



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

11 DEFINITIONS

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

13 (a) “Administrator” means the Administrator of the  
14 Environmental Protection Agency.

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

19 (c) “Material” means matter of any kind or description,  
20 including, but not limited to, dredge spoil, solid waste, gar-  
21 bage, sewage, sludge, munitions, radiological, chemical, and  
22 biological warfare agents, radioactive materials, chemicals,  
23 biological and laboratory waste, wrecked or discarded equip-  
24 ment, rock, sand, excavation debris, and industrial waste; but  
25 such term does not mean oil within the meaning of section 11

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

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

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

12 (f) "Dumping" means a disposition of material: *Pro-*  
13 *vided*, That it does not mean a disposition of any effluent  
14 from any outfall structure where such disposition is regulated  
15 under the provisions of the Federal Water Pollution Control  
16 Act, as amended (33 U.S.C. 1151-1175), or under the pro-  
17 visions of section 13 of the Rivers and Harbors Act of 1899,  
18 as amended (33 U.S.C. 407), nor does it mean a routine dis-  
19 charge of effluent incidental to the propulsion of, or operation  
20 of motor-driven equipment on, vessels: *Provided further*,  
21 That it does not mean the construction of any fixed structure  
22 or artificial island nor the intentional placement of any device  
23 in the oceans, coastal, and other waters or on or in the sub-  
24 merged land beneath such waters, for a purpose other than  
25 disposal, when such construction or such placement is other-

1 wise regulated by Federal or State law or occurs pursuant to  
2 an authorized Federal or State program: *And provided fur-*  
3 *ther*, That it does not include the deposit of oyster shells or  
4 other materials when such deposit is made for the purpose of  
5 developing, maintaining, or harvesting fisheries resources and  
6 is otherwise regulated by Federal or State law or occurs pur-  
7 suant to an authorized Federal or State program.

8 (g) "District court of the United States" includes the  
9 District Court of Guam, the District Court of the Virgin  
10 Islands, the District Court of Puerto Rico, the District  
11 Court of the Canal Zone, and in the case of American Samoa  
12 and the Trust Territory of the Pacific Islands, the District  
13 Court of the United States for the District of Hawaii, which  
14 court shall have jurisdiction over actions arising therein.

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

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

21 (j) "High-level radioactive waste" means the aqueous  
22 waste resulting from the operation of the first cycle solvent  
23 extraction system, or equivalent, and the concentrated waste  
24 from subsequent extraction cycles, or equivalent, in a facility

1 for reprocessing irradiated reactor fuels, or irradiated fuel  
2 from nuclear power reactors.

3 TITLE I—OCEAN DUMPING

4 PROHIBITED ACTS

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

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

22 (c) No officer, employee, agent, department, agency, or  
23 instrumentality of the United States shall transport any  
24 radiological, chemical, or biological warfare agent or high-

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

6 ENVIRONMENTAL PROTECTION AGENCY PERMITS

7 SEC. 102. (a) Except in relation to dredged or fill mate-  
8 rial, as provided for in section 103 of this title, and in relation  
9 to radiological, chemical, and biological warfare agents and  
10 high-level radioactive waste, as provided for in section 101  
11 of this title, the Administrator may issue permits, after notice  
12 and opportunity for public hearing, for the transportation of  
13 material for dumping into the oceans, coastal, and other  
14 waters, or for the dumping of material into the waters de-  
15 scribed in section 101 (b), where the Administrator deter-  
16 mines that such transportation, or dumping, or both, will not  
17 unreasonably degrade or endanger human health, welfare, or  
18 amenities, or the marine environment, ecological systems, or  
19 economic potentialities. The Administrator shall establish and  
20 apply criteria for reviewing and evaluating such permit appli-  
21 cations, and, in establishing or revising such criteria, shall  
22 consider, but not be limited in his consideration to, the  
23 following:

- 24 (A) The need for the proposed dumping.  
25 (B) The effect of such dumping on human health

1 and welfare, including economic, esthetic, and recrea-  
2 tional values.

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

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

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

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

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

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

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

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

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

1 criteria as may affect the civil works program of the Depart-  
2 ment of the Army, the Administrator shall also consult with  
3 the Secretary. In reviewing applications for permits, the  
4 Administrator shall make such provision for consultation  
5 with interested Federal and State agencies as he deems use-  
6 ful or necessary. No permit shall be issued for a dumping  
7 of material which will violate applicable water quality  
8 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 trans-  
21 portation of dredged or fill material for dumping into the  
22 oceans, coastal, and other waters, or for the dumping of  
23 dredged or fill materials into the waters described in sec-  
24 tion 101 (b), or both, where the Secretary determines that  
25 such transportation, or dumping, or both, will not unrea-

1 sonably degrade or endanger human health, welfare, or  
2 amenities, or the marine environment, ecological systems,  
3 or economic potentialities.

4 (b) In making the determination required by subsec-  
5 tion (a) of this section as to whether a permit may be  
6 issued, the Secretary shall apply the criteria established by  
7 the Administrator pursuant to section 102, together with  
8 an evaluation by the Secretary of the effect on navigation,  
9 economic and industrial development, and foreign and do-  
10 mestic commerce of the United States: *Provided*, That in  
11 applying the criteria established by the Administrator, the  
12 Secretary shall consult with the Administrator and shall  
13 give due consideration to the views and recommendations  
14 of the Administrator in that regard and also in regard to  
15 the designations of the Administrator of recommended sites,  
16 or times for dumping: *Provided further*, That the Secre-  
17 tary may issue no permit for dumping which would violate  
18 the designation of the Administrator, found necessary to  
19 protect critical areas, of a site within which certain material  
20 may not be dumped: *And provided further*, That in regard  
21 to the designation of recommended sites or sites where cer-  
22 tain material may not be dumped, the Secretary, after con-  
23 sultation with the Administrator, need not follow the desig-  
24 nation of the Administrator where the Secretary certifies

1 that there is no economically feasible alternative reasonably  
2 available.

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

10 PERMIT CONDITIONS

11 SEC. 104. (a) Permits issued under this title shall des-  
12 ignate and include (1) the type of material authorized to  
13 be transported for dumping or to be dumped; (2) the  
14 amount of material authorized to be transported for dump-  
15 ing or to be dumped; (3) the location where such trans-  
16 port for dumping will be terminated or where such dump-  
17 ing will occur; (4) the length of time for which the permits  
18 are valid and their expiration date; (5) any special provi-  
19 sions deemed necessary by the Administrator or the Secre-  
20 tary, as the case may be, for the monitoring and surveillance  
21 of the transportation or dumping; and (6) such other mat-  
22 ters as the Administrator or the Secretary, as the case may  
23 be, deems appropriate.

24 (b) The Administrator or the Secretary, as the case  
25 may be, may prescribe such processing fees for permits and

1 such reporting requirements for actions taken pursuant to  
2 permits issued by him under this title as he deems appropriate.

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

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

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

24 (f) Information received by the Administrator or the  
25 Secretary, as the case may be, as a part of any application

1 or in connection with any permit granted under this title shall  
2 be available to the public as a matter of public record, at every  
3 stage of the proceeding. The final determination of the Ad-  
4 ministrator or the Secretary, as the case may be, shall be  
5 likewise available.

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

#### 12 PENALTIES

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

1 ing party to pay the penalty, the Administrator may re-  
2 quest the Attorney General to commence an action in the  
3 appropriate district court of the United States for such re-  
4 lief as may be appropriate.

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

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

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

23 (e) A vessel, except a public vessel within the meaning  
24 of section 13 of the Federal Water Pollution Control Act,

1 as amended (33 U.S.C. 1163), used in a violation, shall  
2 be liable in rem for any civil penalty assessed or criminal  
3 fine imposed and may be proceeded against in any district  
4 court of the United States having jurisdiction thereof; but  
5 no vessel shall be liable unless it shall appear that one or  
6 more of the owner or bareboat charterers, was at the time  
7 of the violation a consenting party or privy to such violation.

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

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

1 (2) No action may be commenced—

2 (A) prior to sixty days after notice of the viola-  
3 tion has been given to the Administrator or to the Sec-  
4 retary, and to any alleged violator of the prohibition,  
5 limitation, criterion, or permit; or

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

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

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

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

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

25 (4) The court, in issuing any final order in any suit

1 brought pursuant to paragraph (1) of this subsection may  
2 award costs of litigation (including reasonable attorney and  
3 expert witness fees) to any party, whenever the court deter-  
4 mines such award is appropriate.

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

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

#### 16 RELATIONSHIP TO OTHER LAWS

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

23 (b) The provisions of subsection (a) shall not apply  
24 to actions taken before the effective date of this title under

1 the authority of the Rivers and Harbors Act of 1899 (30  
2 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

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

12 (d) Nothing in this Act shall be construed as pre-  
13 empting any State, Federal territory or Commonwealth, or  
14 subdivision thereof from imposing any requirement or  
15 liability.

16 (e) Nothing in this title shall be deemed to affect in  
17 any manner or to any extent any provision of the Fish and  
18 Wildlife Coordination Act as amended (16 U.S.C. 661-  
19 666c).

#### 20 ENFORCEMENT

21 SEC. 107. (a) The Administrator or the Secretary, as  
22 the case may be, may, whenever appropriate, utilize by  
23 agreement, the personnel, services, and facilities of other  
24 Federal departments, agencies, and instrumentalities, or State

1 agencies or instrumentalities, whether on a reimbursable or a  
2 nonreimbursable basis, in carrying out his responsibilities  
3 under this title.

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

11 (c) The Secretary of the department in which the Coast  
12 Guard is operating shall conduct surveillance and other  
13 appropriate enforcement activity to prevent unlawful trans-  
14 portation of material for dumping, or unlawful dumping.

#### 15 REGULATIONS

16 SEC. 108. In carrying out the responsibilities and au-  
17 thority conferred by this title, the Administrator and the  
18 Secretary are authorized to issue such regulations as they  
19 may deem appropriate.

#### 20 INTERNATIONAL COOPERATION

21 SEC. 109. The Secretary of State, in consultation with  
22 the Administrator, shall seek effective international action  
23 and cooperation to insure protection of the marine environ-  
24 ment, and may, for this purpose, formulate, present, or sup-

1 port specific proposals in the United Nations and other  
2 competent international organizations for the development  
3 of appropriate international rules and regulations in support  
4 of the policy of this Act.

5 REPEAL OF OTHER LAWS

6 SEC. 110. (a) The second proviso to the last para-  
7 graph of section 20 of the Act of March 3, 1899 (30 Stat.  
8 1154), as amended (33 U.S.C. 418), is repealed.

9 (b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June  
10 29, 1888 (25 Stat. 209), as amended (33 U.S.C. 441-  
11 451b), are repealed.

12 (c) Section 2 of the Act of August 5, 1886 (24 Stat.  
13 329) (33 U.S.C. 407a), is repealed.

14 EFFECTIVE DATE AND SAVINGS PROVISION

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

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

20 AUTHORIZATION FOR APPROPRIATIONS

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

25

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 authorized to be appropriated for the  
14 fiscal year in which this Act is enacted and for the next two  
15 fiscal years thereafter such sums as may be necessary to carry  
16 out this section, but the sums appropriated for any such fiscal  
17 year may not exceed \$1,000,000.

18 SEC. 202. (a) The Secretary of Commerce, in con-  
19 sultation with other appropriate Federal departments, agen-  
20 cies, and instrumentalities shall, within six months of the  
21 enactment of this Act, initiate a comprehensive and con-  
22 tinuing 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 Secretary of Commerce 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 his responsibilities under this sec-  
8 tion, the Secretary of Commerce, under the foreign policy  
9 guidance of the President and pursuant to international  
10 agreements and treaties made by the President with the  
11 advice and consent of the Senate, may act alone or in con-  
12 junction with any other nation or group of nations, and shall  
13 make known the results of his activities by such channels  
14 of communication as may appear appropriate.

15 (c) In January of each year, the Secretary of Com-  
16 merce shall report to the Congress on the results of activities  
17 undertaken by him pursuant to this section during the  
18 previous year.

19 (d) Each department, agency, and independent instru-  
20 mentality of the Federal Government is authorized and di-  
21 rected to cooperate with the Secretary of Commerce in carry-  
22 ing out the purposes of this section and, to the extent per-  
23 mitted by law, to furnish such information as may be  
24 requested.

25 (e) The Secretary of Commerce, in carrying out his re-

1 responsibilities under this section, shall, to the extent feasible,  
2 by contract or other agreement, utilize the personnel, serv-  
3 ices, and facilities of other Federal departments, agencies,  
4 and instrumentalities.

5 (f) There are authorized to be appropriated for the fiscal  
6 year in which this Act is enacted and for the next two fiscal  
7 years thereafter such sums as may be necessary to carry out  
8 this section, but the sums appropriated for any such fiscal  
9 year may 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 used  
13 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 sanctu-  
17 aries those areas of the oceans, coastal, and other waters, as  
18 far seaward as the outer edge of the Continental Shelf, as  
19 defined in the Convention on the Continental Shelf (15  
20 U.S.T. 711; TIAS 5,778), 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 I 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. As to such waters, a designation under this section  
6 shall become effective sixty days after it is published, unless  
7 the Governor of any State involved shall, before the expira-  
8 tion of the sixty-day period, certify to the Secretary that the  
9 designation, or a specified portion thereof, is unacceptable to  
10 his State, in which case the designated sanctuary shall not  
11 include the area certified as unacceptable until such time as  
12 the Governor withdraws his certification of unacceptability.

13 (c) When a marine sanctuary is designated, pursuant  
14 to this section, which includes an area more than twelve  
15 miles from the baseline from which the breadth of the ter-  
16 ritorial sea is measured, the Secretary of State shall take  
17 action, as appropriate, to enter into agreements with other  
18 Governments, in order to protect such sanctuary and pro-  
19 mote the purposes for which it was established.

20 (d) The Secretary shall make his initial designation  
21 under this section within two years following the date of  
22 enactment of this title. Thereafter, he shall periodically des-  
23 ignate such additional areas as he deems appropriate. The  
24 Secretary shall submit a report annually to the Congress,  
25 setting forth a comprehensive review of his actions under the

1 authority under this section, together with appropriate rec-  
2 ommendations for legislation considered necessary for the  
3 designation and protection of marine sanctuaries.

4 (e) Before a marine sanctuary is designated under this  
5 section, the Secretary shall hold public hearings in the coastal  
6 area which would be most directly affected by such designa-  
7 tion, for the purpose of receiving and giving proper considera-  
8 tion to the views of any interested party. Such hearings shall  
9 be held no earlier than thirty days after the publication of a  
10 public notice thereof.

11 (f) After a marine sanctuary has been designated under  
12 this section, the Secretary shall issue necessary and reasonable  
13 regulations to control any activities permitted within the des-  
14 igned marine sanctuary, and no permit, license, or other  
15 authorization issued pursuant to any other authority shall be  
16 valid unless the Secretary shall certify that the permitted  
17 activity is consistent with the purposes of this title and can  
18 be carried out within the regulations promulgated under this  
19 section. Such regulations shall be applied in accordance with  
20 recognized principles of international law, including treaties,  
21 conventions and other agreements to which the United States  
22 is signatory.

23 Sec. 303. (a) Any person subject to the jurisdiction  
24 of the United States who violates any regulation issued  
25 pursuant to this title shall be liable to a civil penalty of

1 not more than \$50,000 for each such violation, to be as-  
2 sessed by the Secretary. Each day of a continuing violation  
3 shall constitute a separate violation.

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

11 (c) A vessel used in the violation of a regulation issued  
12 pursuant to this title shall be liable in rem for any civil pen-  
13 alty assessed for such violation and may be proceeded against  
14 in any district court of the United States having jurisdiction  
15 thereof.

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

22 SEC. 304. There are authorized to be appropriated for  
23 the fiscal year in which this Act is enacted and for the next  
24 two fiscal years thereafter such sums as may be necessary

1 to carry out the provisions of this title, including sums for  
2 the costs of acquisition, development, and operation of marine  
3 sanctuaries designated under this title, but the sums appro-  
4 priated for any such fiscal year shall not exceed \$10,000,000.

Passed the House of Representatives September 9, 1971.

Attest:

W. PAT JENNINGS,

*Clerk.*



92d CONGRESS  
1st Session

**H. R. 9727**

---

**AN ACT**

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

---

SEPTEMBER 10, 1971

Received

SEPTEMBER 14, 1971

Read twice and referred jointly to the Committees on  
Commerce and Public Works