

“(2) \$16,000,000 for fiscal year 2009; and  
 “(3) \$17,000,000 for fiscal year 2010.”; and  
 “(2) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) the following:

“(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out section 7, with such sums to remain available until expended.”.

#### SEC. 5. EXISTING AUTHORITIES.

[Nothing in this Act shall be construed to limit or affect the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.]

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “John F. Kennedy Center Reauthorization Act of 2008”.

#### SEC. 2. TECHNICAL AMENDMENT.

Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”.

#### SEC. 3. PHOTOVOLTAIC SYSTEM.

The John F. Kennedy Center Act is amended by inserting after section 6 (20 U.S.C. 76l) the following:

#### “SEC. 7. PHOTOVOLTAIC SYSTEM.

“(a) IN GENERAL.—The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

“(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.”.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

“(1) \$20,200,000 for fiscal year 2008;  
 “(2) \$21,800,000 for fiscal year 2009;  
 “(3) \$22,500,000 for fiscal year 2010;  
 “(4) \$23,500,000 for fiscal year 2011; and  
 “(5) \$24,500,000 for fiscal year 2012.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

“(1) \$23,150,000 for fiscal year 2008;  
 “(2) \$16,000,000 for fiscal year 2009;  
 “(3) \$17,000,000 for fiscal year 2010;  
 “(4) \$17,000,000 for fiscal year 2011; and  
 “(5) \$18,500,000 for fiscal year 2012.”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as are necessary to carry out section 7, to remain available until expended.”.

#### SEC. 5. EXISTING AUTHORITIES.

Nothing in this Act limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3986), as amended, was read the third time, and passed.

### MARITIME POLLUTION PREVENTION ACT OF 2008

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 828, H.R. 802.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 802

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Maritime Pollution Prevention Act of 2008”.

#### SEC. 2. REFERENCES.

Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

#### SEC. 3. DEFINITIONS.

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

(1) by redesignating the paragraphs (1) through (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);

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

(C) by adding at the end the following:

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

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

“(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

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

“(ii) an emission control area designated pursuant to section 4; or

“(iii) any other area that the Administrator, 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 protection of public health, welfare, or the environment;

“(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 or the exclusive economic zone of the United States;

“(ii) an emission control area designated under section 4; or

“(iii) any other area that the Administrator, 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 protection of public health, welfare, or the environment; and

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

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

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

“(iii) an emission control area designated under section 4; or

“(iv) any other area that the Administrator, 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 protection of public health, welfare, or the environment.”;

(2) in subsection (b)—

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

(B) by adding at the end the following:

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

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

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

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

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

(B) by striking “of section (3),” and inserting “of this section,”; and

(C) by striking “Protocol, including regulations conforming to and giving effect to the requirements of Annex V” and inserting “Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI”; and

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

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

#### SEC. 5. ADMINISTRATION AND ENFORCEMENT.

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

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

“(b) **DUTY OF THE ADMINISTRATOR.**—In addition to other duties specified in this Act, 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, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act 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 8(f), have authority to enforce Annex VI of the Convention.”;

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

“(2) In addition to the authority the Secretary has to prescribe regulations under this Act, 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.”; and

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

“(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.”.

#### **SEC. 6. CERTIFICATES.**

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

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

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

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

#### **SEC. 7. RECEPTION FACILITIES.**

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

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

“(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port’s or terminal’s facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.”;

(2) in subsection (b) by inserting “or the Administrator” after “Secretary”;

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

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

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

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

#### **SEC. 8. INSPECTIONS.**

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

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

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

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

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

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

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

(2) by inserting “or the Administrator as provided for in this Act,” after “Secretary.”.

#### **SEC. 10. PENALTIES.**

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

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

(2) in subsection (b)—

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

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

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

(i) by inserting “or the Administrator as provided for in this Act” after “Secretary,” the first place it appears; and

(ii) by inserting “, or the Administrator as provided for in this Act,” after “Secretary” the second and third places it appears;

(3) in subsection (c), by inserting “, or the Administrator as provided for in this Act,” after “Secretary” each place it appears; and

(4) in subsection (f), by inserting “or the Administrator as provided for in this Act” after “Secretary,” the first place appears.

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

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

#### **“SEC. 15. EFFECT ON OTHER LAWS.**

“Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act 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 Act.”.

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

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

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

“(3) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary; or”;

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

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

Mr. DODD. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 802), as amended, was read the third time and passed.

#### **CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FRESNO BULLDOGS BASEBALL TEAM**

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 604, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 604) congratulating the California State University Fresno Bulldogs baseball team for winning the 2008 National Collegiate Athletics Association Division I College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### **S. RES. 604**

Whereas on June 25, 2008, the student athletes of the California State University, Fresno Bulldogs baseball team, in the sixth elimination game faced by the Fresno State Bulldogs, finished a true Cinderella story season, winning the 2008 National Collegiate Athletics Association Division I College World Series Championship (referred to in this preamble as the “2008 NCAA College World Series”) by defeating the University of Georgia Bulldogs, 2 games to 1, in a best-of-3 championship;

Whereas the 2008 NCAA College World Series is the second championship for the California State University;

Whereas the Fresno State Bulldogs are the lowest-seeded team in college sports history to win a championship;