

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

Sec.

- 1501. Congressional declaration of policy.
- 1502. Definitions.
- 1503. License for ownership, construction, and operation of deepwater port.
 - (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.

Sec.

1504.

1505.

1506.

1507.

1508.

- (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.
- Procedure.
- (a) Regulations; issuance, amendment, or rescission; scope.
 - (b) Additional regulations; criteria for site evaluation and preconstruction testing.
 - (c) Plans; submittal to Secretary of Transportation; publication in Federal Register; application contents; exemption.
 - (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.
 - (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.
 - (f) NEPA compliance.
 - (g) Public notice and hearings; evidentiary hearing in District of Columbia; decision of Secretary based on evidentiary record; consolidation of hearings.
 - (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.
 - (i) Application approval; period for determination; priorities; criteria for determination of application best serving national interest.
- Environmental review criteria.
- (a) Establishment; evaluation of proposed deepwater ports.
 - (b) Review and revision.
 - (c) Concurrent development of criteria and regulations.
- Repealed.
- Common carrier status.
- (a) Status of deepwater ports and storage facilities.
 - (b) Discrimination prohibition; exceptions.
 - (c) Enforcement, suspension, or termination proceedings.
 - (d) Managed access.
 - (e) Jurisdiction.
- Adjacent coastal States.
- (a) Designation; direct pipeline connections; mileage; risk of damage to coastal environment, time for designation.
 - (b) Applications; submittal to Governors for approval or disapproval; consistency of Federal licenses and State programs; views of other interested States.
 - (c) Reasonable progress toward development of coastal zone management program; planning grants.