

2004—Pub. L. 108-293, in first sentence, substituted “shall, consistent with international treaties, conventions, and agreements to which the United States is a party,” for “may”.

REGULATIONS

Pub. L. 109-347, title I, §107(b), Oct. 13, 2006, 120 Stat. 1891, provided that: “The Secretary [of Homeland Security] may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.”

LONG-RANGE VESSEL TRACKING SYSTEM

Pub. L. 109-241, title IV, §404, July 11, 2006, 120 Stat. 535, provided that:

“(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a non-profit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).”

§ 70116. Secure systems of transportation

(a) IN GENERAL.—The Secretary, in consultation with the Transportation Security Oversight Board, shall establish a program to evaluate and certify secure systems of international intermodal transportation.

(b) ELEMENTS OF PROGRAM.—The program shall include—

(1) establishing standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

(2) establishing standards and procedures for securing cargo and monitoring that security while in transit;

(3) developing performance standards to enhance the physical security of shipping containers, including standards for seals and locks;

(4) establishing standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

(5) any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2083.)

REPORT ON SECURE SYSTEM OF TRANSPORTATION PROGRAM

Pub. L. 107-295, title I, §110(c), Nov. 25, 2002, 116 Stat. 2092, provided that:

“Within 1 year after the secure system of transportation program is implemented under section 70116 of title 46, United States Code, as amended by this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the Senate Committees on Commerce, Science, and Transpor-

tation and Finance and the House of Representatives Committees on Transportation and Infrastructure and Ways and Means that—

“(1) evaluates the secure system of transportation program and its components;

“(2) states the Secretary’s view as to whether any procedure, system, or technology evaluated as part of the program offers a higher level of security than requiring imported goods to clear customs under existing procedures and for the requirements of the National Maritime Security Plan for reopening of United States ports to commerce;

“(3) states the Secretary’s view as to the integrity of the procedures, technology, or systems evaluated as part of the program;

“(4) makes a recommendation with respect to whether the program, or any procedure, system, or technology should be incorporated in a nationwide system for preclearance of imports of waterborne goods and for the requirements of the National Maritime Security Plan for the reopening of United States ports to Commerce;

“(5) describes the impact of the program on staffing levels at the department in which the Coast Guard is operating, and the Customs Service; and

“(6) states the Secretary’s views as to whether there is a method by which the United States could validate foreign ports so that cargo from those ports is preapproved for entry into the United States and for the purpose of the requirements of the National Maritime Security Plan for the reopening of United States ports to commerce.”

[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.]

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.]

PERFORMANCE STANDARDS

Pub. L. 107-295, title I, §111, Nov. 25, 2002, 116 Stat. 2092, provided that: “Not later than January 1, 2004, the Secretary of the department in which the Coast Guard is operating, in consultation with the Transportation Security Oversight Board, shall—

“(1) develop and maintain an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.”

[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.]

[§ 70117. Repealed. Pub. L. 111-281, title II, § 208(b), Oct. 15, 2010, 124 Stat. 2912]

Section, added Pub. L. 108-293, title VIII, § 801(a), Aug. 9, 2004, 118 Stat. 1078, § 70118; renumbered § 70117, Pub. L. 109-241, title IX, § 901(l)(1), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, § 15(33)(A), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603, related to firearms, arrests, and seizure of property.

PRIOR PROVISIONS

A prior section 70117 was renumbered section 70120 of this title.

Another prior section 70117 was renumbered section 70119 of this title.

§ 70118. Enforcement by State and local officers

(a) IN GENERAL.—Any State or local government law enforcement officer who has authority to enforce State criminal laws may make an arrest for violation of a security zone regulation prescribed under section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191) or security or safety zone regulation under section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) or a safety zone regulation prescribed under section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(d)) by a Coast Guard official authorized by law to prescribe such regulations, if—

(1) such violation is a felony; and

(2) the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.

(b) OTHER POWERS NOT AFFECTED.—The provisions of this section are in addition to any power conferred by law to such officers. This section shall not be construed as a limitation of any power conferred by law to such officers, or any other officer of the United States or any State. This section does not grant to such officers any powers not authorized by the law of the State in which those officers are employed.

(Added Pub. L. 108-293, title VIII, § 801(a), Aug. 9, 2004, 118 Stat. 1078, § 70119; renumbered § 70118, Pub. L. 109-241, title IX, § 901(l)(1), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, § 15(33)(A), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

PRIOR PROVISIONS

A prior section 70118 was renumbered section 70117 of this title and subsequently repealed.

Another prior section 70118 was renumbered section 70121 of this title.

AMENDMENTS

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

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

Pub. L. 109-241 renumbered section 70119 of this title, as added by Pub. L. 108-293, § 801(a), as this section.

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.

§ 70119. Civil penalty

(a) IN GENERAL.—Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues.

(b) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this section shall not exceed \$50,000.

(Added Pub. L. 107-295, title I, § 102(a), Nov. 25, 2002, 116 Stat. 2084, § 70117; renumbered § 70119, Pub. L. 108-293, title VIII, § 802(a)(1), Aug. 9, 2004, 118 Stat. 1078; amended Pub. L. 109-241, title III, § 306(a), July 11, 2006, 120 Stat. 528.)

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.)