

scribed 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.)

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 L. 110–181 repealed Pub.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 L. 109–241, § 901(l)(2), was repealed by Pub.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 L. 109–241, § 901(l)(3), was repealed by Pub.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.