

upon the navigable waters of the United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

(Pub. L. 92-63, § 4, Aug. 4, 1971, 85 Stat. 164; Pub. L. 102-241, § 16, Dec. 19, 1991, 105 Stat. 2213; Pub. L. 104-324, title VII, § 704, Oct. 19, 1996, 110 Stat. 3933; Pub. L. 107-295, title III, § 321, Nov. 25, 2002, 116 Stat. 2103.)

REFERENCES IN TEXT

Presidential Proclamation 5928 of December 27, 1988, referred to in subsec. (b), is set out as a note under section 1331 of Title 43, Public Lands.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-295 substituted “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988” for “United States inside the lines established pursuant to section 151 of this title”.

1996—Subsec. (a)(2). Pub. L. 104-324 inserted “as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,” after “one hundred gross tons”.

1991—Subsec. (a)(1). Pub. L. 102-241 amended par. (1) generally, substituting “twenty meters or over in length” for “three hundred gross tons and upward”.

VESSEL COMMUNICATION EQUIPMENT REGULATIONS

Pub. L. 101-380, title IV, § 4118, Aug. 18, 1990, 104 Stat. 523, provided that: “The Secretary shall, not later than one year after the date of the enactment of this Act [Aug. 18, 1990], issue regulations necessary to ensure that vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act of 1971 (33 U.S.C. 1203) are also equipped as necessary to—

“(1) receive radio marine navigation safety warnings; and

“(2) engage in radio communications on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified by the Secretary.”

§ 1204. Radiotelephone for exclusive use of master, person in charge, or pilot; frequency listening watch; portable radiotelephone equipment

The radiotelephone required by this chapter is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this chapter.

(Pub. L. 92-63, § 5, Aug. 4, 1971, 85 Stat. 165.)

§ 1205. Radiotelephone capability; maintenance; restoration; consequences of loss: navigation of vessel

Whenever radiotelephone capability is required by this chapter, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The

failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this chapter, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

(Pub. L. 92-63, § 6, Aug. 4, 1971, 85 Stat. 165.)

§ 1206. Exemptions; terms and conditions

The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this chapter, on such terms and conditions as he considers appropriate.

(Pub. L. 92-63, § 7, Aug. 4, 1971, 85 Stat. 165.)

§ 1207. Regulations

(a) Operating and technical conditions and characteristics; frequencies, emission, and power of radiotelephone equipment

The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this chapter.

(b) Enforcement

The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this chapter.

(Pub. L. 92-63, § 8, Aug. 4, 1971, 85 Stat. 165.)

§ 1208. Penalties

(a) Master, person in charge, or pilot subject to penalty

Whoever, being the master or person in charge of a vessel subject to this chapter, fails to enforce or comply with this chapter or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this chapter to pilot or direct the movement of the vessel, fails to enforce or comply with this chapter or the regulations hereunder—

Is liable to a civil penalty of not more than \$500 to be assessed by the Secretary.

(b) Vessels subject to penalty; jurisdiction

Every vessel navigating in violation of this chapter or the regulations hereunder is liable to a civil penalty of not more than \$500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Remission or mitigation

Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

(Pub. L. 92-63, § 9, Aug. 4, 1971, 85 Stat. 165.)

CHAPTER 25—PORTS AND WATERWAYS SAFETY PROGRAM

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§ 1221. Statement of policy

The Congress finds and declares—

(a) that navigation and vessel safety, protection of the marine environment, and safety and security of United States ports and waterways are matters of major national importance;

(b) that increased vessel traffic in the Nation's ports and waterways creates substantial hazard to life, property, and the marine environment;

(c) that increased supervision of vessel and port operations is necessary in order to—

(1) reduce the possibility of vessel or cargo loss, or damage to life, property, or the marine environment;

(2) prevent damage to structures in, on, or immediately adjacent to the navigable waters of the United States or the resources within such waters;

(3) insure that vessels operating in the navigable waters of the United States shall comply with all applicable standards and requirements for vessel construction, equipment, manning, and operational procedures; and

(4) insure that the handling of dangerous articles and substances on the structures in, on, or immediately adjacent to the navigable waters of the United States is conducted in accordance with established standards and requirements; and

(d) that advance planning is critical in determining proper and adequate protective measures for the Nation's ports and waterways and the marine environment, with continuing consultation with other Federal agencies, State representatives, affected users, and the general public, in the development and implementation of such measures.

(Pub. L. 92-340, §2, formerly title I, §101, July 10, 1972, 86 Stat. 424; renumbered and amended Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1471; Pub. L. 107-295, title IV, §443(1), Nov. 25, 2002, 116 Stat. 2132.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295 substituted “safety, protection of the marine environment, and safety and

security of United States ports and waterways” for “safety and protection of the marine environment”.

1978—Pub. L. 95-474 substituted provision relating to Congressional declaration of findings for provision relating to the authority of the Secretary of the department in which the Coast Guard is operating to prevent damage to vessels, bridges, and other structures and to protect navigable waters from environmental harm.

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-399, title IX, §901, Aug. 27, 1986, 100 Stat. 889, provided that: “This title [enacting section 1226 of this title and sections 1801 to 1809 of the former Appendix to Title 46, Shipping] may be cited as the ‘International Maritime and Port Security Act.’”

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-474 provided: “That this Act [enacting sections 1225, 1228 to 1231, and 1232 of this title, amending this section, sections 1222 to 1224, 1226, and 1227 of this title, and sections 214 and 391a of Title 46, Shipping, and enacting provisions set out as notes under this section and section 1224 of this title and section 391a of former Title 46] may be cited as the ‘Port and Tanker Safety Act of 1978.’”

SHORT TITLE

Section 1 of Pub. L. 92-340, as amended by Pub. L. 95-474, §2, Oct. 17, 1978, 92 Stat. 1471, provided that: “This Act [this chapter] may be cited as the ‘Ports and Waterways Safety Act.’”

SAVINGS PROVISION

Section 6(a) of Pub. L. 95-474 provided that: “Regulations previously issued under statutory provisions which are amended by section 2 of this Act [amending this section and sections 1222 to 1227, of this title] shall continue in effect as though issued under the authority of the Ports and Waterways Safety Act of 1972, as amended by this Act [this chapter], until expressly abrogated, modified, or amended by the Secretary. Any proceeding under title I of Public Law 92-340 [which enacted this section and sections 1222 to 1227 of this title] for a violation which occurred before the effective date of this Act [Oct. 17, 1978] may be initiated or continued to conclusion as though such public law had not been amended by this Act [amendment by section 2 of Pub. L. 95-474].”

SEPARABILITY

Section 6(c) of Pub. L. 95-474 provided that: “If a provision of this Act [see Short Title of 1978 Amendment note above] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.”

ESTABLISHMENT OF VESSEL TRAFFIC CONTROL SYSTEM FOR PRINCE WILLIAM SOUND AND VALDEZ, ALASKA

Pub. L. 93-153, title IV, §402, Nov. 16, 1973, 87 Stat. 589, provided that: “The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340) [this chapter, prior to the amendment by Pub. L. 95-474, Oct. 17, 1978, 92 Stat. 1471].”

§ 1222. Definitions

As used in this chapter, unless the context otherwise requires—

(1) “Marine environment” means the navigable waters of the United States and the land and resources therein and thereunder; the waters and fishery resources of any area over