

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 recommendations 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.

Sec.	
2102.	Establishment of standards.
2103.	National artificial reef plan.
2104.	Permits for construction and management of artificial reefs.
2105.	Definitions.
2106.	Savings clauses.

§ 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.

(b) The purpose of this chapter is to promote and facilitate responsible and effective efforts to establish artificial reefs in waters covered under this chapter.

(Pub. L. 98-623, title II, § 202, Nov. 8, 1984, 98 Stat. 3394.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 98-623, which in addition to enacting this chapter also enacted section 1220d of Title 16, Conservation, and amended sections 1220, 1220a, 1220b, and 1220c of Title 16.

SHORT TITLE

Pub. L. 98-623, title II, § 201, Nov. 8, 1984, 98 Stat. 3394, provided that: “This title [enacting this chapter and section 1220d of Title 16, Conservation, and amending sections 1220 to 1220c of Title 16] may be cited as the ‘National Fishing Enhancement Act of 1984.’”

§ 2102. Establishment of standards

Based on the best scientific information available, artificial reefs in waters covered under this chapter shall be sited and constructed, and subsequently monitored and managed in a manner which will—

(1) enhance fishery resources to the maximum extent practicable;

(2) facilitate access and utilization by United States recreational and commercial fishermen;

(3) minimize conflicts among competing uses of waters covered under this chapter and the resources in such waters;

(4) minimize environmental risks and risks to personal health and property; and

(5) be consistent with generally accepted principles of international law and shall not create any unreasonable obstruction to navigation.

(Pub. L. 98-623, title II, § 203, Nov. 8, 1984, 98 Stat. 3395.)

§ 2103. National artificial reef plan

Not later than one year after November 8, 1984, the Secretary of Commerce, in consultation with the Secretary of the Interior, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Department in which the Coast Guard is operating, the Regional Fishery Management¹ Councils, interested States, Interstate Fishery Commissions, and representatives of the private sector, shall develop and publish a long-term plan which will meet the purpose of this chapter and be consistent with the standards established under section 2102 of this chapter. The plan must include—

(1) geographic, hydrographic, geologic, biological, ecological, social, economic, and other criteria for siting artificial reefs;

(2) design, material, and other criteria for constructing artificial reefs;

(3) mechanisms and methodologies for monitoring the compliance of artificial reefs with the requirements of permits issued under section 2104 of this title;

(4) mechanisms and methodologies for managing the use of artificial reefs;

(5) a synopsis of existing information on artificial reefs and needs for further research on artificial reef technology and management strategies; and

(6) an evaluation of alternatives for facilitating the transfer of artificial reef construction materials to persons holding permits issued pursuant to section 2104 of this title, including, but not limited to, credits for environmental mitigation and modified tax obligations.

(Pub. L. 98-623, title II, § 204, Nov. 8, 1984, 98 Stat. 3395.)

TRANSFER OF FUNCTIONS

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.

§ 2104. Permits for construction and management of artificial reefs

(a) Secretarial action on permits

In issuing a permit for artificial reefs under section 403 of this title, section 1344 of this title,

¹ So in original. Probably should be “Management”.