

ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this subchapter, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term 'State' means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia."

1990—Subsec. (f). Pub. L. 101-596, which directed the substitution of "the requirements of this subchapter" for all after "shall comply with" in "subsection 116(g) of the Marine Protection Research and Sanctuaries Act (33 U.S.C. 1416(g))", was executed by making the substitution for "the criteria established pursuant to the second sentence of section 1412(a) of this title relating to the effects of dumping. Subsection (d) of this section shall not apply to this subsection." which followed "shall comply with" in section 106(f) of the Marine Protection Research and Sanctuaries Act of 1972, which is classified to subsec. (f) of this section, to reflect the probable intent of Congress.

1986—Subsec. (g). Pub. L. 99-499 added subsec. (g).

1980—Subsec. (f). Pub. L. 96-572 added subsec. (f).

#### TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

### § 1417. Enforcement

#### (a) Utilization of other departments, agencies, and instrumentalities

The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this subchapter.

#### (b) Delegation of review and evaluation authority

The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

#### (c) Surveillance and other enforcement activity

The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 1418 of this title, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the Department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may re-

quire in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this subchapter.

(Pub. L. 92-532, title I, §107, Oct. 23, 1972, 86 Stat. 1059.)

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 1418. Regulations

In carrying out the responsibilities and authority conferred by this subchapter, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

(Pub. L. 92-532, title I, §108, Oct. 23, 1972, 86 Stat. 1059.)

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 1419. International cooperation

The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other component international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

(Pub. L. 92-532, title I, §109, Oct. 23, 1972, 86 Stat. 1060.)

#### REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 92-532, which is classified generally to this chapter, chapter 41 (§2801 et seq.) of this title, and chapters 32 (§1431 et seq.) and 32A (§1447 et seq.) of Title 16, Conservation.

### § 1420. Authorization of appropriations

There are authorized to be appropriated, for purposes of carrying out this subchapter, not to exceed \$12,000,000 for fiscal year 1993 and not to exceed \$14,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997, to remain available until expended.

(Pub. L. 92-532, title I, §111, Oct. 23, 1972, 86 Stat. 1060; Pub. L. 93-472, Oct. 26, 1974, 88 Stat. 1430; Pub. L. 94-62, §1, July 25, 1975, 89 Stat. 303; Pub. L. 94-326, §1, June 30, 1976, 90 Stat. 725; Pub. L. 95-153, §1, Nov. 4, 1977, 91 Stat. 1255; Pub. L.

96-572, §1, Dec. 22, 1980, 94 Stat. 3344; Pub. L. 97-16, June 23, 1981, 95 Stat. 100; Pub. L. 100-536, Oct. 28, 1988, 102 Stat. 2710; Pub. L. 102-580, title V, §509(a), Oct. 31, 1992, 106 Stat. 4870.)

#### AMENDMENTS

1992—Pub. L. 102-580 substituted “for fiscal year 1993 and not to exceed \$14,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997, to remain available until expended” for “for each of fiscal years 1989, 1990, and 1991”.

1988—Pub. L. 100-536 amended section generally, substituting provisions authorizing appropriations not to exceed \$12,000,000 for each of fiscal years 1989, 1990, and 1991, for provisions authorizing appropriations for fiscal years 1973 to 1982.

1981—Pub. L. 97-16 increased to \$4,213,000 from \$2,000,000 the authorization of appropriation for fiscal year 1982.

1980—Pub. L. 96-572 inserted provisions authorizing appropriations for fiscal years 1980, 1981, and 1982.

1977—Pub. L. 95-153 inserted provision authorizing appropriations not to exceed \$4,800,000 for fiscal year 1978.

1976—Pub. L. 94-326 inserted provision authorizing appropriations not to exceed \$4,800,000 for fiscal year 1977.

1975—Pub. L. 94-62 substituted “not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975” for “and not to exceed \$5,500,000 for fiscal years 1974 and 1975”, and inserted provisions authorizing appropriation of an amount not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through Sept. 30, 1976).

1974—Pub. L. 93-472 substituted “fiscal years 1974 and 1975,” for “fiscal year 1974,”.

#### § 1421. Omitted

#### CODIFICATION

Section, Pub. L. 92-532, title I, §112, Oct. 23, 1972, 86 Stat. 1060; Pub. L. 94-326, §2, June 30, 1976, 90 Stat. 725; Pub. L. 96-470, title II, §209(f), Oct. 19, 1980, 94 Stat. 2245; Pub. L. 102-580, title V, §510, Oct. 31, 1992, 106 Stat. 4870, which required the Administrator of the Environmental Protection Agency to report annually to Congress on the administration of this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 163 of House Document No. 103-7.

#### SUBCHAPTER II—RESEARCH

#### § 1441. Monitoring and research program

The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters.

(Pub. L. 92-532, title II, §201, Oct. 23, 1972, 86 Stat. 1060; Pub. L. 99-272, title VI, §6061, Apr. 7, 1986, 100 Stat. 131.)

#### AMENDMENTS

1986—Pub. L. 99-272 struck out provision which had required the Secretary of Commerce to report from time to time, not less frequently than annually, his findings under this section (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 1442. Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems

##### (a) Secretary of Commerce

(1) The Secretary of Commerce, in close consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. These responsibilities shall include the scientific assessment of damages to the natural resources from spills of petroleum or petroleum products. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(2) The Secretary of Commerce shall ensure that the program under this section complements, when appropriate, the activities undertaken by other Federal agencies pursuant to subchapter I of this chapter and section 1443 of this title. That program shall include but not be limited to—

(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

(B) the assessment of the capacity of the marine environment to receive materials without degradation;

(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species;

(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment.

(3) The Secretary of Commerce shall ensure that the comprehensive and continuing research program conducted under this subsection is consistent with the comprehensive plan for ocean pollution research and development and monitoring prepared under section 1703<sup>1</sup> of this title.

##### (b) Action with other nations

In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and

<sup>1</sup> See References in Text note below.