

(e) at the end of subsec. (a) of this section, was executed by adding subsec. (e) at the end of this section.

1996—Subsec. (a)(3). 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 “300 gross tons”.

1990—Subsec. (a). Pub. L. 101-380, § 4107(a)(1), substituted “Secretary—” for “Secretary may—”.

Subsec. (a)(1). Pub. L. 101-380, § 4107(a)(2), substituted “may construct, operate, maintain, improve, or expand” for “establish, operate, and maintain”.

Subsec. (a)(2). Pub. L. 101-380, § 4107(a)(3), substituted “shall require appropriate” for “require”.

Subsec. (a)(3). Pub. L. 101-380, § 4107(a)(4), inserted “may” before “require”, which was executed by making the insertion before “require” the first place it appeared to reflect the probable intent of Congress.

Subsec. (a)(4). Pub. L. 101-380, § 4107(a)(5), inserted “may” before “control”.

Subsec. (a)(5). Pub. L. 101-380, § 4107(a)(6), inserted “may” before “require”.

1978—Pub. L. 95-474 substituted provision relating to vessel operating requirements for provision relating to the investigatory powers of the Secretary, production of witnesses and documents, and fees and allowances for witnesses.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-241, title IX, § 901(d), July 11, 2006, 120 Stat. 564, provided in part that the amendment made by section 901(d) is effective Aug. 9, 2004.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

#### NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF

Pub. L. 112-213, title VII, § 704, Dec. 20, 2012, 126 Stat. 1580, provided that: “The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 [Pub. L. 109-347] (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.”

Pub. L. 109-347, title I, § 109, Oct. 13, 2006, 120 Stat. 1893, provided that:

“(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of the department in which the Coast Guard is operating shall update and finalize the rulemaking on notice of arrival for foreign vessels on the Outer Continental Shelf.

“(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to subsection (a) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act [Oct. 13, 2006].”

#### DIRECTION OF VESSEL MOVEMENT STUDY; SUBMITTAL OF REPORT TO CONGRESS

Pub. L. 101-380, title IV, § 4107(b), Aug. 18, 1990, 104 Stat. 514, provided that:

“(1) STUDY.—The Secretary shall conduct a study—  
“(A) of whether the Secretary should be given additional authority to direct the movement of vessels on navigable waters and should exercise such authority; and

“(B) to determine and prioritize the United States ports and channels that are in need of new, expanded, or improved vessel traffic service systems, by evaluating—

“(i) the nature, volume, and frequency of vessel traffic;

“(ii) the risks of collisions, spills, and damages associated with that traffic;

“(iii) the impact of installation, expansion, or improvement of a vessel traffic service system; and

“(iv) all other relevant costs and data.

“(2) REPORT.—Not later than 1 year after the date of the enactment of this Act [Aug. 18, 1990], the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1) and recommendations for implementing the results of that study.”

#### TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

### § 1223a. Electronic charts

#### (a) System requirements

##### (1) Requirements

Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

(A) A self-propelled commercial vessel of at least 65 feet overall length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

##### (2) Exemptions and waivers

The Secretary may—

(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters.

#### (b) Regulations

The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) of this section before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a) of this section.

(Pub. L. 92-340, § 4A, as added Pub. L. 108-293, title IV, § 410, Aug. 9, 2004, 118 Stat. 1045.)

### § 1224. Considerations by Secretary

In carrying out his duties and responsibilities under section 1223 of this title, the Secretary shall—

(a) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the