

118TH CONGRESS  
1ST SESSION

# H. R. 4024

To amend the Clean Air Act to provide for the establishment of standards to limit the carbon intensity of the fuel used by certain vessels, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2023

Mr. ROBERT GARCIA of California (for himself, Ms. BARRAGÁN, Mr. HUFFMAN, Ms. BONAMICI, Mr. CLEAVER, Ms. TLAIB, Ms. NORTON, Ms. LEE of California, Mr. SCHIFF, Ms. SHERRILL, Mr. LIEU, Mr. GRIJALVA, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to provide for the establishment of standards to limit the carbon intensity of the fuel used by certain vessels, 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 “Clean Shipping Act  
5 of 2023”.

6 **SEC. 2. MARINE ZERO GREENHOUSE GAS FUEL STANDARD.**

7 The Clean Air Act is amended by adding after section  
8 212 (42 U.S.C. 7546) the following new section:

1 **“SEC. 212A. MARINE ZERO GREENHOUSE GAS FUEL STAND-**  
2 **ARD.**

3 “(a) MARINE VESSEL FUEL CARBON INTENSITY  
4 STANDARDS.—

5 “(1) STANDARDS.—The Administrator shall, by  
6 regulation, require each vessel on a covered voyage  
7 to comply with standards for the carbon intensity of  
8 the fuel used by such vessel so that such carbon in-  
9 tensity is—

10 “(A) in each of calendar years 2027  
11 through 2029, at least 20 percent less than the  
12 carbon intensity baseline;

13 “(B) in each of calendar years 2030  
14 through 2034, at least 45 percent less than the  
15 carbon intensity baseline;

16 “(C) in each of calendar years 2035  
17 through 2039, at least 80 percent less than the  
18 carbon intensity baseline; and

19 “(D) in calendar year 2040 and each cal-  
20 endar year thereafter, 100 percent less than the  
21 carbon intensity baseline.

22 “(2) PROMULGATION OF STANDARDS.—The Ad-  
23 ministrator shall finalize—

24 “(A) the standard required by paragraph  
25 (1)(A) by not later than January 1, 2026; and

1           “(B) the standards required by each of  
2           subparagraphs (B) through (D) of paragraph  
3           (1) by not later than 2 years before the respec-  
4           tive standard goes into effect.

5           “(3) TECHNOLOGICAL OR ECONOMIC FEASI-  
6           BILITY.—

7           “(A) IN GENERAL.—If the Administrator  
8           determines that a reduction in carbon intensity  
9           required under paragraph (1) is not techno-  
10          logically or economically feasible by the applica-  
11          ble deadline under such paragraph, the Admin-  
12          istrator, in lieu of promulgating the standard  
13          otherwise required by paragraph (1), shall pro-  
14          mulgate a standard that will achieve the max-  
15          imum reduction in the carbon intensity of the  
16          fuel used by vessels on covered voyages that is  
17          technologically and economically feasible by  
18          such applicable deadline.

19          “(B) CONSIDERATIONS.—In determining  
20          technological and economic feasibility for pur-  
21          poses of subparagraph (A), the Administrator  
22          shall take into account the net reduction of  
23          emissions of greenhouse gases and potential ad-  
24          verse impacts on public health, safety, and the  
25          environment, including with respect to air qual-

1           ity, water quality, and the generation and dis-  
2           posal of solid waste.

3           “(4) HARMONIZATION WITH INTERNATIONAL  
4           STANDARDS.—If the Administrator determines that  
5           standards mandated by the International Maritime  
6           Organization for reduction of the carbon intensity of  
7           fuel used by vessels for a calendar year are equally  
8           or more stringent than the standards under para-  
9           graph (1) for such calendar year, the Administrator  
10          may adopt such standards.

11          “(5) EXEMPTION.—Any vessel that is on cov-  
12          ered voyages for 30 days or fewer during a calendar  
13          year shall be exempt from the standards promul-  
14          gated under this subsection for that year.

15          “(6) COMMON OWNERSHIP OR CONTROL.—For  
16          purposes of determining compliance with any stand-  
17          ard established under this subsection, the Adminis-  
18          trator may allow the carbon intensity of the fuels  
19          used by vessels under common ownership or control  
20          to be averaged.

21          “(7) OVERCOMPLIANCE.—The Administrator  
22          may allow vessels to credit overcompliance with any  
23          standard established under this subsection towards  
24          demonstrating compliance with any future standard  
25          under this subsection.

1 “(b) MONITORING AND REPORTING.—

2 “(1) LIST OF METHODS.—

3 “(A) IN GENERAL.—The Administrator  
4 shall develop a list of acceptable methods for  
5 monitoring and reporting compliance with the  
6 standards established under subsection (a).

7 “(B) CONSISTENCY OF METHODS.—The  
8 Administrator, to the maximum extent prac-  
9 ticable, shall ensure the consistency of the  
10 methods listed under subparagraph (A) with  
11 similar reporting schemes developed by the Eu-  
12 ropean Union and the International Maritime  
13 Organization.

14 “(2) ANNUAL REPORTING REQUIREMENTS.—  
15 For each calendar year, a vessel shall report to the  
16 Administrator—

17 “(A) the carbon intensity of the fuel used  
18 for each covered voyage;

19 “(B) the amount of fuel used for each cov-  
20 ered voyage; and

21 “(C) the total greenhouse gas emissions  
22 measured in carbon dioxide equivalent for all  
23 covered voyages.

24 “(3) ANNUAL REPORT.—Not later than 6  
25 months after the end of each annual reporting pe-

1 riod under paragraph (2), the Administrator, in con-  
2 sultation with the Secretary of Transportation and  
3 Commandant of the Coast Guard, shall publish a re-  
4 port that—

5 “(A) compiles the data reported under  
6 paragraph (2); and

7 “(B) includes an explanation intended to  
8 facilitate public understanding of—

9 “(i) the carbon dioxide equivalent  
10 emissions of vessels on covered voyages;  
11 and

12 “(ii) the carbon intensity of fuels used  
13 by such vessels.

14 “(c) ENFORCEMENT.—The standards established  
15 under subsection (a) and the annual reporting require-  
16 ments of subsection (b)(2) shall be considered an emission  
17 standard or limitation for purposes of section 304(a)(1).

18 “(d) DEFINITIONS.—In this section:

19 “(1) CARBON DIOXIDE EQUIVALENT.—The  
20 term ‘carbon dioxide equivalent’ means the number  
21 of metric tons of carbon dioxide emissions with the  
22 same global warming potential as one metric ton of  
23 another greenhouse gas, as calculated using Equa-  
24 tion A–1 in section 98.2(b) of title 40, Code of Fed-

1 eral Regulations, as in effect on the date of enact-  
2 ment of this section.

3 “(2) CARBON INTENSITY.—The term ‘carbon  
4 intensity’ means the quantity of lifecycle greenhouse  
5 gas emissions per unit of fuel energy, expressed in  
6 grams of carbon dioxide equivalent per megajoule.

7 “(3) CARBON INTENSITY BASELINE.—The term  
8 ‘carbon intensity baseline’ means the average carbon  
9 intensity of the fuel used by all vessels on covered  
10 voyages in calendar year 2024.

11 “(4) COVERED VOYAGE.—The term ‘covered  
12 voyage’ means any voyage of a vessel for the purpose  
13 of transporting passengers or cargo for commercial  
14 purposes—

15 “(A) that is between any ports of call  
16 under the jurisdiction of the United States; or

17 “(B) that is between a port of call under  
18 the jurisdiction of the United States and a port  
19 of call under the jurisdiction of a foreign coun-  
20 try.

21 “(5) GREENHOUSE GAS.—The term ‘greenhouse  
22 gas’ means carbon dioxide, methane, nitrous oxide,  
23 hydrofluorocarbons, perfluorocarbons, and sulfur  
24 hexafluoride.

1           “(6) LIFECYCLE GREENHOUSE GAS EMIS-  
2           SIONS.—The term ‘lifecycle greenhouse gas emis-  
3           sions’ has the meaning given such term in section  
4           211(o).

5           “(7) PORT OF CALL.—The term ‘port of call’  
6           means the port where a vessel stops to load or un-  
7           load cargo or to embark or disembark passengers.

8           “(8) VESSEL.—The term ‘vessel’ means a vessel  
9           of 400 gross tonnage or more.”.

10 **SEC. 3. IN-PORT MARINE VESSEL ZERO EMISSION STAND-**  
11 **ARDS.**

12           Section 213 of the Clean Air Act (42 U.S.C. 7547)  
13 is amended by adding at the end the following:

14           “(e) IN-PORT MARINE VESSEL ZERO EMISSION  
15 STANDARDS.—

16           “(1) STANDARDS.—Except as provided in para-  
17           graph (2) and not later than January 1, 2026, the  
18           Administrator shall promulgate (and from time to  
19           time revise) standards to eliminate, by not later than  
20           January 1, 2030, emissions of greenhouse gases and  
21           air pollutants for which air quality criteria have been  
22           issued under section 108 from vessels at anchorage  
23           or at berth in the contiguous zone of the United  
24           States (as described in Presidential Proclamation  
25           7219).



1           “(2) EXCEPTION.—If the Administrator deter-  
2           mines that standards required by paragraph (1) are  
3           not technologically or economically feasible, the Ad-  
4           ministrators shall promulgate standards that achieve  
5           the maximum reduction of such emissions from such  
6           vessels that is technologically and economically fea-  
7           sible.

8           “(3) CONSIDERATIONS.—In determining tech-  
9           nological and economic feasibility under paragraph  
10          (2), the Administrator shall take into account the  
11          net reduction of emissions of greenhouse gases, the  
12          net reduction of emissions of air pollutants for which  
13          air quality criteria have been issued under section  
14          108, and potential adverse impacts on public health,  
15          safety, and the environment, including with respect  
16          to air quality, water quality, and the generation and  
17          disposal of solid waste.”.

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