

Public Law 95-302  
95th Congress

An Act

June 26, 1978

[S. 2380]

To amend the Intervention on the High Seas Act to implement the protocol relating to intervention on the high seas in cases of marine pollution by substances other than oil, 1973.

Intervention on  
the High Seas  
Act, amendment.  
33 USC 1471  
note.  
33 USC 1471.  
Definitions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Intervention on the High Seas Act (88 Stat. 8, Public Law 93-248) is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. As used in this Act—

"(1) 'a substance other than convention oil' means those oils, noxious substances, liquefied gases, and radioactive substances—

"(A) enumerated in the protocol, or

"(B) otherwise determined to be hazardous under section 4(a);

"(2) 'convention' means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, including annexes thereto;

"(3) 'convention oil' means crude oil, fuel oil, diesel oil, and lubricating oil;

"(4) 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(5) 'ship' means—

"(A) a seagoing vessel of any type whatsoever, and

"(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

"(6) 'protocol' means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973, including annexes thereto; and

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Marianas, and any other commonwealth, territory, or possession of the United States."

33 USC 1472.

(2) Section 3 is amended by—

(A) striking the word "oil" and inserting in lieu thereof the phrase "convention oil or of the sea or atmosphere by a substance other than convention oil"; and

(B) striking the word "Convention" and inserting in lieu thereof the phrase "convention, the protocol".

33 USC 1473.

(3) Section 4 is amended by—

(A) inserting the words "human health," between the words "limited to," and "fish" and designating the existing section as subsection (b);

(B) adding a new subsection (a) as follows:

"(a) The Secretary, after consultation with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, shall determine when a substance other than those enumerated

in the protocol is liable to create a hazard to human health, to harm living resources, to damage amenities, or to interfere with other legitimate uses of the sea.”.

(4) Section 10 is amended by adding a new subsection (c) as follows:

33 USC 1479.

“(c) With respect to intervention for a substance identified pursuant to section 4(a), the United States has the burden of establishing that, under the circumstances present at the time of the intervention, the substance could reasonably pose a grave and imminent danger analogous to that posed by a substance enumerated in the protocol.”.

(5) Section 13 is amended—

33 USC 1482.

(A) in subsection (a) by striking the period at the end of the subsection and inserting in lieu thereof the phrase “and article II of the protocol and may propose amendments to the list of substances other than convention oil in accordance with article III of the protocol.”; and

(B) in subsection (b) by striking the words “annexes thereto” and inserting in lieu thereof the word “protocol”.

(C) by adding a new subsection (c) as follows:

“(c) The President may accept amendments to the list of substances other than convention oil in accordance with article III of the protocol.”.

(6) Section 15 is amended by inserting the words “, the protocol,” between the words “convention” and “and”.

33 USC 1484.

SEC. 2. This Act shall be effective upon the date of enactment, or upon the date the protocol becomes effective as to the United States, whichever is later.

Effective date.  
33 USC 1487  
note.

Approved June 26, 1978.

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#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1238 accompanying H.R. 188 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-785 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 124 (1978):

May 11, considered and passed Senate.

June 5, considered and passed House, amended, in lieu of H.R. 188.

June 13, Senate concurred in House amendment.