

This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see <https://lpdd.org>

Public Law XXX–XXX  
XXXth Congress

## An Act

To amend the Act to Prevent Pollution from Ships

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Maritime Pollution Prevention Act of 2020”.

### **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. APPLICABILITY.**

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

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (4);

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

(C) by adding at the end the following:

“(6) with respect to regulations prescribed under section 1903(c)(6) of this title, and including to a ship referred to in paragraph (1) that calls at a United States port—

(A) to a ship that is voluntarily in a United States port;

(B) which is engaged in transport of passengers or cargo for commercial purposes; and

(C) which—

(i) is subject to Regulation 22A of Annex VI to the Convention; or

(ii) notwithstanding subsection (b)(1)(B) of this section, would otherwise be subject to Regulation 22A of Annex VI to the Convention but is solely engaged in voyages within waters subject to jurisdiction of the United States.”; and

(2) in subsection (c), by inserting “and with regulations prescribed under section 1903(c)(6) of this title” after “Convention”.

### **SEC. 4. ADMINISTRATION AND ENFORCEMENT.**

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

(1) in subsection (b)—

(A) in paragraph (2) by striking “19” and inserting “22A”; and by inserting “and paragraph (6)” after “Convention”; and

(B) in paragraph (3) by inserting “and paragraph (6)” after “Convention”;

(2) in subsection (c)—

(A) in paragraph (2) by striking “19” and inserting “22A”; and by inserting “and paragraph (6)” after “Convention”;

(B) in paragraph (3) by striking “, and with respect to regulation 19, with the Secretary of the Interior” after “other”; and

(C) by adding at the end the following:

“(6) Not later than 18 months after the effective date of this paragraph, the Administrator shall prescribe monitoring, reporting, and verification regulations which require data from ships referred to in section 1902(a)(6) of this title.

(A) The regulations shall, at a minimum, require—

(i) collection on a per voyage basis of data—

(I) specified in Regulation 22A of Annex VI to the Convention, except for net tonnage, deadweight tonnage, and power output;

(II) of carbon dioxide emissions;

(III) of cargo carried;

(ii) submission on an annual basis of aggregated data collected for each datum under subparagraph (A)(i) together with—

(I) annual average fuel consumption and carbon dioxide emissions per distance travelled of voyages;

(II) annual average fuel consumption and carbon dioxide emissions per distance travelled and cargo carried on voyages;

(iii) verification procedures;

(iv) statement of compliance procedures; and

(v) establishment of a publicly accessible database containing data submitted under subparagraph (A)(ii) identified by ship.

(B) For the purpose of this section, “voyage” includes —

(i) from a ship’s last port to a port subject to the jurisdiction of the United States,

(ii) from a port subject to the jurisdiction of the United States to the ship’s next port, and

(iii) within ports subject to the jurisdiction of the United States.”.

## **SEC. 5. CERTIFICATES.**

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

(1) in subsection (a)—

(A) by inserting “and statements of compliance” after “certificates”;

(B) by inserting “and this chapter” after “MARPOL Protocol” the first place it appears; and

(C) by inserting “or statement of compliance” after “certificate”;

(2) in subsection (c)—

(A) by inserting “or statement of compliance, or to have a statement of compliance prescribed by regulation under section 1903(c)(6) of this title” after “certificate” the first place it appears;

(B) by striking “and” at the end of paragraph (1); and

(C) by redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following:

“(2) shall carry a valid statement of compliance onboard in the manner prescribed by the authority issuing the statement of compliance; and”;

(3) in subsection (d) by inserting “, except as specified in Regulation 10 of Annex VI to the Convention with regards to chapter 4 of Annex VI to the Convention” after “certificate” the second place it appears.

**SEC. 6. VIOLATIONS.**

Section 8 (33 U.S.C. 1907) is amended—

(1) in subsection (b)—

(A) by striking “or” and inserting “,” after “MARPOL Protocol” the first place it appears; and

(B) by inserting “, or this chapter” after “Antarctic Protocol” the first place it appears; and

(2) in subsection (f)(1) by inserting “and section 1902(a)(6)” after “section 1902(a)(5)”.

**SEC. 7. PENALTIES.**

Section 9(f) (33 U.S.C. 1908(f)) is amended by inserting “MARPOL Protocol or the Antarctic Protocol” after “may refer the”.