

Public Law 87-167

AN ACT

August 30, 1961
[S. 2187]

To implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954.

Oil Pollution
Act, 1961.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, may be cited as the "Oil Pollution Act, 1961".

Definitions.

SEC. 2. DEFINITIONS.—As used in this Act, unless the context otherwise requires—

(a) The term "convention" means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

(b) The term "discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

(c) The term "heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per centum, by volume distills at a temperature not exceeding three hundred and forty degrees centigrade when tested by American Society for the Testing of Materials standard method D. 158/53;

(d) The term "mile" means a nautical mile of six thousand and eighty feet or one thousand eight hundred and fifty-two meters;

(e) The term "oil" means persistent oils, such as crude oil, fuel oil, heavy diesel oil, and lubricating oil. For the purposes of this legislation, the oil in an oily mixture of less than one hundred parts of oil in one million parts of the mixture, shall not be deemed to foul the surface of the sea;

(f) The term "person" means an individual, partnership, corporation, or association; and any owner, operator, agent, master, officer, or employee of a ship;

(g) The term "prohibited zones" means the zones described in section 12 of this Act as modified by notices, if any, of extension or reduction issued by the Secretary;

(h) The term "Secretary" means the Secretary of the Army;

(i) The term "ship" means a seagoing ship of American registry except—

(1) ships for the time being used as naval auxiliaries;

(2) ships of under five hundred tons gross tonnage;

(3) ships for the time being engaged in the whaling industry;

(4) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

Prohibitions.

SEC. 3. (a) Subject to the provisions of sections 4 and 5, the discharge by any person from any ship, which is a tanker, within any of the prohibited zones of oil or any oily mixture the oil in which fouls the surface of the sea, shall be unlawful.

(b) Subject to the provisions of sections 4 and 5, any discharge by any person into the sea from a ship, other than a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from July 26, 1961, paragraph (a) of this section shall apply to ships other than tankers as it applies to tankers, except that the prohibited zones in relation to ships other than tankers shall be those referred to in the schedule.

Exceptions.

SEC. 4. Section 3 shall not apply to—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of sediment—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

Provided, That such discharge is made as far from land as is practicable.

SEC. 5. Section 3 shall not apply to the discharge from the bilges of a ship—

(a) of any oily mixture, during the period of twelve months after the United States accepts the convention;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

SEC. 6. Any person who violates any provision of this Act, except sections 8(b) and 9, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense. And any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be.

Penalties.

SEC. 7. The Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any ship found violating the provisions of this Act or the regulations issued pursuant thereto.

SEC. 8. (a) In the administration of sections 1-12 of this Act, the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors and in the enforcement of laws for the improvement of rivers and harbors and in the enforcement of laws for the preservation and protection of navigable waters. For the better enforcement of the provisions of said sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary, and officers and employees of the Bureau of Customs and the Coast Guard, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary and of the

Administration.

Enforcement.

Bureau of Customs and Coast Guard of the United States may go on board and inspect any ship in a prohibited zone or in a port of the United States as may be necessary for enforcement of this Act.

(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of \$100.

Oil record book.

SEC. 9. (a) There shall be carried in every ship an oil record book in the form specified in section 13 of this Act. In the event of discharge or escape of oil from a ship in a prohibited zone, a signed statement shall be made in the oil record book, by the officer or officers in charge of the operations concerned and by the master of the ship, of the circumstances of and the reason for the discharge or escape.

(b) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 and if any person makes an entry in any records kept in accordance with this Act which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 or imprisonment for a term not exceeding six months, or both.

Regulations.

SEC. 10. The Secretary may make regulations for the administration of sections 3, 4, 5, 8(a), and 9.

SEC. 11. (a) The Secretary may make regulations empowering such persons as may be designated to go on board any ship to which the convention applies, while the ship is within the territorial jurisdiction of the United States, and to require production of any records required to be kept in accordance with the convention.

(b) Should evidence be obtained that a ship registered in another country party to the convention has discharged oil in any prohibited zone, such evidence should be forwarded to the State Department for action in accordance with article X of the convention.

Prohibited
zones.
Tankers.

SEC. 12. (a) Subject to paragraph (c) of this section, the prohibited zones in relation to tankers shall be all sea areas within fifty miles from land, with the following exceptions:

Exceptions.

(1) THE ADRIATIC ZONES.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of fifty miles from land, excepting only the island of Vis.

(2) THE NORTH SEA ZONE.—The North Sea Zone shall extend for a distance of one hundred miles from the coasts of the following countries—

Belgium,

Denmark,

the Federal Republic of Germany,

the Netherlands,

the United Kingdom of Great Britain and Northern Ireland;

but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(3) THE ATLANTIC ZONE.—The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian one hundred miles in a north-northeasterly direction from the Shetland Islands; thence northward along the Greenwich meridian to latitude 64 degrees north; thence westward along the 64th parallel to longitude 10 degrees west; thence to latitude 60 degrees north, longitude 14 degrees west; thence to latitude 54 degrees 30 minutes north, longitude 30 degrees west; thence to latitude 44

degrees 20 minutes north, longitude 30 degrees west; thence to latitude 48 degrees north, longitude 14 degrees west; thence eastward along the forty-eighth parallel to a point of intersection with the fifty-mile zone off the coast of France: *Provided*, That in relation to voyages which do not extend seaward beyond the Atlantic Zone as defined above, and which are to points not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of one hundred miles from land.

(4) THE AUSTRALIAN ZONE.—The Australian Zone shall extend for a distance of one hundred and fifty miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20 degrees south latitude.

(b) Subject to paragraph (c) of this section the prohibited zones in relation to ships other than tankers shall be all sea areas within fifty miles from land with the following exceptions:

Ships other than tankers.

(1) THE ADRIATIC ZONES.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of twenty miles from land, excepting only the Island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with section 3(b) of this Act the said zones shall each be extended by a further thirty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement, the Convention provides for notification to be given accordingly to the Intergovernmental Maritime Consultative Organization by said governments not less than three months before the expiration of such period of three years and for notification to be given to all contracting governments by the Intergovernmental Maritime Consultative Organization.

(2) THE NORTH SEA AND ATLANTIC ZONES.—The North Sea and Atlantic Zones shall extend for a distance of one hundred miles from the coasts of the following countries:

Belgium,
Denmark,
the Federal Republic of Germany,
Ireland,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a one-hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(c) With respect to the reduction or extension of the zones described above effectuated under the terms of the Convention, the Secretary of the Army shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy.

Publication in "Notices to Mariners."

SEC. 13. (a) The Secretary shall have printed separate booklets which set forth instructions and spaces for inserting information as follows:

Information booklets.

(1) FOR TANKERS.—

(A) Date of entry.

(B) Ballasting of and discharge of ballast from cargo tanks.

(i) Identity numbers of tank(s).

(ii) Type of oil previously contained in tank(s).

- (iii) Date and place of ballasting.
- (iv) Date and time of discharge of ballast water.
- (v) Place or position of ship.
- (vi) Approximate amount of oil contaminated water transferred to slop tank(s).
- (vii) Identity numbers of slop tank(s).
- (C) Cleaning of cargo tanks.
 - (i) Identity numbers of tank(s) cleaned.
 - (ii) Type of oil previously contained in tank(s).
 - (iii) Identity numbers of slop tank(s) to which washings transferred.
 - (iv) Dates and times of cleaning.
- (D) Settling in slop tank(s) and discharge of water.
 - (i) Identity numbers of slop tank(s).
 - (ii) Period of settling (in hours).
 - (iii) Date and time of discharge of water.
 - (iv) Place or position of ship.
 - (v) Approximate quantities of residue.
- (E) Disposal from ship of oily residues from slop tanks and other sources.
 - (i) Date and method of disposal.
 - (ii) Place or position of ship.
 - (iii) Sources and approximate quantities.
- (F) Signature of Officer or Officers in Charge of the operations concerned and Signature of the Master.
- (2) FOR SHIPS OTHER THAN TANKERS.—
 - (A) Date of entry.
 - (B) Ballasting, or cleaning during voyage, of bunker fuel tanks.
 - (i) Identity number of tank.
 - (ii) Type of oil previously contained in tank.
 - (iii) Date and place of ballasting.
 - (iv) Date and time of discharge of ballast or washing water.
 - (v) Place or position of ship.
 - (vi) Whether separator used: if so, give period of use.
 - (vii) Disposal of oily residue retained on board.
 - (C) Disposal from ship of oily residues from bunker fuel tanks and other sources.
 - (i) Date and method of disposal.
 - (ii) Place or position of ship.
 - (iii) Sources and approximate quantities.
 - (D) Signature of officer or officers in charge of the operations concerned and signature of the master.
- (3) FOR ALL SHIPS.—
 - (A) Date of entry.
 - (B) Accidental and other exceptional discharges or escapes of oil.
 - (i) Date and time of occurrence.
 - (ii) Place or position of ship.
 - (iii) Approximate quantity and type of oil.
 - (iv) Circumstances of discharge or escape and general remarks.
 - (C) Signature of office or officers in charge of the operations concerned and signature of the master.

(b) The booklet shall be furnished free to all seagoing ships of American registry subject to this Act. The provisions of section 140 of title 5, United States Code shall not apply. The ownership of the

booklet shall remain in the United States Government. This booklet shall be available for inspection as provided in this Act and for surrender to the United States Government pursuant to regulations of the Secretary.

SEC. 14. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorization.

SEC. 15. If a provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Separability.

SEC. 16. Nothing in this Act or in regulations issued hereunder shall be construed to modify or amend the provisions of the Oil Pollution Act, 1924 (33 U.S.C. 431-437), or of section 89 of title 14, United States Code.

43 Stat. 604.

63 Stat. 502.

Effective date.

SEC. 17. This Act shall become effective upon the date of its enactment or upon the date the United States becomes a party to the convention, whichever is the later date.

Approved August 30, 1961.

Public Law 87-168

AN ACT

To approve the amendatory repayment contract negotiated with the Huntley Project Irrigation District, Montana, to authorize its execution, and for other purposes.

August 30, 1961
[S. 1697]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the contract with the Huntley Project Irrigation District, which was negotiated by the Secretary of the Interior pursuant to subsection (a) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187) and approved as to form by the Department of the Interior on November 20, 1959, is hereby approved for execution, and the Secretary is authorized to execute and perform the same on behalf of the United States.

Huntley Project
Irrigation District,
Mont.
Repayment contract.
43 USC 485f.

SEC. 2. The 1956 reclassification of lands of the Huntley Project Irrigation District is approved.

SEC. 3. There shall be deducted from the total cost of the Huntley project and from the construction charge obligation of the Huntley Project Irrigation District, contingent upon execution of the contract with the Huntley Project Irrigation District, approved in section 1 hereof, the amount of the unmatured construction charges against the two thousand five hundred and thirty acres found to be permanently unproductive by the 1956 reclassification of lands.

SEC. 4. All costs and expenses incurred by the United States in negotiating and completing the contract approved under section 1 of this Act and in making the investigations in connection therewith shall not exceed the sum of \$13,000, and shall, contingent upon the final confirmation and execution of that contract, be nonreimbursable and nonreturnable under the Federal reclamation laws.

SEC. 5. This Act is declared to be a part of the Federal reclamation laws as those laws are defined in the Reclamation Project Act of 1939, *supra*.

43 USC 485a.

Approved August 30, 1961.