

Union Calendar No. 398

109TH CONGRESS
2D SESSION

H. R. 5811

[Report No. 109-667]

To implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LoBIONDO, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 19, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 17, 2006]

A BILL

To implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “MARPOL Annex VI*
3 *Implementation Act of 2006”.*

4 **SEC. 2. REFERENCES.**

5 *Wherever in this Act an amendment or repeal is ex-*
6 *pressed in terms of an amendment to or a repeal of a section*
7 *or other provision, the reference shall be considered to be*
8 *made to a section or other provision of the Act to Prevent*
9 *Pollution from Ships (33 U.S.C. 1901 et seq.).*

10 **SEC. 3. DEFINITIONS.**

11 *Section 2(a) (33 U.S.C. 1901(a)) is amended—*

12 *(1) by redesignating the paragraphs (1) through*
13 *(12) as paragraphs (2) through (13), respectively;*

14 *(2) by inserting before paragraph (2), as so re-*
15 *designated, the following:*

16 *“(1) ‘Administrator’ means the Administrator of*
17 *the Environmental Protection Agency;”;*

18 *(3) in paragraph (5), as so redesignated, by*
19 *striking “and V” and inserting “V, and VI”; and*

20 *(4) in paragraph (6), as so redesignated, by*
21 *striking “‘discharge’ and ‘garbage’ and ‘harmful sub-*
22 *stance’ and ‘incident’” and inserting “‘discharge’,*
23 *‘emission’, ‘garbage’, ‘harmful substance’, and ‘inci-*
24 *dent’”.*

25 **SEC. 4. APPLICABILITY.**

26 *Section 3 (33 U.S.C. 1902) is amended—*

1 (1) in subsection (a)—

2 (A) by striking “and” after the semicolon at
3 the end of paragraph (3);

4 (B) by striking the period at the end of
5 paragraph (4) and inserting “; and”;

6 (C) and by adding at the end the following
7 new paragraph:

8 “(5) with respect to Annex VI to the Convention,
9 and to the extent consistent with international law, to
10 a ship, other than a ship referred to in paragraph
11 (1), that—

12 “(A) is in a port, shipyard, offshore ter-
13 minal, or the internal waters of the United
14 States;

15 “(B) is in the territorial sea of the United
16 States as defined in Presidential Proclamation
17 5928 of December 27, 1988;

18 “(C) is in an emission control area des-
19 ignated pursuant to section 4; or

20 “(D) is bound for, or departing a port,
21 shipyard, offshore terminal, or the internal wa-
22 ters of the United States; and is in any other
23 area that the Administrator, in consultation
24 with the Secretary, has designated by regulation
25 and based on the best available scientific data as

1 *being an area from which emissions from ships*
 2 *are of concern with respect to protection of pub-*
 3 *lic health, welfare, or the environment.”;*

4 *(2) in subsection (b)(1) by inserting “or (3)”*
 5 *after “paragraph (2)”;*

6 *(3) in subsection (b) by adding at the end the*
 7 *following new paragraph:*

8 *“(3) With respect to Annex VI to the Convention, the*
 9 *head of a Federal department or agency may determine that*
 10 *some or all of the requirements under this Act shall apply*
 11 *to one or more classes of public vessels operated under the*
 12 *authority of such department or agency.”; and*

13 *(4) in subsection (d)—*

14 *(A) by inserting “, or the Administrator as*
 15 *authorized by section 4,” after “Secretary”;*

16 *(B) by inserting “(or an applicable*
 17 *Annex)” after “MARPOL Protocol” the first*
 18 *place it appears; and*

19 *(C) by inserting “and Annex VI” after*
 20 *“Annex V”.*

21 **SEC. 5. ADMINISTRATION AND ENFORCEMENT.**

22 *Section 4(b) (33 U.S.C. 1903(b)) is amended—*

23 *(1) by redesignating paragraph (2) as para-*
 24 *graph (4);*

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraphs:

3 “(2) In prescribing regulations under this section to
4 carry out the provisions of Annex VI to the Convention,
5 the Secretary shall consult with the Administrator with re-
6 spect to Regulations 12 and 16 of such Annex and with
7 the Administrator and the Secretary of the Interior with
8 respect to Regulation 19 of such Annex.

9 “(3) In addition to the authority the Secretary has to
10 prescribe regulations under this section to carry out Annex
11 VI to the Convention, the Administrator, in consultation
12 with the Secretary, shall prescribe any necessary or desired
13 regulations to carry out Regulations 13, 14, 15, and 18 of
14 such Annex.”; and

15 (3) by adding at the end the following new para-
16 graph:

17 “(5) No standard issued by any person or Federal
18 agency regarding emissions from tank vessels that are sub-
19 ject to Regulation 15 of Annex VI to the Convention shall
20 be effective until six months after the date on which the
21 Secretary submits a notification to the International Mari-
22 time Organization that such standard has been estab-
23 lished.”.

24 **SEC. 6. CERTIFICATES.**

25 Section 5 (33 U.S.C. 1904) is amended—

1 (1) in subsection (a)—

2 (A) by striking “The” and inserting “(1)

3 *Except as provided in paragraph (2), the*”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) *The Administrator shall, and no other person*
7 *may, issue an Engine International Air Pollution Preven-*
8 *tion Certificate in accordance with Annex VI to the Conven-*
9 *tion and the International Maritime Organization’s Tech-*
10 *nical Code on Control of Emissions of Nitrogen Oxides from*
11 *Marine Diesel Engines, on behalf of the United States. The*
12 *issuance of such certificates shall be consistent with any ap-*
13 *plicable requirements under the Clean Air Act (42 U.S.C.*
14 *7401 et seq.) and regulations promulgated thereunder.*”;

15 (2) by striking subsection (b) and inserting the
16 following:

17 “(b) *A certificate issued by a country that is a party*
18 *to the MARPOL Protocol has the same validity as a certifi-*
19 *cate issued by the Secretary under the authority of this Act,*
20 *or by the Administrator under the authority of subsection*
21 *(a)(2).*”; and

22 (3) in subsection (e) by inserting “or the public
23 health or welfare” after “marine environment”.

24 **SEC. 7. RECEPTION FACILITIES.**

25 Section 6 (33 U.S.C. 1905) is amended—

1 (1) *in subsection (a) by adding at the end the*
2 *following new paragraph:*

3 “(3) *The Secretary, after consulting with appropriate*
4 *Federal agencies, shall establish regulations to require that*
5 *ports and terminals provide reception facilities for receiv-*
6 *ing ozone depleting substances, equipment containing such*
7 *substances, and exhaust gas cleaning residues or ensure that*
8 *such facilities are available. The regulations shall establish*
9 *criteria for determining the adequacy of reception facilities*
10 *for receiving such substances, equipment, or residues at a*
11 *port or terminal and such additional measures and require-*
12 *ments as are appropriate to ensure such adequacy.*

13 “(4) *The Secretary may establish regulations to cer-*
14 *tify, and may issue certificates to the effect, that a port’s*
15 *or terminal’s facilities for receiving such substances, equip-*
16 *ment, and residues from ships are adequate.”;*

17 (2) *in subsection (c)(2)(A) by inserting “or*
18 *(a)(3)” after “subsection (a)(2)”;*

19 (3) *by striking subsection (e)(2) and inserting*
20 *the following:*

21 “(2) *The Secretary may deny the entry of a ship to*
22 *a port or terminal required by regulations issued under this*
23 *section to provide adequate reception facilities for garbage,*
24 *ozone depleting substances, equipment containing such sub-*

1 *stances, and exhaust gas cleaning residues if the port of ter-*
 2 *minal is not in compliance with such regulations.”; and*
 3 *(4) in subsection (f)(1) by striking “MARPOL*
 4 *Protocol or the Antarctic Protocol” and inserting*
 5 *“MARPOL Protocol, the Antarctic Protocol, or this*
 6 *Act”.*

7 **SEC. 8. INSPECTIONS.**

8 *Section 8(f) (33 U.S.C. 1907(f)) is amended to read*
 9 *as follows:*

10 *“(f)(1) The Secretary may inspect a ship to which this*
 11 *Act applies as provided under section 3(a)(5), to verify*
 12 *whether the ship is in compliance with Annex VI to the*
 13 *Convention and this Act.*

14 *“(2) If an inspection under this subsection or any*
 15 *other information indicates that a violation has occurred,*
 16 *the Secretary may undertake enforcement action under this*
 17 *section.”.*

18 **SEC. 9. AMENDMENTS TO THE PROTOCOL.**

19 *Section 10(b) (33 U.S.C. 1909(b)) is amended by strik-*
 20 *ing “Annex I, II, or V” and by inserting “Annex I, II,*
 21 *V, or VI”.*

22 **SEC. 10. EFFECT ON OTHER LAWS.**

23 *Section 15 (33 U.S.C. 1911) is amended to read as*
 24 *follows:*

1 **“SEC. 15. EFFECT ON OTHER LAWS.**

2 *“Authorities, requirements, and remedies of this Act*
3 *supplement and neither amend nor repeal any other au-*
4 *thorities, requirements, or remedies conferred by any other*
5 *provision of law. Nothing in this Act shall limit, deny,*
6 *amend, modify, or repeal any other authority, requirement,*
7 *or remedy available to the United States or any other per-*
8 *son, except as expressly provided in this Act.”.*

9 **SEC. 11. TECHNICAL CORRECTIONS.**

10 *Subsections (a), (b), and (d) of section 9 (33 U.S.C.*
11 *1908(a), (b), and (d)) are amended by striking the second*
12 *comma after “MARPOL Protocol” each place it appears.*

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