

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of licensees and permittees which are necessary and directly pertinent to verify the expenditures referred to in paragraph (1).

(b) Submission of data and information

Each licensee and permittee shall be required to submit to the Administrator such data or other information as the Administrator may reasonably need for purposes of making determinations with respect to the issuance, revocation, modification, or suspension of any license or permit; compliance with the reporting requirement contained in section 1469¹ of this title; and evaluation of the exploration or commercial recovery activities conducted by the licensee or permittee.

(c) Public disclosure

Copies of any document, report, communication, or other record maintained or received by the Administrator containing data or information required under this subchapter shall be made available to any person upon any request which (1) reasonably describes such record and (2) is made in accordance with rules adopted by the Administrator stating the time, place, fees (if any, not to exceed the direct cost of the services rendered), and procedures to be followed, except that neither the Administrator nor any other officer or employee of the United States may disclose any data or information knowingly and willingly required under this subchapter the disclosure of which is prohibited by section 1905 of title 18. Any officer or employee of the United States who discloses data or information in violation of this subsection shall be subject to the penalties set forth in section 1463(b) of this title.

(Pub. L. 96-283, title I, § 113, June 28, 1980, 94 Stat. 571.)

REFERENCES IN TEXT

Section 1469 of this title, referred to in subsec. (b), was omitted from the Code.

§ 1424. Monitoring of activities of licensees and permittees

Each license and permit issued under this subchapter shall require the licensee or permittee—

(1) to allow the Administrator to place appropriate Federal officers or employees as observers aboard vessels used by the licensee or permittee in exploration or commercial recovery activities (A) to monitor such activities at such time, and to such extent, as the Administrator deems reasonable and necessary to assess the effectiveness of the terms, conditions, and restrictions of the license or permit, and (B) to report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply with such terms, conditions, and restrictions;

(2) to cooperate with such officers and employees in the performance of monitoring functions; and

(3) to monitor the environmental effects of the exploration and commercial recovery activities in accordance with guidelines issued by the Administrator and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects.

(Pub. L. 96-283, title I, § 114, June 28, 1980, 94 Stat. 572.)

§ 1425. Relinquishment, surrender, and transfer of licenses and permits

(a) Relinquishment and surrender

Any licensee or permittee may at any time, without penalty—

(1) surrender to the Administrator a license or a permit issued to the licensee or permittee; or

(2) relinquish to the Administrator, in whole or in part, any right to conduct any exploration or commercial recovery activities authorized by the license or permit.

Any licensee or permittee who surrenders a license or permit, or relinquishes any such right, shall remain liable with respect to all violations and penalties incurred, and damage to persons or property caused, by the licensee or permittee as a result of activities engaged in by the licensee or permittee under such license or permit.

(b) Transfer

Any license or permit, upon written request of the licensee or permittee, may be transferred by the Administrator; except that no such transfer may occur unless the proposed transferee is a United States citizen and until the Administrator determines that (1) the proposed transfer is in the public interest, and (2) the proposed transferee and the exploration or commercial recovery activities the transferee proposes to conduct meet the requirements of this chapter and regulations issued under this chapter.

(Pub. L. 96-283, title I, § 115, June 28, 1980, 94 Stat. 572.)

§ 1426. Public notice and hearings

(a) Required procedures

The Administrator may issue regulations to carry out this chapter, establish and significantly modify terms, conditions, and restrictions in licenses and permits issued under this subchapter, and issue or transfer licenses and permits under this subchapter, only after public notice and opportunity for comment and hearings in accordance with the following:

(1) The Administrator shall publish in the Federal Register notice of all applications for licenses and permits, all proposals to issue or transfer licenses and permits, all regulations implementing this chapter, all terms, conditions, and restrictions on licenses and permits, and all proposals to significantly modify licenses and permits. Interested persons shall be permitted to examine the materials relevant to any of these actions, and shall have at least 60 days after publication of such notice to submit written comments to the Administrator.

¹ See References in Text note below.

(2) The Administrator shall hold a public hearing in an appropriate location and may employ such additional methods as the Administrator deems appropriate to inform interested persons about each action specified in paragraph (1) and to invite their comments thereon.

(b) Adjudicatory hearing

If the Administrator determines that there exists one or more specific and material factual issues which require resolution by formal processes, at least one adjudicatory hearing shall be held in the District of Columbia in accordance with the provisions of section 554 of title 5. The record developed in any such adjudicatory hearing shall be part of the basis for the Administrator's decision to take any action referred to in subsection (a) of this section. Hearings held pursuant to this section shall be consolidated insofar as practicable with hearings held by other agencies.

(Pub. L. 96-283, title I, §116, June 28, 1980, 94 Stat. 573.)

§ 1427. Civil actions

(a) Equitable relief

Except as provided in subsection (b) of this section, any person may commence a civil action for equitable relief on that person's behalf in the United States District Court for the District of Columbia—

(1) against any person who is alleged to be in violation of any provision of this chapter or any condition of a license or permit issued under this subchapter; or

(2) against the Administrator when there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary,

if the person bringing the action has a valid legal interest which is or may be adversely affected by such alleged violation or failure to perform. In suits brought under this subsection, the district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the provisions of this chapter, or any term, condition, or restriction of a license or permit issued under this subchapter, or to order the Administrator to perform such act or duty.

(b) Notice

No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator and to any alleged violator; or

(B) if the Administrator or the Attorney General has commenced and is diligently prosecuting a civil or criminal action with respect to the alleged violation in a court of the United States; except that in any such civil action, any person having a valid legal interest which is or may be adversely affected by the alleged violation may intervene; or

(2) under subsection (a)(2) of this section, prior to 60 days after the plaintiff has given notice of such action to the Administrator.

Notice under this subsection shall be given in such a manner as the Administrator shall prescribe by regulation.

(c) Costs and fees

The court, in issuing any final order in any action brought under subsection (a) of this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any party whenever the court determines that such an award is appropriate.

(d) Relationship to other law

Nothing in this section shall restrict the rights which any person or class of persons may have under other law to seek enforcement or to seek any other relief. All vessel safety and environmental requirements of or under this chapter shall be in addition to other requirements of law.

(Pub. L. 96-283, title I, §117, June 28, 1980, 94 Stat. 573.)

§ 1428. Reciprocating states

(a) Designation

The Administrator, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, may designate any foreign nation as a reciprocating state if the Secretary of State finds that such foreign nation—

(1) regulates the conduct of its citizens and other persons subject to its jurisdiction engaged in exploration for, and commercial recovery of, hard mineral resources of the deep seabed in a manner compatible with that provided in this chapter and the regulations issued under this chapter, which includes adequate measures for the protection of the environment, the conservation of natural resources, and the safety of life and property at sea, and includes effective enforcement provisions;

(2) recognizes licenses and permits issued under this subchapter to the extent that such nation, under its laws, (A) prohibits any person from engaging in exploration or commercial recovery which conflicts with that authorized under any such license or permit and (B) complies with the date for issuance of licenses and the effective date for permits provided in section 1412(c)(1)(D) of this title;

(3) recognizes, under its procedures, priorities of right, consistent with those provided in this chapter and the regulations issued under this chapter, for applications for licenses for exploration or permits for commercial recovery, which applications are made either under its procedures or under this chapter; and

(4) provides an interim legal framework for exploration and commercial recovery which does not unreasonably interfere with the interests of other states in their exercise of the freedoms of the high seas, as recognized under general principles of international law.

(b) Effect of designation

No license or permit shall be issued under this subchapter permitting any exploration or commercial recovery which will conflict with any li-