

(2)(A)¹ Not later than 18 months after October 19, 1996, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.

(Pub. L. 96-478, § 6, Oct. 21, 1980, 94 Stat. 2299; Pub. L. 100-220, title II, § 2103, Dec. 29, 1987, 101 Stat. 1461; Pub. L. 101-225, title II, § 201(1), Dec. 12, 1989, 103 Stat. 1910; Pub. L. 104-227, title II, § 201(d), Oct. 2, 1996, 110 Stat. 3042; Pub. L. 104-324, title VIII, § 801, Oct. 19, 1996, 110 Stat. 3943.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-227, § 201(d)(1), inserted “or the Antarctic Protocol” after “the MARPOL Protocol”.

Subsec. (c)(2). Pub. L. 104-324, § 801(a)(1), (2), designated existing provisions as subpar. (A), substituted “Subject to subparagraph (B), if” for “If”, and added subpars. (B) and (C).

Subsec. (c)(3)(A). Pub. L. 104-324, § 801(a)(3), added subpar. (A) and struck out former subpar. (A) which read as follows: “is valid until suspended or revoked by the Secretary for cause or because of changed conditions; and”.

Subsec. (d). Pub. L. 104-324, § 801(a)(4), added subsec. (d) and struck out former subsec. (d) which read as follows: “The Secretary shall periodically cause to be published in the Federal Register a list of the ports or terminals holding a valid certificate issued under this section.”

Subsec. (e)(1). Pub. L. 104-227, § 201(d)(2), (3), inserted “or the Antarctic Protocol” after “the Convention” in introductory provisions and inserted “or Article 9 of Annex IV to the Antarctic Protocol” after “the Convention” in subpar. (A).

Subsec. (f). Pub. L. 104-324, § 801(b), designated existing provisions as par. (1) and added par. (2)(A).

Pub. L. 104-227, § 201(d)(4), inserted “or the Antarctic Protocol” after “the MARPOL Protocol”.

1989—Subsec. (c)(1). Pub. L. 101-225 substituted “Annex I and Annex II” for “Annex V”.

1987—Subsec. (a). Pub. L. 100-220, § 2103(a), designated existing provisions as par. (1), substituted “a port’s or terminal’s reception facilities for mixtures containing oil or noxious liquid substances” for “reception facilities of a port or terminal”, and added par. (2).

Subsec. (b). Pub. L. 100-220, § 2103(b), inserted “and in establishing regulations under subsection (a) of this section;” and “ships or”.

Subsec. (c). Pub. L. 100-220, § 2103(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “If, upon inspection, reception facilities of a port or terminal are adequate to meet the requirements of the MARPOL Protocol and the regulations established hereunder, the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant. A certificate issued under this subsection—

“(1) is valid until suspended or revoked by the Secretary for cause or because of changed conditions; and

“(2) shall be available for inspection upon the request of the master, other person in charge, or agent of a seagoing ship using or intending to use the port or terminal.

The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary

and acted on by him in the manner prescribed by regulation.”

Subsec. (e). Pub. L. 100-220, § 2103(d), designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, in subpar. (A), substituted “Annexes I and II of the Convention” for “the MARPOL Protocol”, and added par. (2).

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.

EFFECTIVE DATE

Subsecs. (a), (c), and (f) of this section effective Oct. 21, 1980, see section 14(b) of Pub. L. 96-478, set out as a note under section 1901 of this title.

§ 1906. Incidents involving ships

(a) Requirement to report incident

The master, person in charge, owner, charterer, manager, or operator of a ship involved in an incident shall report the incident in the manner prescribed by Article 8 of the Convention in accordance with regulations promulgated by the Secretary for that purpose.

(b) Requirement to report discharge, probable discharge, or presence of oil

The master or person in charge of—

(1) a ship of United States registry or nationality, or operated under the authority of the United States, wherever located;

(2) another ship while in the navigable waters of the United States; or

(3) a sea port or oil handling facility subject to the jurisdiction of the United States,

shall report a discharge, probable discharge, or presence of oil in the manner prescribed by Article 4 of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (adopted at London, November 30, 1990), in accordance with regulations promulgated by the Secretary for that purpose.

(Pub. L. 96-478, § 7, Oct. 21, 1980, 94 Stat. 2300; Pub. L. 102-241, § 39, Dec. 19, 1991, 105 Stat. 2225.)

AMENDMENTS

1991—Pub. L. 102-241 amended section generally. Prior to amendment, section read as follows:

“(a) As soon as he has knowledge of an incident, the master or other person in charge of a ship shall report it to the Secretary in the manner prescribed by Article 8 of the Convention.

“(b) Upon receipt of the report of an incident involving a ship, other than one of United States registry or nationality or one operated under the authority of the United States, the Secretary shall take the action required by Article 8 of the Convention.”

§ 1907. Violations

(a) General prohibition; cooperation and enforcement; detection and monitoring measures; reports; evidence

It is unlawful to act in violation of the MARPOL Protocol, Annex IV to the Antarctic Protocol, this chapter, or the regulations issued thereunder. The Secretary shall cooperate with other parties to the MARPOL Protocol or to the

¹ So in original. No subpar. (B) has been enacted.