

Sec.	
70119.	Civil penalty.
70120.	In rem liability for civil penalties and certain costs.
70121.	Withholding of clearance.
70122.	Waterway Watch Program.
70123.	Mobile biometric identification.
70124.	Regulations.
70125.	Port security training for facility security officers.

SUBCHAPTER II—PORT SECURITY ZONES

70131.	Definitions.
70132.	Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.

AMENDMENTS

2016—Pub. L. 114–120, title III, § 306(a)(8), Feb. 8, 2016, 130 Stat. 54, inserted a period at end of item 70107A and substituted “Security Advisory Committees” for “security advisory committees” in item 70112 and “Watch Program” for “watch program” in item 70122.

2010—Pub. L. 111–281, title VIII, § 828(c)(2), Oct. 15, 2010, 124 Stat. 3007, as amended by Pub. L. 111–330, § 1(17)(B)–(D), Dec. 22, 2010, 124 Stat. 3570, added items for subchapters I and II and items 70131 and 70132.

Pub. L. 111–281, title II, § 208(b), title VIII, §§ 801(b), 804(b), 806(c)(2)(C), 807(b), 820(b), 821(c), Oct. 15, 2010, 124 Stat. 2912, 2989, 2991, 2993, 3001, 3003, substituted “Deployable, specialized forces” for “Maritime safety and security teams” in item 70106 and “Actions and assistance for foreign ports or facilities and United States territories” for “Actions and assistance for foreign ports and United States territories” in item 70110, struck out item 70117 “Firearms, arrests, and seizure of property”, and added items 70122 to 70125.

2006—Pub. L. 109–347, title I, § 108(d), title II, § 233(d), Oct. 13, 2006, 120 Stat. 1893, 1918, added item 70107A and substituted “Actions and assistance for foreign ports and United States territories” for “Actions when for- eign ports not maintaining effective antiterrorism measures” in item 70110.

Pub. L. 109–304, § 15(33)(E), Oct. 6, 2006, 120 Stat. 1705, which directed the substitution of items 70117 to 70121 for items 70117 to 70119, was executed by making the substitution for items 70117 “Civil penalty”, 70118 “Enforcement”, 70117 “In rem liability for civil penalties and certain costs”, 70118 “Enforcement by injunction or withholding of clearance”, and 70119 “Civil penalty” to reflect the probable intent of Congress.

Pub. L. 109–241, § 901(l)(5), July 11, 2006, 120 Stat. 565, which directed amendment of analysis by striking items 70117 through the second 70119 and inserting items 70117 “Firearms, arrests, and seizure of property”, 70118 “Enforcement by State and local officers”, 70119 “Civil penalty”, 70120 “In rem liability for civil penalties and certain costs”, and 70121 “Withholding of clearance”, could not be executed because only one item 70119 appeared.

2004—Pub. L. 108–293, title VIII, § 802(c), Aug. 9, 2004, 118 Stat. 1080, added items 70117 “In rem liability for civil penalties and certain costs”, 70118 “Enforcement by injunction or withholding of clearance”, and 70119 “Civil penalty”, and struck out former item 70119 “Enforcement by State and local officers”.

Pub. L. 108–293, title VIII, § 801(b), Aug. 9, 2004, 118 Stat. 1078, added items 70118 “Enforcement” and 70119 “Enforcement by State and local officers”.

SUBCHAPTER I—GENERAL**AMENDMENTS**

Pub. L. 111–330, § 1(17)(A), Dec. 22, 2010, 124 Stat. 3570, amended Pub. L. 111–281, title VIII, § 828(c)(1), Oct. 15, 2010, 124 Stat. 3007, which added subchapter I heading.

§ 70101. Definitions

For the purpose of this chapter:

(1) The term “Area Maritime Transportation Security Plan” means an Area Maritime Transportation Security Plan prepared under section 70103(b).

(2) The term “facility” means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States.

(3) The term “National Maritime Transportation Security Plan” means the National Maritime Transportation Security Plan prepared and published under section 70103(a).

(4) The term “owner or operator” means—

(A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel; and

(B) in the case of a facility, any person owning, leasing, or operating such facility.

(5) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(6) The term “transportation security incident” means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. In this paragraph, the term “economic disruption” does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employee-employer dispute.

(Added Pub. L. 107–295, title I, § 102(a), Nov. 25, 2002, 116 Stat. 2068; amended Pub. L. 109–347, title I, § 124, Oct. 13, 2006, 120 Stat. 1900.)

AMENDMENTS

2006—Par. (6). Pub. L. 109–347 inserted at end ‘In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employee-employer dispute.’

REGULATIONS

Pub. L. 107–295, title I, § 102(d), Nov. 25, 2002, 116 Stat. 2084, provided that:

“(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section [enacting this subtitle and provisions set out as notes under sections 70104 and 70114 of this title] (including the amendments made by this section) as soon as practicable after the date of enactment of this section [Nov. 25, 2002], without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act [Nov. 25, 2002].

“(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.”

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 Reor-