

§901(l)(3), was repealed by Pub.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 L. 109-304 repealed by section 3529(c)(1) of Pub.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 L. 110-181 repealed Pub.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 L. 109-241, §901(l)(2), was repealed by Pub.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 L. 109-241, §901(l)(4), was repealed by Pub.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 L. 109-304 repealed by section 3529(c)(1) of Pub.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 Authorization 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.