

time Organization pursuant to Article VI of the MARPOL Protocol, may be accepted on behalf of the United States by the President following the advice and consent of the Senate, except as provided for in subsection (b) of this section.

(b) Action on certain amendments by the Secretary of State

A proposed amendment to Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention received by the United States from the Secretary-General of the International Maritime Organization pursuant to Article VI of the MARPOL Protocol, may be the subject of appropriate action on behalf of the United States by the Secretary of State following consultation with the Secretary, who shall inform the Secretary of State as to what action he considers appropriate at least 30 days prior to the expiration of the period specified in Article VI of the MARPOL Protocol during which objection may be made to any amendment received.

(c) Declaration of nonacceptance by the Secretary of State

Following consultation with the Secretary, the Secretary of State may make a declaration that the United States does not accept an amendment proposed pursuant to Article VI of the MARPOL Protocol.

(Pub. L. 96-478, §10, Oct. 21, 1980, 94 Stat. 2302; Pub. L. 100-220, title II, §2106, Dec. 29, 1987, 101 Stat. 1463.)

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-220, §2106(1), substituted “International Maritime Organization” for “Inter-Governmental Maritime Consultative Organization”.

Subsec. (b). Pub. L. 100-220, §2106(2), substituted “Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention” for “Annex I or II, appendices to the Annexes, or Protocol I of the MARPOL Protocol,” and “International Maritime Organization” for “Inter-Governmental Maritime Consultative Organization”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-220 effective Dec. 31, 1988, the date on which Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, entered into force for the United States, see section 2002(a) of Pub. L. 100-220, set out as a note under section 1901 of this title.

§ 1910. Legal actions

(a) Persons with adversely affected interests as plaintiffs; defendants

Except as provided in subsection (b) of this section, any person having an interest which is, or can be, adversely affected, may bring an action on his own behalf—

- (1) against any person alleged to be in violation of the provisions of this chapter, or regulations issued hereunder;
- (2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this chapter which is not discretionary with the Secretary;
- (3) against the Secretary of the Treasury where there is alleged a failure of the Secretary of the Treasury to take action under section 1908(e) of this title.

(b) Commencement conditions

No action may be commenced under subsection (a) of this section—

- (1) prior to 60 days after the plaintiff has given notice, in writing and under oath, to the alleged violator, the Secretary concerned, and the Attorney General; or
- (2) if the Secretary has commenced enforcement or penalty action with respect to the alleged violation and is conducting such procedures diligently.

(c) Venue

Any suit brought under this section shall be brought—

- (1) in a case concerning an onshore facility or port, in the United States district court for the judicial district where the onshore facility or port is located;
- (2) in a case concerning an offshore facility or offshore structure under the jurisdiction of the United States, in the United States district court for the judicial district nearest the offshore facility or offshore structure;
- (3) in a case concerning a ship, in the United States district court for any judicial district wherein the ship or its owner or operator may be found; or
- (4) in any case, in the District Court for the District of Columbia.

(d) Costs; attorney fees; witness fees

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party including the Federal Government.

(e) Federal intervention

In any action brought under this section, if the Secretary or Attorney General are not parties of record, the United States, through the Attorney General, shall have the right to intervene.

(Pub. L. 96-478, §11, Oct. 21, 1980, 94 Stat. 2302.)

§ 1911. Authority of Secretary under port and tanker safety program unaffected

Nothing in this chapter shall be construed as limiting, diminishing, or otherwise restricting any of the authority of the Secretary under the Port and Tanker Safety Act of 1978.

(Pub. L. 96-478, §15, Oct. 21, 1980, 94 Stat. 2303.)

REFERENCES IN TEXT

The Port and Tanker Safety Act of 1978, referred to in text, is Pub. L. 95-474, Oct. 17, 1978, 92 Stat. 1471, which enacted sections 1225, 1228 to 1231, and 1232 of this title, amended sections 1221 to 1224, 1226, and 1227 of this title, and sections 214 and 391a of former Title 46, Shipping, and enacted provisions set out as notes under sections 1221 and 1224 of this title and section 391a of Title 46. For complete classification of this Act to the Code, see Short Title note set out under section 1221 of this title and Tables.

§ 1912. International law

Any action taken under this chapter shall be taken in accordance with international law.

(Pub. L. 96-478, §17, as added Pub. L. 100-220, title II, §2108, Dec. 29, 1987, 101 Stat. 1464.)