

“(2) a ship registered in or of the nationality of a country party to the MARPOL Protocol, or one operated under the authority of a country party to the MARPOL Protocol, while in the navigable waters of the United States; and

“(3) a ship registered in or of the nationality of a country not a party to the MARPOL Protocol, under subsection (c) of this section, while in the navigable waters of the United States.”

Subsec. (b). Pub. L. 100-220, §2102(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “This chapter does not apply to—

“(1) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

“(2) any other ship specifically excluded by the MARPOL Protocol.”

Subsec. (c). Pub. L. 100-220, §2102(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol to ensure that their treatment is not more favorable than that accorded ships of parties to the MARPOL Protocol.”

Statutory Notes and Related Subsidiaries

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. (c) and (d) 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.

COMPLIANCE WITH ANNEX V TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Pub. L. 104-201, div. A, title III, §324(b), (c), Sept. 23, 1996, 110 Stat. 2480, as amended by Pub. L. 105-85, div. A, title X, §1073(c)(1), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 108-136, div. A, title X, §1031(f)(1), Nov. 24, 2003, 117 Stat. 1604, provided that:

“(b) SENSE OF CONGRESS.—(1) It is the sense of Congress that it should be an objective of the Navy to achieve full compliance with Annex V to the Convention as part of the Navy’s development of ships that are environmentally sound.

“(2) In this subsection and subsection (c), the terms ‘Convention’ and ‘ship’ have the meanings given such terms in section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

“[(c) Repealed. Pub. L. 108-136, div. A, title X, §1031(f)(1), Nov. 24, 2003, 117 Stat. 1604.]”

INSTALLATION SCHEDULE FOR PLASTICS PROCESSOR EQUIPMENT ABOARD SHIPS; REQUEST FOR PROPOSALS FOR EQUIPMENT

Pub. L. 103-160, div. A, title X, §1003(e), Nov. 30, 1993, 107 Stat. 1747, provided that:

“(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as ‘plastics processor’) required for the long-term collection and storage of plastic aboard ships owned or operated by the Navy.

“(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a ship owned or operated by the Navy.

“(3) Not later than March 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 25 percent of the ships owned or operated by the Navy that require plastics processors to comply with section 3 of the Act to Prevent Pollution

from Ships [33 U.S.C. 1902], as amended by subsections (a), (b), and (c) of this section.

“(4) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

“(5) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

“(6) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.”

§ 1902a. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8502(a)(1), Jan. 1, 2021, 134 Stat. 4746

Section, Pub. L. 107-295, title II, §204, Nov. 25, 2002, 116 Stat. 2094, related to discharge of agricultural cargo residue. See section 1902(e) of this title.

§ 1903. Administration and enforcement

(a) Duty of Secretary; Annexes of Convention applicable to seagoing vessels

Unless otherwise specified in this chapter, the Secretary shall administer and enforce the MARPOL Protocol, Annex IV to the Antarctic Protocol, and this chapter. In the administration and enforcement of the MARPOL Protocol and this chapter, Annexes I and II of the Convention apply only to seagoing ships.

(b) Duty of the Administrator

In addition to other duties specified in this chapter, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization’s Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act [42 U.S.C. 7401 et seq.] or regulations prescribed under that Act.

(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

(3) The Administrator shall, only as specified in section 1907(f) of this title, have authority to enforce Annex VI of the Convention.

(c) Regulations; refuse record books; waste management plans; notification of crew and passengers

(1) The Secretary shall prescribe any necessary or desired regulations to carry out the provisions of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this chapter.

(2) In addition to the authority the Secretary has to prescribe regulations under this chapter,

the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.

(4) The Secretary of the department in which the Coast Guard is operating shall—

(A) prescribe regulations which—

(i) require certain ships described in section 1902(a)(1) of this title to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention and of Annex IV to the Antarctic Protocol; and

(ii) specify the ships described in section 1902(a)(1) of this title to which the regulations apply;

(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

(C) within 2 years after the effective date of this paragraph, report to the Congress—

(i) regarding activities of the Secretary under subparagraph (B); and

(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B) regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 1902(a) of this title which call at United States ports.

(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.

(d) Utilization of personnel, facilities, or equipment of other Federal departments and agencies

The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the MARPOL Protocol, this chapter, or the regulations thereunder.

(Pub. L. 96-478, §4, Oct. 21, 1980, 94 Stat. 2298; Pub. L. 100-220, title II, §2107, Dec. 29, 1987, 101 Stat. 1464; Pub. L. 104-227, title II, §201(c), Oct. 2, 1996, 110 Stat. 3042; Pub. L. 110-280, §5, July 21, 2008, 122 Stat. 2613.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (b)(1), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The effective date of this paragraph, referred to in subsec. (c)(4)(C), is Dec. 31, 1988, the effective date of

section 2107(b) of Pub. L. 100-220. See Effective Date of 1987 Amendment note below.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-280, §5(1), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 110-280 redesignated subsec. (b) as (c), added pars. (2), (3), and (5), and redesignated former par. (2) as (4). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-280, §5(1), redesignated subsec. (c) as (d).

1996—Subsec. (a). Pub. L. 104-227, §201(c)(1), inserted “, Annex IV to the Antarctic Protocol,” after “the MARPOL Protocol” in first sentence.

Subsec. (b)(1). Pub. L. 104-227, §201(c)(2), inserted “, Annex IV to the Antarctic Protocol,” after “the MARPOL Protocol”.

Subsec. (b)(2)(A). Pub. L. 104-227, §201(c)(3), (4), struck out “within 1 year after the effective date of this paragraph,” before “prescribe” in introductory provisions and inserted “and of Annex IV to the Antarctic Protocol” after “the Convention” in cl. (i).

1987—Subsec. (a). Pub. L. 100-220, §2107(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Unless otherwise specified herein, the Secretary shall administer and enforce the MARPOL Protocol and this chapter. In the administration and enforcement of the MARPOL Protocol and this chapter, Annexes I and II of the MARPOL Protocol shall be applicable only to seagoing ships.”

Subsec. (b). Pub. L. 100-220, §2107(b), designated existing provisions as par. (1) and added par. (2).

Statutory Notes and Related Subsidiaries

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

Subsec. (b) 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1904. Certificates

(a) Issuance by authorized designees; restriction on issuance

Except as provided in section 1903(b)(1) of this title, the Secretary shall designate those persons authorized to issue on behalf of the United States the certificates required by the MARPOL Protocol. A certificate required by the MARPOL Protocol shall not be issued to a ship which is registered in or of the nationality of a country which is not a party to the MARPOL Protocol.

(b) Validity of foreign certificates

A certificate issued by a country which is a party to the MARPOL Protocol has the same validity as a certificate issued by the Secretary or the Administrator under the authority of this chapter.