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TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 25--PORTS AND WATERWAYS SAFETY PROGRAM

Sec. 1221. Statement of policy

The Congress finds and declares--

(a) that navigation and vessel safety, protection of the marine environment, and safety and security of United States ports and waterways are matters of major national importance;

(b) that increased vessel traffic in the Nation's ports and waterways creates substantial hazard to life, property, and the marine environment;

(c) that increased supervision of vessel and port operations is necessary in order to--

(1) reduce the possibility of vessel or cargo loss, or damage to life, property, or the marine environment;

(2) prevent damage to structures in, on, or immediately adjacent to the navigable waters of the United States or the resources within such waters;

(3) insure that vessels operating in the navigable waters of the United States shall comply with all applicable standards and requirements for vessel construction, equipment, manning, and operational procedures; and

(4) insure that the handling of dangerous articles and substances on the structures in, on, or immediately adjacent to the navigable waters of the United States is conducted in accordance with established standards and requirements; and

(d) that advance planning is critical in determining proper and adequate protective measures for the Nation's ports and waterways and the marine environment, with continuing consultation with other Federal agencies, State representatives, affected users, and the general public, in the development and implementation of such measures.

(Pub. L. 92-340, Sec. 2, formerly title I, Sec. 101, July 10, 1972, 86 Stat. 424; renumbered and amended Pub. L. 95-474, Sec. 2, Oct. 17, 1978, 92 Stat. 1471; Pub. L. 107-295, title IV, Sec. 443(1), Nov. 25, 2002, 116 Stat. 2132.)

Amendments

2002--Subsec. (a). Pub. L. 107-295 substituted ``safety, protection of the marine environment, and safety and security of United States ports and waterways'' for ``safety and protection of the marine environment''.

1978--Pub. L. 95-474 substituted provision relating to Congressional declaration of findings for provision relating to the authority of the Secretary of the department in which the Coast Guard is operating to prevent damage to vessels, bridges, and other structures and to protect

navigable waters from environmental harm.

Short Title of 1978 Amendment

Section 1 of Pub. L. 95-474 provided: ``That this Act [enacting sections 1225, 1228 to 1231, and 1232 of this title, amending this section, sections 1222 to 1224, 1226, and 1227 of this title, and sections 214 and 391a of Title 46, Shipping, and enacting provisions set out as notes under this section and section 1224 of this title and section 391a of former Title 46] may be cited as the `Port and Tanker Safety Act of 1978'.'

Short Title

Section 1 of Pub. L. 92-340, as amended by Pub. L. 95-474, Sec. 2, Oct. 17, 1978, 92 Stat. 1471, provided that: ``This Act [this chapter] may be cited as the `Ports and Waterways Safety Act'.'

Savings Provision

Section 6(a) of Pub. L. 95-474 provided that: ``Regulations previously issued under statutory provisions which are amended by section 2 of this Act [amending this section and sections 1222 to 1227, of this title] shall continue in effect as though issued under the authority of the Ports and Waterways Safety Act of 1972, as amended by this Act [this chapter], until expressly abrogated, modified, or amended by the Secretary. Any proceeding under title I of Public Law 92-340 [which enacted this section and sections 1222 to 1227 of this title] for a violation which occurred before the effective date of this Act [Oct. 17, 1978] may be initiated or continued to conclusion as though such public law had not been amended by this Act [amendment by section 2 of Pub. L. 95-474].'

Separability

Section 6(c) of Pub. L. 95-474 provided that: ``If a provision of this Act [see Short Title of 1978 Amendment note above] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.'

Establishment of Vessel Traffic Control System for Prince William Sound and Valdez, Alaska

Pub. L. 93-153, title IV, Sec. 402, Nov. 16, 1973, 87 Stat. 589, provided that: ``The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340) [this chapter, prior to the amendment by Pub. L. 95-474, Oct. 17, 1978, 92 Stat. 1471].'