tablished by section 1412a of this title for ocean dumping of sewage sludge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1442, 1444 of this title.

§ 1444. Annual reports

(a) Report by Secretary of Commerce

In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this subchapter during the previous fiscal year. The report shall include—

(1) the Secretary's findings made under section 1441 of this title, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

(2) the results of activities undertaken pursuant to section 1442 of this title;

(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies, an identification of the short- and long-term research requirements associated with activities under subchapter I of this chapter, and a description of how Federal research under this subchapter and subchapter I of this chapter will meet those requirements; and

(4) activities of the Department of Commerce under section 665 of title 16.

(b) Report by Administrator

In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under section 1443 of this title.

(c) Report by Under Secretary

On October 31 of each year, the Under Secretary shall report to the Congress the specific programs that the National Oceanic and Atmospheric Administration and the Environmental Protection Agency carried out pursuant to this subchapter in the previous fiscal year, specifically listing the amount of funds allocated to those specific programs in the previous fiscal year.

(Pub. L. 92–532, title II, § 204, formerly § 205, as added Pub. L. 96–572, § 5, Dec. 22, 1980, 94 Stat. 3345; renumbered § 204 and amended Pub. L. 99–272, title VI, § 6065, Apr. 7, 1986, 100 Stat. 132; Pub. L. 100–627, title I, § 102, Nov. 7, 1988, 102 Stat. 3213.)

PRIOR PROVISIONS

A prior section 204 of Pub. L. 92–532, which was classified to this section, was renumbered section 205 and is classified to section 1445 of this title.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100–627 added subsec. (c).

1986—Pub. L. 99–272 amended section generally. Prior to amendment, section read as follows: "The Administrator of the Environmental Protection Agency is authorized to conduct a study to assist the city of New York in evaluating the technological options available for the removal of heavy metals and other toxic organic materials from the sewage sludge of the city of New York. The study shall also examine options available to reduce the amount of such pollutants entering the sewage system. The study is to be completed by July 1, 1981."

§ 1445. Authorization of appropriations

There are authorized to be appropriated for the first fiscal year after October 23, 1972, and for the next two fiscal years thereafter such sums as may be necessary to carry out this subchapter, but the sums appropriated for any such fiscal year may not exceed $6,000,000. There are authorized to be appropriated not to exceed $1,500,000 for the transition period (July 1 through September 30, 1976), not to exceed $5,600,000 for fiscal year 1977, and not to exceed $6,500,000 for fiscal year 1978, not to exceed $11,396,000 for fiscal year 1981, not to exceed $12,000,000 for fiscal year 1982, not to exceed $10,635,000 for fiscal year 1986, not to exceed $11,114,000 for fiscal year 1987, not to exceed $13,500,000 for fiscal year 1989, and not to exceed $14,500,000 for fiscal year 1990.

(Pub. L. 92–532, title II, § 205, formerly § 204, Oct. 23, 1972, 86 Stat. 1061; Pub. L. 94–62, § 3, July 25, 1975, 89 Stat. 303; Pub. L. 94–326, § 3, June 30, 1976, 90 Stat. 725; Pub. L. 95–153, § 2, Nov. 4, 1977, 91 Stat. 1255; Pub. L. 96–381, § 2, Oct. 6, 1980, 94 Stat. 1523; renumbered § 205 and amended Pub. L. 99–272, title VI, § 6064, Apr. 7, 1986, 100 Stat. 132; Pub. L. 100–627, title I, § 103, Nov. 7, 1988, 102 Stat. 3213.)

PRIOR PROVISIONS

A prior section 205 of Pub. L. 92–532, which was classified to this section, was renumbered section 204 and is classified to section 1444 of this title.

AMENDMENTS

1988—Pub. L. 100–627 inserted provision authorizing appropriations not to exceed $13,500,000 for fiscal year 1989 and not to exceed $14,500,000 for fiscal year 1990.

1986—Pub. L. 99–272 inserted provision authorizing appropriations not to exceed $10,635,000 for fiscal year 1986 and not to exceed $11,114,000 for fiscal year 1987.

1980—Pub. L. 96–381 inserted provision authorizing appropriations not to exceed $11,396,000 for fiscal year 1981 and not to exceed $12,000,000 for fiscal year 1982.

1977—Pub. L. 95–153 inserted provision authorizing appropriations not to exceed $6,500,000 for fiscal year 1978.

1976—Pub. L. 94–326 inserted provision authorizing appropriations not to exceed $5,600,000 for fiscal year 1977.

1975—Pub. L. 94–62 inserted provision authorizing appropriations not to exceed $1,500,000 for the transition period (July 1, through Sept. 30, 1976).

CHAPTER 28—POLLUTION CASUALTIES ON THE HIGH SEAS: UNITED STATES INTERVENTION

Sec.
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1473. Consultations and determinations respecting creation of hazards to human health, etc.; criteria for determinations respecting grave and imminent dangers of major harmful consequences to United States coastline or related interests.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2702, 2703, 2704 of this title; title 42 section 9611.

§ 1471. Definitions

As used in this chapter—

(1) ''a substance other than convention oil'' means those oils, noxious substances, liquefied gases, and radioactive substances—

(A) enumerated in the protocol, or

(B) otherwise determined to be hazardous under section 1473(a) of this title;

(2) ''convention'' means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, including annexes thereto;

(3) ''convention oil'' means crude oil, fuel oil, diesel oil, and lubricating oil;

(4) ''Secretary'' means the Secretary of the department in which the Coast Guard is operating;

(5) ''ship'' means—

(A) a seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(6) ''protocol'' means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973, including annexes thereto; and

(7) ''United States'' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas, and any other commonwealth, territory, or possession of the United States.

(Pub. L. 93–248, § 2, Feb. 5, 1974, 88 Stat. 8; Pub. L. 95–302, § 1(1), June 26, 1978, 92 Stat. 344.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in par. (7), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1978—Pub. L. 95–302 in cl. (1) substituted definition of ''a substance other than convention oil'' for definition of ''ship'', in cl. (2) substituted definition of ''convention'' for definition of ''oil'', in cl. (3) substituted definition of ''convention oil'' for definition of ''convention'', in cl. (5) substituted definition of ''ship'' for definition of ''United States'', and added cls. (6) and (7).

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

SHORT TITLE

Section 1 of Pub. L. 93–248 provided: ''That this Act [enacting this chapter] may be cited as the 'Intervention on the High Seas Act'.''

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 1472. Grave and imminent danger from oil pollution casualties to coastline or related interests of United States; Federal nonliability for Federal preventive measures on the high seas

Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by convention oil or of the sea or atmosphere by a substance other than convention oil which may reasonably be expected to result in major harmful consequences, the Secretary may, except as provided for in section 1479 of this title, without liability for any damage to the owners or operators of the ship, to her cargo or crew, to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention, the protocol and this chapter, to prevent, mitigate, or eliminate that danger.

(Pub. L. 93–248, § 3, Feb. 5, 1974, 88 Stat. 8; Pub. L. 95–302, § 1(2), June 26, 1978, 92 Stat. 344.)

AMENDMENTS

1978—Pub. L. 95–302 substituted ''convention oil or of the sea or atmosphere by a substance other than convention oil'' for ''oil'', and ''convention, the protocol'' for ''Convention''.

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1474, 1479 of this title.

§ 1473. Consultations and determinations respecting creation of hazards to human health, etc.; criteria for determinations respecting grave and imminent dangers of major harmful consequences to United States coastline or related interests

(a) The Secretary, after consultation with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, shall determine when a substance other than those enumerated in the protocol is liable to create a hazard to human health, to harm living resources, to damage amenities, or to interfere with other legitimate uses of the sea.

(b) In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including but not limited to, human health, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

(Pub. L. 93–248, § 4, Feb. 5, 1974, 88 Stat. 9; Pub. L. 95–302, § 1(3), June 26, 1978, 92 Stat. 344.)

AMENDMENTS

1978—Pub. L. 95–302 added subsec. (a), designated existing provisions as subsec. (b), and inserted ''human health,'' before ''fish''.

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1471, 1479 of this title.

§ 1474. Federal intervention actions

Upon a determination under section 1472 of this title of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

(1) coordinate and direct all public and private efforts directed at the removal or elimination of the threatened pollution damage;

(2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and

(3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

(Pub. L. 93–248, § 5, Feb. 5, 1974, 88 Stat. 9.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1475, 1486 of this title; title 26 section 9509.

§ 1475. Consultation procedure

Before taking any measure under section 1474 of this title, the Secretary shall—

(1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;

(2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and

(3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

(Pub. L. 93–248, § 6, Feb. 5, 1974, 88 Stat. 9.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1476 of this title.

§ 1476. Emergencies

In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 1475 of this title or without the continuation of consultations already begun.

(Pub. L. 93–248, § 7, Feb. 5, 1974, 88 Stat. 9.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1486 of this title; title 26 section 9509.

§ 1477. Reasonable measures; considerations

(a) Measures directed or conducted under this chapter shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

(1) the extent and probability of imminent damage if those measures are not taken;

(2) the likelihood of effectiveness of those measures; and

(3) the extent of the damage which may be caused by those measures.

(Pub. L. 93–248, § 8, Feb. 5, 1974, 88 Stat. 9.)

§ 1478. Personal, flag state, and foreign state considerations

In the direction and conduct of measures under this chapter the Secretary shall use his best endeavors to—

(1) assure the avoidance of risk to human life;

(2) render all possible aid to distressed persons, including facilitating repatriation of ships' crews; and

(3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

(Pub. L. 93–248, § 9, Feb. 5, 1974, 88 Stat. 9.)

§ 1479. Federal liability for unreasonable damages

(a) Payment of compensation

The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 1472 of this title.

(b) Jurisdiction

Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Federal Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28. For purposes of this chapter, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

(c) Burden of proof

With respect to intervention for a substance identified pursuant to section 1473(a) of this title, the United States has the burden of establishing that, under the circumstances present at the time of the intervention, the substance could reasonably pose a grave and imminent danger analogous to that posed by a substance enumerated in the protocol.

(Pub. L. 93–248, § 10, Feb. 5, 1974, 88 Stat. 10; Pub. L. 95–302, § 1(4), June 26, 1978, 92 Stat. 345; Pub. L. 97–164, title I, § 161(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Subsec. (b). Pub. L. 97–164 substituted ''Claims Court'' for ''Court of Claims''.

1978—Subsec. (c). Pub. L. 95–302 added subsec. (c).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1472 of this title.

§ 1480. Notification by Secretary of State

The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this chapter.

(Pub. L. 93–248, § 11, Feb. 5, 1974, 88 Stat. 10.)

§ 1481. Violations; penalties

(a) A person commits a class A misdemeanor if that person—

(1) willfully violates a provision of this chapter or a regulation issued thereunder; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this chapter; or

(3) willfully obstructs any person who is acting in compliance with an order or direction under this chapter.

(b) In a criminal proceeding for an offense under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

(Pub. L. 93–248, § 12, Feb. 5, 1974, 88 Stat. 10; Pub. L. 101–380, title IV, § 4302(*l*), Aug. 18, 1990, 104 Stat. 539.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–380 substituted ''A person commits a class A misdemeanor if that person'' for ''Any person who'' in introductory provisions and struck out '', shall be fined not more than $10,000 or imprisoned not more than one year, or both'' after ''under this chapter'' in par. (3).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of this title.

§ 1482. Consultation for nomination and nomination of experts, negotiators, etc.; proposal of amendments to list of substances other than convention oil; Presidential acceptance of amendments

(a) Nomination of experts and proposal of amendments to list of substances

The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention and article II of the protocol and may propose amendments to the list of substances other than convention oil in accordance with article III of the protocol.

(b) Consultations for designation or nomination of negotiators, etc., provided for by convention and protocol

The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the protocol.

(c) Presidential acceptance of amendments to list of substances other than convention oil in accordance with protocol

The President may accept amendments to the list of substances other than convention oil in accordance with article III of the protocol.

(Pub. L. 93–248, § 13, Feb. 5, 1974, 88 Stat. 10; Pub. L. 95–302, § 1(5), June 26, 1978, 92 Stat. 345.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–302, § 1(5)(A), inserted provisions relating to applicability of article II of the protocol and provisions for proposal of amendments to the list of substances other than convention oil.

Subsec. (b). Pub. L. 95–302, § 1(5)(B), substituted ''protocol'' for ''annexes thereto''.

Subsec. (c). Pub. L. 95–302, § 1(5)(C), added subsec. (c).

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

§ 1483. Foreign government ships; immunity

No measures may be taken under authority of this chapter against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

(Pub. L. 93–248, § 14, Feb. 5, 1974, 88 Stat. 10.)

§ 1484. Interpretation and administration; other right, duty, privilege, or immunity and other remedy unaffected

This chapter shall be interpreted and administered in a manner consistent with the convention, the protocol, and other international law. Except as specifically provided, nothing in this chapter may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

(Pub. L. 93–248, § 15, Feb. 5, 1974, 88 Stat. 10; Pub. L. 95–302, § 1(6), June 26, 1978, 92 Stat. 345.)

AMENDMENTS

1978—Pub. L. 95–302 inserted '', the protocol,'' after ''convention''.

EFFECTIVE DATE OF 1978 AMENDMENT

For effective date of amendment by Pub. L. 95–302, see section 2 of Pub. L. 95–302, set out as a note under section 1487 of this title.

§ 1485. Rules and regulations

The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this chapter.

(Pub. L. 93–248, § 16, Feb. 5, 1974, 88 Stat. 10.)

§ 1486. Oil Spill Liability Trust Fund

The Oil Spill Liability Trust Fund shall be available to the Secretary for actions taken under sections 1474 and 1476 of this title.

(Pub. L. 93–248, § 17, Feb. 5, 1974, 88 Stat. 10; Pub. L. 101–380, title II, § 2001, Aug. 18, 1990, 104 Stat. 506.)

AMENDMENTS

1990—Pub. L. 101–380 amended section generally. Prior to amendment, section read as follows: ''The revolving fund established under section 1321(k) of this title shall be available to the Secretary for Federal actions and activities under section 1474 of this title.''

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of this title.

§ 1487. Effective date

This chapter shall be effective upon February 5, 1974, or upon the date the convention becomes effective as to the United States, whichever is later.

(Pub. L. 93–248, § 18, Feb. 5, 1974, 88 Stat. 10.)

REFERENCES IN TEXT

The date the convention became effective as to the United States, referred to in text, is May 6, 1975.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95–302, § 2, June 26, 1978, 92 Stat. 345, provided that: ''This Act [amending sections 1471 to 1473, 1479, 1482, and 1484 of this title] shall be effective upon the date of enactment [June 26, 1978], or upon the date the protocol becomes effective as to the United States, whichever is later.'' [The protocol was adopted by the United States on Sept. 7, 1978, to be effective as to the United States upon its adoption by 15 countries. The protocol became effective as to the United States Mar. 30, 1983.

CHAPTER 29—DEEPWATER PORTS

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(e) Recommendations to Secretary of Transportation; application for all Federal authorizations; copies of application to Federal agencies and departments with jurisdiction; recommendation of approval or disapproval and of manner of amendment to comply with laws or regulations.
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