

“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.)

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