

Secretary of Transportation functions, powers, and duties of Secretary of the Treasury and of other offices and officers of Department of the Treasury relating to Coast Guard. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when President directs as provided in former section 3 (now 103) of Title 14, Coast Guard. See section 108 of Title 49, Transportation. For subsequent transfers relating to the Secretary of Transportation and the Coast Guard, see below.

Section 6(g)(1)(A) of Pub. L. 89-670, transferred functions, powers, and duties of Secretary of the Army [formerly War] and other officers and offices of Department of the Army [formerly War] relating generally to water vessel anchorages under this section to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect the transfer made by section 6(g)(1)(A) of Pub. L. 89-670, and repealed section 6(g)(1)(A).

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 Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 70007. Anchorage grounds

(a) ANCHORAGE GROUNDS.—

(1) ESTABLISHMENT.—The Secretary of the department in which the Coast Guard is operating shall define and establish anchorage grounds in the navigable waters of the United States for vessels operating in such waters.

(2) RELEVANT FACTORS FOR ESTABLISHMENT.—In carrying out paragraph (1), the Secretary shall take into account all relevant factors concerning navigational safety, protection of the marine environment, proximity to undersea pipelines and cables, safe and efficient use of Marine Transportation System, and national security.

(b) VESSEL REQUIREMENTS.—Vessels, of certain sizes or type determined by the Secretary, shall—

(1) set and maintain an anchor alarm for the duration of an anchorage;

(2) comply with any directions or orders issued by the Captain of the Port; and

(3) comply with any applicable anchorage regulations.

(c) PROHIBITIONS.—A vessel may not—

(1) anchor in any Federal navigation channel unless authorized or directed to by the Captain of the Port;

(2) anchor in near proximity, within distances determined by the Coast Guard, to an undersea pipeline or cable, unless authorized or directed to by the Captain of the Port; and

(3) anchor or remain anchored in an anchorage ground during any period in which the Captain of the Port orders closure of the anchorage ground due to inclement weather, navigational hazard, a threat to the environment, or other safety or security concern.

(d) SAFETY EXCEPTION.—Nothing in this section shall be construed to prevent a vessel from taking actions necessary to maintain the safety of the vessel or to prevent the loss of life or property.

(Added Pub. L. 117-263, div. K, title CXIII, § 11318(a), Dec. 23, 2022, 136 Stat. 4090.)

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 117-263, div. K, title CXIII, § 11318(c), Dec. 23, 2022, 136 Stat. 4091, provided that: “Nothing in this section [amending this section and enacting provisions set out as a note under this section] shall limit any authority available, as of the date of enactment of this Act [Dec. 23, 2022], to the captain of a port with respect to safety measures or any other authority as necessary for the safety of vessels located in anchorage grounds in the navigable waters of the United States.”

APPLICABILITY OF REGULATIONS

Pub. L. 117-263, div. K, title CXIII, § 11318(e), Dec. 23, 2022, 136 Stat. 4091, provided that: “The amendments made by subsection (a) [amending this section] may not be construed to alter any existing rules, regulations, or final agency actions issued under section 70006 of title 46, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 23, 2022], until all regulations required under subsection (b) [136 Stat. 4091] take effect.”

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

§ 70011. Waterfront safety

(a) IN GENERAL.—The Secretary may take such action as is necessary to—

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4258.)

§ 70012. Navigational hazards

(a) **REPORTING PROCEDURE.**—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

(b) SECRETARY'S RESPONSE.—

(1) **NOTIFICATION BY THE OPERATOR OF A PIPELINE.**—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

(2) **NOTIFICATION BY OTHER PERSONS.**—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

(c) **PIPELINE DEFINED.**—For purposes of this section, the term “pipeline” has the meaning given the term “pipeline facility” in section 60101(a)(18) of title 49.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

(a) **REQUIREMENT.**—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

(b) **RESTRICTION ON USE OF NOTIFICATION.**—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

Editorial Notes**REFERENCES IN TEXT**

Section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899, referred to in subsec. (a), means section 10 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, known as the Rivers and Harbors Appropriation Act of 1899, which is classified to section 403 of Title 33, Navigation and Navigable Waters.

§ 70014. Aiming laser pointer at vessel

(a) **PROHIBITION.**—It shall be unlawful to cause the beam of a laser pointer to strike a vessel op-

erating on the navigable waters of the United States.

(b) **EXCEPTIONS.**—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(c) **LASER POINTER DEFINED.**—In this section the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(Added Pub. L. 116–283, div. G, title LVXXXIII, § 8342(a), Jan. 1, 2021, 134 Stat. 4709.)

SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES**§ 70021. Conditions for entry to ports in the United States**

(a) **IN GENERAL.**—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

(4) does not comply with any applicable vessel traffic service requirements;

(5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

(b) EXCEPTIONS.—

(1) **IN GENERAL.**—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

(2) **PROVISIONS NOT APPLICABLE.**—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provi-