

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

A proposed amendment to Annex I, II, V, or VI 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, or the Administrator as provided for in this chapter, 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; Pub. L. 110-280, §9, July 21, 2008, 122 Stat. 2615.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-280 substituted “Annex I, II, V, or VI” for “Annex I, II, or V” and inserted “or the Administrator as provided for in this chapter,” after “Secretary.”

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 Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary; or

(4) 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 or the Administrator, and the Attorney General; or

(2) if the Secretary or the Administrator 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; Pub. L. 110-280, §12, July 21, 2008, 122 Stat. 2615.)

AMENDMENTS

2008—Subsec. (a)(3), (4). Pub. L. 110-280, §12(1), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 110-280, §12(2), substituted “concerned or the Administrator,” for “concerned.”

Subsec. (b)(2). Pub. L. 110-280, §12(3), inserted “or the Administrator” after “Secretary”.

§ 1911. Effect on other laws

Authorities, requirements, and remedies of this chapter supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this chapter shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this chapter.

(Pub. L. 96-478, §15, Oct. 21, 1980, 94 Stat. 2303; Pub. L. 110-280, §11, July 21, 2008, 122 Stat. 2615.)