

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4255.)

### Editorial Notes

#### REFERENCES IN TEXT

The International Regulations for Preventing Collisions at Sea, 1972, referred to in subsec. (e)(1), came into effect pursuant to the Convention on the International Regulations for Preventing Collisions at Sea, 1972. See International Regulations for Preventing Collisions at Sea, 1972 note under section 1602 of Title 33, Navigation and Navigable Waters.

### § 70004. Considerations by Secretary

In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

(A) the scope and degree of the risk or hazard involved;

(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

(F) environmental factors;

(G) economic impact and effects;

(H) existing vessel traffic services; and

(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4257.)

### § 70005. International agreements

(a) TRANSMITTAL OF REGULATIONS.—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

(b) AGREEMENTS.—The President is authorized and encouraged to—

(1) enter into negotiations and conclude and execute agreements with neighboring nations,

to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

(c) OPERATIONS.—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

(1) require vessels operating in an area of a vessel traffic service to utilize or to comply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exercises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4257.)

### § 70006. Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally

(a) IN GENERAL.—The Secretary of Homeland Security is authorized, empowered, and directed

to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of Transportation: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

(b) DEFINITION.—As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Added Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(6), Jan. 1, 2021, 134 Stat. 4745.)

#### Editorial Notes

##### REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in subsec. (b), is set out under section 1331 of Title 43, Public Lands.

##### CODIFICATION

Section, as added and amended by Pub. L. 116-283, is based on section 7 of act Mar. 4, 1915, ch. 142, 38 Stat. 1053; act Aug. 4, 1949, ch. 393, §§1, 20, 63 Stat. 496, 561; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 97-449, §2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 109-241, title IX, §902(j), July 11, 2006, 120 Stat. 568; Pub. L. 111-281, title III, §301, Oct. 15, 2010, 124 Stat. 2923, which was formerly classified to section 471 of Title 33, Navigation and Navigable Waters, before being transferred to this title and renumbered as this section.

Section was originally from the Rivers and Harbors Appropriation Act of 1915.

##### PRIOR PROVISIONS

Section probably supersedes acts May 16, 1888, ch. 257, §§1, 2, 25 Stat. 151, relative to anchorage grounds in port of New York, Mar. 3, 1899, ch. 424, §1, 30 Stat. 1074, extending anchorage regulations for port of New York, Feb. 6, 1893, ch. 64, §§1, 2, 27 Stat. 431, relative to anchorage grounds in port of Chicago, and June 6, 1900, ch. 819, §§1, 2, 31 Stat. 682, relative to anchorage grounds in Kennebec River.

##### AMENDMENTS

2021—Pub. L. 116-283, §8501(a)(6), transferred section 7 of act Mar. 4, 1915, ch. 142, to this title and renumbered it as this section, substituted “Establishment by Sec-

retary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally” for “Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally” in section catchline, and realigned margins. See Codification note above.

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

“Coast Guard” and “Coast Guard vessel” substituted in text for “Revenue Cutter Service” and “revenue cutter”, respectively, the Revenue Cutter Service and Life-Saving Service having been combined to form the Coast Guard by act Jan. 28, 1915, ch. 20, §1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, §20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

“Secretary of Transportation” substituted for “Secretary of the Treasury” in provision covering enforcement of rules and regulations by Coast Guard pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred to 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.