

AMENDMENTS

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 L. 110-181 repealed Pub.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

2006—Pub. L. 109-304, § 15(33)(B), which directed renumbering identical to that made by Pub. L. 109-241, § 901(l)(2), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(2), renumbered section 70117 of this title, as added by Pub. L. 108-293, § 802(a)(2), as this section.

Subsec. (a). Pub. L. 109-304, § 15(33)(C), which directed amendment identical to that made by Pub. L. 109-241, § 901(l)(3), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(3), substituted “section 70119” for “section 70120”.

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 L. 109-304 repealed by section 3529(c)(1) of Pub.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.

§ 70121. Withholding of clearance

(a) REFUSAL OR REVOCATION OF CLEARANCE.—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 60105 of this title.

(b) CLEARANCE UPON FILING OF BOND OR OTHER SURETY.—The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.

(Added Pub. L. 108-293, title VIII, § 802(a)(2), Aug. 9, 2004, 118 Stat. 1079, § 70118; renumbered § 70121 and amended Pub. L. 109-241, title IX, § 901(l)(2), (4), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, § 15(33)(B), (D), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

AMENDMENTS

2008—Pub. L. 110-181 repealed Pub. L. 109-304, § 15(33)(B), (D)(i). See 2006 Amendment notes below.

2006—Pub. L. 109-304, § 15(33)(B), which directed renumbering identical to that made by Pub. L. 109-241, § 901(l)(2), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(2), renumbered section 70118 of this title, as added by Pub. L. 108-293, § 802(a)(2), as this section.

Subsec. (a). Pub. L. 109-304, § 15(33)(D)(ii), substituted “section 60105 of this title” for “section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)”.

Pub. L. 109-304, § 15(33)(D)(i), which directed amendment identical to that made by Pub. L. 109-241, § 901(l)(4), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, § 901(l)(4), substituted “section 70119” for “section 70120”.

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.

§ 70122. Waterway Watch Program

(a) PROGRAM ESTABLISHED.—There is hereby established, within the Coast Guard, the America’s Waterway Watch Program.

(b) PURPOSE.—The Secretary shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18) against a vessel, facility, port, or waterway.

(c) INFORMATION; TRAINING.—

(1) INFORMATION.—The Secretary may establish, as an element of the Program, a network of individuals and community-based organizations that encourage the public and industry to recognize activities referred to in subsection (b), promote voluntary reporting of such activity, and enhance the situational awareness within the Nation’s ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(2) TRAINING.—The Secretary may provide training in—

(A) observing and reporting on covered activities; and

(B) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(d) VOLUNTARY PARTICIPATION.—Participation in the Program—

(1) shall be wholly voluntary;

(2) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(3) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(e) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President’s budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section \$3,000,000 for each of fiscal years 2011 through 2016. Such funds shall remain available until expended.

(Added Pub. L. 111-281, title VIII, § 801(a), Oct. 15, 2010, 124 Stat. 2988; amended Pub. L. 114-120, title III, § 306(a)(11), Feb. 8, 2016, 130 Stat. 55.)

AMENDMENTS

2016—Pub. L. 114-120 substituted “Watch Program” for “watch program” in section catchline.

§ 70123. Mobile biometric identification

(a) IN GENERAL.—Within one year after the date of the enactment of the Coast Guard Au-

thorization Act of 2010, the Secretary shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) DEFINITION.—For the purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images and facial and iris scan technology and any other technology considered applicable by the Department of Homeland Security.

(Added Pub. L. 111–281, title VIII, § 807(a), Oct. 15, 2010, 124 Stat. 2993.)

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2010, referred to in subsec. (a), is the date of enactment of Pub. L. 111–281, which was approved Oct. 15, 2010.

§ 70124. Regulations

Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.

(Added Pub. L. 111–281, title VIII, § 820(a), Oct. 15, 2010, 124 Stat. 3001.)

§ 70125. Port security training for facility security officers

(a) FACILITY SECURITY OFFICERS.—The Secretary shall establish comprehensive facility security officer training requirements designed to provide full security training that would lead to certification of such officers. In establishing the requirements, the Secretary shall—

- (1) work with affected industry stakeholders; and
- (2) evaluate—
 - (A) the requirements of subsection (b);
 - (B) existing security training programs employed at marine terminal facilities; and
 - (C) existing port security training programs developed by the Federal Government.

(b) REQUIREMENTS.—The training program shall provide validated training that—

- (1) provides training at the awareness, performance, management, and planning levels;
- (2) utilizes multiple training mediums and methods;
- (3) establishes a validated provisional online certification methodology;
- (4) provide for continuing education and training for facility security officers beyond certification requirements, including a program to educate on the dangers and issues associated with the shipment of hazardous and especially hazardous cargo;
- (5) addresses port security topics, including—

(A) facility security plans and procedures, including how to develop security plans and security procedure requirements when threat levels are elevated;

(B) facility security force operations and management;

(C) physical security and access control at facilities;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(6) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(7) is evaluated against clear and consistent performance measures;

(8) addresses security requirements under facility security plans;

(9) addresses requirements under the International Code for the Security of Ships and Port Facilities to address shore leave for mariners and access to visitors, representatives of seafarers’ welfare organizations, and labor organizations; and

(10) such other subject matters as may be prescribed by the Secretary.

(c) CONTINUING SECURITY TRAINING.—The Secretary, in coordination with the Secretary of Transportation, shall work with State and local law enforcement agencies and industry stakeholders to develop and certify the following additional security training requirements for Federal, State, and local officials with security responsibilities at United States seaports:

(1) A program to familiarize them with port and shipping operations, requirements of the Maritime Transportation Security Act of 2002 (Public Law 107–295), and other port and cargo security programs that educates and trains them with respect to their roles and responsibilities.

(2) A program to familiarize them with dangers and potential issues with respect to shipments of hazardous and especially hazardous cargoes.

(3) A program of continuing education as deemed necessary by the Secretary.

(d) TRAINING PARTNERS.—In developing curriculum and delivering training established pursuant to subsections (a) and (c), the Secretary, in coordination with the Maritime Administrator of the Department of Transportation and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall work with institutions with maritime expertise and with industry stakeholders with security expertise to develop appropriate training capacity to ensure that training can be provided in a geographically balanced