. Report on terrorist threats

(a) CONTENT.—The Secretary shall submit an annual report to Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports. The Secretary shall include a description of activities undertaken under title I of the Maritime Transportation Security Act of 2002 (Public Law 107-295, 116 Stat. 2066) and an analysis of the effect of those activities on port security against acts of terrorism.

(b) SUBMISSION.—The report shall be submitted to the Committee on International Relations 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. Any classified information in the report shall be submitted separately as an addendum.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1685; Pub. L. 109-241, title IX, §901(q), July 11, 2006, 120 Stat. 566; Pub. L. 110-181, div. C, title XXXV, §3525(a)(5), (b), Jan. 28, 2008, 122 Stat. 601.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70306(a), 46 App.:1802, Pub. L. 99-399, title IX, §§905, 913, Aug. 27, 1986, 100 Stat. 890, 892; Pub. L. 107-295, title I, §110(a), title IV, §408(c)(3), Nov. 25, 2002, 116 Stat. 2091, 2117. Row 2: 70306(b), 46 App.:1809.

In subsection (a), the words "February 28 of each year" are substituted for "February 28, 1987, and annually thereafter" in 46 App. U.S.C. 1802 to eliminate obsolete language. The words "Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002" are omitted as obsolete.

In subsection (b), the words "To the extent practicable, the reports required under sections 903, 905, and 907 [46 App. U.S.C. 1801 note, 1802, 1803] shall be consolidated into a single document before being submitted to the Congress" in 46 App. U.S.C. 1809(a) are omitted as unnecessary and obsolete because sections 903 and 907 are being omitted from the revised title and repealed as obsolete. The words "Committee on International Rela-