

**§ 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.)

## AMENDMENTS

2008—Pub. L. 110-280 amended section generally. Prior to amendment, section read as follows: “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.”

**§ 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.)

**§ 1913. Compliance reports****(a) In general**

Within 1 year after the effective date of this section, and triennially thereafter, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall report to the Congress regarding compliance with Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, in United States waters and, not later than 1 year after October 19, 1996, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

**(b) Report on inability to comply**

Within 3 years after the effective date of this section, the head of each Federal agency that operates or contracts for the operation of any ship referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships [33 U.S.C. 1902(b)(1)(A)] that may not be able to comply with the requirements of that section shall report to the Congress describing—

(1) the technical and operational impediments to achieving that compliance;

(2) an alternative schedule for achieving that compliance as rapidly as is technologically feasible;

(3) the ships operated or contracted for operation by the agency for which full compliance with section 3(b)(2)(A) [33 U.S.C. 1902(b)(2)(A)] is not technologically feasible; and

(4) any other information which the agency head considers relevant and appropriate.

**(c) Congressional action**

Upon receipt of the compliance report under subsection (b) of this section, the Congress shall modify the applicability of Annex V to ships referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships [33 U.S.C. 1902(b)(1)(A)], as may be appropriate with respect to the requirements of Annex V to the Convention.

(Pub. L. 100-220, title II, § 2201, Dec. 29, 1987, 101 Stat. 1464; Pub. L. 104-66, title I, § 1121(c), Dec. 21, 1995, 109 Stat. 724; Pub. L. 104-324, title VIII, § 802(a), Oct. 19, 1996, 110 Stat. 3944.)

## REFERENCES IN TEXT

For effective date of this section, referred to in subsecs. (a) and (b), see section 2002 of Pub. L. 100-220, set out as an Effective Date of 1987 Amendment note under section 1901 of this title.

The Act to Prevent Pollution from Ships, referred to in subsec. (a), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to this chapter (§1901 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

## CODIFICATION

Section was formerly set out as a note under section 1902 of this title.

Section was enacted as part of the Marine Plastic Pollution Research and Control Act of 1987 and as part of the United States-Japan Fishery Agreement Approval Act of 1987, and not as part of the Act to Prevent Pollution from Ships which comprises this chapter.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-324 struck out “for a period of 6 years” after “triennially thereafter” and inserted “and, not later than 1 year after October 19, 1996, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)” before period at end.

1995—Subsec. (a). Pub. L. 104-66 substituted “triennially” for “biennially”.

## 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.

**§ 1914. Coordination****(a) Establishment of Interagency Marine Debris Coordinating Committee**

There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.

**(b) Membership**

The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

(2) the Environmental Protection Agency;

(3) the United States Coast Guard;

(4) the United States Navy; and

(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

**(c) Meetings**

The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

**(d) Monitoring**

The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships [33 U.S.C. 1901 et seq.] in ensuring compliance under section 1913 of this title.

(Pub. L. 100-220, title II, § 2203, Dec. 29, 1987, 101 Stat. 1466; Pub. L. 104-324, title VIII, § 802(b), Oct. 19, 1996, 110 Stat. 3944; Pub. L. 109-449, § 5(a), Dec. 22, 2006, 120 Stat. 3337.)

## REFERENCES IN TEXT

The Marine Protection, Research, and Sanctuaries Act of 1972, referred to in subsec. (d), is Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1052, as amended. Title V of the Act, popularly known as the National Coastal Monitoring Act, is classified generally to chapter 41 (§2801 et seq.) of this title. For complete classification of title V to the Code, see Short Title note set out under section 2801 of this title and Tables.

This Act, referred to in subsec. (d)(2), probably should be “this title” meaning title II of Pub. L. 100-220, Dec. 29, 1987, 101 Stat. 1460, as amended, known as the Marine Plastic Pollution Research and Control Act of 1987. For complete classification of title II to the Code, see Short Title of 1987 Amendment note set out under section 1901 of this title and Tables.

The Act to Prevent Pollution from Ships, referred to in subsec. (d)(2), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to this chapter (§1901 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

## CODIFICATION

Section was enacted as part of the Marine Plastic Pollution Research and Control Act of 1987 and as part of the United States-Japan Fishery Agreement Approval Act of 1987, and not as part of the Act to Prevent Pollution from Ships which comprises this chapter.

## AMENDMENTS

2006—Subsec. (a). Pub. L. 109-449, § 5(a)(1), added subsec. (a) and struck out former subsec. (a). Text read as