

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5811

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

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## 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “MARPOL Annex VI  
5 Implementation Act of 2006”.

6 **SEC. 2. REFERENCES.**

7 Wherever in this Act an amendment or repeal is ex-  
8 pressed in terms of an amendment to or a repeal of a sec-  
9 tion or other provision, the reference shall be considered

1 to be made to a section or other provision of the Act to  
2 Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

3 **SEC. 3. DEFINITIONS.**

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

5 (1) by redesignating the paragraphs (1)  
6 through (12) in order as paragraphs (2) through  
7 (13);

8 (2) by inserting before paragraph (2), as so re-  
9 designated, the following:

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

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

14 (4) in paragraph (6), as so redesignated, by  
15 striking “‘discharge’ and ‘garbage’ and ‘harmful  
16 substance’ and ‘incident’” and inserting “‘dis-  
17 charge’, ‘emission’, ‘garbage’, ‘harmful substance’,  
18 and ‘incident’”.

19 **SEC. 4. APPLICABILITY.**

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

21 (1) in subsection (a) by striking “and” after the  
22 semicolon at the end of paragraph (3), by striking  
23 the period at the end of paragraph (4) and inserting  
24 “; and”, and by adding at the end the following new  
25 paragraph:

1           “(5) with respect to Annex VI to the Conven-  
2           tion, and to the extent consistent with international  
3           law, to a ship, other than a ship referred to in para-  
4           graph (1), that—

5                   “(A) is in a port, shipyard, offshore ter-  
6                   minal, or the internal waters of the United  
7                   States;

8                   “(B) is in the territorial sea of the United  
9                   States as defined in Presidential Proclamation  
10                  5928 of December 27, 1988;

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

13                  “(D) is bound for, or departing a port,  
14                  shipyard, offshore terminal, or the internal wa-  
15                  ters of the United States, and is in any other  
16                  area that the Administrator, in consultation  
17                  with the Secretary, has designated by regula-  
18                  tion and based on the best available scientific  
19                  data as being an area from which emissions  
20                  from ships are of concern with respect to pro-  
21                  tection of public health, welfare, or the environ-  
22                  ment.”;

23                  (2) in subsection (b)(1) by inserting “or (3)”  
24                  after “paragraph (2)”;

1           (3) in subsection (b) by adding at the end the  
2 following new paragraph:

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

8           (4) in subsection (d)—

9                   (A) by inserting “(or the applicable  
10 Annex)” after “MARPOL Protocol” the first  
11 place it appears; and

12                   (B) by inserting “and Annex VI” after  
13 “Annex V”.

14 **SEC. 5. ADMINISTRATION AND ENFORCEMENT.**

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

16                   (1) by redesignating paragraph (2) as para-  
17 graph (3);

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

20           “(2) In prescribing regulations under this section to  
21 carry out the provisions of Annex VI to the Convention,  
22 the Secretary shall consult with the Administrator with  
23 respect to Regulations 12, 13, 14, 15, 16, and 18 of such  
24 Annex and with the Administrator and the Secretary of

1 the Interior with respect to Regulation 19 of such  
2 Annex.”; and

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

5           “(4) No standard issued by any person or Federal  
6 department regarding emissions from tank vessels that are  
7 subject to Regulation 15 of Annex VI to the Convention  
8 shall be effective until six months after the date on which  
9 the Secretary submits a notification to the International  
10 Maritime Organization that such standard has been estab-  
11 lished.”.

12 **SEC. 6. CERTIFICATES.**

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

14           (1) in subsection (a)—

15                   (A) by striking “The” and inserting “(1)  
16           Except as provided in paragraph (2), the”; and

17                   (B) by adding at the end the following new  
18 paragraph:

19           “(2) The Administrator shall, and no other person  
20 may, issue an Engine International Air Pollution Preven-  
21 tion Certificate in accordance with Annex VI to the Con-  
22 vention and the International Maritime Organization’s  
23 Technical Code on Control of Emissions of Nitrogen Ox-  
24 ides from Marine Diesel Engines, on behalf of the United  
25 States. The issuance of such certificates shall be con-

1 sistent with any applicable requirements under the Clean  
2 Air Act (42 U.S.C. 7401 et seq.) and regulations promul-  
3 gated thereunder.”;

4 (2) by amending subsection (b) to read as fol-  
5 lows:

6 “(b) A certificate issued by a country that is a party  
7 to the MARPOL Protocol has the same validity as a cer-  
8 tificate issued by the Secretary under the authority of this  
9 Act, or by the Administrator under the authority of sub-  
10 section (a)(2).”; and

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

13 **SEC. 7. RECEPTION FACILITIES.**

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

15 (1) in subsection (a) by adding at the end the  
16 following new paragraph:

17 “(3) The Secretary, after consulting with appropriate  
18 Federal agencies, shall establish regulations to require  
19 that ports and terminals provide reception facilities for re-  
20 ceiving ozone depleting substances, equipment containing  
21 such substances, and exhaust gas cleaning residues or en-  
22 sure that such facilities are available. The regulations  
23 shall establish criteria for determining the adequacy of re-  
24 ception facilities for receiving such substances, equipment,  
25 or residues at a port or terminal and such additional

1 measures and requirements as are appropriate to ensure  
2 such adequacy. The Secretary may establish regulations  
3 to certify, and may issue certificates to the effect, that  
4 a port's or terminal's facilities for receiving such sub-  
5 stances, equipment, and residues from ships are ade-  
6 quate.”;

7 (2) in subsection (c)(2)(A) by inserting “or  
8 (a)(3)” after “subsection (a)(2)”;

9 (3) by amending subsection (e)(2) to read as  
10 follows:

11 “(2) The Secretary may deny the entry of a ship to  
12 a port or terminal required by regulations issued under  
13 this section to provide adequate reception facilities for gar-  
14 bage, ozone depleting substances, equipment containing  
15 such substances, and exhaust gas cleaning residues if the  
16 port of terminal is not in compliance with such regula-  
17 tions.”; and

18 (4) in subsection (f)(1) by striking “MARPOL  
19 Protocol or the Antarctic Protocol” and inserting  
20 “MARPOL Protocol, the Antarctic Protocol, or this  
21 Act”.

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  
2 this Act applies as provided under section 3(a)(5), to  
3 verify whether the ship is in compliance with Annex VI  
4 to the 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 may undertake enforcement action under  
8 this section.”.

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

10       Section 10(b) (33 U.S.C. 1909(b)) is amended by  
11 striking “Annex I, II, or V” and by inserting “Annex I,  
12 II, V, or VI”.

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

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

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

17       “Authorities, requirements, and remedies of this Act  
18 supplement and neither amend nor repeal any other au-  
19 thorities, requirements, or remedies conferred by any  
20 other provision of law. Nothing in this Act shall limit,  
21 deny, amend, modify, or repeal any other authority, re-  
22 quirement, or remedy available to the United States or  
23 any other person, except as expressly provided in this  
24 Act.”.

1 **SEC. 11. TECHNICAL CORRECTIONS.**

2       Subsections (a), (b), and (d) of section 9 (33 U.S.C.  
3 1908(a), (b), and (d)) are amended by striking the second  
4 comma after “MARPOL Protocol” each place it appears.

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