

Public Law 93-118

October 4, 1973
[H. J. Res. 753]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1974, and for other purposes.

Continuing
appropriations,
1974.
Ante, p. 133.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1973 (Public Law 93-52), is hereby amended by striking out "September 30, 1973" and inserting in lieu thereof "October 11, 1973".

Approved October 4, 1973.

Public Law 93-119

October 4, 1973
[H. R. 5451]

AN ACT

To amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

Oil Pollution
Act Amendments
of 1973.

80 Stat. 372.
Definitions.
Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Pollution Act Amendments of 1973".

Sec. 2. The Oil Pollution Act, 1961 (75 Stat. 402), as amended (33 U.S.C. 1001-1015), is amended as follows:

(1) Section 2 (33 U.S.C. 1001) is amended—

(A) by repealing subsection (g);

(B) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(C) by adding a new subsection (c) to read:

"(c) The term 'instantaneous rate of discharge of oil content' means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant;"

(D) in subsection (c) (redesignated (d) by subparagraph (B) of this paragraph):

(1) by deleting the word "marine"; and

(2) by deleting the words "American Society for the Testing of Materials" and substituting therefor the words "American Society for Testing and Materials";

(E) in subsection (e) (redesignated (f) by subparagraph (B) of this paragraph) by changing the period to a semicolon at the end of the first sentence thereof and by amending the second sentence to read "an 'oily mixture' means a mixture with any oil content;"

(F) by amending subsection (h) to read "The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;" and

(G) in subsection (j) by changing the period to a semicolon and by adding the following to the sentence: "except that, for the purpose of this Act 'from the nearest land' off the northeastern coast of Australia means a line drawn from a point on the coast of Australia in latitude 11 degrees south, longitude 142 degrees 08 minutes east to a point in latitude 10 degrees 35 minutes south, longitude 141 degrees 55 minutes east—

"thence to a point latitude 10 degrees 00 minutes south, longitude 142 degrees 00 minutes east;

"thence to a point latitude 9 degrees 10 minutes south, longitude 143 degrees 52 minutes east;

“thence to a point latitude 9 degrees 00 minutes south, longitude 144 degrees 30 minutes east;

“thence to a point latitude 13 degrees 00 minutes south, longitude 144 degrees 00 minutes east;

“thence to a point latitude 15 degrees 00 minutes south, longitude 146 degrees 00 minutes east;

“thence to a point latitude 18 degrees 00 minutes south, longitude 147 degrees 00 minutes east;

“thence to a point latitude 21 degrees 00 minutes south, longitude 153 degrees 00 minutes east;

“thence to a point on the coast of Australia in latitude 24 degrees 42 minutes south, longitude 153 degrees 15 minutes east.”

(2) Section 3 (33 U.S.C. 1002) is amended to read as follows:

“SEC. 3. Subject to the provisions of sections 4 and 5, the discharge of oil or oily mixture from a ship is prohibited unless—

Discharge of
oil, prohibition.
80 Stat. 373.

“(a) the ship is proceeding en route; and

“(b) the instantaneous rate of discharge of oil content does not exceed sixty liters per mile, and

“(c) (1) for a ship, other than a tanker—

“(i) the oil content of the discharge is less than one hundred parts per one million parts of the mixture, and

“(ii) the discharge is made as far as practicable from the nearest land;

“(2) for a tanker, except discharges from machinery space bilges which shall be governed by the above provisions for ships other than tankers—

“(i) the total quantity of oil discharged on a ballast voyage does not exceed one fifteen-thousandths of the total cargo-carrying capacity, and

“(ii) the tanker is more than fifty miles from the nearest land.”

(3) Section 4 (33 U.S.C. 1003) is amended—

(A) by changing the word “shall” to “does” in the introductory clause thereof;

(B) by changing the semicolon to a period at the end of subsection (b) thereof; and

(C) by repealing subsection (c) thereof.

(4) Section 5 (33 U.S.C. 1004) is amended to read as follows:

“SEC. 5. Section 3 does not apply to the discharge of tanker ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.”

(5) Insert a new section 6, to read as follows, following section 5:

“SEC. 6. (a) Every tanker to which this Act applies and built in the United States and for which the building contract is placed on or after the effective date of this section shall be constructed in accordance with the provisions of annex C to the convention, relating to tank arrangement and limitation of tank size.

“(b) Every tanker to which this Act applies and built in the United States and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar state of construction, before the effective date of this section, shall, within two years after that date, comply with the provisions of annex C of the convention if—

“(1) the delivery of the tanker is after January 1, 1977; or

“(2) the delivery of the tanker is not later than January 1, 1977, and the building contract is placed after January 1, 1972, or

Repeal.
Discharge of
tanker ballast.

U.S. tankers,
construction
standards.

12 UST 2989.

in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction, after June 30, 1972.

Certificate of compliance.

“(c) A tanker required under this section to be constructed in accordance with annex C to the convention and so constructed shall carry on board a certificate issued by the Secretary attesting to that compliance. A tanker which is not required to be constructed in accordance with annex C to the convention shall carry on board a certificate to that effect issued by the Secretary, or if a tanker does comply with annex C though not required to do so, she may carry on board a certificate issued by the Secretary attesting to that compliance. Tankers under the flag of the United States are prohibited from engaging in domestic or foreign trade without an appropriate certificate issued under this section.

Prohibition.

Foreign tanker certificates.

“(d) Certificates issued to foreign tankers pursuant to the convention by other nations party thereto shall be accepted by the Secretary as of the same force as certificates issued by him. If the Secretary has clear grounds for believing that a foreign tanker required under the convention to be constructed in accordance with annex C entering ports of the United States or using offshore terminals under United States control does not in fact comply with annex C, he may request the Secretary of State to seek consultation with the government with which the tanker is registered. If after consultation or otherwise, the Secretary is satisfied that such tanker does not comply with annex C, he may for this reason deny such tanker access to ports of the United States or to offshore terminals under United States control until such time as he is satisfied that the tanker has been brought into compliance.

Noncompliance.

“(e) If the Secretary is satisfied that any other foreign tanker which, if registered in a country party to the convention, would be required to be constructed in accordance with annex C, does not in fact comply with the standards relating to tank arrangement and limitation of tank size of annex C, then he may deny such tanker access to ports of the United States or to offshore terminals under United States control.”

Penalties.
75 Stat. 403.

(6) Section 6 (33 U.S.C. 1005) is renumbered section 7 and is amended to read as follows:

“SEC. 7. (a) Any person who willfully discharges oil or oily mixture from a ship in violation of this Act or the regulations thereunder shall be fined not more than \$10,000 for each violation or imprisoned not more than one year, or both.

“(b) In addition to any other penalty prescribed by law any person who willfully or negligently discharges oil or oily mixture from a ship in violation of this Act or any regulation thereunder shall be liable to a civil penalty of not more than \$10,000 for each violation, and any person who otherwise violates this Act or any regulation thereunder shall be liable to a civil penalty of not more than \$5,000 for each violation.

“(c) A ship from which oil or oily mixture is discharged in violation of this Act or any regulation thereunder is liable for any pecuniary penalty under this section and may be proceeded against in the district court of any district in which the vessel may be found.

“(d) The Secretary may assess any civil penalty incurred under this Act or any regulation thereunder and, in his discretion, remit, mitigate, or compromise any penalty. No penalty may be assessed unless the alleged violator shall have been given notice and the opportunity to be heard on the alleged violation. Upon any failure to pay a civil penalty assessed under this Act, the Secretary may request the Attorney General to institute a civil action to collect the penalty. In hearing such

action, the district court shall have authority to review the violation and the assessment of the civil penalty de novo."

(7) Section 7 is renumbered section 8.

(8) Section 8 (33 U.S.C. 1007) is renumbered section 9 and is amended—

(A) in subsection (a) by amending the first sentence to read as follows: "In the administration of sections 1–12 of this Act, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel, facilities, or equipment of other Federal agencies or the States.";

(B) in subsection (a) by amending the first part of the second sentence which precedes the first use of the word "shall" to read: "For the better enforcement of the provisions of said sections, officers of the Coast Guard and other persons employed by or acting under the authority of the Secretary";

(C) in subsection (a) by deleting from the last sentence thereof the words "Bureau of Customs and" and the words "in a prohibited zone or in a port of the United States"; and

(D) in subsection (b) by deleting in the first sentence thereof the words "of the Department in which the Coast Guard is operating" and by deleting the second sentence thereof in its entirety.

(9) Section 9 (33 U.S.C. 1008) is renumbered section 10 and is amended—

(A) by amending subsection (c) to read as follows:

"(c) The oil record book shall be completed on each occasion, on a tank-to-tank basis, whenever any of the following operations take place in the ship:

"(1) for tankers—

- "(i) loading of oil cargo;
- "(ii) transfer of oil cargo during voyage;
- "(iii) discharge of oil cargo;
- "(iv) ballasting of cargo tanks;
- "(v) cleaning of cargo tanks;
- "(vi) discharge of dirty ballast;
- "(vii) discharge of water from slop tanks;
- "(viii) disposal of residues;

"(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate logbook;

"(2) for ships other than tankers—

- "(i) ballasting or cleaning of bunker fuel tanks;
- "(ii) discharge of dirty ballast or cleaning water from bunker fuel tanks;

"(iii) disposal of residues;

"(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate logbook. In the event of such discharge or escape of oil or oily mixture as is referred to in section 4 of this Act, a statement shall be made in the oil record book of the circumstances of.

75 Stat. 403.
33 USC 1006.
Enforcement
personnel, utili-
zation.

Oil record book
requirements.
80 Stat. 374.

Tankers.

Other ships.

Ante, p. 425.

and reason for, the discharge or escape.”;

(B) by changing the figure “9” in subsection (d) to read “10”;
and

(C) by repealing subsection (f).

Repeal.

75 Stat. 404.

(10) Section 10 (33 U.S.C. 1009) is renumbered section 11 and is amended to make the sectional enumeration read as follows: “Sections 3, 4, 5, 6, 7, 9, and 10.”

Foreign ship
violations.
33 USC 1010.

(11) Section 11 is renumbered section 12 and is amended by deleting the words “any prohibited zone” in subsection (b) thereof and by substituting therefor the words “violation of the convention but outside the territorial sea of the United States”.

Repeal.

80 Stat. 375.

75 Stat. 407.

33 USC 1013,
1001 note.

(12) Section 12 (33 U.S.C. 1011) is repealed.

(13) Sections 14 and 15 are renumbered sections 13 and 14, respectively.

(14) Section 16 (33 U.S.C. 1014) is renumbered section 15 and is amended by adding between the words “provisions of” and the word “the” the words “section 311 of”, and by deleting the words “Oil Pollution Act, 1924 (33 U.S.C. 431-437),”, and substituting therefor the words “Federal Water Pollution Control Act, as amended,”.

(15) Section 17 (33 U.S.C. 1015) is repealed.

Repeal.

80 Stat. 375.

Effective date.

SEC. 3. (a) Except as provided in subsection (c) of this section, this amending Act is effective upon the date of its enactment or upon the date amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 21, 1969, October 12, 1971, and October 15, 1971, are ratified or accepted with the advice and consent of the Senate of the United States, whichever is the later date.

Savings provi-
sion.

75 Stat. 402.
33 USC 1001
note.

(b) Any rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any regulations or procedures promulgated or effected pursuant to the Oil Pollution Act, 1961, as previously amended, remain in effect until modified or superseded under the authority of the Oil Pollution Act, 1961, as amended by this Act. Any reference to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, in any law or regulation shall be deemed to be a reference to the convention as revised or amended by the latest amendments in respect of which the United States has deposited an instrument of ratification or acceptance.

Effective date.

(c) Notwithstanding the foregoing provisions of this section, subsections (d) and (e) of section 6 of the Oil Pollution Act, 1961, as amended by section 2 of this bill, shall be effective upon the date of their enactment or upon the date the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended by the amendments adopted by the Assembly of the Inter-Governmental Marine Consultative Organization on October 15, 1971, enters into force pursuant to article XVI of that convention, as amended, whichever is later; and no authority shall be exercised pursuant to article VI bis (3) and (4) of such amendments prior to the effective date of such subsections.

Approved October 4, 1973.