

Fishing Vessels Fishing in Close Proximity; Annex III, Technical Details of Sound Appliances; and Annex IV, Distress Signals. These annexes shall be as consistent as possible with the respective annexes to the International Regulations. The Secretary may establish other technical annexes, including local pilot rules.”

## § 2072. Violations of Inland Navigational Rules

### (a) Liability of operator for civil penalty

Whoever operates a vessel in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation.

### (b) Liability of vessel for civil penalty; seizure of vessel

Every vessel subject to this chapter, other than a public vessel being used for noncommercial purposes, that is operated in violation of this chapter, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than \$5,000 for each violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which the vessel may be found.

### (c) Assessment of civil penalty by Secretary; collection

The Secretary may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

### (d) Withholding of clearance

(1) If any owner, operator, or individual in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

(Pub. L. 96-591, §4, Dec. 24, 1980, 94 Stat. 3433; Pub. L. 104-324, title III, §312(c), Oct. 19, 1996, 110 Stat. 3920.)

#### REFERENCES IN TEXT

Rule 1, referred to in pars. (a) and (b), was classified to section 2001 of this title, prior to repeal by Pub. L. 108-293, title III, §303(a), (c), Aug. 9, 2004, 118 Stat. 1042, effective May 17, 2010.

#### CODIFICATION

In subsec. (d)(1), “section 60105 of title 46” substituted for “section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)” on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 60105 of Title 46, Shipping.

#### AMENDMENTS

1996—Par. (d). Pub. L. 104-324 inserted heading and amended text generally. Prior to amendment, text read as follows: “The Secretary of the Treasury shall withhold or revoke, at the request of the Secretary, the clearance, required by section 91 of title 46, Appendix, of any vessel, the owner or operator of which is subject to any of the penalties in this section. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary.”

#### EFFECTIVE DATE

Section effective 12 months after Dec. 24, 1981, see section 7 of Pub. L. 96-591, set out as an Effective Date of 1980 Amendment note under section 1604 of this title.

## § 2073. Navigation Safety Advisory Council

### (a) Establishment of Council

#### (1) In general

The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the “Council”), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

- (A) Commercial vessel owners or operators.
- (B) Professional mariners.
- (C) Recreational boaters.
- (D) The recreational boating industry.
- (E) State agencies responsible for vessel or port safety.
- (F) The Maritime Law Association.

#### (2) Panels

Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

#### (3) Nominations

The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

### (b) Functions

The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council

on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.

**(c) Executive secretary; staff; travel expenses and status of members**

The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary for the conduct of its business. Members of the Council, while away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5. Payments under this section shall not render members of the Council officers or employees of the United States for any purpose.

**(d) Termination of Council**

Unless extended by subsequent Act of Congress, the Council shall terminate on September 30, 2020.

(Pub. L. 96-591, § 5, Dec. 24, 1980, 94 Stat. 3434; Pub. L. 97-322, title I, § 118(c), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 98-557, § 16(b)(2), Oct. 30, 1984, 98 Stat. 2866; Pub. L. 101-225, title I, § 105(a)(1), Dec. 12, 1989, 103 Stat. 1909; Pub. L. 104-324, title III, § 304(a), (g), Oct. 19, 1996, 110 Stat. 3917, 3918; Pub. L. 107-295, title III, § 334, Nov. 25, 2002, 116 Stat. 2105; Pub. L. 108-293, title IV, § 418(e), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 111-281, title VI, § 621(f), Oct. 15, 2010, 124 Stat. 2977.)

AMENDMENTS

2010—Subsecs. (a), (b). Pub. L. 111-281, § 621(f)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which established, and defined the functions and purpose of, the Navigation Safety Advisory Council.

Subsec. (d). Pub. L. 111-281, § 621(f)(2), substituted “September 30, 2020” for “September 30, 2010”.

2004—Subsec. (d). Pub. L. 108-293 substituted “September 30, 2010” for “September 30, 2005”.

2002—Subsec. (d). Pub. L. 107-295 substituted “September 30, 2005” for “September 30, 2000”.

1996—Pub. L. 104-324, § 304(g), which directed the general amendment of the “section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073)”, was executed by inserting section catchline, to reflect the probable intent of Congress.

Par. (d). Pub. L. 104-324, § 304(a), substituted “September 30, 2000” for “September 30, 1995”.

1989—Par. (a). Pub. L. 101-225, § 105(a)(1)(A), substituted “Navigation Safety Advisory Council” for “Rules of the Road Advisory Council”.

Par. (b). Pub. L. 101-225, § 105(a)(1)(B), amended par. (b) generally. Prior to amendment, par. (b) read as follows: “The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to any major proposals for changes to the Inland Rules. The Council may recommend changes to the Inland Rules and International Regulations to the Secretary. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than once during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection. The Council is authorized to make available to Congress any information, advice, and rec-

ommendations which the Council is authorized to give to the Secretary.”

Par. (d). Pub. L. 101-225, § 105(a)(1)(C), substituted “September 30, 1995” for “September 30, 1990”.

1984—Par. (c). Pub. L. 98-557, § 16(b)(2)(A), struck out provisions authorizing members who are not officers or employees of the United States to receive compensation at a rate not exceeding the daily equivalent of the current rate of basic pay for GS-18 of the General Schedule under section 5332 of title 5.

Par. (d). Pub. L. 98-557, § 16(b)(2)(B), substituted “on September 30, 1990” for “5 years from the date of enactment of this Act”.

1982—Par. (a). Pub. L. 97-322, § 118(c)(1), directed Secretary, not less often than once a year, to publish notice in Federal Register for solicitation of nominations for membership on Council.

Par. (b). Pub. L. 97-322, § 118(c)(2), authorized Council to make available to Congress any information, advice, and recommendations which Council is authorized to give to Secretary.

Par. (c). Pub. L. 97-322, § 118(c)(3), struck out “or while otherwise engaged in the business of the Council” after “meetings of the Council”, and “, including traveltime” after “section 5332 of title 5”.

REFERENCES IN OTHER LAWS

Pub. L. 101-225, title I, § 105(a)(2), Dec. 12, 1989, 103 Stat. 1910, provided that: “Each reference to the Rules of the Road Advisory Council in a law, regulation, order, document, record, or paper of the United States is deemed to be a reference to the Navigation Safety Advisory Council.”

**CHAPTER 35—ARTIFICIAL REEFS**

Sec.	
2101.	Congressional statement of findings and purpose.
2102.	Establishment of standards.
2103.	National artificial reef plan.
2104.	Permits for construction and management of artificial reefs.
2105.	Definitions.
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**§ 2101. Congressional statement of findings and purpose**

(a) The Congress finds that—

(1) although fishery products provide an important source of protein and industrial products for United States consumption, United States fishery production annually falls far short of satisfying United States demand;

(2) overfishing and the degradation of vital fishery resource habitats have caused a reduction in the abundance and diversity of United States fishery resources;

(3) escalated energy costs have had a negative effect on the economics of United States commercial and recreational fisheries;

(4) commercial and recreational fisheries are a prominent factor in United States coastal economies and the direct and indirect returns to the United States economy from commercial and recreational fishing expenditures are threefold; and

(5) properly designed, constructed, and located artificial reefs in waters covered under this chapter can enhance the habitat and diversity of fishery resources; enhance United States recreational and commercial fishing opportunities; increase the production of fishery products in the United States; increase the energy efficiency of recreational and commercial fisheries; and contribute to the United States and coastal economies.