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IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Commerce, Science, and
Transportation

JUNE 23, 2008

Reported by Mr. INOUE, with an amendment

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

AN ACT

To amend the Act to Prevent Pollution from Ships to
implement MARPOL Annex VI.

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 “Maritime Pollution
3 Prevention Act of 2007”.

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 sec-
7 tion or other provision, the reference shall be considered
8 to be made to a section or other provision of the Act to
9 Prevent 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)
13 through (12) as paragraphs (2) through (13), re-
14 spectively;

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

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

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

21 (4) in paragraph (6) (as so redesignated) by
22 striking “‘discharge’ and ‘garbage’ and ‘harmful
23 substance’ and ‘incident’” and inserting “‘dis-
24 charge’, ‘emission’, ‘garbage’, ‘harmful substance’,
25 and ‘incident’”; and

1 ~~(5)~~ by redesignating paragraphs ~~(7)~~ through
 2 ~~(13)~~ (as redesignated) as paragraphs ~~(8)~~ through
 3 ~~(14)~~, respectively, and inserting after paragraph ~~(6)~~
 4 (as redesignated) the following:

5 “(7) ‘navigable waters’ includes the territorial
 6 sea of the United States (as defined in Presidential
 7 Proclamation 5928 of December 27, 1988) and the
 8 internal waters of the United States;”.

9 **SEC. 4. APPLICABILITY.**

10 Section ~~3~~ (~~33~~ U.S.C. 1902) is amended—

11 (1) in subsection (a)—

12 (A) by striking “and” at the end of para-
 13 graph ~~(3)~~;

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

16 (C) by adding at the end the following:

17 “(5) with respect to Annex VI to the Conven-
 18 tion, and other than with respect to a ship referred
 19 to in paragraph (1)—

20 “(A) to a ship that is in a port, shipyard,
 21 offshore terminal, or the internal waters of the
 22 United States;

23 “(B) to a ship that is bound for, or depart-
 24 ing from, a port, shipyard, offshore terminal, or

the internal waters of the United States, and is
in—

“(i) the navigable waters of the
United States;

“(ii) an emission control area des-
ignated pursuant to section 4; or

“(iii) any other area that the Admin-
istrator, in consultation with the Secretary
and each State in which any part of the
area is located, has designated by order as
being an area from which emissions from
ships are of concern with respect to protec-
tion of public health, welfare, or the envi-
ronment;

“(C) to a ship that is entitled to fly the
flag of, or operating under the authority of, a
party to Annex VI, and is in—

“(i) the navigable waters of the
United States;

“(ii) an emission control area des-
ignated under section 4; or

“(iii) any other area that the Admin-
istrator, in consultation with the Secretary
and each State in which any part of the
area is located, has designated by order as

being an area from which emissions from
ships are of concern with respect to protec-
tion of public health, welfare, or the envi-
ronment; and

“(D) to the extent consistent with inter-
national law, to any other ship that is in—

“(i) the exclusive economic zone of the
United States;

“(ii) the navigable waters of the
United States;

“(iii) an emission control area des-
ignated under section 4; or

“(iv) any other area that the Adminis-
trator, in consultation with the Secretary
and each State in which any part of the
area is located, has designated by order as
being an area from which emissions from
ships are of concern with respect to protec-
tion of public health, welfare, or the envi-
ronment.”;

(2) in subsection (b)—

(A) in paragraph (1) by striking “para-
graph (2)” and inserting “paragraphs (2) and
(3)”; and

(B) by adding at the end the following:

1 “(3) With respect to Annex VI the Administrator, or
 2 the Secretary, as relevant to their authorities pursuant to
 3 this Act, may determine that some or all of the require-
 4 ments under this Act shall apply to one or more classes
 5 of public vessels, except that such a determination by the
 6 Administrator shall have no effect unless the head of the
 7 Department or agency under which the vessels operate
 8 concurs in the determination. This paragraph does not
 9 apply during time of war or during a declared national
 10 emergency.”;

11 (3) by redesignating subsections (e) through (g)
 12 as subsections (d) through (h), respectively, and in-
 13 serting after subsection (b) the following:

14 “(e) APPLICATION TO OTHER PERSONS.—This Act
 15 shall apply to all persons to the extent necessary to ensure
 16 compliance with Annex VI to the Convention.”; and

17 (4) in subsection (e), as redesignated—

18 (A) by inserting “or the Administrator,
 19 consistent with section 4 of this Act,” after
 20 “Secretary”;

21 (B) by striking “of section (3)” and insert-
 22 ing “of this section”; and

23 (C) by striking “Protocol, including regula-
 24 tions conforming to and giving effect to the re-
 25 quirements of Annex V” and inserting “Pro-

1 tocol (or the applicable Annex), including regu-
 2 lations conforming to and giving effect to the
 3 requirements of Annex V and Annex VI”.

4 **SEC. 5. ADMINISTRATION AND ENFORCEMENT.**

5 Section 4 (33 U.S.C. 1903) is amended—

6 (1) by redesignating subsections (b) and (c) as
 7 subsections (c) and (d), respectively, and inserting
 8 after subsection (a) the following:

9 “(b) DUTY OF THE ADMINISTRATOR.—In addition to
 10 other duties specified in this Act, the Administrator and
 11 the Secretary, respectively, shall have the following duties
 12 and authorities:

13 “(1) The Administrator shall, and no other per-
 14 son may, issue Engine International Air Pollution
 15 Prevention certificates in accordance with Annex VI
 16 and the International Maritime Organization’s Tech-
 17 nical Code on Control of Emissions of Nitrogen Ox-
 18 ides from Marine Diesel Engines, on behalf of the
 19 United States for a vessel of the United States as
 20 that term is defined in section 116 of title 46,
 21 United States Code. The issuance of Engine Inter-
 22 national Air Pollution Prevention certificates shall
 23 be consistent with any applicable requirements of
 24 the Clean Air Act or regulations prescribed under
 25 that Act.

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

4 ~~“(3) The Administrator shall, only as specified~~
 5 ~~in section 8(f), have authority to enforce Annex VI~~
 6 ~~of the Convention.”;~~

7 ~~(2) in subsection (c), as redesignated, by redesi-~~
 8 ~~gnating paragraph (2) as paragraph (4), and insert-~~
 9 ~~ing after paragraph (1) the following:~~

10 ~~“(2) In addition to the authority the Secretary has~~
 11 ~~to prescribe regulations under this Act, the Administrator~~
 12 ~~shall also prescribe any necessary or desired regulations~~
 13 ~~to carry out the provisions of regulations 12, 13, 14, 15,~~
 14 ~~16, 17, 18, and 19 of Annex VI to the Convention.~~

15 ~~“(3) In prescribing any regulations under this sec-~~
 16 ~~tion, the Secretary and the Administrator shall consult~~
 17 ~~with each other, and with respect to regulation 19, with~~
 18 ~~the Secretary of the Interior.”; and~~

19 ~~(3) by adding at the end of subsection (c), as~~
 20 ~~redesignated, the following:~~

21 ~~“(5) No standard issued by any person or Federal~~
 22 ~~authority, with respect to emissions from tank vessels sub-~~
 23 ~~ject to regulation 15 of Annex VI to the Convention, shall~~
 24 ~~be effective until 6 months after the required notification~~

1 to the International Maritime Organization by the Sec-
 2 retary.”.

3 **SEC. 6. CERTIFICATES.**

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

5 (1) in subsection (a) by striking “The Sec-
 6 retary” and inserting “Except as provided in section
 7 4(b)(1), the Secretary”;

8 (2) in subsection (b) by striking “Secretary
 9 under the authority of the MARPOL protocol.” and
 10 inserting “Secretary or the Administrator under the
 11 authority of this Act.”; and

12 (3) in subsection (c) by striking “environment.”
 13 and inserting “environment or the public health and
 14 welfare.”.

15 **SEC. 7. RECEPTION FACILITIES.**

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

17 (1) in subsection (a) by adding at the end the
 18 following:

19 “(3) The Secretary and the Administrator, after con-
 20 sulting with appropriate Federal agencies, shall jointly
 21 prescribe regulations setting criteria for determining the
 22 adequacy of reception facilities for receiving ozone deplet-
 23 ing substances, equipment containing such substances,
 24 and exhaust gas cleaning residues at a port or terminal,
 25 and stating any additional measures and requirements as

1 are appropriate to ensure such adequacy. Persons in
 2 charge of ports and terminals shall provide reception fa-
 3 cilities, or ensure that reception facilities are available, in
 4 accordance with those regulations. The Secretary and the
 5 Administrator may jointly prescribe regulations to certify,
 6 and may issue certificates to the effect, that a port's or
 7 terminal's facilities for receiving ozone depleting sub-
 8 stances, equipment containing such substances, and ex-
 9 haust gas cleaning residues from ships are adequate.”;

10 (2) in subsection (b) by inserting “or the Ad-
 11 ministrator” after “Secretary”;

12 (3) in subsection (c) by striking paragraph (2)
 13 and inserting the following:

14 “(2) The Secretary may deny the entry of a ship to
 15 a port or terminal required by the MARPOL Protocol, this
 16 Act, or regulations prescribed under this section relating
 17 to the provision of adequate reception facilities for gar-
 18 bage, ozone depleting substances, equipment containing
 19 those substances, or exhaust gas cleaning residues, if the
 20 port or terminal is not in compliance with the MARPOL
 21 Protocol, this Act, or those regulations.”;

22 (4) in subsection (f)(1) by striking “Secretary
 23 is” and inserting “Secretary and the Administrator
 24 are”; and

25 (5) in subsection (f)(2) by striking “(A)”.

1 **SEC. 8. INSPECTIONS.**

2 Section 8(f) (~~33 U.S.C. 1907(f)~~) is amended to read
3 as follows:

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

8 “(2) If an inspection under this subsection or any
9 other information indicates that a violation has occurred,
10 the Secretary, or the Administrator in a matter referred
11 by the Secretary, may undertake enforcement action under
12 this section.

13 “(3) Notwithstanding subsection (b) and paragraph
14 (2) of this subsection, the Administrator shall have all of
15 the authorities of the Secretary, as specified in subsection
16 (b) of this section, for the purposes of enforcing regula-
17 tions 17 and 18 of Annex VI to the Convention to the
18 extent that shoreside violations are the subject of the ac-
19 tion and in any other matter referred to the Administrator
20 by the Secretary.”.

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

22 Section 10(b) (~~33 U.S.C. 1909(b)~~) is amended by in-
23 serting “or the Administrator as provided for in this Act,”
24 after “Secretary,”.

25 **SEC. 10. PENALTIES.**

26 Section 9 (~~33 U.S.C. 1908~~) is amended—

1 (1) by striking “Protocol,” each place it ap-
2 pears and inserting “Protocol,”

3 (2) in subsection (b)—

4 (A) by inserting “, or the Administrator as
5 provided for in this Act” after “Secretary” the
6 first place it appears;

7 (B) in paragraph (2), by inserting “, or
8 the Administrator as provided for in this Act,”
9 after “Secretary”; and

10 (C) in the matter after paragraph (2)—

11 (i) by inserting “, or the Adminis-
12 trator as provided for in this Act” after
13 “Secretary” the first place it appears; and

14 (ii) by inserting “, or the Adminis-
15 trator as provided for in this Act,” after
16 “Secretary” the second and third places it
17 appears;

18 (3) in subsection (c), by inserting “, or the Ad-
19 ministrators as provided for in this Act,” after “Sec-
20 retary” each place it appears; and

21 (4) in subsection (f), by inserting “, or the Ad-
22 ministrators as provided for in this Act” after “Sec-
23 retary” the first place appears.

1 **SEC. 11. EFFECT ON OTHER LAWS.**

2 Section ~~15~~ (33 U.S.C. 1911) is amended to read as
3 follows:

4 **“SEC. 15. EFFECT ON OTHER LAWS.**

5 ~~“Authorities, requirements, and remedies of this Act~~
6 ~~supplement and neither amend nor repeal any other au-~~
7 ~~thorities, requirements, or remedies conferred by any~~
8 ~~other provision of law. Nothing in this Act shall limit,~~
9 ~~deny, amend, modify, or repeal any other authority, re-~~
10 ~~quirement, or remedy available to the United States or~~
11 ~~any other person, except as expressly provided in this~~
12 ~~Act.”.~~

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Maritime Pollution Pre-*
15 *vention Act of 2008”.*

16 **SEC. 2. REFERENCES.**

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

22 **SEC. 3. DEFINITIONS.**

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

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

(2) by inserting before paragraph (2) (as so redesignated) the following:

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

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

(4) in paragraph (6) (as so redesignated) by striking “‘discharge’ and ‘garbage’ and ‘harmful substance’ and ‘incident’” and inserting “‘discharge’, ‘emission’, ‘garbage’, ‘harmful substance’, and ‘incident’”; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

“(7) ‘navigable waters’ includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;”.

SEC. 4. APPLICABILITY.

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

(1) in subsection (a)—

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

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

3 (C) by adding at the end the following:

4 “(5) with respect to Annex VI to the Convention,
5 and other than with respect to a ship referred to in
6 paragraph (1)—

7 “(A) to a ship that is in a port, shipyard,
8 offshore terminal, or the internal waters of the
9 United States;

10 “(B) to a ship that is bound for, or depart-
11 ing from, a port, shipyard, offshore terminal, or
12 the internal waters of the United States, and is
13 in—

14 “(i) the navigable waters or the exclu-
15 sive economic zone of the United States;

16 “(ii) an emission control area des-
17 ignated pursuant to section 4; or

18 “(iii) any other area that the Adminis-
19 trator, in consultation with the Secretary
20 and each State in which any part of the
21 area is located, has designated by order as
22 being an area from which emissions from
23 ships are of concern with respect to protec-
24 tion of public health, welfare, or the envi-
25 ronment;

1 “(C) to a ship that is entitled to fly the flag
2 of, or operating under the authority of, a party
3 to Annex VI, and is in—

4 “(i) the navigable waters or the exclu-
5 sive economic zone of the United States;

6 “(ii) an emission control area des-
7 ignated under section 4; or

8 “(iii) any other area that the Adminis-
9 trator, in consultation with the Secretary
10 and each State in which any part of the
11 area is located, has designated by order as
12 being an area from which emissions from
13 ships are of concern with respect to protec-
14 tion of public health, welfare, or the envi-
15 ronment; and

16 “(D) to any other ship, to the extent that,
17 and in the same manner as, such ship may be
18 boarded by the Secretary to implement or enforce
19 any other law of the United States or Annex I,
20 II, or V of the Convention, and is in—

21 “(i) the exclusive economic zone of the
22 United States;

23 “(ii) the navigable waters of the
24 United States;

1 “(iii) an emission control area des-
2 ignated under section 4; or

3 “(iv) any other area that the Adminis-
4 trator, in consultation with the Secretary
5 and each State in which any part of the
6 area is located, has designated by order as
7 being an area from which emissions from
8 ships are of concern with respect to protec-
9 tion of public health, welfare, or the envi-
10 ronment.”;

11 (2) in subsection (b)—

12 (A) in paragraph (1) by striking “para-
13 graph (2),” and inserting “paragraphs (2) and
14 (3),”; and

15 (B) by adding at the end the following:

16 “(3) With respect to Annex VI the Administrator, or
17 the Secretary, as relevant to their authorities pursuant to
18 this Act, may determine that some or all of the requirements
19 under this Act shall apply to one or more classes of public
20 vessels, except that such a determination by the Adminis-
21 trator shall have no effect unless the head of the Department
22 or agency under which the vessels operate concurs in the
23 determination. This paragraph does not apply during time
24 of war or during a declared national emergency.”;

1 (3) by redesignating subsections (c) through (g)
 2 as subsections (d) through (h), respectively, and in-
 3 serting after subsection (b) the following:

4 “(c) *APPLICATION TO OTHER PERSONS.*—*This Act*
 5 *shall apply to all persons to the extent necessary to ensure*
 6 *compliance with Annex VI to the Convention.*”;

7 (4) in subsection (e), as redesignated—

8 (A) by inserting “or the Administrator, con-
 9 sistent with section 4 of this Act,” after “Sec-
 10 retary”;

11 (B) by striking “of section (3),” and insert-
 12 ing “of this section,”; and

13 (C) by striking “Protocol, including regula-
 14 tions conforming to and giving effect to the re-
 15 quirements of Annex V” and inserting “Protocol
 16 (or the applicable Annex), including regulations
 17 conforming to and giving effect to the require-
 18 ments of Annex V and Annex VI”; and

19 (5) by adding at the end thereof the following:

20 “(i) *SAVINGS CLAUSE.*—*Nothing in this section shall*
 21 *be construed to restrict in a manner inconsistent with inter-*
 22 *national law navigational rights and freedoms as defined*
 23 *by United States law, treaty, convention, or customary*
 24 *international law.*”.

1 **SEC. 5. ADMINISTRATION AND ENFORCEMENT.**

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

3 *(1) by redesignating subsections (b) and (c) as*
4 *subsections (c) and (d), respectively, and inserting*
5 *after subsection (a) the following:*

6 *“(b) DUTY OF THE ADMINISTRATOR.—In addition to*
7 *other duties specified in this Act, the Administrator and*
8 *the Secretary, respectively, shall have the following duties*
9 *and authorities:*

10 *“(1) The Administrator shall, and no other per-*
11 *son may, issue Engine International Air Pollution*
12 *Prevention certificates in accordance with Annex VI*
13 *and the International Maritime Organization’s Tech-*
14 *nical Code on Control of Emissions of Nitrogen Ox-*
15 *ides from Marine Diesel Engines, on behalf of the*
16 *United States for a vessel of the United States as that*
17 *term is defined in section 116 of title 46, United*
18 *States Code. The issuance of Engine International*
19 *Air Pollution Prevention certificates shall be con-*
20 *sistent with any applicable requirements of the Clean*
21 *Air Act or regulations prescribed under that Act.*

22 *“(2) The Administrator shall have authority to*
23 *administer regulations 12, 13, 14, 15, 16, 17, 18, and*
24 *19 of Annex VI to the Convention.*

1 “(3) *The Administrator shall, only as specified*
 2 *in section 8(f), have authority to enforce Annex VI of*
 3 *the Convention.*”;

4 (2) *in subsection (c), as redesignated, by redesign-*
 5 *ating paragraph (2) as paragraph (4), and insert-*
 6 *ing after paragraph (1) the following:*

7 “(2) *In addition to the authority the Secretary has to*
 8 *prescribe regulations under this Act, the Administrator*
 9 *shall also prescribe any necessary or desired regulations to*
 10 *carry out the provisions of regulations 12, 13, 14, 15, 16,*
 11 *17, 18, and 19 of Annex VI to the Convention.*

12 “(3) *In prescribing any regulations under this section,*
 13 *the Secretary and the Administrator shall consult with each*
 14 *other, and with respect to regulation 19, with the Secretary*
 15 *of the Interior.*”; and

16 (3) *by adding at the end of subsection (c), as re-*
 17 *designated, the following:*

18 “(5) *No standard issued by any person or Federal au-*
 19 *thority, with respect to emissions from tank vessels subject*
 20 *to regulation 15 of Annex VI to the Convention, shall be*
 21 *effective until 6 months after the required notification to*
 22 *the International Maritime Organization by the Sec-*
 23 *retary.*”.

24 **SEC. 6. CERTIFICATES.**

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

1 (1) in subsection (a) by striking “The Secretary”
 2 and inserting “Except as provided in section 4(b)(1),
 3 the Secretary”;

4 (2) in subsection (b) by striking “Secretary
 5 under the authority of the MARPOL protocol.” and
 6 inserting “Secretary or the Administrator under the
 7 authority of this Act.”; and

8 (3) in subsection (e) by striking “environment.”
 9 and inserting “environment or the public health and
 10 welfare.”.

11 **SEC. 7. RECEPTION FACILITIES.**

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

13 (1) in subsection (a) by adding at the end the
 14 following:

15 “(3) The Secretary and the Administrator, after con-
 16 sulting with appropriate Federal agencies, shall jointly pre-
 17 scribe regulations setting criteria for determining the ade-
 18 quacy of reception facilities for receiving ozone depleting
 19 substances, equipment containing such substances, and ex-
 20 haust gas cleaning residues at a port or terminal, and stat-
 21 ing any additional measures and requirements as are ap-
 22 propriate to ensure such adequacy. Persons in charge of
 23 ports and terminals shall provide reception facilities, or en-
 24 sure that reception facilities are available, in accordance
 25 with those regulations. The Secretary and the Adminis-

1 *trator may jointly prescribe regulations to certify, and may*
 2 *issue certificates to the effect, that a port's or terminal's*
 3 *facilities for receiving ozone depleting substances, equip-*
 4 *ment containing such substances, and exhaust gas cleaning*
 5 *residues from ships are adequate.”;*

6 (2) *in subsection (b) by inserting “or the Admin-*
 7 *istrator” after “Secretary”;*

8 (3) *in subsection (e) by striking paragraph (2)*
 9 *and inserting the following:*

10 “(2) *The Secretary may deny the entry of a ship to*
 11 *a port or terminal required by the MARPOL Protocol, this*
 12 *Act, or regulations prescribed under this section relating to*
 13 *the provision of adequate reception facilities for garbage,*
 14 *ozone depleting substances, equipment containing those sub-*
 15 *stances, or exhaust gas cleaning residues, if the port or ter-*
 16 *минаl is not in compliance with the MARPOL Protocol,*
 17 *this Act, or those regulations.”;*

18 (4) *in subsection (f)(1) by striking “Secretary*
 19 *is” and inserting “Secretary and the Administrator*
 20 *are”;* and

21 (5) *in subsection (f)(2) by striking “(A)”.*

22 **SEC. 8. INSPECTIONS.**

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

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

5 “(2) *If an inspection under this subsection or any*
 6 *other information indicates that a violation has occurred,*
 7 *the Secretary, or the Administrator in a matter referred*
 8 *by the Secretary, may undertake enforcement action under*
 9 *this section.*

10 “(3) *Notwithstanding subsection (b) and paragraph*
 11 *(2) of this subsection, the Administrator shall have all of*
 12 *the authorities of the Secretary, as specified in subsection*
 13 *(b) of this section, for the purposes of enforcing regulations*
 14 *17 and 18 of Annex VI to the Convention to the extent that*
 15 *shoreside violations are the subject of the action and in any*
 16 *other matter referred to the Administrator by the Sec-*
 17 *retary.”.*

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

19 *Section 10(b) (33 U.S.C. 1909(b)) is amended—*

20 *(1) by striking “Annex I, II, or V” and inserting*
 21 *“Annex I, II, V, or VI”; and*

22 *(2) by inserting “or the Administrator as pro-*
 23 *vided for in this Act,” after “Secretary.”.*

24 **SEC. 10. PENALTIES.**

25 *Section 9 (33 U.S.C. 1908) is amended—*

1 (1) by striking “Protocol,” each place it appears
2 and inserting “Protocol”;

3 (2) in subsection (b)—

4 (A) by inserting “or the Administrator as
5 provided for in this Act,” after “Secretary,” the
6 first place it appears;

7 (B) in paragraph (2), by inserting “, or the
8 Administrator as provided for in this Act,” after
9 “Secretary”; and

10 (C) in the matter after paragraph (2)—

11 (i) by inserting “or the Administrator
12 as provided for in this Act” after “Sec-
13 retary,” the first place it appears; and

14 (ii) by inserting “, or the Adminis-
15 trator as provided for in this Act,” after
16 “Secretary” the second and third places it
17 appears;

18 (3) in subsection (c), by inserting “, or the Ad-
19 ministrator as provided for in this Act,” after “Sec-
20 retary” each place it appears; and

21 (4) in subsection (f), by inserting “or the Admin-
22 istrator as provided for in this Act” after “Sec-
23 retary,” the first place appears.

1 **SEC. 11. EFFECT ON OTHER LAWS.**

2 Section 15 (33 U.S.C. 1911) is amended to read as
3 follows:

4 **“SEC. 15. EFFECT ON OTHER LAWS.**

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

12 **SEC. 12. LEGAL ACTIONS.**

13 Section 11 (33 U.S.C. 1910) is amended—

14 (1) by redesignating paragraph (3) of subsection
15 (a) as paragraph (4), and inserting after paragraph
16 (2) the following:

17 *“(3) against the Administrator where there is al-*
18 *leged a failure of the Administrator to perform any*
19 *act or duty under this Act which is not discretionary;*
20 *or”;*

21 (2) by striking “concerned,” in subsection (b)(1)
22 and inserting “concerned or the Administrator,”; and

23 (3) by inserting “or the Administrator” after
24 “Secretary” in subsection (b)(2).

Calendar No. 828

110TH CONGRESS
2^D Session

H. R. 802

[Report No. 110-394]

AN ACT

To amend the Act to Prevent Pollution from Ships
to implement MARPOL Annex VI.

JUNE 23, 2008

Reported with an amendment