

Union Calendar No. 796

115TH CONGRESS
2D SESSION

H. R. 2593

[Report No. 115–1017]

To authorize appropriations for the Federal Maritime Commission for fiscal years 2018 and 2019, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2017

Mr. HUNTER (for himself, Mr. GARAMENDI, Mr. SHUSTER, and Mr. DEFazio) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER 13, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 23, 2017]

A BILL

To authorize appropriations for the Federal Maritime Commission for fiscal years 2018 and 2019, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Federal Maritime Commission Authorization Act of*
 6 *2017”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL MARITIME COMMISSION

Sec. 101. Authorization.

Sec. 102. Port services.

Sec. 103. Information.

Sec. 104. Ocean transportation intermediaries.

Sec. 105. Interrelated agreements.

TITLE II—OTHER MATTERS

Sec. 201. Fishing safety grants.

Sec. 202. Assistance for small shipyards.

Sec. 203. Treatment of fishing permits.

Sec. 204. Centers of excellence.

9 **TITLE I—FEDERAL MARITIME**
 10 **COMMISSION**

11 **SEC. 101. AUTHORIZATION.**

12 *Section 308 of title 46, United States Code, is amended*
 13 *by striking “\$24,700,000 for each of fiscal years 2016 and*
 14 *2017” and inserting “\$28,012,310 for fiscal year 2018 and*
 15 *\$28,544,543 for fiscal year 2019”.*

16 **SEC. 102. PORT SERVICES.**

17 (a) *DEFINITIONS.*—*Section 40102 of title 46, United*
 18 *States Code, is amended by adding at the end the following:*

1 “(26) *PORT SERVICES*.—The term ‘port services’
2 *means intermediary services provided to an ocean*
3 *carrier at a United States port to facilitate vessels op-*
4 *erated by such a carrier to operate and load and un-*
5 *load cargo at such port, including towage, cargo han-*
6 *dling, and bunkering.*”.

7 (b) *CONCERTED ACTION*.—Section 41105 of title 46,
8 *United States Code, is amended—*

9 (1) *in paragraph (7) by striking “or” at the end;*

10 (2) *in paragraph (8) by striking the period at*
11 *the end and inserting “;”; and*

12 (3) *by adding at the end the following:*

13 “(9) *negotiate with a provider of port services,*
14 *other than a provider of towing vessel services, on any*
15 *matter relating to rates or services provided within*
16 *the United States by such provider, unless advance*
17 *notice is provided to the Federal Maritime Commis-*
18 *sion of the intent and need for the negotiation, the ne-*
19 *gotiation and any resulting agreement are not in vio-*
20 *lation of the antitrust laws and are consistent with*
21 *the purposes of this part, and, as determined by the*
22 *Commission, the negotiation and any resulting agree-*
23 *ment will not substantially lessen competition in the*
24 *purchasing of port services provided at United States*
25 *ports (this paragraph does not prohibit the setting*

1 *and publishing of a joint through rate by a con-*
2 *ference, joint venture, or association of common car-*
3 *riers); or*

4 *“(10) negotiate with a provider of towing vessel*
5 *services on any matter relating to rates or services*
6 *provided within the United States by towing vessels.”.*

7 *(c) INJUNCTIVE RELIEF SOUGHT BY THE COMMIS-*
8 *SION.—Section 41307(b) of title 46, United States Code, is*
9 *amended—*

10 *(1) in paragraph (1) by striking “produce an*
11 *unreasonable reduction in transportation service or*
12 *an unreasonable increase in transportation cost” and*
13 *inserting “produce an unreasonable reduction in*
14 *transportation service, produce an unreasonable in-*
15 *crease in transportation cost, or substantially lessen*
16 *competition in the purchasing of port services”; and*

17 *(2) by adding at the end the following:*

18 *“(4) COMPETITION FACTORS.—In making a de-*
19 *termination under this subsection, the Commission*
20 *may consider any relevant competition factors in af-*
21 *ected markets, including, without limitation, the*
22 *competitive effect of agreements other than the agree-*
23 *ment under review.”.*

1 **SEC. 103. INFORMATION.**

2 (a) *REPORTS FILED WITH THE COMMISSION.*—Section
3 *40104(a) of title 46, United States Code, is amended—*

4 (1) *by inserting “, marine terminal operator, or*
5 *ocean transportation intermediary,” after “common*
6 *carrier”;*

7 (2) *by inserting “, operator, or intermediary,”*
8 *after “employee of the carrier”; and*

9 (3) *by inserting “, operator, or intermediary”*
10 *after “business of the carrier”.*

11 (b) *COMMISSION ACTION.*—Section 40304 of title 46,
12 *United States Code, is amended—*

13 (1) *in subsection (a) by inserting “, and inter-*
14 *ested persons may submit relevant information and*
15 *documents to the Commission” after “publication”;*
16 *and*

17 (2) *in subsection (d) by striking “to make the de-*
18 *terminations required by this section”.*

19 **SEC. 104. OCEAN TRANSPORTATION INTERMEDIARIES.**

20 (a) *LICENSE REQUIREMENT.*—Section 40901(a) of
21 *title 46, United States Code, is amended by inserting “ad-*
22 *vertise, hold oneself out, or” after “may not”.*

23 (b) *FINANCIAL RESPONSIBILITY.*—Section 40902(a) of
24 *title 46, United States Code, is amended by inserting “ad-*
25 *vertise, hold oneself out, or” after “may not”.*

1 (c) *COMMON CARRIERS*.—Section 41104(11) of title
 2 46, United States Code, is amended by striking “a tariff
 3 as required by section 40501 of this title and”.

4 **SEC. 105. INTERRELATED AGREEMENTS.**

5 (a) *COMMON CARRIERS*.—Section 41104 of title 46,
 6 United States Code, is amended—

7 (1) in paragraph (11) by striking “or” at the
 8 end;

9 (2) in paragraph (12) by striking the period at
 10 the end and inserting “; or”; and

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

12 “(13) participate in a rate discussion agreement
 13 and a vessel sharing agreement, slot sharing agree-
 14 ment, space sharing agreement, or similar agreement
 15 for use of vessels by two or more ocean common car-
 16 riers, unless the Commission has granted the parties
 17 an exemption pursuant to section 40103.”.

18 (b) *APPLICABILITY*.—Participants in an agreement in
 19 effect on the date of enactment of this Act and prohibited
 20 as a result of the amendment made in subsection (a) shall
 21 have 1 year from such date of enactment to—

22 (1) obtain an exemption from the application of
 23 section 41104(13) of title 46, United States Code,
 24 pursuant to section 40103 of such title; or

1 (2) *withdraw from the agreement as necessary to*
 2 *comply with such section 41104(13).*

3 ***TITLE II—OTHER MATTERS***

4 ***SEC. 201. FISHING SAFETY GRANTS.***

5 *Section 4502 of title 46, United States Code, is amend-*
 6 *ed—*

7 (1) *in subsections (i) and (j), by striking “Sec-*
 8 *retary” each place it appears and inserting “Sec-*
 9 *retary of Commerce”;*

10 (2) *in subsection (i)(3), by striking “75” and in-*
 11 *serting “50”;*

12 (3) *in subsection (i)(4), by striking “\$3,000,000*
 13 *for each of fiscal years 2015 through 2017” and in-*
 14 *serting “\$3,000,000 for each of fiscal years 2018*
 15 *through 2019”;*

16 (4) *in subsection (j)(3), by striking “75” and in-*
 17 *serting “50”; and*

18 (5) *in subsection (j)(4), by striking “\$3,000,000*
 19 *for each fiscal years 2015 through 2017” and insert-*
 20 *ing “\$3,000,000 for each of fiscal years 2018 through*
 21 *2019”.*

22 ***SEC. 202. ASSISTANCE FOR SMALL SHIPYARDS.***

23 (a) *IN GENERAL.—Section 54101 of title 46, United*
 24 *States Code, is amended—*

1 (1) *in the section heading, by striking “**and***
 2 ***maritime communities**”;*

3 (2) *in subsection (a)(2), by striking “in commu-*
 4 *nities” and all that follows through the period and in-*
 5 *serting “relating to shipbuilding, ship repair, and as-*
 6 *sociated industries.”;*

7 (3) *in subsection (b), by amending paragraph*
 8 *(1) to read as follows:*

9 “(1) *consider projects that foster—*

10 “(A) *efficiency, competitive operations, and*
 11 *quality ship construction, repair, and reconfig-*
 12 *uration; and*

13 “(B) *employee skills and enhanced produc-*
 14 *tivity related to shipbuilding, ship repair, and*
 15 *associated industries; and”;*

16 (4) *in subsection (c)(1)—*

17 (A) *by inserting “to” after “may be used”;*
 18 *and*

19 (B) *by striking subparagraphs (A), (B),*
 20 *and (C) and inserting the following:*

21 “(A) *make capital and related improve-*
 22 *ments in small shipyards; and*

23 “(B) *provide training for workers in ship-*
 24 *building, ship repair, and associated indus-*
 25 *tries.”;*

1 (5) in subsection (d), by striking “unless” and
2 all that follows before the period;

3 (6) in subsection (e)—

4 (A) by striking paragraph (2);

5 (B) by redesignating paragraph (3) as
6 paragraph (2); and

7 (C) in paragraph (1) by striking “Except
8 as provided in paragraph (2),”; and

9 (7) in subsection (i), by striking “2015” and all
10 that follows before the period and inserting “2018 and
11 2019 to carry out this section \$30,000,000”.

12 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
13 541 of title 46, United States Code, is amended by striking
14 the item relating to section 54101 and inserting the fol-
15 lowing:

“54101. Assistance for small shipyards.”.

16 **SEC. 203. TREATMENT OF FISHING PERMITS.**

17 (a) *IN GENERAL.*—Subchapter I of chapter 313 of title
18 46, United States Code, is amended by adding at the end
19 the following:

20 **“§31310. Treatment of fishing permits**

21 “(a) *LIMITATION ON MARITIME LIENS.*—This chap-
22 ter—

23 “(1) does not establish a maritime lien on a fish-
24 ing permit; and

1 “(2) does not authorize any civil action to en-
2 force a maritime lien on a fishing permit.

3 “(b) *TREATMENT OF FISHING PERMITS UNDER STATE*
4 *AND FEDERAL LAW.*—A fishing permit—

5 “(1) is governed solely by the State or Federal
6 law under which it is issued; and

7 “(2) shall not be treated as part of a vessel, or
8 as an appurtenance or intangible of a vessel, for any
9 purpose under Federal law.

10 “(c) *AUTHORITY OF SECRETARY OF COMMERCE NOT*
11 *AFFECTED.*—Nothing in this section shall be construed as
12 imposing any limitation upon the authority of the Sec-
13 retary of Commerce—

14 “(1) to modify, suspend, revoke, or impose a
15 sanction on any fishing permit issued by the Sec-
16 retary of Commerce; or

17 “(2) to bring a civil action to enforce such a
18 modification, suspension, revocation, or sanction.

19 “(d) *FISHING PERMIT DEFINED.*—In this section the
20 term ‘fishing permit’ means any authorization of a person
21 or vessel to engage in fishing that is issued under State
22 or Federal law.”.

23 (b) *CLERICAL AMENDMENT.*—The table of sections at
24 the beginning of such chapter is amended by inserting after
25 the item relating to section 31309 the following:

“31310. *Treatment of fishing permits.*”.

1 **SEC. 204. CENTERS OF EXCELLENCE.**

2 (a) *IN GENERAL.*—Chapter 541 of title 46, United
3 States Code, is amended by adding at the end the following:

4 **“§ 54102. Centers of excellence for domestic maritime**
5 **workforce training and education**

6 “(a) *DESIGNATION.*—The Secretary of Transportation
7 may designate as a center of excellence for domestic mari-
8 time workforce training and education a covered training
9 entity located in a State that borders on the—

10 “(1) *Gulf of Mexico;*

11 “(2) *Atlantic Ocean;*

12 “(3) *Long Island Sound;*

13 “(4) *Pacific Ocean;*

14 “(5) *Great Lakes; or*

15 “(6) *Mississippi River System.*

16 “(b) *ASSISTANCE.*—The Secretary may enter into a co-
17 operative agreement (as that term is used in section 6305
18 of title 31) with a center of excellence designated under sub-
19 section (a) to support maritime workforce training and
20 education at the center of excellence, including efforts of the
21 center of excellence to—

22 “(1) *admit additional students;*

23 “(2) *recruit and train faculty;*

24 “(3) *expand facilities;*

25 “(4) *create new maritime career pathways; or*

1 “(5) award students credit for prior experience,
2 including military service.

3 “(c) *COVERED TRAINING ENTITY DEFINED.*—In this
4 section, the term ‘covered training entity’ means an entity
5 that is—

6 “(1) a community or technical college; or

7 “(2) a maritime training center—

8 “(A) operated by, or under the supervision
9 of, a State; and

10 “(B) with a maritime training program in
11 operation on the date of enactment of this sec-
12 tion.”.

13 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
14 541 of title 46, United States Code, is amended by inserting
15 after the item relating to section 54101 the following:

 “54102. Centers of excellence for domestic maritime workforce training and edu-
 cation.”.

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