

(2) to provide for the protection of the marine and coastal environment to prevent or minimize any adverse impact which might occur as a consequence of the development of deepwater ports;

(3) to protect the interests of the United States and those of adjacent coastal States in the location, construction, and operation of deepwater ports;

(4) to protect the rights and responsibilities of States and communities to regulate growth, determine land use, and otherwise protect the environment in accordance with law;

(5) to promote the construction and operation of deepwater ports as a safe and effective means of importing oil or natural gas into the United States and transporting oil or natural gas from the outer Continental Shelf while minimizing tanker traffic and the risks associated with that traffic; and

(6) to promote oil or natural gas production on the outer Continental Shelf by affording an economic and safe means of transportation of outer Continental Shelf oil or natural gas to the United States mainland.

(b) EFFECT OF CHAPTER.—Nothing in this chapter affects the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

(Pub. L. 93–627, §2, Jan. 3, 1975, 88 Stat. 2126; Pub. L. 104–324, title V, §502(b), Oct. 19, 1996, 110 Stat. 3925; Pub. L. 107–295, title I, §106(a)(1), Nov. 25, 2002, 116 Stat. 2086; Pub. L. 118–31, div. C, title XXXV, §3514(k)(1), Dec. 22, 2023, 137 Stat. 812.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a). Pub. L. 118–31, §3514(k)(1)(A)(i), inserted heading and substituted “The purposes of this chapter are—” for “It is declared to be the purposes of the Congress in this chapter to—” in introductory provisions.

Subsec. (a)(1). Pub. L. 118–31, §3514(k)(1)(A)(ii), inserted “to” after par. designation and realigned margins.

Subsec. (a)(2). Pub. L. 118–31, §3514(k)(1)(A)(ii), (iii), inserted “to” after par. designation, substituted “deepwater ports” for “such ports”, and realigned margins.

Subsec. (a)(3), (4). Pub. L. 118–31, §3514(k)(1)(A)(ii), inserted “to” after par. designation and realigned margins.

Subsec. (a)(5). Pub. L. 118–31, §3514(k)(1)(A)(ii), (iv), inserted “to” after par. designation, substituted “Continental Shelf” for “continental shelf” and “associated with that traffic” for “attendant thereto”, and realigned margins.

Subsec. (a)(6). Pub. L. 118–31, §3514(k)(1)(A)(ii), (v), inserted “to” after par. designation, substituted “Continental Shelf” for “continental shelf” in two places, and realigned margins.

Subsec. (b). Pub. L. 118–31, §3514(k)(1)(B), inserted heading and substituted “Nothing in this chapter affects” for “The Congress declares that nothing in this chapter shall be construed to affect” in text.

2002—Subsec. (a)(5), (6). Pub. L. 107–295 inserted “or natural gas” after “oil” wherever appearing.

1996—Subsec. (a)(5), (6). Pub. L. 104–324 added pars. (5) and (6).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–324, title V, §501, Oct. 19, 1996, 110 Stat. 3925, provided that: “This title [amending this section

and sections 1502 to 1504, 1507, and 1509 of this title, repealing section 1506 of this title, and enacting provisions set out as a note under this section] may be cited as the ‘Deepwater Port Modernization Act’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–419, §1, Sept. 25, 1984, 98 Stat. 1607, provided: “That this Act [amending sections 1502, 1503, 1504, 1506, 1507, 1517, and 1518 of this title and enacting provisions set out as a note under section 1518 of this title] may be cited as the ‘Deepwater Port Act Amendments of 1984’.”

SHORT TITLE

Pub. L. 93–627, §1, Jan. 3, 1975, 88 Stat. 2126, provided: “That this Act [enacting this chapter and amending section 1333 of Title 43, Public Lands] may be cited as the ‘Deepwater Port Act of 1974’.”

CONGRESSIONAL PURPOSES FOR 1996 AMENDMENTS

Pub. L. 104–324, title V, §502(a), Oct. 19, 1996, 110 Stat. 3925, provided that: “The purposes of this title [see Short Title of 1996 Amendment note above] are to—

“(1) update and improve the Deepwater Port Act of 1974 [33 U.S.C. 1501 et seq.];

“(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

“(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports’ business and economic decisions; and

“(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.”

DEPOSIT OF CERTAIN PENALTIES INTO OIL SPILL LIABILITY TRUST FUND

Penalties paid pursuant to this chapter and sections 1319(c) and 1321 of this title to be deposited in the Oil Spill Liability Trust Fund created under section 9509 of Title 26, Internal Revenue Code, see section 4304 of Pub. L. 101–380, set out as a note under section 9509 of Title 26.

Executive Documents

ENVIRONMENTAL EFFECTS ABROAD OF MAJOR FEDERAL ACTIONS

For provisions relating to environmental effects abroad of major Federal actions, see Ex. Ord. No. 12114, Jan. 4, 1979, 44 F.R. 1957, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

§ 1502. Definitions

In this chapter:

(1) ADJACENT COASTAL STATE.—The term “adjacent coastal State” means any coastal State which (A) would be directly connected by pipeline to a deepwater port, as proposed in an application; (B) would be located within 15 miles of any such proposed deepwater port; or (C) is designated by the Secretary in accordance with section 1508(a)(2) of this title.

(2) AFFILIATE.—The term “affiliate” means any entity owned or controlled by, any person who owns or controls, or any entity which is under common ownership or control with an applicant, licensee, or any person required to be disclosed pursuant to section subparagraph (A) or (B) of section 1504(c)(2) of this title.

(3) APPLICATION.—The term “application” means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port.

(4) CITIZEN OF THE UNITED STATES.—The term “citizen of the United States” means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth or naturalization and which has no more of its directors who are not United States citizens by law, birth or naturalization than constitute a minority of the number required for a quorum necessary to conduct the business of the board.

(5) COASTAL ENVIRONMENT.—The term “coastal environment” means the navigable waters (including the lands therein and thereunder) and the adjacent shorelines including¹ waters therein and thereunder). The term includes transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, and beaches; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources.

(6) COASTAL STATE.—The term “coastal State” means any State of the United States in or bordering on the Atlantic, Pacific, or Arctic Oceans, or the Gulf of Mexico.

(7) CONSTRUCTION.—The term “construction” means the supervising, inspection, actual building, and all other activities incidental to the building, repairing, or expanding of a deepwater port or any of its components, including, but not limited to, pile driving and bulkheading, and alterations, modifications, or additions to the deepwater port.

(8) CONTROL.—The term “control” means the power, directly or indirectly, to determine the policy, business practices, or decisionmaking process of another person, whether by stock or other ownership interest, by representation on a board of directors or similar body, by contract or other agreement with stockholders or others, or otherwise.

(9) DEEPWATER PORT.—The term “deepwater port”—

(A) means any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and that are used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to or from any State, except as otherwise provided in section 1522 of this title, and for other uses not inconsistent with the purposes of this chapter, including transportation of oil or natural gas from the United States outer continental shelf;

(B) includes all components and equipment, including pipelines, pumping stations, service platforms, buoys, mooring lines, and

similar facilities to the extent they are located seaward of the high water mark;

(C) in the case of a structure used or intended for such use with respect to natural gas, includes all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities that are proposed or approved for construction and operation as part of a deepwater port, to the extent that they are located seaward of the high water mark and do not include interconnecting facilities; and

(D) shall be considered a “new source” for purposes of the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(10) GOVERNOR.—The term “Governor” means the Governor of a State or the person designated by State law to exercise the powers granted to the Governor pursuant to this chapter.

(11) LICENSEE.—The term “licensee” means a citizen of the United States holding a valid license for the ownership, construction, and operation of a deepwater port that was issued, transferred, or renewed pursuant to this chapter.

(12) MARINE ENVIRONMENT.—The term “marine environment” includes the coastal environment, waters of the contiguous zone, and waters of the high seas; the fish, wildlife, and other living resources of such waters; and the recreational and scenic values of such waters and resources.

(13) NATURAL GAS.—The term “natural gas” means either natural gas unmixed, or any mixture of natural or artificial gas, including compressed or liquefied natural gas, natural gas liquids, liquefied petroleum gas, and condensate recovered from natural gas.

(14) OIL.—The term “oil” means petroleum, crude oil, and any substance refined from petroleum or crude oil.

(15) PERSON.—The term “person” includes an individual, a public or private corporation, a partnership or other association, or a government entity.

(16) SAFETY ZONE.—The term “safety zone” means the safety zone established around a deepwater port as determined by the Secretary in accordance with section 1509(d) of this title.

(17) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(18) STATE.—The term “State” includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(19) VESSEL.—The term “vessel” means every description of watercraft or other artificial contrivance used as a means of transportation on or through the water.

(Pub. L. 93-627, §3, Jan. 3, 1975, 88 Stat. 2127; Pub. L. 98-419, §2(a), Sept. 25, 1984, 98 Stat. 1607; Pub. L. 104-324, title V, §503, Oct. 19, 1996, 110 Stat. 3926; Pub. L. 107-295, title I, §106(b), Nov. 25, 2002, 116 Stat. 2086; Pub. L. 109-58, title III, §321(b), Aug. 8, 2005, 119 Stat. 694; Pub. L. 112-213, title

¹ So in original. Probably should be preceded by an opening parenthesis.

III, §312, Dec. 20, 2012, 126 Stat. 1569; Pub. L. 118-31, div. C, title XXXV, §3514(k)(2), Dec. 22, 2023, 137 Stat. 813.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in par. (9)(D), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Water Pollution Control Act, as amended, referred to in par. (9)(D), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

CODIFICATION

Pub. L. 118-31, div. C, title XXXV, §3514(k)(2)(B)(ii), (D)(ii), Dec. 22, 2023, 137 Stat. 813, which directed insertion of par. headings in pars. (1) to (19) comprised of the term defined in the par. without specifying where to insert the heading, was executed by inserting the heading after par. designation and before “The term” and supplying the heading style to reflect the probable intent of Congress.

AMENDMENTS

2023—Pub. L. 118-31, §3514(k)(2)(A), substituted “Definitions” for “Definitions” in section catchline and “In this chapter:” for “As used in this chapter, unless the context otherwise requires, the term—” in introductory provisions.

2023—Par. (1). Pub. L. 118-31, §3514(k)(2)(B), inserted term defined in par. as heading and “The term” after par. designation and substituted period for semicolon at end.

Par. (2). Pub. L. 118-31, §3514(k)(2)(B), (C), inserted term defined in par. as heading and “The term” after par. designation and substituted “subparagraph (A) or (B) of section 1504(c)(2) of this title” for “section 1504(c)(2)(A) or (B) of this title” and a period for semicolon at end.

Pars. (3) to (17). Pub. L. 118-31, §3514(k)(2)(B), inserted term defined in par. as heading and “The term” after par. designation and substituted period for semicolon at end.

Par. (18). Pub. L. 118-31, §3514(k)(2)(D), (E), inserted term defined in par. as heading and “The term” after par. designation and substituted a period for “; and” at end.

Par. (19). Pub. L. 118-31, §3514(k)(2)(D), inserted term defined in par. as heading and “The term” after par. designation.

2012—Par. (9)(A). Pub. L. 112-213 inserted “or from” before “any State”.

2005—Par. (13). Pub. L. 109-58 inserted “, natural gas liquids, liquefied petroleum gas, and condensate recovered from natural gas” before semicolon at end.

2002—Par. (9). Pub. L. 107-295, §106(b)(2), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “‘deepwater port’ means any fixed or floating manmade structures other than a vessel, or any group of structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 1522 of this title, and for other uses not inconsistent with the purposes of this chapter, including transportation of oil from the United States outer continental shelf. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar

appurtenances to the extent they are located seaward of the high water mark. A deepwater port shall be considered a ‘new source’ for purposes of the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended;”.

Pars. (13) to (19). Pub. L. 107-295, §106(b)(1), (3), added par. (13) and redesignated former pars. (13) to (18) as (14) to (19), respectively.

1996—Pars. (3) to (8). Pub. L. 104-324, §503(a), redesignated pars. (4) to (9) as (3) to (8), respectively, and struck out former par. (3) which read as follows: “‘anti-trust laws’ includes the Act of July 2, 1890, as amended, the Act of October 15, 1914, as amended, the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and sections 73 and 74 of the Act of August 27, 1894, as amended;”.

Par. (9). Pub. L. 104-324, §503(a)(2), (b), redesignated par. (10) as (9) and substituted “structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 1522 of this title, and for other uses not inconsistent with the purposes of this chapter, including transportation of oil from the United States outer continental shelf.” for “such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the loading or unloading and further handling of oil for transportation to any State, except as otherwise provided in section 1522 of this title.” Former par. (9) redesignated (8).

Pars. (10) to (19). Pub. L. 104-324, §503(a)(2), redesignated pars. (11) to (19) as (10) to (18), respectively. Former par. (10) redesignated (9).

1984—Par. (4). Pub. L. 98-419 substituted “means an application” for “means any application”, struck out designation “(A)” before “for a license”, and struck out cls. (B) and (C) which provided that “application” meant any application submitted under this chapter for transfer of any license referred to in this paragraph, or for any substantial change in any of the conditions and provisions of any such license.

Executive Documents

TERRITORIAL SEA AND CONTIGUOUS ZONE OF UNITED STATES

For extension of territorial sea and contiguous zone of United States, see Proc. No. 5928 and Proc. No. 7219, respectively, set out as notes under section 1331 of Title 43, Public Lands.

§ 1503. License for ownership, construction, and operation of deepwater port

(a) Requirement

No person may engage in the ownership, construction, or operation of a deepwater port except in accordance with a license issued pursuant to this chapter. No person may transport or otherwise transfer any oil or natural gas between a deepwater port and the United States unless such port has been so licensed and the license is in force.

(b) Issuance, transfer, amendment, or reinstatement

The Secretary may—

(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this chapter.

(c) Conditions for issuance

The Secretary may issue a license in accordance with the provisions of this chapter if—