

(2) A person to whom a permit is issued in accordance with subsection (a) and any insurer of that person shall be liable, to the extent determined under applicable law, for damages to which paragraph (1) does not apply.

(3) The Secretary may not issue a permit subject to this section to a person unless that person demonstrates to the Secretary the financial ability to assume liability for all damages that may arise with respect to an artificial reef and for which such permittee may be liable.

(4) Any person who has transferred title to artificial reef construction materials to a person to whom a permit is issued in accordance with subsection (a) shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the plan published under section 2103 of this title and are not otherwise defective at the time title is transferred.

#### (d) Liability of the United States

Nothing in this chapter creates any liability on the part of the United States.

#### (e) Civil penalty

Any person who, after notice and an opportunity for a hearing, is found to have violated any provision of a permit issued in accordance with subsection (a) shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

(Pub. L. 98-623, title II, §205, Nov. 8, 1984, 98 Stat. 3396.)

### § 2105. Definitions

For purposes of this chapter—

(1) The term “artificial reef” means a structure which is constructed or placed in waters covered under this chapter for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, Johnston Island, Midway Island, and Wake Island.

(3) The term “waters covered under this chapter” means the navigable waters of the United States and the waters superjacent to the Outer Continental Shelf as defined in section 1331 of title 43, to the extent such waters exist in or are adjacent to any State.

(Pub. L. 98-623, title II, §206, Nov. 8, 1984, 98 Stat. 3397.)

### § 2106. Savings clauses

#### (a) Tennessee Valley Authority jurisdiction

Nothing in this chapter shall be construed as replacing or superseding section 831y-1 of title 16.

#### (b) State jurisdiction

Nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

(Pub. L. 98-623, title II, §208, Nov. 8, 1984, 98 Stat. 3398.)

## CHAPTER 36—WATER RESOURCES DEVELOPMENT

Sec. 2201.	“Secretary” defined.
2202.	Non-Federal engagement and review.
	SUBCHAPTER I—COST SHARING
2211.	Harbors.
2211a.	Preserving United States harbors.
2212.	Inland waterway transportation.
2213.	Flood control and other purposes.
2214.	General credit for flood control.
2215.	Feasibility studies; planning, engineering, and design.
2216.	Rate of interest.
2217.	Limitation on applicability of certain provisions in reports.
2218.	General applicability of cost sharing.
2219.	Definitions.
2220.	Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes.
2221.	Cost limitations on projects.
2222.	Use of other Federal funds.
2223.	Transfer of excess credit.
2224.	Crediting authority for federally authorized navigation projects.
2225.	Credit or reimbursement.
2226.	Water resources projects on Federal land.
2227.	Clarification of impacts to other Federal facilities.
	SUBCHAPTER II—HARBOR DEVELOPMENT
2231.	Study of water resources development projects by non-Federal interests.
2232.	Construction of water resources development projects by non-Federal interests.
2233.	Coordination and scheduling of Federal, State, and local actions.
2234.	Nonapplicability to Saint Lawrence Seaway.
2235.	Construction in usable increments.
2236.	Port or harbor dues.
2237.	Information for national security.
2238.	Authorization of appropriations.
2238a.	Estimate of harbor maintenance needs.
2238b.	Funding for harbor maintenance programs.
2238c.	Additional measures at donor ports and energy transfer ports.
2238d.	Maintenance of harbors of refuge.
2239.	Repealed.
2240.	Emergency response services.
2241.	Definitions.
2242.	Remote and subsistence harbors.
2243.	Arctic deep draft port development partnerships.
	SUBCHAPTER III—INLAND WATERWAY TRANSPORTATION SYSTEM
2251.	Inland Waterways Users Board.
2252.	Project delivery process reforms.