

(D) Any other vessel for which the Secretary decides that an automatic identification system is necessary for the safe navigation of the vessel.

(2) The Secretary may—

(A) exempt a vessel from paragraph (1) if the Secretary finds that an automatic identification system is not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary if the Secretary finds that automatic identification systems are not needed for safe navigation on those waters.

(b) REGULATIONS.—The Secretary shall prescribe regulations implementing subsection (a), including requirements for the operation and maintenance of the automatic identification systems required under subsection (a).

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2082.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

“(1) SCHEDULE.—Section 70114 of title 46, United States Code, as enacted by this Act, shall apply as follows:

“(A) On and after January 1, 2003, to any vessel built after that date.

“(B) On and after July 1, 2003, to any vessel built before the date referred to in subparagraph (A) that is—

“(i) a passenger vessel required to carry a certificate under the International Convention for the Safety of Life at Sea, 1974 (SOLAS) [see 33 U.S.C. 1602 and notes thereunder];

“(ii) a tanker; or

“(iii) a towing vessel engaged in moving a tank vessel.

“(C) On and after December 31, 2004, to all other vessels built before the date referred to in subparagraph (A).

“(2) DEFINITION.—The terms in this subsection have the same meaning as those terms have under section 2101 [now also 115] of title 46, United States Code.”

§ 70115. Long-range vessel tracking system

Not later than April 1, 2007, the Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a long-range automated vessel tracking system for all vessels in United States waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology. The system shall be designed to provide the Secretary the capability of receiving information on vessel positions at interval positions appropriate to deter transportation security incidents. The Secretary may use existing maritime organizations to collect and monitor tracking information under the system.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2083; amended Pub. L. 108-293, title VIII, §803(b), Aug. 9, 2004, 118 Stat. 1080; Pub. L. 109-347, title I, §107(a), Oct. 13, 2006, 120 Stat. 1891.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-347, in first sentence, substituted “Not later than April 1, 2007, the Secretary” for “The Secretary”.

2004—Pub. L. 108-293, in first sentence, substituted “shall, consistent with international treaties, conventions, and agreements to which the United States is a party,” for “may”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 109-347, title I, §107(b), Oct. 13, 2006, 120 Stat. 1891, provided that: “The Secretary [of Homeland Security] may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.”

LONG-RANGE VESSEL TRACKING SYSTEM

Pub. L. 109-241, title IV, §404, July 11, 2006, 120 Stat. 535, provided that:

“(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a non-profit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).”

§ 70116. Port, harbor, and coastal facility security

(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism, cyber incidents, transnational organized crime, and foreign state threats against—

(1) an individual, vessel, or public or commercial structure, that is—

(A) subject to the jurisdiction of the United States; and

(B) located within or adjacent to the marine environment; or

(2) a vessel of the United States or an individual on board that vessel.

(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism cyber¹ incidents, transnational organized crime, and foreign state threats;

(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism cyber¹ incidents, transnational organized crime, and foreign state threats; and

¹ So in original. Probably should be preceded by a comma.

(3) dispatch properly trained and qualified, armed (as needed), Coast Guard personnel on vessels and public or commercial structures on or adjacent to waters subject to United States jurisdiction to deter or respond to acts of terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents, as defined in section 70101 of title 46, United States Code.

(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70033, 70035, and 70036. When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.

(Added and amended Pub. L. 115–282, title IV, § 402(b)(1), (2), Dec. 4, 2018, 132 Stat. 4264; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], § 8341, Jan. 1, 2021, 134 Stat. 4709.)

Editorial Notes

REFERENCES IN TEXT

Executive Order Nos. 12866 and 13563, referred to in subsec. (c), are set out as notes under section 601 of Title 5, Government Organization and Employees.

CODIFICATION

Section, as added and amended by Pub. L. 115–282, is based on subssecs. (a) and (b) of Pub. L. 92–340, § 7, as added Pub. L. 99–399, title IX, § 906, Aug. 27, 1986, 100 Stat. 890; amended Pub. L. 107–295, title I, § 107(a), Nov. 25, 2002, 116 Stat. 2088, which was formerly classified to section 1226(a), (b) of Title 33, Navigation and Navigable Waters, before being transferred to this chapter and renumbered as this section. Subsections (a) and (b) of section 7 of Pub. L. 92–340 were also renumbered as section 70102a of this title by Pub. L. 115–282, title IV, § 408(a), Dec. 4, 2018, 132 Stat. 4268.

PRIOR PROVISIONS

A prior section 70116, added Pub. L. 107–295, title I, § 102(a), Nov. 25, 2002, 116 Stat. 2083, related to secure systems of transportation, prior to repeal by Pub. L. 115–254, div. J, § 1809(b), Oct. 5, 2018, 132 Stat. 3538.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, § 8341(1), inserted “, cyber incidents, transnational organized crime, and foreign state threats” after “an act of terrorism” in introductory provisions.

Subsec. (b)(1), (2). Pub. L. 116–283, § 8341(2)(A), inserted “cyber incidents, transnational organized crime, and foreign state threats” after “terrorism”.

Subsec. (b)(3). Pub. L. 116–283, § 8341(2)(B), substituted “, armed (as needed),” for “armed” and “terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents,” for “terrorism or transportation security incidents.”

Subsec. (c). Pub. L. 116–283, § 8341(3), substituted “70033,” for “70034,” and inserted at end “When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.”

2018—Pub. L. 115–282, § 402(b)(1), transferred section catchline and subssecs. (a) and (b) of section 7 of Pub. L. 92–340 to this chapter and redesignated them as this section. See Codification note above. Catchline text was editorially conformed to the style used in this title.

Subsec. (c). Pub. L. 115–282, § 402(b)(2), added subsec. (c).

[§ 70117. Repealed. Pub. L. 111–281, title II, § 208(b), Oct. 15, 2010, 124 Stat. 2912]

Section, added Pub. L. 108–293, title VIII, § 801(a), Aug. 9, 2004, 118 Stat. 1078, § 70118; renumbered § 70117, Pub. L. 109–241, title IX, § 901(l)(1), July 11, 2006, 120 Stat. 565; Pub. L. 109–304, § 15(33)(A), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110–181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603, related to firearms, arrests, and seizure of property.

Editorial Notes

PRIOR PROVISIONS

A prior section 70117 was renumbered section 70120 of this title.

Another prior section 70117 was renumbered section 70119 of this title.

§ 70118. Enforcement by State and local officers

(a) IN GENERAL.—Any State or local government law enforcement officer who has authority to enforce State criminal laws may make an arrest for violation of a security zone regulation prescribed under section 1¹ of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191) or security or safety zone regulation under section 7(b)¹ of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) or a safety zone regulation prescribed under section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(d)) by a Coast Guard official authorized by law to prescribe such regulations, if—

(1) such violation is a felony; and

(2) the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.

(b) OTHER POWERS NOT AFFECTED.—The provisions of this section are in addition to any power conferred by law to such officers. This section shall not be construed as a limitation of any power conferred by law to such officers, or any other officer of the United States or any State. This section does not grant to such officers any powers not authorized by the law of the State in which those officers are employed.

(Added Pub. L. 108–293, title VIII, § 801(a), Aug. 9, 2004, 118 Stat. 1078, § 70119; renumbered § 70118, Pub. L. 109–241, title IX, § 901(l)(1), July 11, 2006, 120 Stat. 565; Pub. L. 109–304, § 15(33)(A), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110–181, div. C, title XXXV, § 3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

Editorial Notes

REFERENCES IN TEXT

Section 1 of title II of the Act of June 15, 1917, referred to in subsec. (a), which was classified to section 191 of Title 50, War and National Defense, was redesignated and transferred to section 70051 of this title by Pub. L. 115–282, title IV, § 407(b)(1), (5), Dec. 4, 2018, 132 Stat. 4267.

Section 7(b) of the Ports and Waterways Safety Act, referred to in subsec. (a), which was classified to section 1226(b) of Title 33, Navigation and Navigable Waters, was redesignated and transferred to sections 70102a(b) and 70116(b) of this title by Pub. L. 115–282, title IV, §§ 402(b)(1), 408(a), Dec. 4, 2018, 132 Stat. 4264, 4268.

¹ See References in Text note below.