

Subsec. (b)(2). Pub. L. 101-380, § 4302(j)(2), which directed the substitution of “commits a class C felony.” for “shall, in lieu of the penalties prescribed in paragraph (1), be fined not more than \$100,000, or imprisoned for not more than 10 years, or both.”, was executed by making the substitution for “shall, in lieu of the penalties prescribed in paragraph (1), be fined not more than \$100,000, or imprisoned for not more than ten years, or both.”

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.

**§ 1232a. Navigational hazards**

**(a) Reporting procedure**

The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

**(b) Secretary's response**

(1) Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Office of Pipeline Safety, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

(2) Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Office of Pipeline Safety, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

**(c) Establishment of standards**

The Secretary shall, within six months after November 16, 1990, establish standards, for the purposes of this section, for what constitutes a hazard to navigation.

**(d) “Pipelines” defined**

For purposes of this section, the term “pipelines” has the meaning given the term “pipeline facilities” in section 60101(a)(18) of title 49.

(Pub. L. 92-340, § 14, as added Pub. L. 101-599, § 2, Nov. 16, 1990, 104 Stat. 3040.)

CODIFICATION

In subsec. (d), “section 60101(a)(18) of title 49” substituted for “the Natural Gas Pipeline Safety Act of 1968 [49 App. U.S.C. 1671 et seq.] and the Hazardous Liquid Pipeline Safety Act of 1979 [49 App. U.S.C. 2001 et seq.]” on authority of Pub. L. 103-272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

TRANSFER OF FUNCTIONS

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.

**§ 1232b. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States**

**(a) Requirement**

As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 403 of this title, such person shall notify the Secretary and the Secretary of the Army of such release.

**(b) Restriction on use of notification**

Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

(Pub. L. 92-340, § 15, as added Pub. L. 109-241, title VI, § 602, July 11, 2006, 120 Stat. 553.)

**§ 1232c. Prohibition on entry and operation**

**(a) Prohibition**

**(1) In general**

Except as otherwise provided in this section, no vessel described in subsection (b) may enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States.

**(2) Limitations on application**

**(A) In general**

The prohibition under paragraph (1) shall not apply with respect to—

(i) a vessel described in subsection (b)(1), if the Secretary of State determines that—

(I) the vessel is owned or operated by or on behalf of a country the government of which the Secretary of State determines is closely cooperating with the United States with respect to implementing the applicable United Nations Security Council resolutions (as such term is defined in section 9202 of title 22); or

(II) it is in the national security interest not to apply the prohibition to such vessel; or

(ii) a vessel described in subsection (b)(2), if the Secretary of State determines that the vessel is no longer registered as described in that subsection.

**(B) Notice**

Not later than 15 days after making a determination under subparagraph (A), the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate written notice of the determination and the basis upon which the determination was made.

**(C) Publication**

The Secretary of State shall publish a notice in the Federal Register of each determination made under subparagraph (A).

**(b) Vessels described**

A vessel referred to in subsection (a) is a foreign vessel for which a notice of arrival is required to be filed under section 1223(a)(5) of this title, and that—

(1) is on the most recent list of vessels published in Federal<sup>1</sup> Register under subsection (c)(2); or

(2) more than 180 days after the publication of such list, is knowingly registered, pursuant to the 1958 Convention on the High Seas entered into force on September 30, 1962, by a government the agents or instrumentalities of which are maintaining a registration of a vessel that is included on such list.

**(c) Information and publication**

The Secretary of the department in which the Coast Guard is operating, with the concurrence of the Secretary of State, shall—

(1) maintain timely information on the registrations of all foreign vessels over 300 gross tons that are known to be—

(A) owned or operated by or on behalf of the Government of North Korea or a North Korean person;

(B) owned or operated by or on behalf of any country in which a sea port is located, the operator of which the President has identified in the most recent report submitted under section 9225(a)(1)(A) of title 22; or

(C) owned or operated by or on behalf of any country identified by the President as a country that has not complied with the applicable United Nations Security Council resolutions (as such term is defined in section 9202 of title 22); and

(2) not later than 180 days after August 2, 2017, and periodically thereafter, publish in the Federal Register a list of the vessels described in paragraph (1).

**(d) Notification of governments****(1) In general**

The Secretary of State shall notify each government, the agents or instrumentalities of which are maintaining a registration of a foreign vessel that is included on a list published under subsection (c)(2), not later than 30 days after such publication, that all vessels registered under such government's authority are subject to subsection (a).

**(2) Additional notification**

In the case of a government that continues to maintain a registration for a vessel that is included on such list after receiving an initial notification under paragraph (1), the Secretary shall issue an additional notification to such government not later than 120 days after the publication of a list under subsection (c)(2).

**(e) Notification of vessels**

Upon receiving a notice of arrival under section 1223(a)(5) of this title from a vessel described in subsection (b), the Secretary of the department in which the Coast Guard is operating shall notify the master of such vessel that

the vessel may not enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, unless—

(1) the Secretary of State has made a determination under subsection (a)(2); or

(2) the Secretary of the department in which the Coast Guard is operating allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

**(f) Provisional entry or cargo transfer**

Notwithstanding any other provision of this section, the Secretary of the department in which the Coast Guard is operating may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.

**(g) Right of innocent passage and right of transit passage**

This section shall not be construed as authority to restrict the right of innocent passage or the right of transit passage as recognized under international law.

**(h) Foreign vessel defined**

In this section, the term “foreign vessel” has the meaning given that term in section 110 of title 46.

(Pub. L. 92-340, §16, as added Pub. L. 115-44, title III, §315(a), Aug. 2, 2017, 131 Stat. 948.)

**§ 1233. Regulations as to regattas or marine parades**

The Commandant of the Coast Guard is authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

(Apr. 28, 1908, ch. 151, §1, 35 Stat. 69; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

## CODIFICATION

Section was not enacted as part of the Ports and Waterways Safety Act which comprises this chapter.

Section was formerly classified to section 454 of former Title 46, Shipping.

## TRANSFER OF FUNCTIONS

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.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of 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.

<sup>1</sup> So in original. Probably should be preceded by “the”.