

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

CHAPTER 10—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY

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§ 471. Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally

(a) In general

The Secretary of Homeland Security is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of Transportation: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

(b) Definition

As used in this section “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.

(Mar. 4, 1915, ch. 142, § 7, 38 Stat. 1053; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561; Pub. L. 89-670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 97-449, § 2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 109-241, title IX, § 902(j), July 11, 2006, 120 Stat. 568; Pub. L. 111-281, title III, § 301, Oct. 15, 2010, 124 Stat. 2923.)

REFERENCES IN TEXT

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

CODIFICATION

Section was from the Rivers and Harbors Appropriation Act of 1915.

PRIOR PROVISIONS

Section probably supersedes acts May 16, 1888, ch. 257, §§ 1, 2, 25 Stat. 151, relative to anchorage grounds in port of New York, Mar. 3, 1899, ch. 424, § 1, 30 Stat. 1074, extending anchorage regulations for port of New York, Feb. 6, 1893, ch. 64, §§ 1, 2, 27 Stat. 431, relative to anchorage grounds in port of Chicago, and June 6, 1900, ch. 819, §§ 1, 2, 31 Stat. 682, relative to anchorage grounds in Kennebec River.

AMENDMENTS

2010—Pub. L. 111-281 designated existing provisions as subsec. (a), inserted heading, substituted “up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The” for “\$100; and the”, and added subsec. (b).

2006—Pub. L. 109-241 substituted “Secretary of Homeland Security” for “Secretary of Transportation” wherever appearing in the original.

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War” wherever appearing. See Transfer of Functions note below.

TRANSFER OF FUNCTIONS

“Coast Guard” and “Coast Guard vessel” substituted in text for “Revenue Cutter Service” and “revenue cutter”, respectively, the Revenue Cutter Service and Life-Saving Service having been combined to form the Coast Guard by act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

“Secretary of Transportation” substituted for “Secretary of the Treasury” in provision covering enforcement of rules and regulations by Coast Guard pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred to Secretary of Transportation functions, powers, and duties of Secretary of the Treasury and of other offices and officers of Department of the Treasury relating to Coast Guard. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation. For subsequent transfers relating to the Secretary of Transportation and the Coast Guard, see below.

Section 6(g)(1)(A) of Pub. L. 89-670, transferred functions, powers, and duties of Secretary of the Army [formerly War] and other officers and offices of Department of the Army [formerly War] relating generally to water vessel anchorages under this section to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect the transfer made by section 6(g)(1)(A) of Pub. L. 89-670, and repealed section 6(g)(1)(A).

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 472. Marking anchorage grounds by Commandant of the Coast Guard

The Commandant of the Coast Guard shall provide, establish, and maintain, out of the an-