

rest for violation of a security zone regulation prescribed under section 1<sup>1</sup> 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)<sup>1</sup> 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 section 70116(b) of this title by Pub. L. 115–282, title IV, §402(b)(1), Dec. 4, 2018, 132 Stat. 4264. A duplicate transfer to section 70102a(b) of this title by section 408(a) of Pub. L. 115–282 was repealed by Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8507(d)(1), Jan. 1, 2021, 134 Stat. 4754.

##### PRIOR PROVISIONS

A prior section 70118 was renumbered section 70117 of this title and subsequently repealed.

Another prior section 70118 was renumbered section 70121 of this title.

##### AMENDMENTS

2008—Pub. L. 110–181 repealed Pub. L. 109–304, §15(33)(A). See 2006 Amendment note below.

2006—Pub. L. 109–304, §15(33)(A), which directed renumbering identical to that made by Pub. L. 109–241, was repealed by Pub. L. 110–181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109–241 renumbered section 70119 of this title, as added by Pub. L. 108–293, §801(a), as this section.

#### Statutory Notes and Related Subsidiaries

##### 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 en-

acted, see section 3529(c)(2) of Pub. L. 110–181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

#### § 70119. Civil penalty

(a) IN GENERAL.—Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues.

(b) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this section shall not exceed \$50,000.

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2084, §70117; renumbered §70119, Pub. L. 108–293, title VIII, §802(a)(1), Aug. 9, 2004, 118 Stat. 1078; amended Pub. L. 109–241, title III, §306(a), July 11, 2006, 120 Stat. 528.)

#### Editorial Notes

##### CODIFICATION

Another section 70119 was renumbered section 70118 of this title.

##### AMENDMENTS

2006—Pub. L. 109–241 designated existing provisions as subsec. (a), inserted heading, substituted “day during which the violation continues” for “violation”, and added subsec. (b).

#### § 70120. In rem liability for civil penalties and certain costs

(a) CIVIL PENALTIES.—Any vessel operated in violation of this chapter or any regulations prescribed 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

<sup>1</sup> See References in Text note below.

and amended Pub. L. 109–241, title IX, §901(I)(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.)

#### Editorial Notes

##### 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(I)(2), was repealed by Pub. L. 110–181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109–241, §901(I)(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(I)(3), was repealed by Pub. L. 110–181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109–241, §901(I)(3), substituted “section 70119” for “section 70120”.

#### Statutory Notes and Related Subsidiaries

##### 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(I)(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.)

#### Editorial Notes

##### 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(I)(2), was repealed by Pub. L. 110–181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109–241, §901(I)(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(I)(4), was repealed by Pub. L. 110–181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109–241, §901(I)(4), substituted “section 70119” for “section 70120”.

#### Statutory Notes and Related Subsidiaries

##### 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.