

States shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States for provisions that had made specific reference to harbors, rivers, and other inland waters of the United States, as defined in section 154 of this title, to the Great Lakes of North America and their connecting and tributary waters, as defined in section 241 of this title, and to the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, as defined in section 301 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-591, § 7, Dec. 24, 1980, 94 Stat. 3435, provided that: "Sections 2, 4, 6(1), and 8(a) [enacting section 2072 and former sections 2001 to 2038 of this title, amending this section, and repealing sections 154 to 159, 171 to 183, 191, 192, 201 to 213, 221, 222, 231, 232, 301 to 303, 311 to 323, 331, 341 to 356, 360, and 360a of this title and sections 526b, 526c, and 526d of former Title 46, Shipping] are effective 12 months after the date of enactment of this Act [Dec. 24, 1980], except that on the Great Lakes, the effective date of sections 2 and 4 [enacting section 2072 and former sections 2001 to 2038 of this title] will be established by the Secretary. [The effective date on the Great Lakes was established as Mar. 1, 1983. See 47 F.R. 15135, Apr. 8, 1982.] Section 5 [enacting section 2073 of this title] is effective on October 1, 1981."

§ 1605. Navy and Coast Guard vessels of special construction or purpose

(a) Certification for alternative compliance

Any requirement of the International Regulations with respect to the number, position, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and characteristics of sound-signaling appliances, shall not be applicable to a vessel of special construction or purpose, whenever the Secretary of the Navy, for any vessel of the Navy, or the Secretary of the department in which the Coast Guard is operating, for any other vessel of the United States, shall certify that the vessel cannot comply fully with that requirement without interfering with the special function of the vessel.

(b) Closest possible compliance by vessels covered by certification for alternative compliance

Whenever a certification is issued under the authority of subsection (a) of this section, the vessel involved shall comply with the requirement as to which the certification is made to the extent that the Secretary issuing the certification shall certify as the closest possible compliance by that vessel.

(c) Publication of certifications in Federal Register

Notice of the certifications issued pursuant to subsections (a) and (b) of this section shall be published in the Federal Register.

(d) Issuance of certification for a class of vessels

A certification authorized by this section may be issued for a class of vessels.

(Pub. L. 95-75, § 6, July 27, 1977, 91 Stat. 309; Pub. L. 96-591, § 6(2), Dec. 24, 1980, 94 Stat. 3434.)

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-591 added subsec. (d).

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.

§ 1606. Special rules for ships of war, vessels proceeding under convoy, and fishing vessels engaged in fishing as a fleet

(a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is operating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) of this section shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

(Pub. L. 95-75, § 7, July 27, 1977, 91 Stat. 310.)

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.

§ 1607. Implementation by rules and regulations; authority to promulgate

The Secretary of the department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this chapter and the International Regulations proclaimed hereunder.

(Pub. L. 95-75, § 8, July 27, 1977, 91 Stat. 310.)

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.

§ 1608. Civil penalties

(a) Liability of vessel operator for violations

Whoever operates a vessel, subject to the provisions of this chapter, in violation of this chapter or of any regulation promulgated pursuant to section 1607 of this title, shall be liable to a civil penalty of not more than \$5,000 for each such violation.

(b) Liability of vessel for violations; seizure of vessel

Every vessel subject to the provisions of this chapter, other than a public vessel being used for noncommercial purposes, which is operated in violation of this chapter or of any regulation promulgated pursuant to section 1607 of this title, shall be liable to a civil penalty of not more than \$5,000 for each such 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 such vessel may be found.

(c) Assessment of penalties; notice; opportunity for hearing; remission, mitigation, and compromise of penalty; action for collection

The Secretary of the department in which the Coast Guard is operating 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.

(Pub. L. 95-75, § 9, July 27, 1977, 91 Stat. 310; Pub. L. 96-591, § 6(3), (4), Dec. 24, 1980, 94 Stat. 3435.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-591, § 6(3), substituted “\$5,000” for “\$500”.

Subsec. (b). Pub. L. 96-591, § 6(4), substituted “not more than \$5,000” for “\$500”.

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.

CHAPTER 31—OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING**§§ 1701 to 1709. Repealed. Pub. L. 102-567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282**

Section 1701, Pub. L. 95-273, § 2, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6071, Apr. 7, 1986, 100 Stat. 133, provided findings and purposes for chapter.

Section 1702, Pub. L. 95-273, § 3, May 8, 1978, 92 Stat. 228; Pub. L. 99-272, title VI, § 6072(1), Apr. 7, 1986, 100 Stat. 133; Pub. L. 100-636, § 1(1)-(4), Nov. 8, 1988, 102 Stat. 3324, provided definitions for chapter.

Section 1702a, Pub. L. 95-273, § 3A, as added Pub. L. 99-272, title VI, § 6072(2), Apr. 7, 1986, 100 Stat. 133; amended Pub. L. 100-636, § 1(5)-(7), Nov. 8, 1988, 102 Stat. 3324, provided for a National Ocean Pollution Program Office and a National Ocean Pollution Policy Board.

Section 1703, Pub. L. 95-273, § 4, May 8, 1978, 92 Stat. 229; Pub. L. 96-255, § 2, May 30, 1980, 94 Stat. 420; Pub. L. 97-375, title II, § 202(c), Dec. 21, 1982, 96 Stat. 1822; Pub. L. 99-272, title VI, § 6073, Apr. 7, 1986, 100 Stat. 134; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for a comprehensive Federal Plan relating to ocean pollution.

Section 1704, Pub. L. 95-273, § 5, May 8, 1978, 92 Stat. 230; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for a comprehensive ocean pollution program in NOAA.

Section 1705, Pub. L. 95-273, § 6, May 8, 1978, 92 Stat. 231; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for Federal financial assistance for programs under this chapter.

Section 1706, Pub. L. 95-273, § 7, May 8, 1978, 92 Stat. 232; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for interagency cooperation in carrying out this chapter.

Section 1707, Pub. L. 95-273, § 8, May 8, 1978, 92 Stat. 232; Pub. L. 99-272, title VI, § 6074, Apr. 7, 1986, 100 Stat. 135; Pub. L. 100-636, § 1(5), Nov. 8, 1988, 102 Stat. 3324, provided for dissemination of information on ocean and Great Lakes pollution research activities.

Section 1708, Pub. L. 95-273, § 9, May 8, 1978, 92 Stat. 232, related to effect of this chapter on other laws.

Section 1709, Pub. L. 95-273, § 10, May 8, 1978, 92 Stat. 232; Pub. L. 96-17, June 4, 1979, 93 Stat. 34; Pub. L. 96-255, § 1, May 30, 1980, 94 Stat. 420; Pub. L. 99-272, title VI, § 6075, Apr. 7, 1986, 100 Stat. 135; Pub. L. 100-636, § 1(8), Nov. 8, 1988, 102 Stat. 3324, authorized appropriations to carry out this chapter.

SHORT TITLE

Section 1 of Pub. L. 95-273, as amended by Pub. L. 96-255, § 3, May 30, 1980, 94 Stat. 420, which provided that this chapter could be cited as the “National Ocean Pollution Planning Act of 1978”, was repealed by Pub. L. 102-567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282.

CHAPTER 32—INLAND WATERWAYS TRUST FUND

Sec.

1801, 1802. Repealed.

1803. Study with respect to inland waterway user taxes and charges.

1804. Inland and intracoastal waterways of the United States.

§§ 1801, 1802. Repealed. Pub. L. 99-662, title XIV, § 1405(b), Nov. 17, 1986, 100 Stat. 4271

Section 1801, Pub. L. 95-502, title II, § 203, Oct. 21, 1978, 92 Stat. 1697, established Inland Waterways Trust Fund. See section 9506 of Title 26, Internal Revenue Code.

Section 1802, Pub. L. 95-502, title II, § 204, Oct. 21, 1978, 92 Stat. 1698, made Inland Waterways Trust Fund available for expenditures for navigation construction and rehabilitation projects on inland waterways. See section 9506 of Title 26.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1987, see section 1405(d)(1) of Pub. L. 99-662, set out as an Effective Date note under section 9506 of Title 26, Internal Revenue Code.

§ 1803. Study with respect to inland waterway user taxes and charges**(a) Study directed**

The Secretary of Transportation, and the Secretary of Commerce, in consultation with the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, the Attorney General of the United States, the Secretary of the Army, the Chairman of the Water Resources Council, and the Director of the Office of Management and Budget, shall—