

1 welfare, and amenities, and the marine environment, ecologi-
2 cal systems, and economic potentialities.

3 (b) The Congress declares that it is the policy of the
4 United States to regulate the dumping of all types of ma-
5 terial in the oceans, coastal, and other waters and to prevent
6 or strictly limit the dumping into the oceans, coastal, and
7 other waters of any material which could adversely affect
8 human health, welfare, or amenities, or the marine environ-
9 ment, ecological systems, or economic potentialities. To this
10 end, it is the purpose of this Act to regulate the transporta-
11 tion of material for dumping into the oceans, coastal, and
12 other waters, and the dumping of material by any person from
13 any source if the dumping occurs in waters over which the
14 United States has jurisdiction.

15 DEFINITIONS

16 SEC. 3. For the purposes of this Act the term—

17 (a) "Administrator" means the Administrator of the
18 Environmental Protection Agency.

19 (b) "Oceans, coastal, and other waters" means
20 oceans, gulfs, bays, salt water lagoons, salt water harbors,
21 other coastal waters where the tide ebbs and flows, the Great
22 Lakes and their connecting waters, and the Saint Lawrence
23 River.

24 (c) "Material" means matter of any kind or description,
25 including, but not limited to, dredge spoil, solid waste, gar-

1 bage, sewage, sludge, munitions, radiological, chemical, and
2 biological warfare agents, radioactive materials, chemicals,
3 biological and laboratory waste, wrecked or discarded equip-
4 ment, rock, sand, excavation debris, and industrial waste:
5 *Provided*, That it does not mean oil within the meaning of
6 section 44 of the Federal Water Pollution Control Act, as
7 amended (33 U.S.C. 1161) nor sewage from vessels within
8 the meaning of section 43 of said Act (33 U.S.C. 1163).

9 (d) "United States" includes the several States, the
10 District of Columbia, the Commonwealth of Puerto Rico,
11 the Canal Zone, the territories and possessions of the United
12 States, and the Trust Territory of the Pacific Islands.

13 (e) "Person" means any private person or entity, or
14 any officer, employee, agent, department, agency, or in-
15 strumentality of the Federal Government, of any State or
16 local unit of government, or of any foreign government.

17 (f) "Dumping" means a disposition of material: *Pro-*
18 *vided*, That it does not mean a disposition of any effluent
19 from any outfall structure where such disposition is regu-
20 lated under the provisions of the Federal Water Pollution
21 Control Act, as amended (33 U.S.C. 1151-1175), or under
22 the provisions of section 43 of the Rivers and Harbors
23 Act of 1899, as amended (33 U.S.C. 407), nor does it
24 mean a routine discharge of effluent incidental to the pro-
25 pulsion of, or operation of motor-driven equipment on, ves-

1 also: *Provided further*, That it does not mean the construc-
2 tion of any fixed structure or artificial island nor the inten-
3 tional placement of any device in the oceans, coastal, and
4 other waters or on or in the submerged land beneath such
5 waters, for a purpose other than disposal, when such con-
6 struction or such placement is otherwise regulated by Fed-
7 eral or State law or occurs pursuant to an authorized Fed-
8 eral or State program: *And provided further*, That it does
9 not include the deposit of oyster shells or other material
10 when such deposit is made for the purpose of developing,
11 maintaining, or harvesting fisheries resources and is other-
12 wise regulated by Federal or State law or occurs pursuant
13 to an authorized Federal or State program.

14 (g) "District court of the United States" includes the
15 District Court of Guam, the District Court of the Virgin
16 Islands, the District Court of Puerto Rico, the District
17 Court of the Canal Zone, and in the case of American
18 Samoa and the Trust Territory of the Pacific Islands, the
19 District Court of the United States for the District of
20 Hawaii, which court shall have jurisdiction over actions
21 arising therein.

22 (h) "Secretary" means the Secretary of the Army.

23 (i) "Dredged or fill material" means any material
24 excavated or dredged from the navigable waters of the
25 United States or any material deposited into such waters

1 for the purpose of bulkheading, or building up or extending
2 land areas:

3 (j) "High level radioactive waste" means the aqueous
4 waste resulting from the operation of the first cycle solvent
5 extraction system, or equivalent; and the concentrated
6 waste from subsequent extraction cycles, or equivalent, in
7 a facility for reprocessing irradiated reactor fuels, or irradi-
8 ated fuel from nuclear power reactors.

9 TITLE I—OCEAN DUMPING

10 PROHIBITED ACTS

11 SEC. 101. (a) No person shall transport any radio-
12 logical, chemical, or biological warfare agent or high-level
13 radioactive waste, or, except as may be authorized in a
14 permit issued under this title, any other material from the
15 United States for the purpose of dumping it into the oceans,
16 coastal, and other waters.

17 (b) No person shall dump any radiological, chemical,
18 or biological warfare agent or high-level radioactive waste,
19 or, except as may be authorized in a permit issued under
20 this title, any other material (1) in that part of the oceans,
21 coastal and other waters which is within the territorial
22 jurisdiction of the United States; or (2) in a zone con-
23 tiguous to the territorial sea of the United States, extend-
24 ing to a line twelve nautical miles seaward from the base
25 line from which the breadth of the territorial sea is meas-

1 used, to the extent that it may affect the territorial sea
2 of the territory of the United States.

3 (c) No officer, employee, agent, department, agency,
4 or instrumentality of the United States shall transport any
5 radiological, chemical, or biological warfare agent or high
6 level radioactive waste, or, except as may be authorized in
7 a permit issued under this title, any other material from any
8 location outside the territory of the United States for the
9 purpose of dumping it into the oceans, coastal, and other
10 waters.

11 ENVIRONMENTAL PROTECTION AGENCY PERMITS

12 SEC. 102. (a) Except in relation to dredged or fill
13 material, as provided for in section 103 of this title, and in
14 relation to radiological, chemical, and biological warfare
15 agents and high-level radioactive waste, as provided for in
16 section 101 of this title, the Administrator may issue per-
17 mits, after notice and opportunity for public hearing, for the
18 transportation of material for dumping into the oceans,
19 coastal, and other waters, or for the dumping of material
20 into the waters described in section 101(b), where the
21 Administrator determines that such transportation, or dump-
22 ing, or both will not unreasonably degrade or endanger
23 human health, welfare, or amenities, or the marine environ-
24 ment, ecological systems, or economic potentialities. The
25 Administrator shall establish and apply criteria for review-

1 ing and evaluating such permit applications, and, in estab-
2 lishing or revising such criteria, shall consider, but not be
3 limited in his consideration to, the following:

4 (A) The need for the proposed dumping;

5 (B) The effect of such dumping on human health
6 and welfare, including economic, esthetic, and recrea-
7 tional values;

8 (C) The effect of such dumping on fisheries
9 resources;

10 (D) The effect of such dumping on marine eco-
11 systems, particularly with respect to—

12 (i) the transfer, concentration, and dispersion
13 of such material and its byproducts through bio-
14 logical, physical, and chemical pathways;

15 (ii) potential changes in marine ecosystem di-
16 versity and stability; and

17 (iii) species and community population dy-
18 namies;

19 (E) The persistence and performance of the effects
20 of the dumping;

21 (F) The effect of dumping particular volumes and
22 concentrations of such materials;

23 (G) Appropriate locations and methods of disposal,
24 including land-based alternatives;

25 In establishing or revising such criteria, the Administrator

1 shall consult with the Secretaries of Commerce, Interior,
2 State, Defense, Agriculture, Health, Education, and Wel-
3 fare, and Transportation, the Atomic Energy Commission,
4 and other appropriate Federal, State, and local officials.
5 With respect to such criteria as may affect the civil works
6 program of the Department of the Army, the Administrator
7 shall also consult with the Secretary. In reviewing applica-
8 tions for permits, the Administrator shall make such pro-
9 vision for consultation with interested Federal and State
10 agencies as he deems useful or necessary. No permit shall
11 be issued for a dumping of material which will violate appli-
12 cable water quality standards.

13 (b) The Administrator may establish and issue various
14 categories of permits, including the general permits described
15 in subsection 104(c).

16 (c) The Administrator may, considering the criteria
17 established pursuant to subsection (a), designate recom-
18 mended sites or times for dumping and, when he finds it
19 necessary to protect critical areas, shall, after consultation
20 with the Secretary, also designate sites or times within which
21 certain materials may not be dumped.

22 CORPS OF ENGINEERS PERMITS

23 Sec. 103. (a) The Secretary may issue permits, after
24 notice and opportunity for public hearing, for the transpor-
25 tation of dredged or fill material for dumping into the oceans,

1 coastal, and other waters, or for the dumping of dredged or
2 fill materials into the waters described in section 101 (b), or
3 both, where the Secretary determines that such transporta-
4 tion, or dumping, or both, will not unreasonably degrade or
5 endanger human health, welfare, or amenities, or the ma-
6 rine environment, ecological systems, or economic poten-
7 tialities.

8 (b) In making the determination required by subsec-
9 tion (a) as to whether a permit may be issued, the Secretary
10 shall apply the criteria established by the Administrator pur-
11 suant to section 102, together with an evaluation by the Sec-
12 retary of the effect on navigation, economic and industrial
13 development, and foreign and domestic commerce of the
14 United States: *Provided*, That in applying the criteria es-
15 tablished by the Administrator, the Secretary shall consult
16 with the Administrator and shall give due consideration to
17 the views and recommendations of the Administrator in that
18 regard and also in regard to the designations of the Adminis-
19 trator of recommended sites or times for dumping: *Provided*
20 *further*, That the Secretary may issue no permit for dumping
21 which would violate the designation of the Administrator,
22 found necessary to protect critical areas, of a site within
23 which certain material may not be dumped.

24 (c) In connection with Federal projects involving

1 dredged or fill material, the Secretary may, in lieu of the
2 permit procedure, issue regulations which shall require the
3 application to such projects of the same criteria, other factors
4 to be evaluated, the same procedures, and the same require-
5 ment which are made applicable to the issuance of permits
6 under subsections (a) and (b) of this section.

7 PERMIT CONDITIONS

8 SEC. 104. (a) Permits issued under this title shall des-
9 ignate and include ~~(1)~~ the type of material authorized to
10 be transported for dumping or to be dumped; ~~(2)~~ the
11 amount of material authorized to be transported for dump-
12 ing or to be dumped; ~~(3)~~ the location where such trans-
13 port for dumping will be terminated or where dumping
14 ing will occur; ~~(4)~~ the length of time for which the
15 permits are valid and their expiration date; ~~(5)~~ any special
16 provisions deemed necessary by the Administrator or Sec-
17 retary, for the monitoring and surveillance of the transporta-
18 tion or dumping; and ~~(6)~~ such other matters as the Ad-
19 ministrator or Secretary deems appropriate.

20 ~~(b)~~ The Administrator or Secretary may prescribe such
21 processing fees for permits and such reporting requirements
22 for actions taken pursuant to permits issued by him under
23 this title as he deems appropriate.

24 ~~(c)~~ Notwithstanding any other provision of this title,
25 the Administrator or Secretary may issue general permits

1 for the transportation for dumping, or dumping, or both,
2 of specified material for which he may issue permits, which
3 he determines will have a minimal adverse environmental
4 impact.

5 (d) The Administrator or Secretary may limit or deny
6 the issuance of permits, or may alter or revoke partially or
7 entirely the terms of permits issued by him under this title,
8 for the transportation for dumping, or the dumping, or both,
9 of specified material, where he finds that such material can-
10 not be dumped consistently with the criteria and other
11 factors required to be applied in evaluating the permit
12 application. No action shall be taken under this subsection
13 unless the affected person or permittee shall have been given
14 notice and opportunity for hearing on such action as
15 proposed.

16 (e) The Administrator or Secretary shall require an
17 applicant for a permit under this title to provide such in-
18 formation as the Administrator or Secretary may consider
19 necessary to review and evaluate such application.

20 (f) Information received by the Administrator or Sec-
21 retary as a part of any application or in connection with
22 any permit granted under this title shall be available to the
23 public as a matter of public record, at every stage of the
24 proceeding. The final determination of the Administrator
25 or the Secretary shall be likewise available.

1 under subsection (a), a person who knowingly violates this
2 title, regulations promulgated under this title, or a permit
3 issued under this title shall be fined not more than \$50,000
4 or imprisoned for not more than one year, or both, one-half
5 of said fine, but not to exceed \$2,500, to be paid to the person
6 or persons giving information which shall lead to conviction.

7 (c) For the purpose of imposing civil penalties and
8 criminal fines under this section, each day of a continuing
9 violation shall constitute a separate offense as shall the dump-
10 ing from each of several vessels, or other sources.

11 (d) The Attorney General or his delegate may bring
12 actions for equitable relief to enjoin an imminent or continu-
13 ing violation of this title, of regulations promulgated under
14 this title, or of permits issued under this title, and the district
15 courts of the United States shall have jurisdiction to grant
16 such relief as the equities of the case may require.

17 (e) A vessel, except a public vessel within the mean-
18 ing of section 13 of the Federal Water Pollution Control
19 Act, as amended (33 U.S.C. 1163), used in a violation, shall
20 be liable in rem for any civil penalty assessed or criminal
21 fine imposed and may be proceeded against in any district
22 court of the United States having jurisdiction thereof: *Pro-*
23 *vided,* That no vessel shall be liable unless it shall appear
24 that one or more of the owners, or bareboat charterers, was

1 at the time of the violation a consenting party or privy to
2 such violation.

3 (f) If the provisions of any permit issued under section
4 102 or 103 are violated, the Administrator or the Secretary,
5 as appropriate, may revoke the permit or may suspend the
6 permit for a specified period of time. No permit shall be
7 revoked or suspended unless the permittee shall have been
8 given notice and opportunity for a hearing on such violation
9 and proposed suspension or revocation.

10 (g)(1) Except as provided in paragraph (2) hereof,
11 any person may commence a civil suit on his own behalf
12 to enjoin any person, including the United States and any
13 other governmental instrumentality or agency (to the ex-
14 tent permitted by the eleventh amendment to the Constitu-
15 tion), who is alleged to be in violation of any prohibition,
16 limitation, criterion, or permit, established or issued by or
17 under this title. The district courts shall have jurisdiction,
18 without regard to the amount in controversy or the citizen-
19 ship of the parties, to enforce such prohibition, limitation,
20 criterion, or permit, as the case may be.

21 (2) No action may be commenced—

22 (A) prior to sixty days after notice of the viola-
23 tion has been given to the Administrator or to the Sec-
24 retary, and to any alleged violator of the prohibition,
25 limitation, criterion, or permit; or

1 ~~(B)~~ if the Attorney General has commenced and is
2 diligently prosecuting a civil action in a court of the
3 United States to require compliance with the prohibition,
4 limitation, criterion, or permit; or

5 ~~(C)~~ if the Administrator or Secretary has com-
6 menced action to impose a penalty pursuant to sub-
7 section ~~(a)~~ of this section; or has initiated permit
8 revocation or suspension proceeding under subsection
9 ~~(f)~~ of this section; or

10 ~~(D)~~ if the United States has commenced and is
11 diligently prosecuting a criminal action in a court of
12 the United States or a State to redress a violation
13 of this title.

14 ~~(3)~~ ~~(A)~~ Any suit under this subsection may be brought
15 in the judicial district in which the violation occurs.

16 ~~(B)~~ In any such suit under this subsection in which
17 the United States is not a party, the Attorney General,
18 at the request of the Administrator or Secretary, may inter-
19 vene on behalf of the United States as a matter of right.

20 ~~(4)~~ The court, in issuing any final order in any suit
21 brought pursuant to paragraph ~~(1)~~ hereof may award
22 costs of litigation (including reasonable attorney and expert
23 witness fees) to any party, whenever the court determines
24 such award is appropriate.

25 ~~(5)~~ The injunctive relief provided by this subsection

1 shall not restrict any right which any person (or class of
2 persons) may have under any statute or common law to
3 seek enforcement of any standard or limitation or to seek
4 any other relief (including relief against the Administrator
5 or a State agency).

6 (h) No person shall be subject to a civil penalty or
7 to a criminal fine or imprisonment for dumping materials
8 from a vessel if necessary, in an emergency, to safeguard
9 life. Any such dumping shall be reported to the Admin-
10 istrator under such conditions as he may prescribe.

11 RELATIONSHIP TO OTHER LAWS

12 SEC. 106. (a) After the effective date of this title, all
13 licenses, permits, and authorizations other than those issued
14 pursuant to this title shall be void and of no legal effect,
15 to the extent that they purport to authorize any activity
16 regulated by this title, and whether issued before or after
17 the effective date of this title.

18 (b) The provisions of subsection (a) shall not apply
19 to actions taken before the effective date of this title under
20 the authority of the Rivers and Harbors Act of 1899 (30
21 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

22 (c) Prior to issuing any permit under this title, where
23 it appears to the Administrator that the disposition of the
24 material, other than dredged or fill material, to be trans-
25 ported for dumping or to be dumped may affect navigation

1 in the navigable waters of the United States or may create
2 an artificial island on the Outer Continental Shelf, the Ad-
3 ministrator shall consult with the Secretary and no permit
4 shall be issued if the Secretary determines that navigation
5 will be unreasonably impaired.

6 (d) After the effective date of this title, no State shall
7 adopt or enforce any rule or regulation relating to any activ-
8 ity regulated by this title: *Provided*, That any State may
9 propose to the Administrator criteria relating to the dumping
10 of materials into the waters described in subsection 101(b)
11 which might affect waters within the jurisdiction of such
12 State and, if the Administrator determines, after notice and
13 opportunity for hearing, that the proposed criteria are not
14 inconsistent with the purposes of this title, he may adopt
15 those criteria and may further issue regulations in implemen-
16 tation thereof. Such determination shall be made by the Ad-
17 ministrator within one hundred and twenty days of receipt
18 of the proposed criteria. For the purposes of this subsection,
19 the term "State" means any State, interstate, or regional
20 authority, Federal territory or Commonwealth, or the Dis-
21 trict of Columbia.

22 (e) Nothing in this title shall be deemed to affect in
23 any manner or to any extent any provision of the Fish and
24 Wildlife Coordination Act as amended (16 U.S.C. 661-
25 666e).

ENFORCEMENT

1
2 Sec. 107. (a) The Administrator or the Secretary may,
3 whenever appropriate, utilize by agreement, the personnel,
4 services, and facilities of other Federal departments, agencies,
5 and instrumentalities, or State agencies or instrumentalities,
6 whether on a reimbursable or a nonreimbursable basis, in
7 carrying out his responsibilities under this title.

8 (b) The Administrator or the Secretary may delegate
9 responsibility and authority for reviewing and evaluating
10 permit applications, including the decision as to whether a
11 permit will be issued, to an officer of his agency, or he may
12 delegate, by agreement, such responsibility and authority
13 to the heads of other Federal departments or agencies,
14 whether on a reimbursable or nonreimbursable basis.

15 (c) The Secretary of the department in which the
16 Coast Guard is operating shall conduct surveillance and
17 other appropriate enforcement activity to prevent unlawful
18 transportation of material for dumping, or dumping.

REGULATIONS

19
20 Sec. 108. In carrying out the responsibilities and au-
21 thority conferred by this title, the Administrator and the
22 Secretary are authorized to issue such regulations as they
23 may deem appropriate.

INTERNATIONAL COOPERATION

24
25 Sec. 109. The Secretary of State, in consultation with
26 the Administrator, shall seek effective international action

1 and cooperation to insure protection of the marine environ-
2 ment, and may, for this purpose, formulate, present, or sup-
3 port specific proposals in the United Nations and other
4 competent international organizations for the development
5 of appropriate international rules and regulations in support
6 of the policy of this Act.

7 REPEAL OF OTHER LAWS

8 Sec. 110. (a) The second proviso to the last para-
9 graph of section 20 of the Act of March 3, 1899 (30 Stat.
10 1151), as amended (33 U.S.C. 418), is repealed.

11 (b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June
12 29, 1888 (25 Stat. 209), as amended (33 U.S.C. 441-
13 451b), are repealed.

14 (c) Section 2 of the Act of August 5, 1886 (24 Stat.
15 329) (33 U.S.C. 407a), is repealed.

16 EFFECTIVE DATE AND SAVING PROVISION

17 Sec. 111. (a) This title shall take effect six months
18 after enactment of this Act.

19 (b) No legal action begun, or right of action accrued,
20 prior to the effective date of this title shall be affected by
21 any provision of this title.

22 AUTHORIZATION FOR APPROPRIATIONS

23 Sec. 112. There are hereby authorized to be appropri-
24 ated, out of any moneys in the Treasury not otherwise ap-
25 propriated, such sums as may be necessary for the purposes
26 and administration of this title.

1 TITLE II—COMPREHENSIVE RESEARCH ON
2 OCEAN DUMPING

3 SEC. 201. (a) The Secretary of Commerce, in coordi-
4 nation with the Secretary of the Department in which the
5 Coast Guard is operating and with the Administrator shall,
6 within six months of the enactment of this Act, initiate a
7 comprehensive and continuing program of monitoring and
8 research regarding the effects of the dumping of material
9 pursuant to title I of this Act, and shall from time to time
10 report his findings (including an evaluation of the short-term
11 ecological effects and economic factors involved) to the
12 Congress.

13 (b) There are hereby authorized to be appropriated
14 for the first three fiscal years after date of enactment of this
15 Act, such sums as may be necessary to carry out this section,
16 but sums appropriated for any fiscal year shall not exceed
17 \$1,000,000.

18 SEC. 202. (a) The Director, National Science Founda-
19 tion, in consultation with other appropriate Federal depart-
20 ments, agencies, and instrumentalities shall, within six months
21 of the enactment of this Act, initiate a comprehensive and
22 continuing program of research with respect to the possible
23 long-range effects of pollution, overfishing, and man-induced
24 changes of ocean ecosystems. In carrying out such research,
25 the National Science Foundation shall take into account such

1 factors as existing and proposed international policies affect-
2 ing oceanic problems; economic considerations involved in
3 both the protection and the use of the oceans; possible alter-
4 natives to existing programs; and ways in which the health
5 of the oceans may best be preserved for the benefit of suc-
6 ceeding generations of mankind.

7 (b) In carrying out its responsibilities under this sec-
8 tion, and under the foreign policy guidance of the President
9 and pursuant to international agreements and treaties made
10 by the President with the advice and consent of the Senate,
11 the National Science Foundation may act alone or in con-
12 junction with any other nation or group of nations; and shall
13 make known the results of its activities by such channels of
14 communication as may appear appropriate.

15 (c) In January of each year, the National Science
16 Foundation shall report to the Congress on the results of
17 activities undertaken by it pursuant to this title during the
18 previous year.

19 (d) Each department, agency, and independent in-
20 strumentality of the Federal Government is authorized and
21 directed to cooperate with the National Science Foundation
22 in carrying out the purposes of this title and to the extent
23 permitted by law, to furnish such information as may be
24 requested.

25 (e) The National Science Foundation, in carrying out

1 its responsibilities under this title, shall, to the extent
 2 feasible, by contract or other agreement, utilize the person-
 3 nel, services, and facilities of other Federal departments,
 4 agencies, and instrumentalities.

5 (f) There are hereby authorized to the appropriated
 6 for the first three fiscal years after the date of enactment
 7 of this Act such sums as may be necessary to carry out this
 8 section, but the sum appropriated for any fiscal year shall
 9 not exceed \$1,000,000.

10 TITLE III—MARINE SANCTUARIES

11 SEC. 301. Notwithstanding the provisions of subsection
 12 (h) of section 3 of this Act, the term "Secretary", when
 13 used in this title, means Secretary of Commerce.

14 SEC. 302. (a) The Secretary, after consultation with
 15 the Secretaries of State, Defense, Interior, and Transporta-
 16 tion and the Administrator, may designate as marine sanc-
 17 tuaries those areas of the oceans, coastal, and other waters,
 18 as far seaward as the outer edge of the Continental Shelf,
 19 as defined in the Convention on the Continental Shelf (15
 20 U.S.T. 741; TIAS 5578), which he determines necessary
 21 for the purpose of preserving or restoring such areas for
 22 their conservation, recreational, ecological, or esthetic values.

23 (b) Prior to designating a marine sanctuary which in-
 24 cludes waters lying within the territorial limits of any State
 25 or superjacent to the subsoil and seabed within the seaward

1 boundary of a coastal State, as that boundary is defined in
2 section 2 of title 4 of the Act of May 22, 1953 (67 Stat.
3 29), the Secretary shall consult with, and give due con-
4 sideration to the views of, the responsible officials of the State
5 involved.

6 (c) When a marine sanctuary is designated, pursuant
7 to this section, which includes an area more than twelve
8 miles from the base line from which the breadth of the ter-
9 ritorial sea is measured, the Secretary of State shall take
10 action, as appropriate, to enter into agreements with other
11 Governments, in order to protect such sanctuary and pro-
12 mote the purposes for which it was established.

13 (d) The Secretary shall make his initial designation
14 under this section within two years following the date of
15 enactment of this title. Thereafter, he shall periodically des-
16 ignate such additional areas as he deems appropriate. The
17 Secretary shall submit a report annually to the Congress,
18 setting forth a comprehensive review of his actions under the
19 authority under this section, together with appropriate rec-
20 ommendations for legislation considered necessary for the
21 designation and protection of marine sanctuaries.

22 (e) Before a marine sanctuary is designated under this
23 section, the Secretary shall hold public hearings in the coastal
24 area which would be most directly affected by such designa-
25 tion, for the purpose of receiving and giving proper considera-

1 tion to the views of any interested party. Such hearings shall
2 be held no earlier than thirty days after the publication of a
3 public notice thereof.

4 (f) After a marine sanctuary has been designated under
5 this section, the Secretary shall issue necessary and reasonable
6 regulations to control any activities permitted within the des-
7 ignated marine sanctuary, and no permit, license, or other
8 authorization issued pursuant to any other authority shall be
9 valid unless the Secretary shall certify that the permitted
10 activity is consistent with the purposes of this title and can
11 be carried out without the regulations promulgated under this
12 section.

13 SEC. 303. (a) Whoever violates any regulation issued
14 pursuant to this title shall be liable to a civil penalty of
15 not more than \$50,000 for each such violation, to be as-
16 sessed by the Secretary. Each day of a continuing violation
17 shall constitute a separate violation.

18 (b) No penalty shall be assessed under this section
19 until the person charged has been given notice and an op-
20 portunity to be heard. Upon failure of the offending party
21 to pay an assessed penalty, the Attorney General, at the
22 request of the Secretary, shall commence action in the ap-
23 propriate district court of the United States to collect the
24 penalty and to seek such other relief as may be appropriate.

25 (c) A vessel used in the violation of a regulation

1 issued pursuant to this title shall be liable in rem for any
2 civil penalty assessed for such violation and may be pro-
3 ceeded against in any district court of the United States
4 having jurisdiction thereof.

5 (d) The district courts of the United States shall have
6 jurisdiction to restrain a violation of the regulations issued
7 pursuant to this title, and to grant such other relief as may
8 be appropriate. Actions shall be brought by the Attorney
9 General in the name of the United States, either on his own
10 initiative or at the request of the Secretary.

11 SEC. 304. There are hereby authorized to be appropri-
12 ated for the first three fiscal years after the date of enact-
13 ment of this Act such sums as may be necessary to carry
14 out the provisions of this title, including sums for the costs
15 of acquisition, development, and operation of marine sanctu-
16 aries designated under this title, but the sum appropriated
17 for any fiscal year shall not exceed \$10,000,000.

18 *That this Act may be cited as the "Marine Protection, Re-*
19 *search, and Sanctuaries Act of 1971".*

20 *FINDING, POLICY, AND PURPOSE*

21 SEC. 2. (a) *Unregulated dumping of material into the*
22 *oceans, coastal, and other waters endangers human health,*
23 *welfare, and amenities, and the marine environment, ecologi-*
24 *cal systems, and economic potentialities.*

25 (b) *The Congress declares that it is the policy of the*

1 *United States to regulate the dumping of all types of ma-*
2 *terial into the oceans, coastal, and other waters and to prevent*
3 *or strictly limit the dumping into the oceans, coastal, and*
4 *other waters of any material which could adversely affect*
5 *human health, welfare, or amenities, or the marine environ-*
6 *ment, ecological systems, or economic potentialities. To this*
7 *end, it is the purpose of this Act to regulate the transporta-*
8 *tion of material for dumping into the oceans, coastal, and*
9 *other waters, and the dumping of material by any person from*
10 *any source if the dumping occurs in waters over which the*
11 *United States has jurisdiction.*

12 *DEFINITIONS*

13 *SEC. 3. For the purposes of this Act the term—*

14 *(a) "Administrator" means the Administrator of the*
15 *Environmental Protection Agency.*

16 *(b) "Oceans, coastal, and other waters" means oceans,*
17 *gulfs, bays, salt water lagoons, salt water harbors, other*
18 *coastal waters where the tide ebbs and flows, the Great Lakes*
19 *and their connecting waters, and the Saint Lawrence River.*

20 *(c) "Material" means matter of any kind or description,*
21 *including, but not limited to, dredge spoil, solid waste, gar-*
22 *bage, sewage, sludge, munitions, radiological, chemical, and*
23 *biological warfare agents, radioactive materials, chemicals,*
24 *biological and laboratory waste, wrecked or discarded equip-*
25 *ment, rock, sand, excavation debris, and industrial waste; but*

1 such term does not mean oil within the meaning of section 11
2 of the Federal Water Pollution Control Act, as amended (33
3 U.S.C. 1161) and does not mean sewage from vessels within
4 the meaning of section 13 of such Act (33 U.S.C. 1163).

5 (d) "United States" includes the several States, the
6 District of Columbia, the Commonwealth of Puerto Rico,
7 the Canal Zone, the territories and possessions of the United
8 States, and the Trust Territory of the Pacific Islands.

9 (e) "Person" means any private person or entity, or
10 any officer, employee, agent, department, agency, or in-
11 strumentality of the Federal Government, of any State or
12 local unit of government, or of any foreign government.

13 (f) "Dumping" means a disposition of material: Pro-
14 vided, That it does not mean a disposition of any effluent
15 from any outfall structure where such disposition is regu-
16 lated under the provisions of the Federal Water Pollution
17 Control Act, as amended (33 U.S.C. 1151-1175), or under
18 the provisions of section 13 of the Rivers and Harbors
19 Act of 1899, as amended (33 U.S.C. 407), nor does it
20 mean a routine discharge of effluent incidental to the pro-
21 pulsion of, or operation of motor-driven equipment on, ves-
22 sels: Provided further, That it does not mean the construc-
23 tion of any fixed structure or artificial island nor the inten-
24 tional placement of any device in the oceans, coastal, and
25 other waters or on or in the submerged land beneath such

1 waters, for a purpose other than disposal, when such con-
2 struction or such placement is otherwise regulated by Fed-
3 eral or State law or occurs pursuant to an authorized Fed-
4 eral or State program: And provided further, That it does
5 not include the deposit of oyster shells or other materials
6 when such deposit is made for the purpose of developing,
7 maintaining, or harvesting fisheries resources and is other-
8 wise regulated by Federal or State law or occurs pursuant
9 to an authorized Federal or State program.

10 (g) "District court of the United States" includes the
11 District Court of Guam, the District Court of the Virgin
12 Islands, the District Court of Puerto Rico, the District
13 Court of the Canal Zone, and in the case of American
14 Samoa and the Trust Territory of the Pacific Islands, the
15 District Court of the United States for the District of Ha-
16 waii, which court shall have jurisdiction over actions aris-
17 ing therein.

18 (h) "Secretary" means the Secretary of the Army.

19 (i) "Dredged or fill material" means any material
20 excavated or dredged from the navigable waters of the
21 United States or any material deposited into such waters
22 for the purpose of bulkheading, or building up or extending
23 land areas.

24 (j) "High-level radioactive waste" means the aqueous
25 waste resulting from the operation of the first cycle solvent

1 *extraction system, or equivalent, and the concentrated waste*
2 *from subsequent extraction cycles, or equivalent, in a facility*
3 *for reprocessing irradiated reactor fuels, or irradiated fuel*
4 *from nuclear power reactors.*

5 *TITLE I—OCEAN DUMPING*

6 *PROHIBITED ACTS*

7 *SEC. 101. (a) No person shall transport any radio-*
8 *logical, chemical, or biological warfare agent or high-level*
9 *radioactive waste, or, except as may be authorized in a*
10 *permit issued under this title, any other material from the*
11 *United States for the purpose of dumping it into the oceans,*
12 *coastal, and other waters.*

13 *(b) No person shall dump any radiological, chemical,*
14 *or biological warfare agent or high-level radioactive waste,*
15 *or, except as may be authorized in a permit issued under*
16 *this title, any other material in (1) that part of the oceans,*
17 *coastal and other waters which is within the territorial juris-*
18 *isdiction of the United States, or (2) a zone contiguous to the*
19 *territorial sea of the United States, extending to a line twelve*
20 *nautical miles seaward from the base line from which the*
21 *breadth of the territorial sea is measured, to the extent that*
22 *it may affect the territorial sea or the territory of the United*
23 *States.*

24 *(c) No officer, employee, agent, department, agency,*
25 *or instrumentality of the United States shall transport any*

1 radiological, chemical, or biological warfare agent or high-
2 level radioactive waste, or, except as may be authorized in
3 a permit issued under this title, any other material from any
4 location outside the territory of the United States for the
5 purpose of dumping it into the oceans, coastal, and other
6 waters.

7 ENVIRONMENTAL PROTECTION AGENCY PERMITS

8 SEC. 102. (a) Except in relation to dredged or fill
9 material, as provided for in section 103 of this title, and in
10 relation to radiological, chemical, and biological warfare
11 agents and high-level radioactive waste, as provided for in
12 section 101 of this title, the Administrator may issue per-
13 mits, after notice and opportunity for public hearing, for the
14 transportation of material for dumping into the oceans,
15 coastal, and other waters, or for the dumping of material
16 into the waters described in section 101(b), where the
17 Administrator determines that such transportation, or dump-
18 ing, or both, will not unreasonably degrade or endanger
19 human health, welfare, or amenities, or the marine environ-
20 ment, ecological systems, or economic potentialities. The
21 Administrator shall establish and apply criteria for review-
22 ing and evaluating such permit applications, and, in estab-
23 lishing or revising such criteria, shall consider, but not be
24 limited in his consideration to, the following:

25 (A) The need for the proposed dumping.

1 (B) *The effect of such dumping on human health*
2 *and welfare, including economic, esthetic, and recrea-*
3 *tional values.*

4 (C) *The effect of such dumping on fisheries re-*
5 *sources.*

6 (D) *The effect of such dumping on marine eco-*
7 *systems, particularly with respect to—*

8 (i) *the transfer, concentration, and dispersion*
9 *of such material and its byproducts through bio-*
10 *logical, physical, and chemical pathways,*

11 (ii) *potential changes in marine ecosystem di-*
12 *versity and stability, and*

13 (iii) *species and community population dy-*
14 *namics.*

15 (E) *The persistence and permanence of the effects*
16 *of the dumping.*

17 (F) *The effect of dumping particular volumes and*
18 *concentrations of such materials.*

19 (G) *Appropriate locations and methods of disposal,*
20 *including land-based alternatives.*

21 *In establishing or revising such criteria, the Administrator*
22 *shall consult with the Secretaries of Commerce, Interior,*
23 *State, Defense, Agriculture, Health, Education, and Wel-*
24 *fare, and Transportation, the Atomic Energy Commission,*
25 *and other appropriate Federal, State, and local officials.*

1 *With respect to such criteria as may affect the civil works*
2 *program of the Department of the Army, the Administrator*
3 *shall also consult with the Secretary. In reviewing applica-*
4 *tions for permits, the Administrator shall make such pro-*
5 *vision for consultation with interested Federal and State*
6 *agencies as he deems useful or necessary. No permit shall be*
7 *issued for a dumping of material which will violate appli-*
8 *cable water quality standards.*

9 *(b) The Administrator may establish and issue various*
10 *categories of permits, including the general permits described*
11 *in section 104(c).*

12 *(c) The Administrator may, considering the criteria*
13 *established pursuant to subsection (a) of this section, desig-*
14 *nate recommended sites or times for dumping and, when he*
15 *finds it necessary to protect critical areas, shall, after consul-*
16 *tation with the Secretary, also designate sites or times within*
17 *which certain materials may not be dumped.*

18 CORPS OF ENGINEERS PERMITS

19 *SEC. 103. (a) The Secretary may issue permits, after*
20 *notice and opportunity for public hearing, for the transpor-*
21 *tation of dredged or fill material for dumping into the oceans,*
22 *coastal, and other waters, or for the dumping of dredged or*
23 *fill materials into the waters described in section 101(b), or*
24 *both, where the Secretary determines that such transporta-*
25 *tion, or dumping, or both, will not unreasonably degrade or*

1 *endanger human health, welfare, or amenities, or the ma-*
2 *rine environment, ecological systems, or economic poten-*
3 *tialities.*

4 *(b) In making the determination required by subsec-*
5 *tion (a) of this section as to whether a permit may be issued,*
6 *the Secretary shall apply the criteria established by the Ad-*
7 *ministrator pursuant to section 102, together with an evalua-*
8 *tion by the Secretary of the effect on navigation, economic and*
9 *industrial development, and foreign and domestic commerce*
10 *of the United States: Provided, That in applying the criteria*
11 *established by the Administrator, the Secretary shall consult*
12 *with the Administrator and shall give due consideration to*
13 *the views and recommendations of the Administrator in that*
14 *regard and also in regard to the designations of the Adminis-*
15 *trator of recommended sites or times for dumping: Provided*
16 *further, That the Secretary may issue no permit for dumping*
17 *which would violate the designation of the Administrator,*
18 *found necessary to protect critical areas, of a site within which*
19 *certain material may not be dumped: And provided further,*
20 *That in regard to the designation of recommended sites or sites*
21 *where certain material may not be dumped, the Secretary,*
22 *after consultation with the Administrator, need not follow the*
23 *designation of the Administrator where the Secretary certi-*
24 *fies that there is no economically feasible alternative reason-*
25 *ably available.*

1 (c) Notwithstanding any other provision of this title,
2 the Administrator or the Secretary, as the case may be, may
3 issue general permits for the transportation for dumping, or
4 dumping, or both, of specified material for which he may issue
5 permits, which he determines will have a minimal adverse
6 environmental impact.

7 (d) The Administrator or the Secretary, as the case may
8 be, may limit or deny the issuance of permits, or may alter or
9 revoke partially or entirely the terms of permits issued by him
10 under this title, for the transportation for dumping, or the
11 dumping, or both, of specified material, where he finds that
12 such material cannot be dumped consistently with the criteria
13 and other factors required to be applied in evaluating the
14 permit application. No action shall be taken under this sub-
15 section unless the affected person or permittee shall have been
16 given notice and opportunity for hearing on such action as
17 proposed.

18 (e) The Administrator or the Secretary, as the case
19 may be, shall require an applicant for a permit under this
20 title to provide such information as he may consider neces-
21 sary to review and evaluate such application.

22 (f) Information received by the Administrator or the
23 Secretary, as the case may be, as a part of any application
24 or in connection with any permit granted under this title shall
25 be available to the public as a matter of public record, at every

1 stage of the proceeding. The final determination of the Ad-
2 ministrator or the Secretary, as the case may be, shall be
3 likewise available.

4 (g) A copy of any permit issued under this title shall
5 be placed in a conspicuous place in the vessel which will be
6 used for the transportation or dumping authorized by such
7 permit, and an additional copy shall be furnished by the
8 issuing official to the Secretary of the department in which
9 the Coast Guard is operating, or his designee.

10 PENALTIES

11 SEC. 105. (a) Any person who violates any provision
12 of this title, or of the regulations promulgated under this
13 title, or a permit issued under this title shall be liable to a
14 civil penalty of not more than \$50,000 for each violation
15 to be assessed by the Administrator. No penalty shall be
16 assessed until the person charged shall have been given
17 notice and an opportunity for a hearing on such violation.
18 In determining the amount of the penalty, the gravity of
19 the violation and the demonstrated good faith of the person
20 charged in attempting to achieve rapid compliance after
21 notification of a violation shall be considered by said Ad-
22 ministrator. For good cause shown, the Administrator may
23 remit or mitigate such penalty. Upon failure of the offend-
24 ing party to pay the penalty, the Administrator may re-
25 quest the Attorney General to commence an action in the

1 appropriate district court of the United States for such re-
2 lief as may be appropriate.

3 (b) In addition to any action which may be brought
4 under subsection (a) of this section, a person who know-
5 ingly violates this title, regulations promulgated under this
6 title, or a permit issued under this title shall be fined not
7 more than \$50,000 or imprisoned for not more than one year,
8 or both, one-half of said fine, but not to exceed \$2,500, to be
9 paid to the person or persons giving information which shall
10 lead to conviction.

11 (c) For the purpose of imposing civil penalties and
12 criminal fines under this section, each day of a continuing
13 violation shall constitute a separate offense as shall the dump-
14 ing from each of several vessels, or other sources.

15 (d) The Attorney General or his delegate may bring
16 actions for equitable relief to enjoin an imminent or contin-
17 uing violation of this title, of regulations promulgated under
18 this title, or of permits issued under this title, and the district
19 courts of the United States shall have jurisdiction to grant
20 such relief as the equities of the case may require.

21 (e) A vessel, except a public vessel within the meaning
22 of section 13 of the Federal Water Pollution Control Act,
23 as amended (33 U.S.C. 1163), used in a violation, shall
24 be liable in rem for any civil penalty assessed or criminal
25 fine imposed and may be proceeded against in any district

1 court of the United States having jurisdiction thereof; but
2 no vessel shall be liable unless it shall appear that one or
3 more of the owners, or bareboat charterers, was at the time
4 of the violation a consenting party or privy to such violation.

5 (f) If the provisions of any permit issued under section
6 102 or 103 are violated, the Administrator or the Secretary,
7 as the case may be, may revoke the permit or may suspend the
8 permit for a specified period of time. No permit shall be re-
9 voked or suspended unless the permittee shall have been
10 given notice and opportunity for a hearing on such violation
11 and proposed suspension or revocation.

12 (g) (1) Except as provided in paragraph (2) of this
13 subsection any person may commence a civil suit on his own
14 behalf to enjoin any person, including the United States and
15 any other governmental instrumentality or agency (to the
16 extent permitted by the eleventh amendment to the Constitu-
17 tion), who is alleged to be in violation of any prohibition, lim-
18 itation, criterion, or permit, established or issued by or under
19 this title. The district courts shall have jurisdiction, without
20 regard to the amount in controversy or the citizenship of the
21 parties, to enforce such prohibition, limitation, criterion, or
22 permit, as the case may be.

23 (2) No action may be commenced—

24 (A) prior to sixty days after notice of the viola-
25 tion has been given to the Administrator or to the Sec-

1 retary, and to any alleged violator of the prohibition, lim-
2 itation, criterion, or permit; or

3 (B) if the Attorney General has commenced and is
4 diligently prosecuting a civil action in a court of the
5 United States to require compliance with the prohibition,
6 limitation, criterion, or permit; or

7 (C) if the Administrator or the Secretary has com-
8 menced action to impose a penalty pursuant to sub-
9 section (a) of this section, or has initiated permit
10 revocation or suspension proceedings under subsection
11 (f) of this section; or

12 (D) if the United States has commenced and is
13 diligently prosecuting a criminal action in a court of
14 the United States or a State to redress a violation
15 of this title.

16 (3)(A) Any suit under this subsection may be
17 brought in the judicial district in which the violation occurs.

18 (B) In any such suit under this subsection in which
19 the United States is not a party, the Attorney General,
20 at the request of the Administrator or Secretary, may inter-
21 vene on behalf of the United States as a matter of right.

22 (4) The court, in issuing any final order in any suit
23 brought pursuant to paragraph (1) of this subsection may
24 award costs of litigation (including reasonable attorney and

1 expert witness fees) to any party, whenever the court deter-
2 mines such award is appropriate.

3 (5) The injunctive relief provided by this subsection
4 shall not restrict any right which any person (or class of
5 persons) may have under any statute or common law to
6 seek enforcement of any standard or limitation or to seek
7 any other relief (including relief against the Administrator,
8 the Secretary, or a State agency).

9 (h) No person shall be subject to a civil penalty or
10 to a criminal fine or imprisonment for dumping materials
11 from a vessel if necessary in an emergency, to safeguard
12 life. Any such dumping shall be reported to the Admin-
13 istrator under such conditions as he may prescribe.

14 RELATIONSHIP TO OTHER LAWS

15 SEC. 106. (a) After the effective date of this title, all
16 licenses, permits, and authorizations other than those issued
17 pursuant to this title shall be void and of no legal effect,
18 to the extent that they purport to authorize any activity
19 regulated by this title, and whether issued before or after
20 the effective date of this title.

21 (b) The provisions of subsection (a) shall not apply
22 to actions taken before the effective date of this title under
23 the authority of the Rivers and Harbors Act of 1899 (30
24 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

25 (c) Prior to issuing any permit under this title, if

1 *it appears to the Administrator that the disposition of the*
2 *material, other than dredged or fill material, to be trans-*
3 *ported for dumping or to be dumped may affect navigation*
4 *in the navigable waters of the United States or may create*
5 *an artificial island on the Outer Continental Shelf, the Ad-*
6 *ministrator shall consult with the Secretary and no permit*
7 *shall be issued if the Secretary determines that navigation*
8 *will be unreasonably impaired.*

9 *(d) After the effective date of this title, no State shall*
10 *adopt or enforce any rule or regulation relating to any activ-*
11 *ity regulated by this title. Any State may, however, propose to*
12 *the Administrator criteria relating to the dumping of mate-*
13 *rials into the waters described in subsection 101(b) which*
14 *might affect waters within the jurisdiction of such State and,*
15 *if the Administrator determines, after notice and opportunity*
16 *for hearing, that the proposed criteria are not inconsistent*
17 *with the purposes of this title, he may adopt those criteria and*
18 *may issue regulations to implement such criteria. Such deter-*
19 *mination shall be made by the Administrator within one hun-*
20 *dred and twenty days of receipt of the proposed criteria. For*
21 *the purposes of this subsection, the term "State" means any*
22 *State, interstate, or regional authority, Federal territory or*
23 *Commonwealth, or the District of Columbia.*

24 *(e) Nothing in this title shall be deemed to affect in*
25 *any manner or to any extent any provision of the Fish and*

1 *Wildlife Coordination Act as amended (16 U.S.C. 661-*
2 *666c).*

3 **ENFORCEMENT**

4 *SEC. 107. (a) The Administrator or the Secretary, as*
5 *the case may be, may, whenever appropriate, utilize by agree-*
6 *ment, the personnel, services, and facilities of other Federal*
7 *departments, agencies, and instrumentalities, or State agencies*
8 *or instrumentalities, whether on a reimbursable or a nonre-*
9 *imbursable basis, in carrying out his responsibilities under this*
10 *title.*

11 *(b) The Administrator or the Secretary may delegate*
12 *responsibility and authority for reviewing and evaluating*
13 *permit applications, including the decision as to whether a*
14 *permit will be issued, to an officer of his agency, or he may*
15 *delegate, by agreement, such responsibility and authority to*
16 *the heads of other Federal departments or agencies, whether*
17 *on a reimbursable or nonreimbursable basis.*

18 *(c) The Secretary of the department in which the Coast*
19 *Guard is operating shall conduct surveillance and other*
20 *appropriate enforcement activity to prevent unlawful trans-*
21 *portation of material for dumping, or unlawful dumping.*

22 **REGULATIONS**

23 *SEC. 108. In carrying out the responsibilities and au-*
24 *thority conferred by this title, the Administrator and the*

1 *Secretary are authorized to issue such regulations as they*
2 *may deem appropriate.*

3 *INTERNATIONAL COOPERATION*

4 *SEC. 109. The Secretary of State, in consultation with*
5 *the Administrator, shall seek effective international action*
6 *and cooperation to insure protection of the marine environ-*
7 *ment, and may, for this purpose, formulate, present, or sup-*
8 *port specific proposals in the United Nations and other*
9 *competent international organizations for the development*
10 *of appropriate international rules and regulations in support*
11 *of the policy of this Act.*

12 *REPEAL OF OTHER LAWS*

13 *SEC. 110. (a) The second proviso to the last para-*
14 *graph of section 20 of the Act of March 3, 1899 (30 Stat.*
15 *1154), as amended (33 U.S.C. 418), is repealed.*

16 *(b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June*
17 *29, 1888 (25 Stat. 209), as amended (33 U.S.C. 441-*
18 *451b), are repealed.*

19 *(c) Section 2 of the Act of August 5, 1886 (24 Stat.*
20 *329) (33 U.S.C. 407a), is repealed.*

21 *EFFECTIVE DATE AND SAVINGS PROVISION*

22 *SEC. 111. (a) This title shall take effect six months*
23 *after the date of the enactment of this Act.*

24 *(b) No legal action begun, or right of action accrued,*

1 *prior to the effective date of this title shall be affected by*
2 *any provision of this title.*

3 *AUTHORIZATION FOR APPROPRIATIONS*

4 *SEC. 112. There are hereby authorized to be appropri-*
5 *ated, out of any moneys in the Treasury not otherwise ap-*
6 *propriated, such sums as may be necessary for the purposes*
7 *and administration of this title.*

8 *TITLE II—COMPREHENSIVE RESEARCH ON*
9 *OCEAN DUMPING*

10 *SEC. 201. (a) The Secretary of Commerce, in coordi-*
11 *nation with the Secretary of the Department in which the*
12 *Coast Guard is operating and with the Administrator shall,*
13 *within six months of the enactment of this Act, initiate a*
14 *comprehensive and continuing program of monitoring and*
15 *research regarding the effects of the dumping of material*
16 *pursuant to title I of this Act, and shall from time to time*
17 *report his findings (including an evaluation of the short-term*
18 *ecological effects and economic factors involved) to the*
19 *Congress.*

20 *(b) There are authorized to be appropriated for the*
21 *fiscal year in which this Act is enacted and for the next two*
22 *fiscal years thereafter such sums as may be necessary to carry*
23 *out this section, but the sums appropriated for any such fiscal*
24 *year may not exceed \$1,000,000.*

25 *SEC. 202. (a) The Director, National Science Founda-*

1 *tion, in consultation with other appropriate Federal depart-*
2 *ments, agencies, and instrumentalities shall, within six months*
3 *of the enactment of this Act, initiate a comprehensive and*
4 *continuing program of research with respect to the possible*
5 *long-range effects of pollution, overfishing, and man-induced*
6 *changes of ocean ecosystems. In carrying out such research,*
7 *the National Science Foundation shall take into account such*
8 *factors as existing and proposed international policies affect-*
9 *ing oceanic problems, economic considerations involved in*
10 *both the protection and the use of the oceans, possible alterna-*
11 *tives to existing programs, and ways in which the health of*
12 *the oceans may best be preserved for the benefit of succeeding*
13 *generations of mankind.*

14 *(b) In carrying out its responsibilities under this sec-*
15 *tion, the National Science Foundation, under the foreign*
16 *policy guidance of the President and pursuant to inter-*
17 *national agreements and treaties made by the President with*
18 *the advice and consent of the Senate, may act alone or in*
19 *conjunction with any other nation or group of nations, and*
20 *shall make known the results of its activities by such channels*
21 *of communication as may appear appropriate.*

22 *(c) In January of each year, the National Science*
23 *Foundation shall report to the Congress on the results of*
24 *activities undertaken by it pursuant to this title during the*
25 *previous year.*

1 (d) Each department, agency, and independent in-
2 strumentality of the Federal Government is authorized and
3 directed to cooperate with the National Science Foundation
4 in carrying out the purposes of this title and, to the extent
5 permitted by law, to furnish such information as may be
6 requested.

7 (e) The National Science Foundation, in carrying out
8 its responsibilities under this title, shall, to the extent feasible,
9 by contract or other agreement, utilize the personnel, services,
10 and facilities of other Federal departments, agencies, and
11 instrumentalities.

12 (f) There are authorized to be appropriated for the fis-
13 cal year in which this Act is enacted and for the next two
14 fiscal years thereafter such sums as may be necessary to carry
15 out this section, but the sums appropriated for any such fiscal
16 year may not exceed \$1,000,000.

17 **TITLE III—MARINE SANCTUARIES**

18 **SEC. 301.** Notwithstanding the provisions of subsection
19 (h) of section 3 of this Act, the term "Secretary", when
20 used in this title, means Secretary of Commerce.

21 **SEC. 302.** (a) The Secretary, after consultation with
22 the Secretaries of State, Defense, Interior, and Transporta-
23 tion and the Administrator, may designate as marine sanc-
24 tuaries those areas of the oceans, coastal, and other waters,
25 as far seaward as the outer edge of the Continental Shelf,

1 as defined in the Convention on the Continental Shelf (15
2 U.S.T. 741; TIAS 5578), which he determines necessary
3 for the purpose of preserving or restoring such areas for
4 their conservation, recreational, ecological, or esthetic values.

5 (b) Prior to designating a marine sanctuary which in-
6 cludes waters lying within the territorial limits of any State
7 or superjacent to the subsoil and seabed within the seaward
8 boundary of a coastal State, as that boundary is defined in
9 section 2 of title I of the Act of May 22, 1953 (67 Stat.
10 29), the Secretary shall consult with, and give due con-
11 sideration to the views of, the responsible officials of the State
12 involved. As to such waters, a designation under this section
13 shall become effective sixty days after it is published, unless
14 the Governor of any State involved shall, before the expira-
15 tion of the sixty-day period, certify to the Secretary that the
16 designation, or a specified portion thereof, is unacceptable to
17 his State, in which case the designated sanctuary shall not
18 include the area certified as unacceptable until such time as
19 the Governor withdraws his certification of unacceptability.

20 (c) When a marine sanctuary is designated, pursuant
21 to this section, which includes an area more than twelve
22 miles from the baseline from which the breadth of the ter-
23 ritorial sea is measured, the Secretary of State shall take
24 action, as appropriate, to enter into agreements with other

1 *Governments, in order to protect such sanctuary and pro-*
2 *mote the purposes for which it was established.*

3 *(d) The Secretary shall make his initial designation*
4 *under this section within two years following the date of*
5 *enactment of this title. Thereafter, he shall periodically des-*
6 *ignate such additional areas as he deems appropriate. The*
7 *Secretary shall submit a report annually to the Congress,*
8 *setting forth a comprehensive review of his actions under the*
9 *authority under this section, together with appropriate rec-*
10 *ommendations for legislation considered necessary for the*
11 *designation and protection of marine sanctuaries.*

12 *(e) Before a marine sanctuary is designated under this*
13 *section, the Secretary shall hold public hearings in the coastal*
14 *area which would be most directly affected by such designa-*
15 *tion, for the purpose of receiving and giving proper considera-*
16 *tion to the views of any interested party. Such hearings shall*
17 *be held no earlier than thirty days after the publication of a*
18 *public notice thereof.*

19 *(f) After a marine sanctuary has been designated under*
20 *this section, the Secretary shall issue necessary and reasonable*
21 *regulations to control any activities permitted within the des-*
22 *ignated marine sanctuary, and no permit, license, or other*
23 *authorization issued pursuant to any other authority shall be*
24 *valid unless the Secretary shall certify that the permitted*
25 *activity is consistent with the purposes of this title and can*

1 *be carried out without the regulations promulgated under this*
2 *section.*

3 *SEC. 303. (a) Whoever violates any regulation issued*
4 *pursuant to this title shall be liable to a civil penalty of*
5 *not more than \$50,000 for each such violation, to be as-*
6 *essed by the Secretary. Each day of a continuing violation*
7 *shall constitute a separate violation.*

8 *(b) No penalty shall be assessed under this section*
9 *until the person charged has been given notice and an op-*
10 *portunity to be heard. Upon failure of the offending party*
11 *to pay an assessed penalty, the Attorney General, at the*
12 *request of the Secretary, shall commence action in the ap-*
13 *propriate district court of the United States to collect the*
14 *penalty and to seek such other relief as may be appropriate.*

15 *(c) A vessel used in the violation of a regulation*
16 *issued pursuant to this title shall be liable in rem for any*
17 *civil penalty assessed for such violation and may be pro-*
18 *ceeded against in any district court of the United States*
19 *having jurisdiction thereof.*

20 *(d) The district courts of the United States shall have*
21 *jurisdiction to restrain a violation of the regulations issued*
22 *pursuant to this title, and to grant such other relief as may*
23 *be appropriate. Actions shall be brought by the Attorney*
24 *General in the name of the United States, either on his own*
25 *initiative or at the request of the Secretary.*

1 *SEC. 304. There are authorized to be appropriated for*
2 *the fiscal year in which this Act is enacted and for the next*
3 *two fiscal years thereafter such sums as may be necessary*
4 *to carry out the provisions of this title, including sums for*
5 *the costs of acquisition, development, and operation of marine*
6 *sanctuaries designated under this title, but the sums appro-*
7 *priated for any such fiscal year shall not exceed \$10,000,000.*

5

Union Calendar No. 157

92ND CONGRESS
1ST SESSION

H. R. 9727

[Report No. 92-361]

A BILL

To regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

By Mr. GARNATZ, Mr. PERRY, Mr. DISSEL, Mr. MOSHER, Mr. LENNON, Mr. KERR, Mr. ROGERS, Mr. GOODLING, Mr. KAYE, Mr. McCLOSKEY, Mr. CLARK, Mr. MAHLBARD, Mr. BINGEL, Mr. RUPPE, Mr. ANDERSON of California, Mr. GIFFEN, Mr. FOSYTH, Mr. DELA GARZA, Mr. DE POSE, Mr. KYROS, Mr. MILLS of Maryland, Mr. TRIVAN, Mr. BYRNE of Pennsylvania, Mr. ASHLEY, and Mr. MURPHY of New York

JULY 12, 1971

Referred to the Committee on Merchant Marine and Fisheries

JULY 17, 1971

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed