

(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

Sec.	
1501.	Congressional declaration of policy.
1502.	Definitions.
1503.	License for ownership, construction, and operation of deepwater port. <ul style="list-style-type: none"> (a) Requirement. (b) Issuance, transfer, amendment, or reinstatement. (c) Conditions for issuance. (d) Application for license subject to examination and comparison of economic, social, and environmental effects of deepwater port facility and deep draft channel and harbor; finality of determination. (e) Additional conditions; removal requirements, waiver; Outer Continental Shelf Lands Act applicable to utilization of components upon waiver of removal requirements. (f) Amendments, transfers, and reinstatements. (g) Eligible citizens. (h) Term of license.
1504.	Procedure. <ul style="list-style-type: none"> (a) Regulations; issuance, amendment, or rescission; scope. (b) Additional regulations; criteria for site evaluation and preconstruction testing.

<p>Sec.</p>	<p>(c) Plans; submittal to Secretary of Transportation; publication in Federal Register; application contents; exemption.</p> <p>(d) Application area; publication in Federal Register; "application area" defined; submission of other applications; notice of intent and submission of completed applications; denial of pending application prior to consideration of other untimely applications.</p> <p>(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.</p> <p>(f) Environmental impact statement for single application area; criteria.</p> <p>(g) Public notice and hearings; evidentiary hearing in District of Columbia; decision of Secretary based on evidentiary record; consolidation of hearings.</p> <p>(h) Nonrefundable application fee; processing costs; State fees; "land-based facilities directly related to a deepwater port facility" defined; fair market rental value, advance payment.</p> <p>(i) Application approval; period for determination; priorities; criteria for determination of application best serving national interest.</p>	<p>Sec.</p>	<p>(b) Public health or safety; danger to environment; completion of proceedings.</p>
<p>1505.</p>	<p>Environmental review criteria.</p> <p>(a) Establishment; evaluation of proposed deepwater ports.</p> <p>(b) Review and revision.</p> <p>(c) Concurrent development of criteria and regulations.</p>	<p>1512.</p>	<p>Recordkeeping and inspection.</p> <p>(a) Regulations; regulations under other provisions unaffected.</p> <p>(b) Access to deepwater ports in enforcement proceedings and execution of official duties; inspections and tests; notification of results.</p>
<p>1506.</p>	<p>Repealed.</p>	<p>1513.</p>	<p>Public access to information.</p> <p>(a) Inspection of copies; reproduction costs; protected information.</p> <p>(b) Information disclosure prohibition; confidentiality of certain disclosures.</p>
<p>1507.</p>	<p>Common carrier status.</p> <p>(a) Status of deepwater ports and storage facilities.</p> <p>(b) Discrimination prohibition; exceptions.</p> <p>(c) Enforcement, suspension, or termination proceedings.</p>	<p>1514.</p>	<p>Remedies.</p> <p>(a) Criminal penalties.</p> <p>(b) Orders of compliance; Attorney General's civil action; jurisdiction and venue.</p> <p>(c) Attorney General's action for equitable relief; scope of relief.</p> <p>(d) Vessels; liability in rem; exempt vessels; consent or privity of owners or bareboat charterers.</p>
<p>1508.</p>	<p>Adjacent coastal States.</p> <p>(a) Designation; direct pipeline connections; mileage; risk of damage to coastal environment, time for designation.</p> <p>(b) Applications; submittal to Governors for approval or disapproval; consistency of Federal licenses and State programs; views of other interested States.</p> <p>(c) Reasonable progress toward development of coastal zone management program; planning grants.</p> <p>(d) State agreements or compacts.</p>	<p>1515.</p>	<p>Citizen civil action.</p> <p>(a) Equitable relief; case or controversy; district court jurisdiction.</p> <p>(b) Notice; intervention of right by person.</p> <p>(c) Intervention of right by Secretary or Attorney General.</p> <p>(d) Costs of litigation; attorney and witness fees.</p> <p>(e) Statutory or common law rights unaffected.</p>
<p>1509.</p>	<p>Marine environmental protection and navigational safety.</p> <p>(a) Regulations and procedures.</p> <p>(b) Safety of property and life; regulations.</p> <p>(c) Marking of components; payment of cost.</p> <p>(d) Safety zones; designation; construction period; permitted activities.</p>	<p>1516.</p>	<p>Judicial review; persons aggrieved; jurisdiction of courts of appeal.</p>
<p>1510.</p>	<p>International agreements.</p>	<p>1517, 1517a.</p>	<p>Repealed or Omitted.</p>
<p>1511.</p>	<p>Suspension or termination of licenses.</p> <p>(a) Proceedings by Attorney General; venue; conditions subsequent.</p>	<p>1518.</p>	<p>Relationship to other laws.</p> <p>(a) Federal Constitution, laws, and treaties applicable; other Federal requirements applicable; status of deepwater port; Federal or State authorities and responsibilities within territorial seas unaffected; notification by Secretary of State of intent to exercise jurisdiction; objections by foreign governments.</p> <p>(b) Law of nearest adjacent coastal State as applicable Federal law; Federal administration and enforcement of such law; nearest adjacent coastal State defined.</p> <p>(c) Vessels of United States and foreign states subject to Federal jurisdiction; objections to jurisdiction; designation of agent for service of process; duty of licensee.</p> <p>(d) Customs laws inapplicable to deepwater port; duties and taxes on foreign articles imported into customs territory of United States.</p> <p>(e) Federal district courts; original jurisdiction; venue.</p>
<p>1519.</p>	<p>Repealed.</p>	<p>1521.</p>	<p>Negotiations with Canada and Mexico; report to Congress.</p>
<p>1520.</p>	<p>Pipeline safety and operation.</p> <p>(a) Standards and regulations for Outer Continental Shelf.</p> <p>(b), (c) Omitted.</p>	<p>1522.</p>	<p>Limitations on export provisions of section 185(u) of title 30 unaffected.</p>
<p>1521.</p>	<p>International agreements.</p>	<p>1523.</p>	<p>General procedures; issuance and enforcement of orders; scope of authority; evidentiary matters.</p>
<p>1522.</p>	<p>International agreements.</p>	<p>1524.</p>	<p>Authorization of appropriations.</p>

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1321, 2701 of this title; title 26 section 9509; title 42 section 9611; title 46 section 3703a.

§ 1501. Congressional declaration of policy

(a) It is declared to be the purposes of the Congress in this chapter to—

(1) authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;

(2) provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development of such ports;

(3) protect the interests of the United States and those of adjacent coastal States in the location, construction, and operation of deepwater ports;

(4) protect the rights and responsibilities of States and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law;

(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf¹ while minimizing tanker traffic and the risks attendant thereto; and

(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf¹ oil to the United States mainland.

(b) The Congress declares that nothing in this chapter shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

(Pub. L. 93-627, § 2, Jan. 3, 1975, 88 Stat. 2126; Pub. L. 104-324, title V, § 502(b), Oct. 19, 1996, 110 Stat. 3925.)

AMENDMENTS

1996—Subsec. (a)(5), (6). Pub. L. 104-324 added pars. (5) and (6).

SHORT TITLE OF 1996 AMENDMENT

Section 501 of title V of Pub. L. 104-324 provided that: “This title [amending this section and sections 1502 to 1504, 1507, and 1509 of this title, repealing section 1506 of this title, and enacting provisions set out as a note under this section] may be cited as the ‘Deepwater Port Modernization Act’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-419, § 1, Sept. 25, 1984, 98 Stat. 1607, provided: “That this Act [amending sections 1502, 1503, 1504, 1506, 1507, 1517, and 1518 of this title and enacting provisions set out as a note under section 1518 of this title] may be cited as the ‘Deepwater Port Act Amendments of 1984’.”

SHORT TITLE

Section 1 of Pub. L. 93-627 provided: “That this Act [enacting this chapter and amending section 1333 of Title 43, Public Lands] may be cited as the ‘Deepwater Port Act of 1974’.”

¹ So in original. Probably should be capitalized.

CONGRESSIONAL PURPOSES FOR 1996 AMENDMENTS

Section 502(a) of title V of Pub. L. 104-324 provided that: “The purposes of this title [see Short Title of 1996 Amendment note above] are to—

“(1) update and improve the Deepwater Port Act of 1974 [33 U.S.C. 1501 et seq.];

“(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

“(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports’ business and economic decisions; and

“(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.”

DEPOSIT OF CERTAIN PENALTIES INTO OIL SPILL LIABILITY TRUST FUND

Penalties paid pursuant to this chapter and sections 1319(c) and 1321 of this title to be deposited in the Oil Spill Liability Trust Fund created under section 9509 of Title 26, Internal Revenue Code, see section 4304 of Pub. L. 101-380, set out as a note under section 9509 of Title 26.

ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS

For provisions relating to environmental effects abroad of major Federal actions, see Ex. Ord. No. 12114, Jan. 4, 1979, 44 F.R. 1957, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

§ 1502. Definitions

As used in this chapter, unless the context otherwise requires, the term—

(1) “adjacent coastal State” means any coastal State which (A) would be directly connected by pipeline to a deepwater port, as proposed in an application; (B) would be located within 15 miles of any such proposed deepwater port; or (C) is designated by the Secretary in accordance with section 1508(a)(2) of this title;

(2) “affiliate” means any entity owned or controlled by, any person who owns or controls, or any entity which is under common ownership or control with an applicant, licensee, or any person required to be disclosed pursuant to section 1504(c)(2)(A) or (B) of this title;

(3) “application” means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;

(4) “citizen of the United States” means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth or naturalization and which has no more of its directors who are not United States citizens by law, birth or naturalization than constitute a minority of the number required for a quorum necessary to conduct the business of the board;