

Public Law 93-253

AN ACT

March 16, 1974
[H. R. 8245]

To amend Reorganization Plan Numbered 2 of 1973, and for other purposes.

Reorganization
Plan No. 2 of
1973, amend-
ments.
5 USC app. II.
Repeals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Reorganization Plan Numbered 2 of 1973 is amended by—

- (1) repealing section 2;
 - (2) repealing section 6(b) and redesignating section 6(a) as section 6; and
 - (3) striking “and to the Secretary of the Treasury”, and “and to the Department of the Treasury, respectively,” from section 8.
- (b) The repeals and amendments made by subsection (a) shall be effective as of July 1, 1973.

Effective date.

SEC. 2. Section 2680(h) of title 28, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: “*Provided, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising, on or after the date of the enactment of this proviso, out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, ‘investigative or law enforcement officer’ means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law.*”.

Approved March 16, 1974.

Public Law 93-254

AN ACT

March 22, 1974
[H. R. 5450]

To amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes.

Marine Protec-
tion, Research,
and Sanctuaries
Act of 1972,
amendments.
33 USC 1401.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052) is amended as follows:

- (1) Section 2 is amended by deleting the last sentence thereof and by adding a new subsection to read as follows:

“(c) It is the purpose of this Act to regulate (1) the transportation by any person of material from the United States and, in the case of United States vessels, aircraft, or agencies, the transportation of material from a location outside the United States, when in either case the transportation is for the purpose of dumping the material into ocean waters, and (2) the dumping of material transported by any person from a location outside the United States, if the dumping occurs in the territorial sea or the contiguous zone of the United States.”.

33 USC 1402.

- (2) Section 3 is amended—

(A) in subsection (c), by deleting “oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161), and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).”, and inserting in lieu thereof “sewage from vessels within the meaning of section 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1322). Oil within the meaning of

section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be included only to the extent that such oil is taken on board a vessel or aircraft for the purpose of dumping.”;

(B) in subsection (f), by deleting “(33 U.S.C. 1151–1175)”, and inserting in lieu thereof “(33 U.S.C. 1251–1376)”;

(C) by adding a new subsection to read as follows:

“(1) ‘Convention’ means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.”

“Convention.”

(3) Section 101 is amended to read as follows:

Prohibited acts.
33 USC 1411.

“(a) Except as may be authorized by a permit issued pursuant to section 102 or section 103 of this title, and subject to regulations issued pursuant to section 108 of this title,

33 USC 1412,
1413.
33 USC 1418.

“(1) no person shall transport from the United States, and

“(2) in the case of a vessel or aircraft registered in the United States or flying the United States flag or in the case of a United States department, agency, or instrumentality, no person shall transport from any location

any material for the purpose of dumping it into ocean waters.

“(b) Except as may be authorized by a permit issued pursuant to section 102 of this title, and subject to regulations issued pursuant to section 108 of this title, no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.”

33 USC 1412.

(4) Section 102 is amended—

(A) in subsection (a)—

(i) by deleting the words “as provided for in section 101 of this title,” and inserting in lieu thereof the words “for which no permit may be issued.”;

(ii) by adding, after the phrase “instrumentality of the United States,” the words “or in the case of a vessel or aircraft registered in the United States or flying the United States flag.”; and

(iii) by adding at the end of the subsection the following sentence: “To the extent that he may do so without relaxing the requirements of this title, the Administrator, in establishing or revising such criteria, shall apply the standards and criteria binding upon the United States under the Convention, including its Annexes.”

(B) by adding a new subsection to read as follows:

“(e) In the case of transportation of material, by a vessel or aircraft registered in the United States or flying the United States flag, from a location in a foreign State Party to the Convention, a permit issued pursuant to the authority of that foreign State Party, in accordance with Convention requirements, and which otherwise could have been issued pursuant to subsection (a) hereof, shall be accepted, for the purposes of this title, as if it were issued by the Administrator under the authority of this section.”

SEC. 2. The amendments made by subparagraph 1(4)(A)(iii) and paragraph 1(4)(B) of this Act shall become effective on the date that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters enters into force for the United States. In all other respects, this Act shall become effective on the date of enactment.

Effective dates.
33 USC 1412
note.
33 USC 1401
note.