

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-380 amended section generally. Prior to amendment, section read as follows: “The revolving fund established under section 1321(k) of this title shall be available to the Secretary for Federal actions and activities under section 1474 of this title.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of this title.

§ 1487. Effective date

This chapter shall be effective upon February 5, 1974, or upon the date the convention becomes effective as to the United States, whichever is later.

(Pub. L. 93-248, § 18, Feb. 5, 1974, 88 Stat. 10.)

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REFERENCES IN TEXT

The date the convention became effective as to the United States, referred to in text, is May 6, 1975.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-302, § 2, June 26, 1978, 92 Stat. 345, provided that: “This Act [amending sections 1471 to 1473, 1479, 1482, and 1484 of this title] shall be effective upon the date of enactment [June 26, 1978], or upon the date the protocol becomes effective as to the United States, whichever is later.” [The protocol was adopted by the United States on Sept. 7, 1978, to be effective as to the United States upon its adoption by 15 countries. The protocol became effective as to the United States Mar. 30, 1983.]

CHAPTER 29—DEEPWATER PORTS

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§ 1501. Congressional declaration of policy

(a) PURPOSES.—The purposes of this chapter are—

(1) to authorize and regulate the location, ownership, construction, and operation of deepwater ports in waters beyond the territorial limits of the United States;

(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

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