

“(4) (3) ‘vessel’ includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

“(5) (4) ‘public vessel’ means a vessel owned and operated by the United States, or by a State or, by a foreign nation, or except where such vessel is engaged in commercial activities, by a foreign nation;

“(6) (5) ‘shore installation’ means any building, structure, contrivance, or device, including, but not limited to, a terminal facility, manufacturing or industrial plant, drilling facility, pipeline, pumping station, pier, wharf, or dock, which is used in the handling or processing of oil and which is located in or adjacent to the navigable waters of the United States;

“(7) (6) ‘discharge’ means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil;

“(8) (7) ‘navigable waters of the United States’ means all portions of the sea within the territorial jurisdiction of the United States and all inland waters within the admiralty and maritime jurisdiction of the United States;

“(9) (8) ‘United States’ includes the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands;

“(10) ‘remove’ or ‘removal’ refers to the taking of reasonable and appropriate measures to mitigate the potential damage of discharge; and

“(11) ‘immediately’ means at the earliest reasonably practicable time after knowledge of the event, having regard to the circumstances and conditions of the particular case.

“(b) Except in case of emergency imperiling life or property, Act of God, war, sabotage, collision, standing, or unavoidable accident, and except as otherwise permitted by regulations prescribed by the Secretary under this section, it is unlawful to discharge or permit the discharge of oil by any method, means, or manner into or upon the navigable waters of the United States or adjoining shorelines of the United States.

“(c) Any owner or operator of a vessel, other than a public vessel, or a shore installation, or any employee thereof, who willfully violates the provisions of subsection (b) of this section or the regulations issued thereunder, shall, upon conviction, be punished by a fine not exceeding \$2,500, or by imprisonment not exceeding one year, or by both, for each offense.

“(d) Any vessel, other than a public vessel, or any shore installation which willfully or negligently causes the discharge of oil in violation of subsection

(b) of this section or any regulation issued thereunder shall be liable for a penalty of not more than \$10,000. Clearance of a vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid or until a bond or other surety satisfactory to the Secretary is posted. The penalty shall constitute a lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

“(e) The owner or operator of a vessel or shore installation which willfully or negligently discharges or permits, causes or contributes to the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines shall remove such discharged oil immediately from such waters and shorelines in accordance with regulations prescribed by the Secretary under this section. If such owner or operator fails to so act, the Secretary may shall remove the oil or arrange for its removal from such waters and shorelines, and such owner or operator and, as appropriate, the vessel and the shore installation or other persons whose negligence caused or contributed to such discharge of oil and, as appropriate, the vessel shall be liable, notwithstanding any other provision of law to the United States in addition to the penalties prescribed in this section, for the full amount of the actual costs reasonably incurred by the Secretary under this