

**Calendar No. 828**

110TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
110-394 }

THE MARITIME POLLUTION PREVENTION  
ACT OF 2008

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

H.R. 802



JUNE 23, 2008.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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### THE MARITIME POLLUTION PREVENTION ACT OF 2008

JUNE 23, 2008.—Ordered to be printed

Mr. INOUE, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany H.R. 802]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

H.R. 802, the Maritime Pollution Prevention Act of 2008, would implement vessel emission standards that were agreed to under Annex VI to the MARPOL Convention for the purposes of United States law.

#### BACKGROUND AND NEEDS

In 1997, the International Maritime Organization adopted Annex VI to the MARPOL Convention which established international regulations setting limits on sulfur oxide (SO<sub>x</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions from ship exhausts and prohibits deliberate emissions of ozone depleting substances. In April 2006, the Senate acceded to the treaty by unanimous consent. Annex VI entered into force internationally on May 19, 2006.

Under the Act to Prevent Pollution from Ships, the U.S. Coast Guard currently enforces Annexes I (oil), II (noxious liquid), and V (garbage) to the MARPOL Convention on U.S.-flag and foreign-flag vessels operating in the navigable waters of the United States. The Coast Guard also enforces regulations that require ports and terminals to provide adequate access to trash receptacle facilities. Any

violations of these regulations found by the Coast Guard may result in administrative, civil, or criminal actions.

#### SUMMARY OF PROVISIONS

H.R. 802, the Maritime Pollution and Prevention Act of 2008, would require the Coast Guard and the EPA to prescribe regulations to implement vessel air emission standards and requirements that are outlined under Annex VI to the MARPOL Convention. The Convention applies to marine diesel engines rated above 130 kilowatts (175 horsepower) that are purchased or modified after January 1, 2000. In October, 1999, the EPA established a voluntary certification program for engine manufacturers to show that they have compliant engines. The EPA believes that all marine diesel engines above 130 kilowatts sold in the United States since January 1, 2000, meet the requirements of MARPOL Annex VI.

The bill would require the EPA, in consultation with the Coast Guard, to promulgate regulations to establish standards for NO<sub>x</sub>, SO<sub>x</sub>, and volatile organic compounds and qualify standards for vessel fuel oil. H.R. 802 would not transfer any Coast Guard authorities under current law regarding the promulgation, administration, or enforcement of regulations regarding vessel requirements under MARPOL Annexes I, II, and V, Annex IV to the Antarctic Protocol, or the Act to Prevent Pollution from Ships.

#### LEGISLATIVE HISTORY

The Administration transmitted its MARPOL Annex VI bill to the Senate and House of Representatives on October 6, 2005. H.R. 802, the Maritime Pollution Prevention Act of 2007 was introduced by Representatives Oberstar and Cummings on February 5, 2007. On February 7, 2007, the House Committee on Transportation and Infrastructure ordered H.R. 802 reported favorably to the House by voice vote. The bill was passed by the House of Representatives on March 26, 2007, by a vote of 359–48.

The Senate Committee on Commerce, Science, and Transportation considered H.R. 802 at its Executive Session held on April 24, 2008, where the bill was reported favorably by the Committee with an amendment in the nature of a substitute.

Staff assigned to this legislation are Amanda Hallberg, Democratic Professional Staff, and Todd Bertosen, Republican Senior Counsel.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

MAY 14, 2008.

Hon. DANIEL K. INOUE,  
*Chairman, Committee on Commerce, Science, and Transportation,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 802, the Maritime Pollution Prevention Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Susanne Mehlman.

Sincerely,

PETER R. ORSZAG

Enclosure.

*H.R. 802—Maritime Pollution Prevention Act of 2008*

H.R. 802 would implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL). Based on information provided by the U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA), CBO estimates that implementing H.R. 802 would cost about \$4 million over the next five years, subject to the availability of appropriated funds. Enacting the legislation would not affect direct spending or revenues.

Under H.R. 802, EPA and the USCG would establish regulations to implement MARPOL Annex VI, which addresses air pollution from ships. Both EPA and the USCG would be authorized to enforce those regulations, which would affect pollution from marine fuels. CBO estimates that developing new regulations would cost EPA \$2 million over the next three years and that ongoing enforcement activities would cost \$1 million annually thereafter. We estimate that implementing the legislation would have no significant effect on the Coast Guard's operating budget because that agency already has enforcement responsibilities under MARPOL that would probably not change significantly.

CBO has not reviewed H.R. 802 for the presence of intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that the legislation falls within that exclusion because it would implement Annex VI of the MARPOL Convention.

On February 12, 2007, CBO transmitted a cost estimate for H.R. 802 as ordered reported by the House Committee on Transportation and Infrastructure on February 7, 2007. The two versions of the legislation are very similar, and the CBO cost estimates are the same.

The CBO staff contacts for this estimate are Deborah Reis and Susanne Mehlman. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

H.R. 802, as reported by the Committee, would require the Coast Guard and the EPA to prescribe regulations to implement vessel air emission standards and requirements outlined under Annex VI to the MARPOL Convention. Given that the EPA estimates that all marine diesel engines above 130 kilowatts sold in the United

States since January 1, 2000, meet the requirements of MARPOL Annex VI, the regulatory impact would be minimal.

#### ECONOMIC IMPACT

H.R. 802 would expand the Coast Guard's authority to enforce vessel air emission standards and would have a positive impact on the U.S. economy by improving the atmospheric conditions at U.S. ports and in the U.S. exclusive economic zone (EEZ).

#### PRIVACY

This bill would have little, if any, impact on the personal privacy of U.S. citizens.

#### PAPERWORK

The reported bill would not increase paperwork requirements for the private sector. The Coast Guard and the EPA would be required to prescribe regulations to implement vessel air emission standards and requirements, which may increase their paperwork requirements.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 would title this Act as the Maritime Pollution Prevention Act of 2008.

##### *Section 2. References*

Section 2 would clarify that any repeal or amendment to a section or other provision refers to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

##### *Section 3. Definitions*

Section 3 would add a definition of 'Administrator' to the Act and would make several conforming changes to existing law to reflect the adoption of MARPOL Annex VI.

##### *Section 4. Applicability*

Section 4 would establish the category of vessels to which MARPOL Annex VI would apply. Under this section, U.S. vessels and foreign vessels operating in the U.S. territorial sea, in emission control areas, and in areas designated by the EPA Administrator, in consultation with the Secretary of the Department in which the Coast Guard is operating, would be required to comply with vessel air emission regulations that are issued by the Coast Guard and EPA. This section would give the Coast Guard the authority to enforce Annex VI to party and non-party vessels in the U.S. EEZ in exactly the same manner as the other marine-related Annexes apply to non-party vessels. In addition, this section would include

a savings clause to further ensure that the authority to enforce Annex VI would not restrict the freedom of navigation in a country's EEZ, the right of passage through the territorial sea, or the right of transit passage through straits used for international navigation. This section would authorize, but not require, heads of each Federal department or agency to determine whether some or all of the requirements regarding vessel air emissions should apply for public vessels operated under that department or agency's authority.

Under Annex VI to the MARPOL Convention, signatory nations are only required to apply vessel air emission standards regarding NO<sub>x</sub> to vessels with marine engines rated above 130 kilowatts, or 175 horsepower. The Committee does not intend to apply standards under Annex VI to the MARPOL Convention to any vessel equipped with an engine below this threshold.

#### *Section 5. Administration and enforcement*

Section 5 would require the Secretary of the Department in which the Coast Guard is operating and the Administrator of the EPA to prescribe regulations to carry out Annex VI to the MARPOL Convention. In accordance with Annex VI, this section would prohibit any standard regarding the emission of volatile organic compounds from vessels from taking effect until six months after the International Maritime Organization has been notified that such standards have been established. In addition, section 5 would prohibit any person other than the EPA Administrator from issuing an Engine International Air Pollution Prevention Certificate on behalf of the United States for U.S.-flagged vessels and would require that such certificates are issued consistently with regulations and requirements under the Clean Air Act.

#### *Section 6. Certificates*

Section 6 would require that each vessel greater than 400 gross tons and each offshore terminal be issued an International Air Pollution Prevention Certificate to certify that the equipment in the vessel is in compliance with all applicable requirements under MARPOL Annex VI and an Engine International Air Pollution Prevention Certificate to certify that each engine or engine group is in compliance with NO<sub>x</sub> standards under Regulation 13 of Annex VI to the Convention. This section also includes language that would recognize, for the purposes of compliance under U.S. law, a certificate issued by another nation that is party to the MARPOL protocol.

#### *Section 7. Reception facilities*

Section 7 would require the Secretary of the Department in which the Coast Guard is operating or the EPA Administrator to prescribe regulations that require ports and terminals to provide or ensure the availability of adequate reception facilities for ozone depleting substances, equipment containing such substances, and exhaust cleaning residues. This section also would authorize the Coast Guard to deny a vessel entry into a port or terminal that, in the Coast Guard's determination, is not in compliance with such regulations.

*Section 8. Inspections*

Section 8 would authorize the Coast Guard to carry out inspections to verify that vessels are in compliance with requirements under MARPOL Annex VI and to carry out enforcement actions for violations of such requirements and regulations.

*Section 9. Amendments to the protocol*

Section 9 would make a conforming change to current law to reflect the adoption of MARPOL Annex VI.

*Section 10. Penalties*

Section 10 would authorize the Administrator of the EPA, in addition to the Coast Guard, to assess civil penalties for violations of Annex VI.

*Section 11. Effect on other law*

Section 11 would clarify that authorities, requirements, and remedies provided under the Act to Prevent Pollution from Ships do not amend or repeal any authorities, requirements, or remedies provided under any other provision of law, including the Clean Air Act of 1990, and the rights of States under that Act.

*Section 12. Legal actions*

Section 12 would extend the legal actions language to ensure that both the Coast Guard and the EPA are subject to citizen suits under the Act to Prevent Pollution from Ships.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

**ACT TO PREVENT POLLUTION FROM SHIPS**

**SEC. 2. DEFINITIONS.**

[33 U.S.C. 1901]

(a) Unless the context indicates otherwise, as used in this Act—

(1) “Administrator” means the Administrator of the Environmental Protection Agency.

[(1)] (2) “Antarctica” means the area south of 60 degrees south latitude;

[(2)] (3) “Antarctic Protocol” means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;

[(3)] (4) “MARPOL Protocol” means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention;

[(4)] (5) “Convention” means the International Convention for the Prevention of Pollution from Ships, 1973, including Protocols I and II and Annexes I, II, [and V] V, and VI thereto, including any modification or amendments to the Convention,



Protocols, or Annexes which have entered into force for the United States;

[(5)] (6) ["discharge" and "garbage" and "harmful substance" and "incident"] "*discharge*", "*emission*", "*garbage*", "*harmful substance*", and "*incident*" shall have the meanings provided in the Convention;

(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;

[(6)] (8) "owner" means any person holding title to, or in the absence of title, any other indicia of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds indicia of ownership primarily to protect a security interest in the ship or terminal;

[(7)] (9) "operator" means—

(A) in the case of a ship, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or

(B) in the case of a terminal, any person, except the owner, responsible for the operation of the terminal by agreement with the owner;

[(8)] (10) "person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

[(9)] (11) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

[(10)] (12) "ship" means a vessel of any type whatsoever, including hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

[(11)] (13) "submersible" means a submarine, or any other vessel designed to operate under water; and

[(12)] (14) "terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

(b) For purposes of this Act, the requirements of Annex V shall apply to the navigable waters of the United States, as well as to all other waters and vessels over which the United States has jurisdiction.

(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.

### SEC. 3. SHIPS SUBJECT TO PREVENTIVE MEASURES.

[33 U.S.C. 1902]

(a) INCLUDED VESSELS.—This Act shall apply—

(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; **[and]**

(4) with respect to regulations prescribed under section 6 of this Act [33 USCS 1905]§ any port or terminal in the United States**[.]** ; and

(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 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 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 the extent consistent with international 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 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.*

(b) EXCLUDED VESSELS.—

(1) Except as provided in **[paragraph (2)]** paragraphs (2) and (3), this Act shall not apply to—

(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in non-commercial service; or

(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

(2)(A) Notwithstanding any provision of the MARPOL Protocol, and subject to subparagraph (B) of this paragraph, the requirements of Annex V to the Convention shall apply as follows:

(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy.

(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.

(B) This paragraph shall not apply during time of war or a declared national emergency.

(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.*

(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.*

**[(c)] (d) DISCHARGES IN SPECIAL AREAS.—**

(1) Except as provided in paragraphs (2) and (3), not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention.

(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, without regard to the special area requirements of Regulation 5 of Annex V to the Convention, the following non-plastic, non-floating garbage:

(i) A slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

(ii) Metal and glass that have been shredded and bagged so as to ensure negative buoyancy.

(iii) With regard to a submersible, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.

(B)(i) Garbage described in subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

(ii) Garbage described in clauses (ii) and (iii) of subparagraph (A) may not be discharged within 12 nautical miles of land.

(C) This paragraph applies to any ship that is owned or operated by the Department of the Navy that, as determined by the Secretary of the Navy—

(i) has unique military design, construction, manning, or operating requirements; and

(ii) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

(3)(A) Not later than December 31, 2000, the Secretary of the Navy shall prescribe and publish in the Federal Register standards to ensure that each ship described in subparagraph (B) is, to the maximum extent practicable without impairing the operations or operational capabilities of the ship, operated in a manner that is consistent with the special area requirements of Regulation 5 of Annex V to the Convention.

(B) Subparagraph (A) applies to surface ships that are owned or operated by the Department of the Navy that the Secretary plans to decommission during the period beginning on January 1, 2001, and ending on December 31, 2005.

(C) At the same time that the Secretary publishes standards under subparagraph (A), the Secretary shall publish in the Federal Register a list of the ships covered by subparagraph (B).

[(d)] (e) REGULATIONS.—The Secretary *or the Administrator, consistent with section 4 of this Act*, shall prescribe regulations applicable to the ships of a country not a party to the MARPOL [Protocol, including regulations conforming to and giving effect to the requirements of Annex V] *Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI as they apply under subsection (a) [of section 3] of this section*, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol.

[(e)] (f) COMPLIANCE BY EXCLUDED VESSELS.—

(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V to the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

(3) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred

to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

(A) With regard to a submersible, to discharge buoyant garbage or plastic.

(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

(4) The Secretary of Defense shall publish in the Federal Register:

(A) Each year, the amount and nature of the discharges in special areas, not otherwise authorized under this Act, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.

[(f)] (g) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 [note to this section] if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.

[(g)] (h) NONCOMMERCIAL SHIPPING STANDARDS.—The heads of Federal departments and agencies shall prescribe standards applicable to ships excluded from this Act by subsection (b)(1) of this section and for which they are responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the MARPOL Protocol.

(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. 4. ADMINISTRATION AND ENFORCEMENT.

[33 U.S.C. 1903]

(a) DUTY OF SECRETARY; ANNEXES OF CONVENTION APPLICABLE TO SEAGOING SHIPS.—Unless otherwise specified in this Act, the Secretary shall administer and enforce the MARPOL Protocol, Annex IV to the Antarctic Protocol, and this Act. In the administration and enforcement of the MARPOL Protocol and this Act, Annexes I and II of the Convention apply only to seagoing ships.

(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.*

**[(b)] (c) REGULATIONS; REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.**

(1) The Secretary shall prescribe any necessary or desired regulations to carry out the provisions of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this Act.

(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.*

**[(2)] (4)** The Secretary of the department in which the Coast Guard is operating shall—

(A) prescribe regulations which—

(i) require certain ships described in section 3(a)(1) to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention and of Annex IV to the Antarctic Protocol; and

(ii) specify the ships described in section 3(a)(1) to which the regulations apply;

(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

(C) within 2 years after the effective date of this paragraph, report to the Congress—

(i) regarding activities of the Secretary under subparagraph (B); and

(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B) regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 3(a) which call at United States ports.

(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.*

[(c)] (d) UTILIZATION OF PERSONNEL, FACILITIES, OR EQUIPMENT OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the MARPOL Protocol, this Act, or the regulations thereunder.

#### SEC. 5. CERTIFICATES.

[33 U.S.C. 1904]

(a) ISSUANCE BY AUTHORIZED DESIGNEES; RESTRICTION ON ISSUANCE.—[The Secretary] *Except as provided in section 4(b)(1), the Secretary* shall designate those persons authorized to issue on behalf of the United States the certificates required by the MARPOL Protocol. A certificate required by the MARPOL Protocol shall not be issued to a ship which is registered in or of the nationality of a country which is not a party to the MARPOL Protocol.

(b) VALIDITY OF FOREIGN CERTIFICATES.—A certificate issued by a country which is a party to the MARPOL Protocol has the same validity as a certificate issued by the [Secretary under the authority of the MARPOL Protocol.] *Secretary or the Administrator under the authority of this Act.*

(c) LOCATION ONBOARD VESSEL; INSPECTION OF VESSELS SUBJECT TO JURISDICTION OF THE UNITED STATES.—A ship required by the MARPOL Protocol to have a certificate—

(1) shall carry a valid certificate onboard in the manner prescribed by the authority issuing the certificate; and

(2) is subject to inspection while in a port or terminal under the jurisdiction of the United States.

(d) ONBOARD INSPECTIONS; OTHER FEDERAL INSPECTION AUTHORITY UNAFFECTED.—An inspection conducted under subsection (c)(2) of this section is limited to verifying whether or not a valid certificate is onboard, unless clear grounds exist which reasonably indicate that the condition of the ship or its equipment does not substantially agree with the particulars of its certificate. This section shall not limit the authority of any official or employee of the United States under any other treaty, law, or regulation to board and inspect a ship or its equipment.

(e) DETENTION ORDERS; DURATION OF DETENTION; SHIPYARD OPTION.—In addition to the penalties prescribed in section 9 of the Act, a ship required by the MARPOL Protocol to have a certificate—

(1) which does not have a valid certificate onboard; or

(2) whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate onboard; shall be detained by order of the Secretary at the port or terminal where the violation is discovered until, in the opinion of the Secretary, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine [environment.] *environment or the public health and welfare.* The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

(f) SHIP CLEARANCE OR PERMITS; REFUSAL OR REVOCATION.—If a ship is under a detention order under this section, the Secretary of

the Treasury, upon the request of the Secretary, may refuse or revoke—

(1) the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91); or

(2) a permit to proceed under section 4367 of the Revised Statutes of the United States (46 U.S.C. 313) or section 442 of the Tariff Act of 1930, as amended (19 U.S.C. 1443).

(g) REVIEW OF DETENTION ORDERS; PETITION; DETERMINATION BY SECRETARY.—A person whose ship is subject to a detention order under this section may petition the Secretary, in the manner prescribed by regulation, to review the detention order. Upon receipt of a petition under this subsection, the Secretary shall affirm, modify, or withdraw the detention order within the time prescribed by regulation.

(h) COMPENSATION FOR LOSS OR DAMAGE.—A ship unreasonably detained or delayed by the Secretary acting under the authority of this Act is entitled to compensation for any loss or damage suffered thereby.

#### SEC. 6. POLLUTION RECEPTION FACILITIES.

[33 U.S.C. 1905]

##### (a) ADEQUACY; CRITERIA.—

(1) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall establish regulations setting criteria for determining the adequacy of a port's or terminal's reception facilities for mixtures containing oil or noxious liquid substances and shall establish procedures whereby a person in charge of a port or terminal may request the Secretary to certify that the port's or terminal's facilities for receiving the residues and mixtures containing oil or noxious liquid substance from seagoing ships are adequate.

(2) The Secretary, after consulting with appropriate Federal agencies, shall establish regulations setting criteria for determining the adequacy of reception facilities for garbage at a port or terminal, and stating such 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 such facilities are available, for receiving garbage in accordance with those regulations.

(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.*

(b) TRAFFIC CONSIDERATIONS.—In determining the adequacy of reception facilities required by the MARPOL Protocol or the Ant-



arctic Protocol at a port or terminal, and in establishing regulations under subsection (a) of this section, the Secretary *or the Administrator* may consider, among other things, the number and types of ships or seagoing ships using the port or terminal, including their principal trades.

(c) CERTIFICATE; ISSUANCE; VALIDITY; APPEAL OF SUSPENSION OR REVOCATION.—

(1) If reception facilities of a port or terminal meet the requirements of Annex I and Annex II to the Convention or of this Act and the regulations prescribed under subsection (a)(1), the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant.

(2)(A) Subject to subparagraph (B), if reception facilities of a port or terminal meet the requirements of Annex V to the Convention and the regulations prescribed under subsection (a)(2), the Secretary may, after consultation with appropriate Federal agencies, issue a certificate to that effect to the person in charge of the port or terminal.

(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1996 [enacted Oct. 19, 1996], prescribe by regulation differing periods of validity for such certificates.

(3) A certificate issued under this subsection—

(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and

(B) shall be available for inspection upon the request of the master, other person in charge, or agent of a ship using or intending to use the port or terminal.

(4) The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary and acted on by the Secretary in the manner prescribed by regulation.

(d) PUBLICATION OF LIST OF CERTIFIED PORTS OR TERMINALS.—

(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

(A) is in effect; or

(B) has been revoked or suspended.

(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.

(e) ENTRY; DENIAL.—

(1) Except in the case of force majeure, the Secretary shall deny entry to a seagoing ship required by the Convention or the Antarctic Protocol to retain onboard while at sea, residues and mixtures containing oil or noxious liquid substances, if—

(A) the port or terminal is one required by Annexes I and II of the Convention or Article 9 of Annex IV to the Antarctic Protocol or regulations hereunder to have adequate reception facilities; and

(B) the port or terminal does not hold a valid certificate issued by the Secretary under this section.

[(2) The Secretary may deny the entry of a ship to a port or terminal required by regulations issued under this section to provide adequate reception facilities for garbage if the port or terminal is not in compliance with those regulations.]

*(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.*

(f) SURVEYS.—

(1) The [Secretary is] *Secretary and the Administrator* are authorized to conduct surveys of existing reception facilities in the United States to determine measures needed to comply with the MARPOL Protocol or the Antarctic Protocol.

(2) [(A)] Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1996 [enacted Oct. 19, 1996], the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.

SEC. 8. VIOLATIONS.

[33 U.S.C. 1907]

(a) GENERAL PROHIBITION; COOPERATION AND ENFORCEMENT; DETECTION AND MONITORING MEASURES; REPORTS; EVIDENCE.—It is unlawful to act in violation of the MARPOL Protocol, Annex IV to the Antarctic Protocol, this Act, or the regulations issued thereunder. The Secretary shall cooperate with other parties to the MARPOL Protocol or to the Antarctic Protocol in the detection of violations and in enforcement of the MARPOL Protocol and Annex IV to the Antarctic Protocol. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring, and shall establish adequate procedures for reporting violations and accumulating evidence.

(b) INVESTIGATIONS; SUBPOENAS; ISSUANCE BY SECRETARY, ENFORCEMENT; ACTION BY SECRETARY; INFORMATION TO PARTY.—Upon receipt of evidence that a violation has occurred, the Sec-

retary shall cause the matter to be investigated. In any investigation under this section the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance. Upon completion of the investigation, the Secretary shall take the action required by the MARPOL Protocol or the Antarctic Protocol and whatever further action he considers appropriate under the circumstances. If the initial evidence was provided by a party to the MARPOL Protocol or the Antarctic Protocol, the Secretary, acting through the Secretary of State, shall inform that party of the action taken or proposed.

(c) SHIP INSPECTIONS; REPORTS TO SECRETARY; ADDITIONAL ACTION.

(1) This subsection applies to inspections relating to possible violations of Annex I or Annex II to the Convention, of Article 3 or Article 4 of Annex IV to the Antarctic Protocol, or of this Act by any seagoing ship referred to in section 3(a)(2) of this Act.

(2) While at a port or terminal subject to the jurisdiction of the United States, a ship to which the MARPOL Protocol or the Antarctic Protocol applies may be inspected by the Secretary—

(A) to verify whether or not the ship has discharged a harmful substance in violation of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this Act; or

(B) to comply with a request from a party to the MARPOL Protocol or the Antarctic Protocol for an investigation as to whether the ship may have discharged a harmful substance anywhere in violation of the MARPOL Protocol or Annex IV to the Antarctic Protocol. An investigation may be undertaken under this clause only when the requesting party has furnished sufficient evidence to allow the Secretary reasonably to believe that a discharge has occurred.

If an inspection under this subsection indicates that a violation has occurred, the investigating officer shall forward a report to the Secretary for appropriate action. The Secretary shall undertake to notify the master of the ship concerned and, acting in coordination with the Secretary of State, shall take any additional action required by Article 6 of the Convention.

(d) GARBAGE DISPOSAL INSPECTIONS; COVERED SHIPS; ENFORCEMENT ACTIONS.—

(1) The Secretary may inspect a ship referred to in section 3(a)(3) of this Act to verify whether the ship has disposed of garbage in violation of Annex V to the Convention, Article 5 of Annex IV to the Antarctic Protocol, or this Act.

(2) If an inspection under this subsection indicates that a violation has occurred, the Secretary may undertake enforcement action under section 9 of this Act.

(e) HARMFUL SUBSTANCE OR GARBAGE DISPOSAL INSPECTIONS; COVERED SHIPS; ENFORCEMENT ACTIONS.—

(1) The Secretary may inspect at any time a ship of United States registry or nationality or operating under the authority of the United States to which the MARPOL Protocol or the Antarctic Protocol applies to verify whether the ship has discharged a harmful substance or disposed of garbage in violation of those Protocols or this Act.

(2) If an inspection under this subsection indicates that a violation of the MARPOL Protocol, of Annex IV to the Antarctic Protocol, or of this Act has occurred the Secretary may undertake enforcement action under section 9 of this Act.

**[(f) SUPPLEMENTAL REMEDIES AND REQUIREMENTS; OTHER PROVISIONS AND AVAILABLE REMEDIES UNAFFECTED.—Remedies and requirements of this Act supplement and neither amend nor repeal any other provisions of law, except as expressly provided in this Act. Nothing in this Act shall limit, deny, amend, modify, or repeal any other remedy available to the United States or any other person, except as expressly provided in this Act.]**

*(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. PENALTIES FOR VIOLATIONS.**

[33 U.S.C. 1908]

(a) **CRIMINAL PENALTIES; PAYMENT FOR INFORMATION LEADING TO CONVICTION.**—A person who knowingly violates the MARPOL [Protocol,] *Protocol*, Annex IV to the Antarctic Protocol, this Act, or the regulations issued thereunder commits a class D felony. In the discretion of the Court, an amount equal to not more than  $\frac{1}{2}$  of such fine may be paid to the person giving information leading to conviction.

(b) **CIVIL PENALTIES; SEPARATE VIOLATIONS; ASSESSMENT NOTICE; CONSIDERATIONS AFFECTING AMOUNT; PAYMENT FOR INFORMATION LEADING TO ASSESSMENT OF PENALTY.**—A person who is found by the Secretary, *or the Administrator as provided for in this Act* after notice and an opportunity for a hearing, to have—

(1) violated the MARPOL [Protocol,] *Protocol*, Annex IV to the Antarctic Protocol, this Act, or the regulations issued thereunder shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation; or

(2) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary, *or the Administrator as provided for in this Act*, under the MARPOL [Protocol,] *Protocol*, Annex IV to the Antarctic Protocol, this Act, or the regulations thereunder, shall be liable to the United

States for a civil penalty, not to exceed \$5,000 for each statement or representation.

Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary, *or the Administrator as provided for in this Act*, or his designee, by written notice. In determining the amount of the penalty, the Secretary, *or the Administrator as provided for in this Act*, shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require. An amount equal to not more than  $\frac{1}{2}$  of such penalties may be paid by the Secretary, *or the Administrator as provided for in this Act*, to the person giving information leading to the assessment of such penalties.

(c) ABATEMENT OF CIVIL PENALTIES; COLLECTION BY ATTORNEY GENERAL.—The Secretary, *or the Administrator as provided for in this Act*, may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary, *or the Administrator as provided for in this Act*, may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(d) LIABILITY IN REM; DISTRICT COURT JURISDICTION.—A ship operated in violation of the MARPOL [Protocol,,] *Protocol*, Annex IV to the Antarctic Protocol, this Act, or the regulations thereunder is liable in rem for any fine imposed under subsection (a) or civil penalty assessed pursuant to subsection (b), and may be proceeded against in the United States district court of any district in which the ship may be found.

(e) SHIP CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.—If any ship subject to the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this Act, its owner, operator, or person in charge is liable for a fine or civil penalty under this section, or if reasonable cause exists to believe that the ship, its owner, operator, or person in charge may be subject to a fine or civil penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

(f) REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.—Notwithstanding subsection (a), (b), or (d) of this section, if the violation is by a ship registered in or of the nationality of a country party to the MARPOL Protocol or the Antarctic Protocol, or one operated under the authority of a country party to the MARPOL Protocol or the Antarctic Protocol, the Secretary, *or the Administrator as provided for in this Act*, acting in coordination with the Secretary of State, may refer the matter to the government of the country of the ship's registry or nationality, or under whose authority the ship is operating for appropriate action, rather than taking the actions required or authorized by this section.

## SEC. 10. MARPOL PROTOCOL; PROPOSED AMENDMENTS.

[33 U.S.C. 1909]

(a) ACCEPTANCE OF CERTAIN AMENDMENTS BY THE PRESIDENT.—A proposed amendment to the MARPOL Protocol received by the United States from the Secretary-General of the International Maritime Organization pursuant to Article VI of the MARPOL Protocol, may be accepted on behalf of the United States by the President following the advice and consent of the Senate, except as provided for in subsection (b) of this section.

(b) ACTION ON CERTAIN AMENDMENTS BY THE SECRETARY OF STATE.—A proposed amendment to **Annex I, II, or V** *Annex I, II, V, or VI* to the Convention, appendices to those Annexes, or Protocol I of the Convention received by the United States from the Secretary-General of the International Maritime Organization pursuant to Article VI of the MARPOL Protocol, may be the subject of appropriate action on behalf of the United States by the Secretary of State following consultation with the Secretary, *or the Administrator as provided for in this Act*, who shall inform the Secretary of State as to what action he considers appropriate at least 30 days prior to the expiration of the period specified in Article VI of the MARPOL Protocol during which objection may be made to any amendment received.

(c) DECLARATION OF NONACCEPTANCE BY THE SECRETARY OF STATE.—Following consultation with the Secretary, the Secretary of State may make a declaration that the United States does not accept an amendment proposed pursuant to Article VI of the MARPOL Protocol.

## SEC. 11. LEGAL ACTIONS.

[33 U.S.C. 1910]

(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 Act, 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 Act 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 Act which is not discretionary; or*

**[(3)]** (4) against the Secretary of the Treasury where there is alleged a failure of the Secretary of the Treasury to take action under section 9(e) of this Act.

(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,]** *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.

**[SEC. 15. AUTHORITY OF SECRETARY UNDER PORT AND TANKER SAFETY PROGRAM UNAFFECTED.]**

[33 U.S.C. 1911]

**[Nothing in this Act 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 (Public Law 95—474).]**

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

[33 U.S.C. 1911]

*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.*

