

116TH CONGRESS
1ST SESSION

S. 1417

To reauthorize activities of the Maritime Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize activities of the Maritime Administration, 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 “Maritime Administra-
5 tion Authorization and Enhancement Act of 2019”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of the Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—MARITIME ADMINISTRATION

- Sec. 101. Authorization of the Maritime Administration.
- Sec. 102. Authorization of the Military Sealift Program.

- Sec. 103. Department of Transportation Inspector General Report.
- Sec. 104. Authority for MARAD to retain foreign student tuition reimbursement.
- Sec. 105. Appointment of candidates attending sponsored preparatory school.
- Sec. 106. Independent study on the United States Merchant Marine Academy.
- Sec. 107. Military to mariner.
- Sec. 108. Salvage recoveries of federally owned cargoes.
- Sec. 109. Salvage recoveries for subrogated ownership of vessels and cargoes.
- Sec. 110. Port operations, research, and technology.
- Sec. 111. Strategic seaports.
- Sec. 112. Maritime technical assistance program.
- Sec. 113. Domestic ship recycling facilities.
- Sec. 114. Improvement of National Oceanographic Partnership Program.
- Sec. 115. Improvements to the maritime guaranteed loan program.
- Sec. 116. Technical corrections.

TITLE II—MARITIME SAFE ACT

- Sec. 201. Short title.
- Sec. 202. Definitions.
- Sec. 203. Findings.
- Sec. 204. Purposes.
- Sec. 205. Statement of policy.

Subtitle A—Programs To Combat IUU Fishing and Increase Maritime Security

- Sec. 211. Coordination with international organizations.
- Sec. 212. Engagement of diplomatic missions of the United States.
- Sec. 213. Assistance by Federal agencies to improve law enforcement within priority regions and priority flag states.
- Sec. 214. Expansion of existing mechanisms to combat IUU fishing.
- Sec. 215. Improvement of transparency and traceability programs.
- Sec. 216. Technology programs.
- Sec. 217. Information sharing.

Subtitle B—Establishment of Interagency Working Group on IUU Fishing

- Sec. 221. Interagency Working Group on IUU Fishing.
- Sec. 222. Strategic plan.
- Sec. 223. Reports.
- Sec. 224. Gulf of Mexico IUU Fishing Subworking Group.

Subtitle C—Authorization of Appropriations

- Sec. 231. Authorization of appropriations.

1 **TITLE I—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-**
4 **TION.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to the Department of Transportation for fiscal
7 year 2020, to be available without fiscal year limitation
8 if so provided in appropriations Acts, for programs associ-
9 ated with maintaining the United States Merchant Ma-
10 rine, the following amounts:

11 (1) For expenses necessary for operations of the
12 United States Merchant Marine Academy,
13 \$88,593,000, of which—

14 (A) \$77,944,000 shall remain available
15 until September 30, 2021, for Academy oper-
16 ations; and

17 (B) \$18,000,000 shall remain available
18 until expended for capital asset management at
19 the Academy.

20 (2) For expenses necessary to support the State
21 maritime academies, \$32,200,000, of which—

22 (A) \$2,400,000 shall remain available until
23 September 30, 2020, for the Student Incentive
24 Program;

1 (B) \$6,000,000 shall remain available until
2 expended for direct payments to such acad-
3 emies;

4 (C) \$30,080,000 shall remain available
5 until expended for maintenance and repair of
6 State maritime academy training vessels;

7 (D) \$3,800,000 shall remain available until
8 expended for training ship fuel assistance; and

9 (E) \$8,000,000 shall remain available until
10 expended for offsetting the costs of training
11 ship sharing.

12 (3) For expenses necessary to support the Na-
13 tional Security Multi-Mission Vessel Program,
14 \$300,000,000, which shall remain available until ex-
15 pended.

16 (4) For expenses necessary to support Maritime
17 Administration operations and programs,
18 \$60,442,000, of which \$5,000,000 shall remain
19 available until expended for activities authorized
20 under section 50307 of title 46, United States Code.

21 (5) For expenses necessary to dispose of vessels
22 in the National Defense Reserve Fleet, \$5,000,000,
23 which shall remain available until expended.

24 (6) For expenses necessary to maintain and
25 preserve a United States flag Merchant Marine to

1 serve the national security needs of the United
2 States under chapter 531 of title 46, United States
3 Code, \$300,000,000, which shall remain available
4 until expended.

5 (7) For expenses necessary for the loan guar-
6 antee program authorized under chapter 537 of title
7 46, United States Code, \$33,000,000, of which—

8 (A) \$30,000,000 may be used for the cost
9 (as defined in section 502(5) of the Federal
10 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
11 of loan guarantees under the program, which
12 shall remain available until expended; and

13 (B) \$3,000,000 may be used for adminis-
14 trative expenses relating to loan guarantee com-
15 mitments under the program.

16 (8) For expenses necessary to provide assist-
17 ance to small shipyards and for maritime training
18 programs under section 54101 of title 46, United
19 States Code, \$40,000,000.

20 (9) For expenses necessary to implement the
21 Port Operations, Research, and Technology Act,
22 \$292,730,000.

1 **SEC. 102. AUTHORIZATION OF THE MILITARY SEALIFT PRO-**
2 **GRAM.**

3 (a) AWARD OF OPERATING AGREEMENTS.—Section
4 53103 of title 46, United States Code, is amended by
5 striking “2025” each place it appears and inserting
6 “2035”.

7 (b) EFFECTIVENESS OF OPERATING AGREE-
8 MENTS.—Section 53104(a) of title 46, United States
9 Code, is amended by striking “2025” and inserting
10 “2035”.

11 (c) PAYMENTS.—Section 53106(a)(1) of title 46,
12 United States Code, is amended—

13 (1) in subparagraph (B), by striking “and”
14 after the semicolon;

15 (2) in subparagraph (C), by striking
16 “\$3,700,000 for each of fiscal years 2022, 2023,
17 2024, and 2025.” and inserting “\$5,233,463 for
18 each of fiscal years 2022, 2023, 2024, and 2025;
19 and”; and

20 (3) by adding at the end the following:

21 “(D) \$ 5,233,463 for each of fiscal years
22 2026 through 2035.”.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
24 53111 of title 46, United States Code, is amended—

25 (1) in paragraph (2), by striking “and” after
26 the semicolon;

1 (2) in paragraph (3), by striking
2 “\$222,000,000 for each fiscal year thereafter
3 through fiscal year 2025.” and inserting
4 “\$314,007,780 for each of fiscal years 2022, 2023,
5 2024, and 2025; and”;

6 (3) by adding at the end the following:

7 “(4) \$314,007,780 for each of fiscal years 2026
8 through 2035.”.

9 **SEC. 103. DEPARTMENT OF TRANSPORTATION INSPECTOR**

10 **GENERAL REPORT.**

11 The Inspector General of the Department of Trans-
12 portation shall—

13 (1) not later than 180 days after the date of
14 enactment of this Act, initiate an audit of the Mari-
15 time Administration’s actions to address the 27 rec-
16 ommendations for improvement identified by a Na-
17 tional Academy of Public Administration panel in a
18 November 2017 report; and

19 (2) submit to the Committee on Commerce,
20 Science, and Transportation of the Senate and the
21 Committee on Transportation and Infrastructure of
22 the House of Representatives a report containing the
23 results of that audit once the audit is completed.

1 **SEC. 104. AUTHORITY FOR MARAD TO RETAIN FOREIGN**
2 **STUDENT TUITION REIMBURSEMENT.**

3 Section 51304 of title 46, United States Code, is
4 amended by adding at the end the following:

5 “(e) CREDIT OF REIMBURSEMENT.—Reimburse-
6 ments under this section shall be credited to the Maritime
7 Administration’s Operations and Training appropriation,
8 to remain available until expended, for use only for those
9 expenses related to the operations of the United States
10 Merchant Marine Academy.”.

11 **SEC. 105. APPOINTMENT OF CANDIDATES ATTENDING**
12 **SPONSORED PREPARATORY SCHOOL.**

13 Section 51303 of title 46, United States Code, is
14 amended—

15 (1) by striking “The Secretary” and inserting
16 the following:

17 “(a) IN GENERAL.—The Secretary”; and

18 (2) by adding at the end the following:

19 “(b) APPOINTMENT OF CANDIDATES SELECTED FOR
20 PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of
21 Transportation may appoint each year as cadets at the
22 United States Merchant Marine Academy not more than
23 40 qualified individuals sponsored by the Academy to at-
24 tend preparatory school during the academic year prior
25 to entrance in the Academy, and who have successfully

1 met the terms and conditions of sponsorship set by the
2 Academy.”.

3 **SEC. 106. INDEPENDENT STUDY ON THE UNITED STATES**
4 **MERCHANT MARINE ACADEMY.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall seek to enter into an agreement with the Na-
8 tional Academy of Public Administration (referred to in
9 this section as the “Academy”) to carry out the activities
10 described in this section.

11 (b) STUDY ELEMENTS.—In accordance with the
12 agreement described in subsection (a), the Academy shall
13 conduct a study of the United States Merchant Marine
14 Academy that consists of the following:

15 (1) A comprehensive assessment of the United
16 States Merchant Marine Academy’s systems, train-
17 ing, facilities, infrastructure, information technology,
18 and stakeholder engagement.

19 (2) Identification of needs and opportunities for
20 modernization to help the United States Merchant
21 Marine Academy keep pace with more modern cam-
22 puses.

23 (3) Development of an action plan for the
24 United States Merchant Marine Academy with spe-
25 cific recommendations for—

1 (A) improvements or updates relating to
2 the opportunities described in paragraph (2);
3 and

4 (B) systematic changes needed to help the
5 United States Merchant Marine Academy
6 achieve its mission of inspiring and educating
7 the next generation of the mariner workforce on
8 a long-term basis.

9 (c) DEADLINE AND REPORT.—Not later than 1 year
10 after the date of the agreement described in subsection
11 (a), the Academy shall prepare and submit to the Mari-
12 time Administrator a report containing the action plan de-
13 scribed in subsection (b)(3), including specific findings
14 and recommendations.

15 **SEC. 107. MILITARY TO MARINER.**

16 (a) CREDENTIALING SUPPORT.—Not later than 1
17 year after the date of enactment of this Act, the Secretary
18 of Defense and the Secretary of Homeland Security, with
19 respect to the applicable services in their respective de-
20 partments, and in coordination with one another and with
21 the United States Committee on the Marine Transpor-
22 tation System, shall, consistent with applicable law, iden-
23 tify all military training and experience within the applica-
24 ble service that may qualify for merchant mariner
25 credentialing, and submit a list of all identified military

1 training and experience to the United States Coast Guard
2 National Maritime Center for a determination of whether
3 such training and experience counts for credentialing pur-
4 poses.

5 (b) REVIEW OF APPLICABLE SERVICE.—The United
6 States Coast Guard Commandant shall make a determina-
7 tion of whether training and experience counts for
8 credentialing purposes, as described in subsection (a), not
9 later than 6 months after the date on which the United
10 States Coast Guard National Maritime Center receives a
11 submission under subsection (a) identifying a training or
12 experience and requesting such a determination.

13 (c) FEES AND SERVICES.—The Secretary of Defense
14 and the Secretary of Homeland Security shall—

15 (1) take all necessary and appropriate actions
16 to provide for the waiver of fees through the Na-
17 tional Maritime Center license evaluation, issuance,
18 and examination for members of the uniformed serv-
19 ice on active duty, if a waiver is authorized and ap-
20 propriate, and, if a waiver is not granted, take all
21 necessary and appropriate actions to provide for the
22 payment of fees for members of the uniformed serv-
23 ice on active duty by the applicable service to the
24 fullest extent permitted by law;

1 (2) direct the applicable services to take all nec-
2 essary and appropriate actions to pay for Transpor-
3 tation Worker Identification Credential cards for
4 members of the uniformed service on active duty
5 pursuing or possessing a mariner credential;

6 (3) ensure that members of the applicable serv-
7 ices who are to be discharged or released from active
8 duty and who request certification or verification of
9 sea service be provided such certification or
10 verification no later than one month after discharge
11 or release;

12 (4) ensure the applicable services have devel-
13 oped, or continue to operate, as appropriate, the on-
14 line resource known as Credentialing Opportunities
15 On-Line to support separating members of the uni-
16 formed service who are seeking information and as-
17 sistance on merchant mariner credentialing; and

18 (5) not later than 1 year after the date of en-
19 actment of this section, take all necessary and ap-
20 propriate actions to apply military-related medical
21 certifications to merchant mariner credential re-
22 quirements.

23 (d) ADVANCING MILITARY TO MARINER WITHIN THE
24 EMPLOYER AGENCIES.—

1 (1) IN GENERAL.—The Secretary of Defense,
2 the Secretary of Homeland Security, and the Sec-
3 retary of Commerce shall have direct hiring author-
4 ity to employ separated members of the Armed
5 Forces with valid merchant mariner licenses or sea
6 service experience in support of the United States
7 national maritime needs, including the Army Corps
8 of Engineers, Customs and Border Protection, and
9 the National Oceanic and Atmospheric Administra-
10 tion.

11 (2) SEPARATED MEMBER OF THE ARMED
12 FORCES.—In this subsection, the term “separated
13 member of the Armed Forces” means an individual
14 who—

15 (A)(i) is retiring or is retired as a member
16 of the Armed Forces; or

17 (ii) is voluntarily separating or voluntarily
18 separated from the Armed Forces at the end of
19 enlistment or service obligation; and

20 (B) has not received a dishonorable dis-
21 charge.

22 **SEC. 108. SALVAGE RECOVERIES OF FEDERALLY OWNED**
23 **CARGOES.**

24 Section 57100 of title 46, United States Code, is
25 amended by adding at the end the following:

1 “(h) FUNDS TRANSFER AUTHORITY RELATED TO
2 THE USE OF NATIONAL DEFENSE RESERVE FLEET VES-
3 SELS AND THE PROVISION OF MARITIME-RELATED SERV-
4 ICES.—

5 “(1) IN GENERAL.—When the Secretary of
6 Transportation provides for the use of its vessels or
7 maritime-related services and goods under a reim-
8 bursable agreement with a Federal entity, or State
9 or local entity, authorized to receive goods and serv-
10 ices from the Maritime Administration for programs,
11 projects, activities, and expenses related to the Na-
12 tional Defense Reserve Fleet or maritime-related
13 services:

14 “(A) Federal entities are authorized to
15 transfer funds to the Secretary in advance of
16 expenditure or upon providing the goods or
17 services ordered, as determined by the Sec-
18 retary.

19 “(B) The Secretary shall determine all
20 other terms and conditions under which such
21 payments should be made and provide such
22 goods and services using its existing or new
23 contracts, including general agency agreements,
24 memoranda of understanding, or similar agree-
25 ments.

1 “(2) REIMBURSABLE AGREEMENT WITH A FED-
2 ERAL ENTITY.—

3 “(A) IN GENERAL.—The Maritime Admin-
4 istration is authorized to provide maritime-re-
5 lated services and goods under a reimbursable
6 agreement with a Federal entity.

7 “(B) MARITIME-RELATED SERVICES DE-
8 FINED.—For the purposes of this subsection,
9 maritime-related services includes the acquisi-
10 tion, procurement, operation, maintenance,
11 preservation, sale, lease, charter, construction,
12 reconstruction, or reconditioning (including out-
13 fitting and equipping incidental to construction,
14 reconstruction, or reconditioning) of a merchant
15 vessel or shipyard, ship site, terminal, pier,
16 dock, warehouse, or other installation related to
17 the maritime operations of a Federal entity.

18 “(3) SALVAGING CARGOES.—

19 “(A) IN GENERAL.—The Maritime Admin-
20 istration may provide services and purchase
21 goods relating to the salvaging of cargoes
22 aboard vessels in the custody or control of the
23 Maritime Administration or its predecessor
24 agencies and receive and retain reimbursement

1 from Federal entities for all such costs as it
2 may incur.

3 “(B) REIMBURSEMENT.—Reimbursement
4 as provided for in subparagraph (A) may come
5 from—

6 “(i) the proceeds recovered from such
7 salvage; or

8 “(ii) the Federal entity for which the
9 Maritime Administration has or will pro-
10 vide such goods and services, depending on
11 the agreement of the parties involved.

12 “(4) AMOUNTS RECEIVED.—Amounts received
13 as reimbursements under this subsection shall be
14 credited to the fund or account that was used to
15 cover the costs incurred by the Secretary or, if the
16 period of availability of obligations for that appro-
17 priation has expired, to the appropriation of funds
18 that is currently available to the Secretary for sub-
19 stantially the same purpose. Amounts so credited
20 shall be merged with amounts in such fund or ac-
21 count and shall be available for the same purposes,
22 and subject to the same conditions and limitations,
23 as amounts in such fund or account.

24 “(5) ADVANCE PAYMENTS.—Payments made in
25 advance shall be for any part of the estimated cost

1 as determined by the Secretary of Transportation.
2 Adjustments to the amounts paid in advance shall be
3 made as agreed to by the Secretary of Transpor-
4 tation and the head of the ordering agency or unit
5 based on the actual cost of goods or services pro-
6 vided.

7 “(6) BILL OR REQUEST FOR PAYMENT.—A bill
8 submitted or a request for payment is not subject to
9 audit or certification in advance of payment.”.

10 **SEC. 109. SALVAGE RECOVERIES FOR SUBROGATED OWN-**
11 **ERSHIP OF VESSELS AND CARGOES.**

12 Section 53909 of title 46, United States Code, is
13 amended by adding at the end the following:

14 “(e) SALVAGE AGREEMENTS.—Notwithstanding title
15 XIV of the Ronald W. Reagan National Defense Author-
16 ization Act for Fiscal Year 2005 (10 U.S.C. 113 note),
17 the Secretary of Transportation is authorized to enter into
18 marine salvage agreements for the recoveries, sale, and
19 disposal of sunken or damaged vessels, cargoes, or prop-
20 erties owned or insured by or on behalf of the Maritime
21 Administration, the United States Shipping Board, the
22 U.S. Shipping Board Bureau, the United States Maritime
23 Commission, or the War Shipping Administration.

24 “(f) RECOVERIES.—Notwithstanding other provisions
25 of law, the net proceeds from salvage agreements entered

1 into as authorized in subsection (e) shall remain available
2 until expended and be distributed as follows for marine
3 insurance related salvages:

4 “(1) Fifty percent of the net funds recovered
5 shall be deposited in the war risk revolving fund and
6 available for the purposes of the war risk revolving
7 fund.

8 “(2) Fifty percent of the net funds recovered
9 shall be deposited in the Vessel Operations Revolving
10 Fund as established by section 50301(a) of title 46
11 and available until expended as follows:

12 “(A) Fifty percent shall be available to the
13 Administrator of the Maritime Administration
14 for such acquisition, maintenance, repair, recon-
15 ditioning, or improvement of vessels in the Na-
16 tional Defense Reserve Fleet as is authorized
17 under other Federal law.

18 “(B) Twenty five percent shall be available
19 to the Administrator of the Maritime Adminis-
20 tration for the payment or reimbursement of
21 expenses incurred by or on behalf of State mar-
22 itime academies or the United States Merchant
23 Marine Academy for facility and training ship
24 maintenance, repair, and modernization, and
25 for the purchase of simulators and fuel.

1 “(C) The remainder shall be distributed to
2 the Department of the Interior for grants as
3 authorized by section 308703 of title 54.”.

4 **SEC. 110. PORT OPERATIONS, RESEARCH, AND TECH-**
5 **NOLOGY.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Ports Improvement Act”.

8 (b) **PORT AND INTERMODAL IMPROVEMENT PRO-**
9 **GRAM.**—Section 50302 of title 46, United States Code, is
10 amended by striking subsection (c) and inserting the fol-
11 lowing:

12 “(c) **PORT AND INTERMODAL IMPROVEMENT PRO-**
13 **GRAM.**—

14 “(1) **GENERAL AUTHORITY.**—Subject to the
15 availability of appropriations, the Secretary of
16 Transportation shall make grants, on a competitive
17 basis, to eligible applicants to assist in funding eligi-
18 ble projects for the purpose of improving the safety,
19 efficiency, or reliability of the movement of goods
20 through ports and intermodal connections to ports.

21 “(2) **ELIGIBLE APPLICANT.**—The Secretary
22 may make a grant under this subsection to the fol-
23 lowing:

24 “(A) A State.

1 “(B) A political subdivision of a State or
2 local government.

3 “(C) A public agency or publicly chartered
4 authority established by 1 or more States.

5 “(D) A special purpose district with a
6 transportation function.

7 “(E) A multistate or multijurisdictional
8 group of entities described in this subsection.

9 “(F) A lead entity described in subpara-
10 graph (A), (B), (C), (D), or (E) jointly with a
11 private entity or group of private entities.

12 “(3) ELIGIBLE PROJECTS.—The Secretary may
13 make a grant under this subsection—

14 “(A) for a project that—

15 “(i) is either—

16 “(I) within the boundary of a
17 port; or

18 “(II) outside the boundary of a
19 port, but is directly related to port op-
20 erations or to an intermodal connec-
21 tion to a port; and

22 “(ii) will be used to improve the safe-
23 ty, efficiency, or reliability of—

1 “(I) the loading and unloading of
2 goods at the port, such as for marine
3 terminal equipment;

4 “(II) the movement of goods
5 into, out of, around, or within a port,
6 such as for highway or rail infrastruc-
7 ture, intermodal facilities, freight in-
8 telligent transportation systems, and
9 digital infrastructure systems; or

10 “(III) the movement of vessels in
11 and out of the port facility by dredg-
12 ing a vessel berthing area dredging
13 that is not part of a Federal channel
14 or an access channel associated with a
15 Federal channel; or

16 “(B) notwithstanding paragraph (6)(A)(v),
17 to provide financial assistance to 1 or more
18 projects under subparagraph (A) for develop-
19 ment phase activities, including planning, feasi-
20 bility analysis, revenue forecasting, environ-
21 mental review, permitting, and preliminary en-
22 gineering and design work.

23 “(4) PROHIBITED USES.—A grant award under
24 this subsection may not be used—

1 “(A) to finance or refinance the construc-
2 tion, reconstruction, reconditioning, or purchase
3 of a vessel that is eligible for such assistance
4 under chapter 537, unless the Secretary deter-
5 mines such vessel—

6 “(i) is necessary for a project de-
7 scribed in paragraph (3)(A)(ii)(III) of this
8 subsection; and

9 “(ii) is not receiving assistance under
10 chapter 537; or

11 “(B) for any project within a small ship-
12 yard (as defined in section 54101).

13 “(5) APPLICATIONS AND PROCESS.—

14 “(A) APPLICATIONS.—To be eligible for a
15 grant under this subsection, an eligible appli-
16 cant shall submit to the Secretary an applica-
17 tion in such form, at such time, and containing
18 such information as the Secretary considers ap-
19 propriate.

20 “(B) SOLICITATION PROCESS.—Not later
21 than 30 days after the date that amounts are
22 made available for grants under this subsection
23 for a fiscal year, the Secretary shall solicit
24 grant applications for eligible projects in ac-
25 cordance with this subsection.

1 “(6) PROJECT SELECTION CRITERIA.—

2 “(A) IN GENERAL.—The Secretary may se-
3 lect a project described in paragraph (3) for
4 funding under this subsection if the Secretary
5 determines that—

6 “(i) the project improves the safety,
7 efficiency, or reliability of the movement of
8 goods through a port or intermodal con-
9 nection to a port;

10 “(ii) the project is cost-effective;

11 “(iii) the eligible applicant has author-
12 ity to carry out the project;

13 “(iv) the eligible applicant has suffi-
14 cient funding available to meet the match-
15 ing requirements under paragraph (8);

16 “(v) the project will be completed
17 without unreasonable delay; and

18 “(vi) the project cannot be easily and
19 efficiently completed without Federal fund-
20 ing or financial assistance available to the
21 project sponsor.

22 “(B) ADDITIONAL CONSIDERATIONS.—In
23 selecting projects described in paragraph (3) for
24 funding under this subsection, the Secretary
25 shall give substantial weight to—

1 “(i) the utilization of non-Federal
2 contributions; and

3 “(ii) the net benefits of the funds
4 awarded under this subsection, considering
5 the cost-benefit analysis of the project, as
6 applicable.

7 “(C) SMALL PROJECTS.—The Secretary
8 may waive the cost-benefit analysis under sub-
9 paragraph (A)(ii), and establish a simplified, al-
10 ternative basis for determining whether a
11 project is cost-effective, for a small project de-
12 scribed in paragraph (7)(B).

13 “(7) ALLOCATION OF FUNDS.—

14 “(A) GEOGRAPHIC DISTRIBUTION.—Not
15 more than 25 percent of the amounts made
16 available for grants under this subsection for a
17 fiscal year may be used to make grants for
18 projects in any 1 State.

19 “(B) SMALL PROJECTS.—The Secretary
20 shall reserve 25 percent of the amounts made
21 available for grants under this subsection each
22 fiscal year to make grants for eligible projects
23 described in paragraph (3)(A) that request the
24 lesser of—

1 “(i) 10 percent of the amounts made
2 available for grants under this subsection
3 for a fiscal year; or

4 “(ii) \$1,000,000.

5 “(C) DREDGING PROJECTS.—Not more
6 than 25 percent of the amounts made available
7 for grants under this subsection for a fiscal
8 year may be used to make grants for projects
9 described in paragraph (3)(A)(ii)(III).

10 “(D) DEVELOPMENT PHASE ACTIVITIES.—
11 Not more than 10 percent of the amounts made
12 available for grants under this subsection for a
13 fiscal year may be used to make grants for de-
14 velopment phase activities under paragraph
15 (3)(B).

16 “(8) FEDERAL SHARE OF TOTAL PROJECT
17 COSTS.—

18 “(A) TOTAL PROJECT COSTS.—To be eligi-
19 ble for a grant under this subsection, an eligible
20 applicant shall submit to the Secretary an esti-
21 mate of the total costs of a project under this
22 subsection based on the best available informa-
23 tion, including any available engineering stud-
24 ies, studies of economic feasibility, environ-

1 mental analyses, and information on the ex-
2 pected use of equipment or facilities.

3 “(B) FEDERAL SHARE.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clauses (ii) and (iii), the Federal
6 share of the total costs of a project under
7 this subsection shall not exceed 80 percent.

8 “(ii) DREDGING PROJECTS.—The
9 Federal share of the total costs of a
10 project described in paragraph
11 (3)(A)(ii)(III) shall not exceed 50 percent.

12 “(iii) RURAL AREAS.—The Secretary
13 may increase the Federal share of costs
14 above 80 percent for a project located in a
15 rural area.

16 “(9) PROCEDURAL SAFEGUARDS.—The Sec-
17 retary shall issue guidelines to establish appropriate
18 accounting, reporting, and review procedures to en-
19 sure that—

20 “(A) grant funds are used for the purposes
21 for which they were made available;

22 “(B) each grantee properly accounts for all
23 expenditures of grant funds; and

1 “(C) grant funds not used for such pur-
2 poses and amounts not obligated or expended
3 are returned.

4 “(10) CONDITIONS.—The Secretary shall re-
5 quire as a condition of making a grant under this
6 subsection that a grantee—

7 “(A) maintain such records as the Sec-
8 retary considers necessary;

9 “(B) make the records described in sub-
10 paragraph (A) available for review and audit by
11 the Secretary; and

12 “(C) periodically report to the Secretary
13 such information as the Secretary considers
14 necessary to assess progress.

15 “(11) CONGRESSIONAL NOTIFICATION.—

16 “(A) NOTIFICATION.—At least 60 days be-
17 fore making a grant for a project under this
18 section, the Secretary shall notify, in writing,
19 the Committee on Commerce, Science, and
20 Transportation of the Senate and the Com-
21 mittee on Transportation and Infrastructure of
22 the House of Representatives of the proposed
23 grant.

24 “(B) CONTENTS.—Each notification under
25 subparagraph (A) shall include—

1 “(i) an evaluation of and justification
2 for the project; and

3 “(ii) the amount of the proposed
4 grant award.

5 “(C) CONGRESSIONAL DISAPPROVAL.—The
6 Secretary may not make a grant or any other
7 obligation or commitment to fund a project
8 under this section if a joint resolution is en-
9 acted disapproving funding for the project be-
10 fore the last day of the 60-day period described
11 in subparagraph (A).

12 “(12) LIMITATION ON STATUTORY CONSTRUC-
13 TION.—Nothing in this subsection may be construed
14 to affect existing authorities to conduct port infra-
15 structure programs in—

16 “(A) Hawaii, as authorized by section
17 9008 of the SAFETEA-LU Act (Public Law
18 109–59; 119 Stat. 1926);

19 “(B) Alaska, as authorized by section
20 10205 of the SAFETEA-LU Act (Public Law
21 109–59; 119 Stat. 1934); or

22 “(C) Guam, as authorized by section 3512
23 of the Duncan Hunter National Defense Au-
24 thorization Act for Fiscal Year 2009 (48 U.S.C.
25 1421r).

1 “(13) REPORTS.—The Secretary shall make
2 available on the website of the Department of Trans-
3 portation at the end of each fiscal year an annual
4 report that lists each project for which a grant has
5 been provided under this subsection during that fis-
6 cal year.

7 “(14) ADMINISTRATION.—

8 “(A) ADMINISTRATIVE AND OVERSIGHT
9 COSTS.—The Secretary may retain not more
10 than 1 percent of the amounts appropriated for
11 each fiscal year under this subsection for the
12 administrative and oversight costs incurred by
13 the Secretary to carry out this subsection.

14 “(B) AVAILABILITY.—

15 “(i) IN GENERAL.—Amounts appro-
16 priated for carrying out this subsection
17 shall remain available until expended.

18 “(ii) UNEXPENDED FUNDS.—
19 Amounts awarded as a grant under this
20 subsection that are not expended by the
21 grantee during the 4-year period following
22 the date of the award shall remain avail-
23 able to the Secretary for use for grants
24 under this subsection in a subsequent fis-
25 cal year.

1 “(15) DEFINITIONS.—In this subsection:

2 “(A) APPROPRIATE COMMITTEES OF CON-
3 GRESS.—The term ‘appropriate committees of
4 Congress’ means—

5 “(i) the Committee on Commerce,
6 Science, and Transportation of the Senate;
7 and

8 “(ii) the Committee on Transportation
9 and Infrastructure of the House of Rep-
10 resentatives.

11 “(B) PORT.—The term ‘port’ includes—

12 “(i) a seaport; and

13 “(ii) an inland waterways port.

14 “(C) PROJECT.—The term ‘project’ in-
15 cludes construction, reconstruction, rehabilita-
16 tion, acquisition of property, including land re-
17 lated to the project and improvements to the
18 land, equipment acquisition, and operational
19 improvements.

20 “(D) RURAL AREA.—The term ‘rural area’
21 means an area that is outside an urbanized
22 area.

23 “(d) ADDITIONAL AUTHORITY OF THE SEC-
24 RETARY.—In carrying out this section, the Secretary
25 may—

1 “(1) receive funds from a Federal or non-Fed-
2 eral entity that has a specific agreement with the
3 Secretary to further the purposes of this section;

4 “(2) coordinate with other Federal agencies to
5 expedite the process established under the National
6 Environmental Policy Act of 1969 (42 U.S.C. 4321
7 et seq.) for the improvement of port facilities to im-
8 prove the efficiency of the transportation system, to
9 increase port security, or to provide greater access
10 to port facilities;

11 “(3) seek to coordinate all reviews or require-
12 ments with appropriate local, State, and Federal
13 agencies; and

14 “(4) in addition to any financial assistance pro-
15 vided under subsection (c), provide such technical
16 assistance to port authorities or commissions or
17 their subdivisions and agents as needed for project
18 planning, design, and construction.”.

19 (c) SAVINGS CLAUSE.—A repeal made by subsection
20 (b) of this section shall not affect amounts apportioned
21 or allocated before the effective date of the repeal. Such
22 apportioned or allocated funds shall continue to be subject
23 to the requirements to which the funds were subject under
24 section 50302(c) of title 46, United States Code, as in ef-
25 fect on the day before the date of enactment of this Act.

1 **SEC. 111. STRATEGIC SEAPORTS.**

2 (a) IN GENERAL.—

3 (1) PROGRAM ESTABLISHED.—The Adminis-
4 trator of the Maritime Administration (referred to in
5 this section as the “Administrator”) and the United
6 States Transportation Command shall establish a
7 strategic seaport infrastructure readiness develop-
8 ment program to improve infrastructure at strategic
9 seaports to ensure those strategic seaport facilities
10 are in a state of good repair, have modern infra-
11 structure, and have sufficient readiness to support
12 operations on 48-hours notice.

13 (2) STRATEGIC SEAPORT.—In this section, the
14 term “strategic seaport” means a commercial sea-
15 port that is designated by the Commanding General
16 of the Military Surface Deployment and Distribution
17 Command as a strategic seaport that will support
18 the deployment of United States forces during a
19 military contingency or national emergency.

20 (b) AUTHORITY OF THE ADMINISTRATOR.—In order
21 to carry out any project under the strategic seaport infra-
22 structure readiness development program established
23 under paragraph (1), the Administrator may—

24 (1) receive funds provided for the project from
25 the Department of Defense, non-Federal, and pri-
26 vate entities that have a specific agreement or con-

1 tract with the Administrator to further the purposes
2 of this section;

3 (2) coordinate with other Federal agencies to
4 expedite efforts of complying with requirements and
5 procedures established under the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
7 in carrying out projects under the program, includ-
8 ing projects to improve of port facilities, improve the
9 efficiency of the transportation system, increase port
10 security, or provide greater access to port facilities;

11 (3) seek to coordinate all reviews or require-
12 ments relating to the project with appropriate Fed-
13 eral, State, and local agencies; and

14 (4) provide such technical assistance to port au-
15 thorities or commissions or their subdivisions and
16 agents as needed for project planning, design, and
17 construction.

18 (c) STRATEGIC SEAPORT INFRASTRUCTURE DEVEL-
19 OPMENT FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the ‘Strategic Seaport Readiness Infra-
23 structure Development Fund’, (referred to in this
24 section as the ‘Fund’) consisting of such amounts

1 as may be appropriated or credited to such Fund as
2 provided in this section.

3 (2) CREDITS.—There may be deposited into the
4 Fund—

5 (A) funds from the Department of Defense
6 and funds from non-Federal, private entities
7 that have agreements or contracts with the Ad-
8 ministrator, which shall remain in the Fund
9 until expended or refunded; and

10 (B) such amounts as may be appropriated
11 or transferred to the Fund.

12 (3) TRANSFERS.—Amounts appropriated or
13 otherwise made available for any fiscal year for a
14 strategic seaport may be transferred, at the option
15 of the recipient of such amounts, to the Fund and
16 may be administered by the Administrator as a com-
17 ponent of a project under the program.

18 (d) USE OF FUNDS FROM THE STRATEGIC SEAPORT
19 READINESS INFRASTRUCTURE DEVELOPMENT FUND.—
20 The Administrator, in conjunction with the United States
21 Transportation Command, may use funds from the Fund
22 to—

23 (1) administer and carry out projects under the
24 strategic seaport infrastructure readiness develop-

1 ment program under this section, including projects
2 to—

3 (A) upgrade infrastructure resiliency of
4 piers or wharfs or enhancing flexible lay-down
5 areas for heavy lift, increase efficiency in the
6 handling Department of Defense intermodal
7 cargo movements, enhance shoreside intermodal
8 transportation infrastructure, or carry out other
9 similar improvements designed to increase effi-
10 ciency of Department of Defense readiness;

11 (B) facilitate training funding dedicated to
12 enhancing interoperability between military and
13 port terminal personnel, testing and expanding
14 operational areas to maximize strategic seaport
15 capability and assets; and

16 (C) provide cyber resiliency project funding
17 dedicated to the installation of new cybersecu-
18 rity infrastructure, or the enhancement of exist-
19 ing cybersecurity infrastructure, in order to en-
20 sure security of military operations at strategic
21 seaports; and

22 (2) make refunds for projects under that pro-
23 gram that will not be completed.

1 **SEC. 112. MARITIME TECHNICAL ASSISTANCE PROGRAM.**

2 Section 50307 of title 46, United States Code, is
3 amended—

4 (1) in subsection (a), by striking “The Sec-
5 retary of Transportation may engage in the environ-
6 mental study” and inserting “The Maritime Admin-
7 istrator, on behalf of the Secretary of Transpor-
8 tation, shall engage in the study”;

9 (2) in subsection (b)—

10 (A) in the matter preceding paragraph (1),
11 by striking “may” and inserting “shall”; and

12 (B) in paragraph (1)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “that are likely to
15 achieve environmental improvements by”
16 and inserting “to improve”;

17 (ii) by redesignating subparagraphs
18 (A) through (C) as clauses (i) through
19 (iii), respectively;

20 (iii) by inserting before clause (i), the
21 following:

22 “(A) performance to meet international
23 standards and guidelines, including—”; and

24 (iv) in clause (iii), as redesignated by
25 clause (ii), by striking “species; and” and
26 all that follows through the end of the sub-

1 section and inserting “species, reducing
2 propeller cavitation;

3 “(B) the efficiency and competitiveness of
4 domestic maritime industries; and

5 “(2) coordinate with the Environmental Protec-
6 tion Agency, the Coast Guard, and other Federal,
7 State, local, or tribal agencies, as appropriate.”;

8 (3) in subsection (c)(2), by striking “benefits”
9 and inserting “or other benefits to domestic mari-
10 time industries”; and

11 (4) by adding at the end the following:

12 “(e) LIMITATIONS ON THE USE OF FUNDS.—For the
13 purposes of this program, no more than 3 percent of funds
14 may be used for administrative purposes.”.

15 **SEC. 113. DOMESTIC SHIP RECYCLING FACILITIES.**

16 Section 3502 of the Floyd D. Spence National De-
17 fense Authorization Act for Fiscal Year 2001 (54 U.S.C.
18 308704 note) is amended—

19 (1) by redesignating subsections (c) through (f)
20 as subsections (d) through (g), respectively; and

21 (2) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) SCRAPPING OF IMPORTED VESSELS.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of law, domestic ship scrapping facilities

1 selected by the Secretary of Transportation in ac-
2 cordance with subsection (b) may import into the
3 United States, for the purpose of dismantling, ma-
4 rine vessels that contain regulated levels of poly-
5 chlorinated biphenyls that are integral to a vessel's
6 structure, equipment, or systems necessary for its
7 operation.

8 “(2) NO TSCA PRIOR AUTHORIZATION RE-
9 QUIRED.—In lieu of rulemaking by the Adminis-
10 trator of the Environmental Protection Agency
11 under section 6(e) of the Toxic Substances Control
12 Act (15 U.S.C. 2605(e)), imports of vessels con-
13 taining regulated levels of polychlorinated biphenyls
14 shall be subject to prior notification and consent in
15 accordance with this subsection.

16 “(3) NOTIFICATION.—

17 “(A) CONTENTS.—An importer of 1 or
18 more vessels containing regulated levels of poly-
19 chlorinated biphenyls shall submit a notification
20 to the Environmental Protection Agency not
21 less than 75 days before a vessel is imported
22 into the United States under this subsection.
23 The import notification may cover up to one
24 year of shipments of vessels containing regu-
25 lated levels of polychlorinated biphenyls being

1 sent to the same ship scrapping facility, and
2 shall contain, at a minimum, the following
3 items:

4 “(i) The name, contact name, address,
5 telephone number, email address, and EPA
6 Identification Number (if applicable) of the
7 ship scrapping facility and the recognized
8 trader, if the ship scrapping facility is not
9 the importer.

10 “(ii) The name, contact name, ad-
11 dress, telephone number, email address,
12 and EPA Identification Number (if appli-
13 cable) of each facility where poly-
14 chlorinated biphenyls or hazardous mate-
15 rials contained on a vessel will be stored
16 and disposed of, including any poly-
17 chlorinated biphenyls storage or disposal
18 facility approved under the Toxic Sub-
19 stances Control Act (15 U.S.C. 2601 et
20 seq.).

21 “(iii) The types of polychlorinated
22 biphenyls or polychlorinated biphenyls
23 items expected to be removed from the ves-
24 sels.

1 “(iv) The number of vessels proposed
2 for import and maximum tonnage.

3 “(v) The period of time covered by the
4 import notice (not to exceed one year) and
5 the start and end dates of shipment.

6 “(B) FORM.—Each notice under this para-
7 graph shall be clearly marked ‘PCB Waste Im-
8 port Notice’ and shall be submitted to the Envi-
9 ronmental Protection Agency in such form and
10 manner as the Environmental Protection Agen-
11 cy may require.

12 “(C) REVISED NOTIFICATION.—If an im-
13 porter wishes to change any of the information
14 specified on the original notification, the im-
15 porter must submit a revised notification, con-
16 taining notification of the changes, to the Envi-
17 ronmental Protection Agency.

18 “(4) CONSENT.—

19 “(A) IN GENERAL.—An importer shall not
20 import vessels containing regulated levels of
21 polychlorinated biphenyls until the importer has
22 received consent from the Administrator of the
23 Environmental Protection Agency.

24 “(B) TERMS.—Importers shall only import
25 vessels under the terms of the consent issued by

1 the Administrator of the Environmental Protec-
2 tion Agency under this paragraph and subject
3 to the condition that the facility shall establish
4 a valid written contract, chain of contracts, or
5 equivalent arrangements with other United
6 States facilities, where applicable, to manage
7 the polychlorinated biphenyls and hazardous
8 waste expected to be removed from the vessel or
9 vessels.

10 “(5) REPORT TO THE ENVIRONMENTAL PRO-
11 TECTION AGENCY.—Any ship scrapping facility au-
12 thorized by this subsection to import vessels con-
13 taining regulated levels of polychlorinated biphenyls
14 shall file with the Administrator of the Environ-
15 mental Protection Agency, not later than April 1 of
16 each year, a report providing, for each vessel im-
17 ported in accordance with this subsection, the fol-
18 lowing information:

19 “(A) The vessel name and approximated
20 tonnage.

21 “(B) Registration number and flag of the
22 vessel.

23 “(C) The date of import.

1 “(D) The types, quantities, and final des-
2 tination of all polychlorinated biphenyls and
3 hazardous waste removed.

4 “(E) The EPA-issued consent number
5 under which the vessel was imported.

6 “(6) APPLICABLE LAWS.—Once a vessel has
7 been imported pursuant to this subsection, the man-
8 ufacturing, processing, distribution in commerce,
9 use, and disposal of any polychlorinated biphenyls
10 and hazardous waste contained on the vessel shall be
11 carried out in accordance with applicable Federal,
12 State, and local laws and regulations.

13 “(7) AUTHORITY.—The Administrator of the
14 Environmental Protection Agency may promulgate
15 additional standards or procedures for the import of
16 ships that contain regulated levels of polychlorinated
17 biphenyls and hazardous waste, for the purpose of
18 recycling, under this subsection, if—

19 “(A) the benefits of such additional stand-
20 ards or procedures exceed the costs of those
21 standards or procedures;

22 “(B) not later than 180 days prior to pro-
23 mulgating such additional standards or proce-
24 dures, the Administrator of the Environmental
25 Protection Agency submits a report to the Com-

1 committee on Commerce, Science, and Transpor-
 2 tation of the Senate and the Committee on
 3 Transportation and Infrastructure of the House
 4 of Representatives demonstrating compliance
 5 with subparagraph (A) and the reasons such
 6 standards or procedures are necessary; and

7 “(C) the Administrator of the Environ-
 8 mental Protection Agency receives the concur-
 9 rence of the Maritime Administrator on any
 10 such additional standards or procedures.”.

11 **SEC. 114. IMPROVEMENT OF NATIONAL OCEANOGRAPHIC**
 12 **PARTNERSHIP PROGRAM.**

13 (a) **ADDITIONAL MEANS OF ACHIEVEMENT OF**
 14 **GOALS OF PROGRAM THROUGH OCEANOGRAPHIC EF-**
 15 **FORTS.**—Section 8931(b)(2) of title 10, United States
 16 Code, is amended—

17 (1) in subparagraph (A)—

18 (A) by striking “identifying” and inserting
 19 “creating”; and

20 (B) by inserting “science,” after “areas
 21 of”; and

22 (2) by striking subparagraph (B) and inserting
 23 the following:

24 “(B) soliciting, accepting, and executing
 25 oceanographic research and observational

1 projects funded by private grants, contracts, or
2 cooperative agreements that contribute to such
3 goals.”.

4 (b) NATIONAL OCEAN RESEARCH LEADERSHIP
5 COUNCIL MEMBERSHIP.—Section 8932 of title 10, United
6 States Code, is amended—

7 (1) in subsection (b)—

8 (A) by striking paragraph (10);

9 (B) by redesignating paragraphs (11)
10 through (14) as paragraphs (12) through (15),
11 respectively; and

12 (C) by inserting after paragraph (9) the
13 following new paragraphs:

14 “(10) The Bureau of Ocean Energy Manage-
15 ment of the Department of the Interior.

16 “(11) The Bureau of Safety and Environmental
17 Enforcement of the Department of the Interior.”;

18 (2) in subsection (d)—

19 (A) in paragraph (2)—

20 (i) in subparagraph (B), by striking
21 “broad participation within the oceano-
22 graphic community” and inserting “appro-
23 priate participation within the oceano-
24 graphic community, including public, aca-

1 demic, commercial, and private participa-
2 tion or support”;

3 (ii) in subparagraph (E), by striking
4 “peer”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(F) Preexisting facilities, such as regional
8 data centers operated by the Integrated Ocean
9 Observing system, and expertise.”; and

10 (B) by striking paragraph (3);

11 (3) in subsection (e)—

12 (A) in the subsection heading by striking
13 “REPORT” and inserting “BRIEFING”;

14 (B) in the matter preceding paragraph (1),
15 by striking “to Congress a report” and insert-
16 ing “to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Com-
18 mittee on Natural Resources of the House of
19 Representatives a briefing”;

20 (C) by striking “report” and inserting
21 “briefing” each place the term appears;

22 (D) by striking paragraph (4) and insert-
23 ing the following:

1 “(4) A description of the involvement of Fed-
2 eral agencies and non-Federal contributors partici-
3 pating in the program.”; and

4 (E) in paragraph (5), by striking “and the
5 estimated expenditures under such programs,
6 projects, and activities during such following
7 fiscal year” and inserting “and the estimated
8 expenditures under such programs, projects,
9 and activities of the program during such fol-
10 lowing fiscal year”;

11 (4) in subsection (f)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) The Secretary of the Navy shall establish
15 an office to support the National Oceanographic
16 Partnership Program. The Council shall use com-
17 petitive procedures in selecting an operator for the
18 partnership program office. If practicable, an organi-
19 zation or entity may be selected as operator only if
20 the organization or entity has experience managing
21 interagency programs and programs with participa-
22 tion from other public and private entities.”; and

23 (B) in paragraph (2)—

1 (i) in subparagraph (B), by inserting
2 “, where appropriate,” before “managing”;
3 and

4 (ii) in subparagraph (C), by inserting
5 “, cooperative agreements,” after “con-
6 tracts,”; and

7 (5) by amending subsection (g) to read as fol-
8 lows:

9 “(g) CONTRACT AND GRANT AUTHORITY.—

10 “(1) IN GENERAL.—To carry out the purposes
11 of the National Oceanographic Partnership Pro-
12 gram, the Council shall have, in addition to other
13 powers otherwise given it under this chapter, the fol-
14 lowing authorities:

15 “(A) To authorize one or more of the de-
16 partments or agencies represented on the Coun-
17 cil to enter into contracts and make grants or
18 cooperative agreements, and establish and man-
19 age new collaborative programs as considered
20 appropriate, to address emerging science prior-
21 ities using both donated and appropriated
22 funds.

23 “(B) To authorize the program office
24 under subsection (f), on behalf of the Council,
25 to accept funds, including fines and penalties,

1 from other Federal and State departments and
2 agencies.

3 “(C) To authorize the program office, on
4 behalf of the Council, to award grants and
5 enter into contracts for purposes of the Na-
6 tional Oceanographic Partnership Program.

7 “(D) To authorize the program office, on
8 behalf of the Council, to solicit, accept and exe-
9 cute oceanographic research projects for pur-
10 poses of the National Oceanographic Partner-
11 ship Program that are funded by private
12 grants, contracts, and donations.

13 “(E) To transfer funds to other Federal
14 and State departments and agencies in further-
15 ance of the purposes of the National Oceano-
16 graphic Partnership Program.

17 “(F) To authorize one or more of the de-
18 partments or agencies represented on the Coun-
19 cil to enter into contracts and make grants, for
20 the purpose of implementing the National
21 Oceanographic Partnership Program and car-
22 rying out the responsibilities of the Council.

23 “(G) To use, with the consent of the head
24 of the agency or entity concerned, on a non-re-
25 imburseable basis, the land, services, equipment,

1 personnel, facilities, advice, and information
 2 provided by a Federal agency or entity, State,
 3 local government, Tribal government, territory,
 4 or possession, or any subdivisions thereof, or
 5 the District of Columbia as may be helpful in
 6 the performance of the duties of the Council.

7 “(2) FUNDS TRANSFERRED.—Funds identified
 8 for direct support of National Oceanographic Part-
 9 nership Program grants are authorized for transfer
 10 between agencies and are exempt from section 1535
 11 of title 31, United States Code (commonly known as
 12 the ‘Economy Act of 1932’).”.

13 **SEC. 115. IMPROVEMENTS TO THE MARITIME GUARANTEED**
 14 **LOAN PROGRAM.**

15 (a) DEFINITIONS.—Section 53701 of title 46, United
 16 States Code, is amended—

17 (1) by striking paragraph (5);

18 (2) by redesignating paragraphs (6) through
 19 (15) as paragraphs (5) through (14), respectively;
 20 and

21 (3) by adding at the end the following:

22 “(15) VESSEL OF NATIONAL INTEREST.—The
 23 term ‘Vessel of National Interest’ means a vessel
 24 deemed to be of national interest that meets charac-
 25 teristics determined by the Administrator, in con-

1 sultation with the Secretary of Defense, the Sec-
2 retary of Homeland Security, or the heads of other
3 Federal agencies, as described in section 53703(e).”.

4 (b) PREFERRED LENDER.—Section 53702(a) of title
5 46, United States Code, is amended—

6 (1) by striking “The Secretary or Adminis-
7 trator, on terms the Secretary or Administrator may
8 prescribe,” and inserting the following:

9 “(1) GUARANTEE.—The Secretary, acting
10 through the Administrator, on terms the Secretary
11 or Administrator may prescribe,”; and

12 (2) by adding at the end the following:

13 “(2) PREFERRED ELIGIBLE LENDER.—The
14 Federal Financing Bank shall be the preferred eligi-
15 ble lender of the principal and interest of the guar-
16 anteed obligations issued under this chapter.”.

17 (c) APPLICATION AND ADMINISTRATION.—Section
18 53703 of title 46, United States Code, is amended—

19 (1) in the section heading, by striking “**proce-**
20 **dures**” and inserting “**and administration**”;
21 and

22 (2) by adding at the end the following:

23 “(c) INDEPENDENT ANALYSIS.—

24 “(1) IN GENERAL.—To assess and mitigate the
25 risks due to factors associated with markets, tech-

1 nology, financial, or legal structures related to an
2 application or guarantee under this chapter, the Sec-
3 retary or Administrator may utilize third-party ex-
4 perts, including legal counsel, to—

5 “(A) process and review applications under
6 this chapter, including conducting independent
7 analysis and review of aspects of an application;

8 “(B) represent the Secretary or Adminis-
9 trator in structuring and documenting the obli-
10 gation guarantee;

11 “(C) analyze and review aspects of, struc-
12 ture, and document the obligation guarantee
13 during the term of the guarantee;

14 “(D) recommend financial covenants or fi-
15 nancial ratios to be met by the applicant during
16 the time a guarantee under this chapter is out-
17 standing that are—

18 “(i) based on the financial covenants
19 or financial ratios, if any, that are then ap-
20 plicable to the obligor under private sector
21 credit agreements; and

22 “(ii) in lieu of other financial cov-
23 enants applicable to the obligor under this
24 chapter with respect to requirements re-
25 garding long-term debt-to-equity, minimum

1 working capital, or minimum amount of
2 equity; and

3 “(E) represent the Secretary or Adminis-
4 trator to protect the security interests of the
5 Government relating to an obligation guarantee.

6 “(2) PRIVATE SECTOR EXPERT.—Independent
7 analysis, review, and representation conducted under
8 this subsection shall be performed by a private sec-
9 tor expert in the applicable field who is selected by
10 the Secretary or Administrator.

11 “(d) VESSELS OF NATIONAL INTEREST.—

12 “(1) NOTICE OF FUNDING.—The Secretary or
13 Administrator may post a notice in the Federal Reg-
14 ister regarding the availability of funding for obliga-
15 tion guarantees under this chapter for the construc-
16 tion, reconstruction, or reconditioning of a Vessel of
17 National Interest and include a timeline for the sub-
18 mission of applications for such vessels.

19 “(2) VESSEL CHARACTERISTICS.—

20 “(A) IN GENERAL.—The Secretary or Ad-
21 ministrator, in consultation with the Secretary
22 of Defense, the Secretary of Homeland Secu-
23 rity, or the heads of other Federal agencies,
24 shall develop and publish a list of vessel types

1 that would be considered Vessels of National
2 Interest.

3 “(B) REVIEW.—Such list shall be reviewed
4 and revised every 4 years or as necessary, as
5 determined by the Administrator.”.

6 (d) FUNDING LIMITS.—Section 53704 of title 46,
7 United States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking “that amount” and all the
10 follows through “\$850,000,000” and inserting
11 “that amount, \$850,000,000”; and

12 (B) by striking “facilities” and all that fol-
13 lows through the end of the subsection and in-
14 serting “facilities.”; and

15 (2) in subsection (c)(4)—

16 (A) by striking subparagraph (A); and

17 (B) by redesignating subparagraphs (B)
18 through (K), as subparagraphs (A) through (J),
19 respectively.

20 (e) ELIGIBLE PURPOSES OF OBLIGATIONS.—Section
21 53706 of title 46, United States Code, is amended—

22 (1) in subsection (a)(1)(A)—

23 (A) in the matter preceding clause (i), by
24 striking “(including an eligible export vessel)”;

1 (B) in clause (iv) by adding “or” after the
2 semicolon;

3 (C) in clause (v), by striking “; or” and in-
4 serting a period; and

5 (D) by striking clause (vi); and

6 (2) in subsection (c)(1)—

7 (A) in subparagraph (A), by striking
8 “and” after the semicolon;

9 (B) in subparagraph (B)(ii), by striking
10 the period at the end and inserting “; and”;
11 and

12 (C) by adding at the end the following:

13 “(C) after applying subparagraphs (A) and
14 (B), Vessels of National Interest.”.

15 (f) AMOUNT OF OBLIGATIONS.—Section 53709(b) of
16 title 46, United States Code, is amended—

17 (1) by striking paragraphs (3) and (6); and

18 (2) by redesignating paragraphs (4) and (5) as
19 paragraphs (3) and (4), respectively.

20 (g) CONTENTS OF OBLIGATIONS.—Section 53710 of
21 title 46, United States Code, is amended—

22 (1) in subsection (a)(4)—

23 (A) in subparagraph (A)—

24 (i) by striking “or, in the case of” and
25 all that follows through “party”; and

1 (ii) by striking “and” after the semi-
2 colon;

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting “; and”; and

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

6 “(C) documented under the laws of the
7 United States for the term of the guarantee of
8 the obligation or until the obligation is paid in
9 full, whichever is sooner.”; and
10 (2) in subsection (c)—

11 (A) in the subsection heading, by inserting
12 “AND PROVIDE FOR THE FINANCIAL STABILITY
13 OF THE OBLIGOR” after “INTERESTS”;

14 (B) by striking “provisions for the protec-
15 tion of” and inserting “provisions, which shall
16 include—

17 “(1) provisions for the protection of”;

18 (C) by striking “, and other matters that
19 the Secretary or Administrator may prescribe.”
20 and inserting “; and”; and

21 (D) by adding at the end the following:

22 “(2) any other provisions that the Secretary or
23 Administrator may prescribe.”.

24 (h) ADMINISTRATIVE FEES.—Section 53713 of title
25 46, United States Code, is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph

3 (1)—

4 (i) by striking “shall” and inserting
5 “may”; and

6 (ii) by striking “reasonable for—”
7 and inserting “reasonable for processing
8 the application and monitoring the loan
9 guarantee, including for—”;

10 (B) in paragraph (4), by striking “; and”
11 and inserting “or a deposit fund under section
12 53716 of this title.”;

13 (C) in paragraph (5), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(6) monitoring and providing services related
17 to the obligor’s compliance with any terms related to
18 the obligations, the guarantee, or maintenance of the
19 Secretary or Administrator’s security interests under
20 this chapter.”; and

21 (2) in subsection (c)—

22 (A) in paragraph (1), by striking “under
23 section 53708(d) of this title” and inserting
24 “under section 53703(d) of this title”;

1 (B) by redesignating paragraphs (1)
2 through (3) as subparagraphs (A) through (C),
3 respectively;

4 (C) by striking “The Secretary” and in-
5 serting the following:

6 “(1) IN GENERAL.—The Secretary”; and

7 (D) by adding at the end the following:

8 “(2) FEE LIMITATION INAPPLICABLE.—Fees
9 collected under this subsection are not subject to the
10 limitation of subsection (b).”.

11 (i) BEST PRACTICES; ELIGIBLE EXPORT VESSELS.—
12 Chapter 537 of title 46, United States Code, is further
13 amended—

14 (1) in subchapter I, by adding at the end the
15 following new section:

16 “§ 53719. **Best practices**

17 “The Secretary or Administrator shall ensure that all
18 standard documents and agreements that relate to loan
19 guarantees made pursuant to this chapter are reviewed
20 and updated every four years to ensure that such docu-
21 ments and agreements meet the current commercial best
22 practices to the extent permitted by law.”; and

23 (2) in subchapter III, by striking section
24 53732.

1 (j) EXPRESS CONSIDERATION OF LOW-RISK APPLI-
 2 CATIONS.—Not later than 180 days after the date of en-
 3 actment of this Act, the Administrator of the Maritime
 4 Administration shall, in consultation with affected stake-
 5 holders, create a process for express processing of low-risk
 6 maritime guaranteed loan applications under chapter 537
 7 of title 46, United States Code, based on Federal and in-
 8 dustry best practices, including proposals to better assist
 9 applicants to submit complete applications within 6
 10 months of the initial application.

11 (k) CLERICAL AMENDMENTS.—

12 (1) The table of sections at the beginning of
 13 chapter 537 of title 46, United States Code, is
 14 amended by inserting after the item relating to sec-
 15 tion 53718 the following new item:

“53719. Best practices.”.

16 (2) The table of sections at the beginning of
 17 chapter 537 of title 46, United States Code, is fur-
 18 ther amended by striking the item relating to section
 19 53732.

20 **SEC. 116. TECHNICAL CORRECTIONS.**

21 (a) THE NATIVE AMERICAN VETERANS’ MEMORIAL
 22 ESTABLISHMENT ACT OF 1994.—The Native American
 23 Veterans’ Memorial Establishment Act of 1994 (20 U.S.C.
 24 80q–5 note) is amended—

1 (1) in section 2, by striking “Armed Forces”
2 each place the term appears and inserting “uni-
3 formed services”; and

4 (2) in section 3(c), by adding at the end the fol-
5 lowing:

6 “(3) Any design so selected shall include a rep-
7 resentation of all the uniformed services (as that
8 term is defined in section 101(a) of title 10, United
9 States Code).”.

10 (b) OFFICE OF PERSONNEL MANAGEMENT GUID-
11 ANCE.—Not later than 120 days after the date of enact-
12 ment of this Act, the Director of the Office of Personnel
13 Management, in consultation with the Administrator of
14 the Maritime Administration, shall identify key skills and
15 competencies necessary to maintain a balance of expertise
16 in merchant marine seagoing service and strategic sealift
17 military service in each of the following positions within
18 the Office of the Commandant:

19 (1) Commandant.

20 (2) Deputy Commandant.

21 (3) Tactical company officers.

22 (4) Regimental officers.

23 (c) SEA YEAR COMPLIANCE.—Section 3514(a)(1)(A)
24 of the National Defense Authorization Act for Fiscal Year
25 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is

1 amended by inserting “domestic and international” after
2 “criteria that”.

3 **TITLE II—MARITIME SAFE ACT**

4 **SEC. 201. SHORT TITLE.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Maritime Security and Fisheries Enforcement Act” or
7 the “Maritime SAFE Act”.

8 **SEC. 202. DEFINITIONS.**

9 In this title:

10 (1) **AIS.**—The term “AIS” means Automatic
11 Identification System (as defined in section 164.46
12 of title 33, Code of Federal Regulations, or a similar
13 successor regulation).

14 (2) **COMBINED MARITIME FORCES.**—The term
15 “Combined Maritime Forces” means the 33-nation
16 naval partnership, originally established in February
17 2002, which promotes security, stability, and pros-
18 perity across approximately 3,200,000 square miles
19 of international waters.

20 (3) **EXCLUSIVE ECONOMIC ZONE.**—

21 (A) **IN GENERAL.**—Unless otherwise speci-
22 fied by the President as being in the public in-
23 terest in a writing published in the Federal
24 Register, the term “exclusive economic zone”
25 means—

1 (i) the area within a zone established
2 by a maritime boundary that has been es-
3 tablished by a treaty in force or a treaty
4 that is being provisionally applied by the
5 United States; or

6 (ii) in the absence of a treaty de-
7 scribed in clause (i)—

8 (I) a zone, the outer boundary of
9 which is 200 nautical miles from the
10 baseline from which the breadth of
11 the territorial sea is measured; or

12 (II) if the distance between the
13 United States and another country is
14 less than 400 nautical miles, a zone,
15 the outer boundary of which is rep-
16 resented by a line equidistant between
17 the United States and the other coun-
18 try.

19 (B) INNER BOUNDARY.—Without affecting
20 any Presidential Proclamation with regard to
21 the establishment of the United States terri-
22 torial sea or exclusive economic zone, the inner
23 boundary of the exclusive economic zone is—

24 (i) in the case of coastal States, a line
25 coterminous with the seaward boundary of

1 each such State (as described in section 4
2 of the Submerged Lands Act (43 U.S.C.
3 1312));

4 (ii) in the case of the Commonwealth
5 of Puerto Rico, a line that is 3 marine
6 leagues from the coastline of the Common-
7 wealth of Puerto Rico;

8 (iii) in the case of American Samoa,
9 the United States Virgin Islands, and
10 Guam, a line that is 3 geographic miles
11 from the coastlines of American Samoa,
12 the United States Virgin Islands, or Guam,
13 respectively;

14 (iv) in the case of the Commonwealth
15 of the Northern Mariana Islands—

16 (I) the coastline of the Common-
17 wealth of the Northern Mariana Is-
18 lands, until the Commonwealth of the
19 Northern Mariana Islands is granted
20 authority by the United States to reg-
21 ulate all fishing to a line seaward of
22 its coastline; and

23 (II) upon the United States
24 grant of the authority described in

1 subclause (I), the line established by
2 such grant of authority; or

3 (v) for any possession of the United
4 States not referred to in clause (ii), (iii), or
5 (iv), the coastline of such possession.

6 (C) RULE OF CONSTRUCTION.—Nothing in
7 this paragraph may be construed to diminish
8 the authority of the Department of Defense, the
9 Department of the Interior, or any other Fed-
10 eral department or agency.

11 (4) FOOD SECURITY.—The term “food secu-
12 rity” means access to, and availability, utilization,
13 and stability of, sufficient food to meet caloric and
14 nutritional needs for an active and healthy life.

15 (5) GLOBAL RECORD OF FISHING VESSELS, RE-
16 FRIGERATED TRANSPORT VESSELS, AND SUPPLY
17 VESSELS.—The term “global record of fishing ves-
18 sels, refrigerated transport vessels, and supply ves-
19 sels” means the Food and Agriculture Organization
20 of the United Nations’ initiative to rapidly make
21 available certified data from state authorities about
22 vessels and vessel related activities.

23 (6) IUU FISHING.—The term “IUU fishing”
24 means illegal fishing, unreported fishing, or unregu-
25 lated fishing (as such terms are defined in para-

1 graph 3 of the International Plan of Action to Pre-
2 vent, Deter, and Eliminate Illegal, Unreported and
3 Unregulated Fishing, adopted at the 24th Session of
4 the Committee on Fisheries in Rome on March 2,
5 2001).

6 (7) PORT STATE MEASURES AGREEMENT.—The
7 term “Port State Measures Agreement” means the
8 Agreement on Port State Measures to Prevent,
9 Deter, and Eliminate Illegal, Unreported, and Un-
10 regulated Fishing set forth by the Food and Agri-
11 culture Organization of the United Nations, done at
12 Rome, Italy November 22, 2009, and entered into
13 force June 5, 2016, which offers standards for re-
14 porting and inspecting fishing activities of foreign-
15 flagged fishing vessels at port.

16 (8) PRIORITY FLAG STATE.—The term “priority
17 flag state” means a country selected in accordance
18 with section 222(b)(3)—

19 (A) whereby the flagged vessels of which
20 actively engage in, knowingly profit from, or are
21 complicit in IUU fishing; and

22 (B) that is willing, but lacks the capacity,
23 to monitor or take effective enforcement action
24 against its fleet.

1 (9) PRIORITY REGION.—The term “priority re-
2 gion” means a region selected in accordance with
3 section 222(b)(2)—

4 (A) that is at high risk for IUU fishing ac-
5 tivity or the entry of illegally caught seafood
6 into the markets of countries in the region; and

7 (B) in which countries lack the capacity to
8 fully address the illegal activity described in
9 subparagraph (A).

10 (10) REGIONAL FISHERIES MANAGEMENT OR-
11 GANIZATION.—The term “Regional Fisheries Man-
12 agement Organization” means an intergovernmental
13 fisheries organization or arrangement, as appro-
14 priate, that has the competence to establish con-
15 servation and management measures.

16 (11) SEAFOOD.—The term “seafood”—

17 (A) means marine finfish, mollusks, crus-
18 taceans, and all other forms of marine animal
19 and plant life, including those grown, produced,
20 or reared through marine aquaculture oper-
21 ations or techniques; and

22 (B) does not include marine mammals or
23 birds.

24 (12) SEAFOOD FRAUD.—The term “seafood
25 fraud” means the knowing mislabeling or misrepre-

1 presentation of information regarding seafood or sea-
2 food products with the intent to deceive or defraud.

3 (13) SEAFOOD TRACEABILITY PROGRAM.—The
4 term “seafood traceability program” means any pro-
5 gram implemented by the National Oceanic and At-
6 mospheric Administration (such as the Seafood Im-
7 port Monitoring Program) that requires, with re-
8 spect to seafood and seafood products imported into
9 the United States—

10 (A) permitting, data reporting, and record-
11 keeping to prevent illegal, unreported, unregu-
12 lated, or misrepresented seafood from entering
13 United States commerce; and

14 (B) verifying the chain of custody of such
15 seafood, from harvest to point of entry into the
16 United States.

17 (14) TRANSNATIONAL ORGANIZED ILLEGAL AC-
18 TIVITY.—The term “transnational organized illegal
19 activity” means criminal activity conducted by self-
20 perpetuating associations of individuals who operate
21 transnationally for the purpose of obtaining power,
22 influence, or monetary or commercial gains, wholly
23 or in part by illegal means, while protecting their ac-
24 tivities through a pattern of corruption or violence
25 or through a transnational organizational structure

1 and the exploitation of transnational commerce or
2 communication mechanisms.

3 (15) TRANSSHIPMENT.—The term “trans-
4 shipment” means the use of refrigerated vessels
5 that—

6 (A) collect catch from multiple fishing
7 boats;

8 (B) carry the accumulated catches back to
9 port; and

10 (C) deliver supplies to fishing boats, which
11 allows fishing vessels to remain at sea for ex-
12 tended periods without coming into port.

13 **SEC. 203. FINDINGS.**

14 Congress makes the following findings:

15 (1) In a report titled, “Global Implications of
16 Illegal, Unreported, and Unregulated (IUU) Fish-
17 ing”, the Office of the Director of National Intel-
18 ligence identified IUU fishing as—

19 (A) a threat to the national security of the
20 United States; and

21 (B) a challenge to peace and stability in
22 regions of importance to the United States.

23 (2) Executive Order 13773 (82 Fed. Reg.
24 10691), issued on February 9, 2017, calls for a
25 comprehensive approach by the Federal Government

1 to combat crime syndicates, including transnational
2 organized illegal activities that may be associated
3 with IUU fishing.

4 (3) It is estimated that the value of IUU fish-
5 ing may exceed \$1,000,000,000 annually in unlawful
6 or undocumented revenue and may sometimes be
7 linked to transnational organized illegal activities,
8 including weapons, drug, and human trafficking.

9 (4) IUU fishing—

10 (A) undermines the business of legitimate
11 workers in the seafood industry; and

12 (B) can create inaccurate population esti-
13 mates for fish and other seafood species.

14 (5) Marine fisheries employ millions of people
15 worldwide, the livelihoods of whom can be negatively
16 impacted by IUU fishing and associated
17 transnational organized illegal activities.

18 (6) IUU fishing vessels play a significant role
19 in other forms of trafficking, particularly drug traf-
20 ficking. The Department of Justice has documented
21 numerous cases of illicit fishing ships involved in
22 trafficking cocaine, heroin, and cannabis from South
23 America to the United States.

24 (7) By introducing cheaper, illegal products
25 into the global market, IUU fishing undercuts the

1 business and economic livelihoods of legitimate fish-
2 ermen in the United States and around the world.

3 (8) In the United States and around the world,
4 seafood fraud undermines the economic viability of
5 fisheries and deceives consumers about their pur-
6 chasing choices.

7 (9) Competition over seafood resources can lead
8 to heightened tensions, conflict, and geostrategic in-
9 stability in regions of importance to the United
10 States.

11 **SEC. 204. PURPOSES.**

12 The purposes of this title are—

13 (1) to support a whole-of-government approach
14 across the Federal Government to counter IUU fish-
15 ing and related threats to maritime security;

16 (2) to improve data sharing that enhances sur-
17 veillance, enforcement, and prosecution against IUU
18 fishing and related activities at a global level;

19 (3) to support coordination and collaboration to
20 counter IUU fishing and seafood fraud within pri-
21 ority regions;

22 (4) to increase and improve global transparency
23 and traceability across the seafood supply chain as—

24 (A) a deterrent to IUU fishing and seafood
25 fraud; and

1 (B) a tool for strengthening fisheries man-
2 agement and food security;

3 (5) to improve global enforcement operations
4 against IUU fishing through a whole-of-government
5 approach by the United States; and

6 (6) to prevent the use of IUU fishing as a fi-
7 nancing source for transnational organized groups
8 that undermine United States and global security in-
9 terests.

10 **SEC. 205. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to take action to curtail the global trade in
13 seafood and seafood products derived from IUU
14 fishing, including its links to forced labor and
15 transnational organized illegal activity;

16 (2) to develop holistic diplomatic, military, law
17 enforcement, economic, and capacity-building tools
18 to counter IUU fishing;

19 (3) to provide technical and other forms of as-
20 sistance to countries in priority regions and priority
21 flag states to combat IUU fishing and seafood fraud,
22 including assistance—

23 (A) to increase local, national, and regional
24 level capacities to counter IUU fishing through

1 the engagement of law enforcement and secu-
2 rity forces;

3 (B) to enhance port capacity and security,
4 including through support to implement the
5 Port State Measures Agreement;

6 (C) to combat corruption and increase
7 transparency and traceability in fisheries man-
8 agement and trade;

9 (D) to enhance information sharing within
10 and across governments and multilateral orga-
11 nizations through the development and use of
12 agreed standards for information sharing; and

13 (E) to support effective, science-based fish-
14 eries management regimes that promote legal
15 and safe fisheries and act as a deterrent to
16 IUU fishing;

17 (4) to promote global maritime security through
18 improved capacity and technological assistance to
19 support improved maritime domain awareness;

20 (5) to engage with priority flag states to en-
21 courage the use of high quality vessel tracking tech-
22 nologies where existing enforcement tools are lack-
23 ing;

24 (6) to engage with multilateral organizations
25 working on fisheries issues, including Regional Fish-

1 eries Management Organizations and the Food and
2 Agriculture Organization of the United Nations, to
3 combat and deter IUU fishing;

4 (7) to advance information sharing across gov-
5 ernments and multilateral organizations in areas
6 that cross multiple jurisdictions, through the devel-
7 opment and use of an agreed standard for informa-
8 tion sharing;

9 (8) to continue to use existing and future trade
10 agreements to combat IUU fishing;

11 (9) to employ appropriate assets and resources
12 of the United States Government in a coordinated
13 manner to disrupt the illicit networks involved in
14 IUU fishing;

15 (10) to continue to declassify and make avail-
16 able, as appropriate and practicable, technologies de-
17 veloped by the United States Government that can
18 be used to help counter IUU fishing;

19 (11) to recognize the ties of IUU fishing to
20 transnational organized illegal activity, including
21 human trafficking and illegal trade in narcotics and
22 arms, and as applicable, to focus on illicit activity in
23 a coordinated, cross-cutting manner;

1 (12) to recognize and respond to poor working
2 conditions, labor abuses, and other violent crimes in
3 the fishing industry;

4 (13) to increase and improve global trans-
5 parency and traceability along the seafood supply
6 chain as—

7 (A) a deterrent to IUU fishing; and

8 (B) an approach for strengthening fish-
9 eries management and food security; and

10 (14) to promote technological investment and
11 innovation to combat IUU fishing.

12 **Subtitle A—Programs To Combat**
13 **IUU Fishing and Increase Mari-**
14 **time Security**

15 **SEC. 211. COORDINATION WITH INTERNATIONAL ORGANI-**
16 **ZATIONS.**

17 The Secretary of State, in conjunction with the Sec-
18 retary of Commerce, shall coordinate with Regional Fish-
19 eries Management Organizations and the Food and Agri-
20 culture Organization of the United Nations, and may co-
21 ordinate with other relevant international governmental or
22 nongovernmental organizations, or the private sector, as
23 appropriate, to enhance regional responses to IUU fishing
24 and related transnational organized illegal activities.

1 **SEC. 212. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE**
2 **UNITED STATES.**

3 Not later than 1 year after the date of the enactment
4 of this title, each chief of mission (as defined in section
5 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902))
6 to a relevant country in a priority region or to a priority
7 flag state may, if the Secretary of State determines such
8 action is appropriate—

9 (1) convene a working group, led by Depart-
10 ment of State officials, to examine IUU fishing,
11 which may include stakeholders such as—

12 (A) United States officials from relevant
13 agencies participating in the interagency work-
14 ing group identified in section 221, foreign offi-
15 cials, nongovernmental organizations, the pri-
16 vate sector, and representatives of local fisher-
17 men in the region; and

18 (B) experts on IUU fishing, law enforce-
19 ment, criminal justice, transnational organized
20 illegal activity, defense, intelligence, vessel
21 movement monitoring, and international devel-
22 opment operating in or with knowledge of the
23 region; and

24 (2) designate a counter-IUU Fishing Coordi-
25 nator from among existing personnel at the mission

1 if the chief of mission determines such action is ap-
2 propriate.

3 **SEC. 213. ASSISTANCE BY FEDERAL AGENCIES TO IMPROVE**
4 **LAW ENFORCEMENT WITHIN PRIORITY RE-**
5 **GIONS AND PRIORITY FLAG STATES.**

6 (a) IN GENERAL.—The Secretary of State, in collabo-
7 ration with the Secretary of Commerce and the Secretary
8 of the department in which the Coast Guard is operating,
9 shall provide assistance, as appropriate, in accordance
10 with this section.

11 (b) LAW ENFORCEMENT TRAINING AND COORDINA-
12 TION ACTIVITIES.—The officials referred to in subsection
13 (a) shall evaluate opportunities to provide assistance, as
14 appropriate, to countries in priority regions and priority
15 flag states to improve the effectiveness of IUU fishing en-
16 forcement, with clear and measurable targets and indica-
17 tors of success, including—

18 (1) by assessing and using existing resources,
19 enforcement tools, and legal authorities to coordi-
20 nate efforts to combat IUU fishing with efforts to
21 combat other illegal trade, including weapons, drugs,
22 and human trafficking;

23 (2) by expanding existing IUU fishing enforce-
24 ment training;

1 (3) by providing targeted, country- and region-
2 specific training on combating IUU fishing;

3 (4) by supporting increased effectiveness and
4 transparency of the fisheries enforcement sectors of
5 the governments of such countries; and

6 (5) by supporting increased outreach to stake-
7 holders in the affected communities as key partners
8 in combating and prosecuting IUU fishing.

9 (c) PORT SECURITY ASSISTANCE.—The officials re-
10 ferred to in subsection (a) shall evaluate opportunities to
11 provide assistance, as appropriate, to countries in priority
12 regions and priority flag states to help those states imple-
13 ment programs related to port security and capacity for
14 the purposes of preventing IUU fishing products from en-
15 tering the global seafood market, including support for im-
16 plementing the Port State Measures Agreement.

17 (d) CAPACITY BUILDING FOR INVESTIGATIONS AND
18 PROSECUTIONS.—The officials referred to in subsection
19 (a), in collaboration with the governments of countries in
20 priority regions and of priority flag states, shall evaluate
21 opportunities to assist those countries in designing and
22 implementing programs in such countries, as appropriate,
23 to increase the capacity of IUU fishing enforcement and
24 customs and border security officers to improve their abil-
25 ity—

1 (1) to conduct effective investigations, including
2 using law enforcement techniques such as under-
3 cover investigations and the development of informer
4 networks and actionable intelligence;

5 (2) to conduct vessel boardings and inspections
6 at sea and associated enforcement actions;

7 (3) to exercise existing shiprider agreements
8 and to enter into and implement new shiprider
9 agreements, as appropriate;

10 (4) to conduct vessel inspections at port and as-
11 sociated enforcement actions;

12 (5) to assess technology needs and promote the
13 use of technology to improve monitoring, enforce-
14 ment, and prosecution of IUU fishing;

15 (6) to conduct DNA-based and forensic identi-
16 fication of seafood used in trade;

17 (7) to conduct training on techniques, such as
18 collecting electronic evidence and using computer
19 forensics, for law enforcement personnel involved in
20 complex investigations related to international mat-
21 ters, financial issues, and government corruption
22 that include IUU fishing;

23 (8) to assess financial flows and the use of fi-
24 nancial institutions to launder profits related to IUU
25 fishing;

1 (9) to conduct training on the legal mechanisms
2 that can be used to prosecute those identified in the
3 investigations as alleged perpetrators of IUU fishing
4 and other associated crimes such as trafficking and
5 forced labor; and

6 (10) to conduct training to raise awareness of
7 the use of whistleblower information and ways to
8 incentivize whistleblowers to come forward with
9 original information related to IUU fishing.

10 (e) CAPACITY BUILDING FOR INFORMATION SHAR-
11 ING.—The officials referred to in subsection (a) shall
12 evaluate opportunities to provide assistance, as appro-
13 priate, to key countries in priority regions and priority flag
14 states in the form of training, equipment, and systems de-
15 velopment to build capacity for information sharing re-
16 lated to maritime enforcement and port security.

17 (f) COORDINATION WITH OTHER RELEVANT AGEN-
18 CIES.—The Secretary of State, in collaboration with the
19 Secretary of the department in which the Coast Guard is
20 operating and the Secretary of Commerce, shall coordinate
21 with other relevant agencies, as appropriate, in accordance
22 with this section.

1 **SEC. 214. EXPANSION OF EXISTING MECHANISMS TO COM-**
2 **BAT IUU FISHING.**

3 The Secretary of State, the Administrator of the
4 United States Agency for International Development, the
5 Secretary of the Department in which the Coast Guard
6 is operating, the Secretary of Defense, the Secretary of
7 Commerce, the Attorney General, and the heads of other
8 appropriate Federal agencies shall assess opportunities to
9 combat IUU fishing by expanding, as appropriate, the use
10 of the following mechanisms:

11 (1) Including counter-IUU fishing in existing
12 shiprider agreements in which the United States is
13 a party.

14 (2) Entering into shiprider agreements that in-
15 clude counter-IUU fishing with priority flag states
16 and countries in priority regions with which the
17 United States does not already have such an agree-
18 ment.

19 (3) Including counter-IUU fishing as part of
20 the mission of the Combined Maritime Forces.

21 (4) Including counter-IUU fishing exercises in
22 the annual at-sea exercises conducted by the Depart-
23 ment of Defense, in coordination with the United
24 States Coast Guard.

25 (5) Creating partnerships similar to the Oce-
26 ania Maritime Security Initiative and the Africa

1 Maritime Law Enforcement Partnership in other
2 priority regions.

3 **SEC. 215. IMPROVEMENT OF TRANSPARENCY AND**
4 **TRACEABILITY PROGRAMS.**

5 The Secretary of State, the Administrator of the
6 United States Agency for International Development, the
7 Secretary of the Department in which the Coast Guard
8 is operating, the Secretary of Commerce, and the heads
9 of other Federal agencies, if merited, shall work, as appro-
10 priate, with priority flag states and key countries in pri-
11 ority regions—

12 (1) to increase knowledge within such countries
13 about the United States transparency and
14 traceability standards for imports of seafood and
15 seafood products;

16 (2) to improve the capacity of seafood indus-
17 tries within such countries through information
18 sharing and training to meet the requirements of
19 transparency and traceability standards for seafood
20 and seafood product imports, including catch docu-
21 mentation and trade tracking programs adopted by
22 relevant regional fisheries management organiza-
23 tions;

1 (3) to improve the capacities of government, in-
2 dustry, and civil society groups to develop and imple-
3 ment comprehensive traceability systems that—

4 (A) deter IUU fishing;

5 (B) strengthen fisheries management; and

6 (C) enhance maritime domain awareness;

7 and

8 (4) to support the implementation of seafood
9 traceability standards in such countries to prevent
10 IUU fishing products from entering the global sea-
11 food market and assess capacity and training needs
12 in those countries.

13 **SEC. 216. TECHNOLOGY PROGRAMS.**

14 The Secretary of State, the Administrator of the
15 United States Agency for International Development, the
16 Secretary of the Department in which the Coast Guard
17 is operating, the Secretary of Defense, the Secretary of
18 Commerce, and the heads of other Federal agencies, as
19 appropriate, shall pursue programs to expand the role of
20 technology for combating IUU fishing, including by—

21 (1) promoting the use of technology to combat
22 IUU fishing;

23 (2) assessing the technology needs, including
24 vessel tracking technologies and data sharing, in pri-
25 ority regions and priority flag states;

1 (3) engaging with priority flag states to encour-
2 age the mandated use of vessel tracking tech-
3 nologies, including vessel monitoring systems, AIS,
4 or other vessel movement monitoring technologies on
5 fishing vessels and transshipment vessels at all
6 times, as appropriate, while at sea as a means to
7 identify IUU fishing activities and the shipment of
8 illegally caught fish products; and

9 (4) building partnerships with the private sec-
10 tor, including universities, nonprofit research organi-
11 zations, the seafood industry, and the technology,
12 transportation and logistics sectors, to leverage new
13 and existing technologies and data analytics to ad-
14 dress IUU fishing.

15 **SEC. 217. INFORMATION SHARING.**

16 The Director of National Intelligence, in conjunction
17 with other agencies, as appropriate, shall develop an enter-
18 prise approach to appropriately share information and
19 data within the United States Government or with other
20 countries or nongovernmental organizations, or the private
21 sector, as appropriate, on IUU fishing and other con-
22 nected transnational organized illegal activity occurring in
23 priority regions and elsewhere, including big data analytics
24 and machine learning.

1 **Subtitle B—Establishment of Inter-**
2 **agency Working Group on IUU**
3 **Fishing**

4 **SEC. 221. INTERAGENCY WORKING GROUP ON IUU FISHING.**

5 (a) IN GENERAL.—There is established a collabo-
6 rative interagency working group on maritime security
7 and IUU fishing (referred to in this title as the “Working
8 Group”).

9 (b) MEMBERS.—The members of the Working Group
10 shall be composed of—

11 (1) 1 chair, who shall rotate between the Coast
12 Guard, the Department of State, and the National
13 Oceanographic and Atmospheric Administration on a
14 3-year term;

15 (2) 2 deputy chairs, who shall be appointed by
16 their respective agency heads, from—

17 (A) the Department of State; and

18 (B) the National Oceanic and Atmospheric
19 Administration;

20 (3) 12 members, who shall be appointed by
21 their respective agency heads, from—

22 (A) the Department of Defense;

23 (B) the United States Navy;

24 (C) the United States Agency for Inter-
25 national Development;

- 1 (D) the United States Fish and Wildlife
2 Service;
- 3 (E) the Department of Justice;
- 4 (F) the Department of the Treasury;
- 5 (G) U.S. Customs and Border Protection;
- 6 (H) U.S. Immigration and Customs En-
7 forcement;
- 8 (I) the Federal Trade Commission;
- 9 (J) the National Institute of Food and Ag-
10 riculture;
- 11 (K) the Food and Drug Administration;
- 12 and
- 13 (L) the Department of Labor;
- 14 (4) 1 or more members from the intelligence
15 community, who shall be appointed by the Director
16 of National Intelligence; and
- 17 (5) 5 members, who shall be appointed by the
18 President, from—
- 19 (A) the National Security Council;
- 20 (B) the Council on Environmental Quality;
- 21 (C) the Office of Management and Budget;
- 22 (D) the Office of Science and Technology
23 Policy; and
- 24 (E) the Office of the United States Trade
25 Representative.

1 (c) RESPONSIBILITIES.—The Working Group shall
2 ensure an integrated, Federal Governmentwide response
3 to IUU fishing globally, including by—

4 (1) improving the coordination of Federal agen-
5 cies to identify, interdict, investigate, prosecute, and
6 dismantle IUU fishing operations and organizations
7 perpetrating and knowingly benefiting from IUU
8 fishing;

9 (2) assessing areas for increased interagency in-
10 formation sharing on matters related to IUU fishing
11 and related crimes;

12 (3) establishing standards for information shar-
13 ing related to maritime enforcement;

14 (4) developing a strategy to determine how mili-
15 tary assets and intelligence can contribute to en-
16 forcement strategies to combat IUU fishing;

17 (5) increasing maritime domain awareness re-
18 lating to IUU fishing and related crimes and devel-
19 oping a strategy to leverage awareness for enhanced
20 enforcement and prosecution actions against IUU
21 fishing;

22 (6) supporting the implementation of the Port
23 State Measures Agreement in relevant countries and
24 assessing the capacity and training needs in such
25 countries;

1 (7) outlining a strategy to coordinate, increase,
2 and use shiprider agreements between the Depart-
3 ment of Defense or the Coast Guard and relevant
4 countries;

5 (8) enhancing cooperation with partner govern-
6 ments to combat IUU fishing;

7 (9) identifying opportunities for increased infor-
8 mation sharing between Federal agencies and part-
9 ner governments working to combat IUU fishing;

10 (10) consulting and coordinating with the sea-
11 food industry and nongovernmental stakeholders
12 that work to combat IUU fishing;

13 (11) supporting the work of collaborative inter-
14 national initiatives to make available certified data
15 from state authorities about vessel and vessel-related
16 activities related to IUU fishing;

17 (12) supporting the identification and certifi-
18 cation procedures to address IUU fishing in accord-
19 ance with the High Seas Driftnet Fishing Morato-
20 rium Protection Act (16 U.S.C. 1826d et seq.); and

21 (13) developing a strategy for raising domestic
22 awareness of the issues relating to IUU fishing, in-
23 cluding publishing annual reports summarizing non-
24 sensitive information about the Working Group's ef-

1 forts to investigate, enforce, and prosecute groups
2 and individuals engaging in IUU fishing.

3 **SEC. 222. STRATEGIC PLAN.**

4 (a) STRATEGIC PLAN.—Not later than 2 years after
5 the date of the enactment of this title, the Working Group,
6 after consultation with the relevant stakeholders, shall
7 submit to Congress a 5-year integrated strategic plan on
8 combating IUU fishing and enhancing maritime security,
9 including specific strategies with monitoring benchmarks
10 for addressing IUU fishing in priority regions.

11 (b) IDENTIFICATION OF PRIORITY REGIONS AND
12 PRIORITY FLAG STATES.—

13 (1) IN GENERAL.—The strategic plan submitted
14 under subsection (a) shall identify priority regions
15 and priority flag states to be the focus of assistance
16 coordinated by the Working Group under section
17 221.

18 (2) PRIORITY REGION SELECTION CRITERIA.—
19 In selecting priority regions under paragraph (1),
20 the Working Group shall select regions that—

21 (A) are at high risk for IUU fishing activ-
22 ity or the entry of illegally caught seafood into
23 their markets; and

24 (B) lack the capacity to fully address the
25 issues described in subparagraph (A).

1 (3) PRIORITY FLAG STATES SELECTION CRI-
2 TERIA.—In selecting priority flag states under para-
3 graph (1), the Working Group shall select coun-
4 tries—

5 (A) the flagged vessels of which actively
6 engage in, knowingly profit from, or are
7 complicit in IUU fishing; and

8 (B) that lack the capacity to police their
9 fleet.

10 **SEC. 223. REPORTS.**

11 Not later than 5 years after the submission of the
12 5-year integrated strategic plan under section 222, and
13 every 5 years thereafter, the Working Group shall submit
14 a report to the Committee on Commerce, Science, and
15 Transportation of the Senate, the Committee on Foreign
16 Relations of the Senate, the Committee on Appropriations
17 of the Senate, the Committee on Natural Resources of the
18 House of Representatives, the Committee on Foreign Af-
19 fairs of the House of Representatives, and the Committee
20 on Appropriations of the House of Representatives that
21 contains—

22 (1) a summary of global and regional trends in
23 IUU fishing;

24 (2) an assessment of the extent of the conver-
25 gence between transnational organized illegal activ-

1 ity, including human trafficking and forced labor,
2 and IUU fishing;

3 (3) an assessment of the topics, data sources,
4 and strategies that would benefit from increased in-
5 formation sharing and recommendations regarding
6 harmonization of data collection and sharing;

7 (4) an assessment of assets, including military
8 assets and intelligence, which can be used for either
9 enforcement operations or strategies to combat IUU
10 fishing;

11 (5) summaries of the situational threats with
12 respect to IUU fishing in priority regions and an as-
13 sessment of the capacity of countries within such re-
14 gions to respond to those threats;

15 (6) an assessment of the progress of countries
16 in priority regions in responding to those threats as
17 a result of assistance by the United States pursuant
18 to the strategic plan developed under section 222,
19 including—

20 (A) the identification of—

21 (i) relevant supply routes, ports of
22 call, methods of landing and entering ille-
23 gally caught product into legal supply
24 chains, and financial institutions used in

1 each country by participants engaging in
2 IUU fishing; and

3 (ii) indicators of IUU fishing that are
4 related to money laundering;

5 (B) an assessment of the adherence of
6 countries in priority regions to international
7 treaties related to IUU fishing, including the
8 Port State Measures Agreement;

9 (C) an assessment of the implementation
10 by countries in priority regions of seafood
11 traceability or capacity to apply traceability to
12 verify the legality of catch and strengthen fish-
13 eries management;

14 (D) an assessment of the capacity of coun-
15 tries in priority regions to implement shiprider
16 agreements;

17 (E) an assessment of the capacity of coun-
18 tries in priority regions to increase maritime
19 domain awareness; and

20 (F) an assessment of the capacity of gov-
21 ernments of relevant countries in priority re-
22 gions to sustain the programs for which the
23 United States has provided assistance under
24 this title;

1 (7) an assessment of the capacity of priority
2 flag states to track the movement of and police their
3 fleet, prevent their flagged vessels from engaging in
4 IUU fishing, and enforce applicable laws and regula-
5 tions; and

6 (8) an assessment of the extent of involvement
7 in IUU fishing of organizations designated as for-
8 eign terrorist organizations under section 219 of the
9 Immigration and Nationality Act (8 U.S.C. 1189).

10 **SEC. 224. GULF OF MEXICO IUU FISHING SUBWORKING**
11 **GROUP.**

12 (a) **IN GENERAL.**—Not later than 90 days after the
13 date of the enactment of this title, the Administrator of
14 the National Oceanic and Atmospheric Administration, in
15 coordination with the Coast Guard and the Department
16 of State, shall establish a subworking group to address
17 IUU fishing in the exclusive economic zone of the United
18 States in the Gulf of Mexico.

19 (b) **FUNCTIONS.**—The subworking group established
20 under subsection (a) shall identify—

21 (1) Federal actions taken and policies estab-
22 lished during the 5-year period immediately pre-
23 ceding the date of the enactment of this title with
24 respect to IUU fishing in the exclusive economic

1 zone of the United States in the Gulf of Mexico, in-
2 cluding such actions and policies related to—

3 (A) the surveillance, interdiction, and pros-
4 ecution of any foreign nationals engaged in
5 such fishing; and

6 (B) the application of the provisions of the
7 High Seas Driftnet Fishing Moratorium Protec-
8 tion Act (16 U.S.C. 1826d et seq.) to any rel-
9 evant nation, including the status of any past
10 or ongoing consultations and certification proce-
11 dures;

12 (2) actions and policies, in addition to the ac-
13 tions and policies described in paragraph (1), each
14 of the Federal agencies described in subsection (a)
15 can take, using existing resources, to combat IUU
16 fishing in the exclusive economic zone of the United
17 States in the Gulf of Mexico; and

18 (3) any additional authorities that could assist
19 each such agency in more effectively addressing such
20 IUU fishing.

21 (c) REPORT.—Not later than 1 year after the IUU
22 Fishing Subworking Group is established under subsection
23 (a), the group shall submit a report to the Committee on
24 Commerce, Science, and Transportation of the Senate and

1 the Committee on Natural Resources of the House of Rep-
2 resentatives that contains—

3 (1) the findings identified pursuant to sub-
4 section (b); and

5 (2) a timeline for each of the Federal agencies
6 described in subsection (a) to implement each action
7 or policy identified pursuant to subsection (b)(2).

8 **Subtitle C—Authorization of**
9 **Appropriations**

10 **SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out the activities required
13 under this title.

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