

TO RENAME THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION THE GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SEPTEMBER 4, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4470]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4470) to rename the Saint Lawrence Seaway Development Corporation the Great Lakes St. Lawrence Seaway Development Corporation, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE OF LEGISLATION

The purpose of H.R. 4470 is to rename the Saint Lawrence Seaway Development Corporation the “Great Lakes St. Lawrence Seaway Development Corporation.”

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4470 seeks to rename the Saint Lawrence Seaway Development Corporation to the “Great Lakes St. Lawrence Seaway Development Corporation.” This change is intended to more accurately portray the geographical scope of the agency and the important role the agency plays in the global commerce trade as a direct connection from the Great Lakes to the Atlantic Ocean.

According to the Congressional Research Service (CRS), the entire Great Lakes and St. Lawrence Seaway system runs for 2,300 nautical miles from the Gulf of St. Lawrence to Duluth, Minnesota.¹ This waterway system allows the waterborne transport of commercial goods, commodities, and raw materials between the Atlantic Ocean and commercial ports within the Great Lakes system. It takes a ship six to seven days to sail from Montreal, Canada, to Duluth, Minnesota, or to Chicago, Illinois. There are two distinct categories of vessel traffic on the system: intra-lakes trade, and transits between the Great Lakes and the St. Lawrence Seaway.

The Saint Lawrence Seaway portion of the system (Seaway) is a 328 nautical-mile deep-draft waterway between the Port of Montreal, Canada, and Lake Erie. It connects the Great Lakes with the Atlantic Ocean via the lower St. Lawrence River. The Seaway includes a network of 15 locks and connecting channels located in Canada and the United States. Thirteen of the locks belong to Canada and the remaining two locks, located in Massena, New York, belong to the United States.

The U.S. portion of the Seaway was authorized by the Act of May 13, 1954, commonly referred to as the “St. Lawrence Seaway Act.”² The St. Lawrence Seaway Development Corporation, a wholly-owned government corporation within the U.S. Department of Transportation (also created by the St. Lawrence Seaway Act), operates the U.S. portion of the Seaway.

The mission of the St. Lawrence Seaway Development Corporation is to serve the U.S. intermodal and international transportation system by improving the operation and maintenance of a safe, reliable, efficient, and environmentally responsible deep-draft waterway, in cooperation with its Canadian counterpart.³ The St. Lawrence Seaway Development Corporation also encourages the development of trade through the Great Lakes Seaway System, which contributes to the comprehensive economic and environmental development of the entire Great Lakes region.

According to the St. Lawrence Seaway Development Corporation, total cargo moved on the Great Lakes St. Lawrence Seaway System in 2017 equaled 143.5 million metric tons valued at \$15.2 billion.⁴ This waterborne commerce supported nearly 238,000 jobs in the

¹ CRS, *The Great Lakes-St. Lawrence Seaway Navigation System: Options for Growth*, (R44664).

² Pub. L. 89-670 (33 U.S.C. 981, et seq.).

³ See Saint Lawrence Seaway Development Corporation Fiscal Year 2019 Annual Report (<https://greatlakes-seaway.com/wp-content/uploads/2020/05/fy2019ar.pdf>).

⁴ See *id.*

U.S. and Canada and generated \$35 billion in economic activity, \$14.2 billion in total personal wage and salary income and local consumption expenditures, \$8 billion in local purchases, and \$6.6 billion in Federal, state/provincial, and local tax revenue.⁵

The Soo Locks, which connect Lake Superior with the lower four Great Lakes, supported 123,172 jobs in the U.S. and Canada and \$22.6 billion in economic activity.⁶

HEARINGS

No hearings were held on H.R. 4470 in the 116th Congress.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 4470 was introduced on September 24, 2019, by Rep. Marcy Kaptur (D–OH), and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 4470 was referred to the Subcommittee on Water Resources and Environment.

On February 26, 2020, the Chair discharged the Subcommittee on Water Resources and Environment from further consideration of H.R. 4470.

On February 26, 2020, the Committee on Transportation and Infrastructure met in open session to consider H.R. 4470 and ordered the measure to be reported favorably to the House, without amendment, by voice vote, with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 4470.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

⁵ See *id.*

⁶ See *id.*

enclosed cost estimate for H.R. 4470 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 12, 2020.

Hon. PETER A. DEFAZIO,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4470, a bill to rename the Saint Lawrence Seaway Development Corporation the Great Lakes St. Lawrence Seaway Development Corporation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4470, a bill to rename the Saint Lawrence Seaway Development Corporation the Great Lakes St. Lawrence Seaway Development Corporation As ordered reported by the House Committee on Transportation and Infrastructure on February 26, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	*
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 4470 would change the name of the Saint Lawrence Seaway Development Corporation to the Great Lakes St. Lawrence Seaway Development Corporation. Based on the cost of similar efforts, CBO estimates that the cost to revise federal maps and signs to reflect the new name would not be significant. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to rename the Saint Lawrence

Seaway Development Corporation the Great Lakes St. Lawrence Seaway Development Corporation.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4470 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 4470 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Great Lakes St. Lawrence Seaway Development Corporation

This section makes a number of technical and conforming amendments by amending 33 U.S.C. 981 to replace “Saint Lawrence Seaway Development Corporation” with “Great Lakes St. Lawrence Seaway Development Corporation” and clarifies that any reference to “Saint Lawrence Seaway Development Corporation”

shall be deemed to be a reference to “Great Lakes St. Lawrence Seaway Development Corporation.”

This section also strikes “Saint Lawrence Seaway Development Corporation” and inserts “Great Lakes St. Lawrence Seaway Development Corporation” in the following statutes:

- Section 5315 of Title 5;
- Section 2282B of Title 18;
- Section 9505(a)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(a)(2));
- Section 9101(3)(K) of Title 31;
- 33 U.S.C. 2211, the *Water Resources Development Act of 1986* and subsequent Water Resources Development Act legislation:
- Section 206 (33 U.S.C. 2234);
- Section 210(a)(1) (33 U.S.C. 2238(a)(1));
- Section 214(2)(B) (33 U.S.C. 2241(2)(B)); and
- Section 1132(b) (U.S.C. 2309(b));
- Section 2109 of Title 46;
- Section 8103(g) of Title 46;
- Section 8503(c) of Title 46;
- Section 55112(a)(3) of Title 46;
- Section 55331(3) of Title 46;
- Section 70032 of Title 46; and
- Section 6314(c)(2)(G) of Title 49.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ACT OF MAY 13, 1954

AN ACT Providing for creation of the Saint Lawrence Seaway Development Corporation to construct part of the Saint Lawrence Seaway in United States territory in the interest of national security; authorizing the Corporation to consummate certain arrangements with the Saint Lawrence Seaway Authority of Canada relative to construction and operation of the seaway; empowering the Corporation to finance the United States share of the seaway cost on a self-liquidating basis; to establish cooperation with Canada in the control and operation of the Saint Lawrence Seaway; to authorize negotiations with Canada of an agreement on tolls; and for other purposes.

SECTION 1. There is hereby created, subject to the direction and supervision of the Secretary of Transportation, a body corporate to be known as the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* (hereinafter referred to as the “Corporation”).

MANAGEMENT OF CORPORATION

SEC. 2. (a) The management of the corporation shall be vested in an Administrator who shall be appointed by the President. Any Administrator appointed to fill a vacancy in that position prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(b) There is hereby established the Advisory Board of the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*, which shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall belong to the same political party. The Advisory Board shall meet at the call of the Administrator, who shall require it to meet not less often than once each ninety days; shall review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargo and rates of charges or tolls; and shall advise the Administrator with respect thereto. Members of the Advisory Board shall receive for their services as members compensation of not to exceed \$50 per diem when actually engaged in the performance of their duties, together with their necessary traveling expenses while going to and coming from meetings.

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

Assistant Administrators, Agency for International Development (6).

Regional Assistant Administrators, Agency for International Development (4).

Assistant Secretaries of Agriculture (3).

Assistant Secretaries of Commerce (11).

Assistant Secretaries of Defense (14).

Assistant Secretaries of the Air Force (5).

Assistant Secretaries of the Army (5).

Assistant Secretaries of the Navy (4).
 Assistant Secretaries of Health and Human Services (6).
 Assistant Secretaries of the Interior (6).
 Assistant Attorneys General (11).
 Assistant Secretaries of Labor (10), one of whom shall be the Assistant Secretary of Labor for Veterans' Employment and Training.
 Administrator, Wage and Hour Division, Department of Labor.
 Assistant Secretaries of State (24) and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.
 Assistant Secretaries of the Treasury (10).
 Members, United States International Trade Commission (5).
 Assistant Secretaries of Education (10).
 General Counsel, Department of Education.
 Director of Civil Defense, Department of the Army.
 Deputy Director of the Office of Emergency Planning.
 Deputy Director of the Office of Science and Technology.
 Deputy Director of the Peace Corps.
 Assistant Directors of the Office of Management and Budget (3).
 General Counsel of the Department of Agriculture.
 General Counsel of the Department of Commerce.
 General Counsel of the Department of Defense.
 General Counsel of the Department of Health and Human Services.
 Solicitor of the Department of the Interior.
 Solicitor of the Department of Labor.
 General Counsel of the National Labor Relations Board.
 General Counsel of the Department of the Treasury.
 First Vice President of the Export-Import Bank of Washington.
 Members, Council of Economic Advisers.
 Members, Board of Directors of the Export-Import Bank of Washington.
 Members, Federal Communications Commission.
 Member, Board of Directors of the Federal Deposit Insurance Corporation.
 Directors, Federal Housing Finance Board.
 Members, Federal Energy Regulatory Commission.
 Members, Federal Trade Commission.
 Members, Surface Transportation Board.
 Members, National Labor Relations Board.
 Members, Securities and Exchange Commission.
 Members, Merit Systems Protection Board.
 Members, Federal Maritime Commission.
 Members, National Mediation Board.
 Members, Railroad Retirement Board.
 Director of Selective Service.
 Associate Director of the Federal Bureau of Investigation, Department of Justice.
 Members, Equal Employment Opportunity Commission (4).
 Director, Community Relations Service.
 Members, National Transportation Safety Board.

General Counsel, Department of Transportation.
 Deputy Administrator, Federal Aviation Administration.
 Assistant Secretaries of Transportation (5).
 Deputy Federal Highway Administrator.
 Administrator of the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*.
 Assistant Secretary for Science, Smithsonian Institution.
 Assistant Secretary for History and Art, Smithsonian Institution.
 Deputy Administrator of the Small Business Administration.
 Assistant Secretaries of Housing and Urban Development (8).
 General Counsel of the Department of Housing and Urban Development.
 Commissioner of Interama.
 Federal Insurance Administrator, Federal Emergency Management Agency.
 Executive Vice President, Overseas Private Investment Corporation.
 Members, National Credit Union Administration Board (2).
 Members, Postal Regulatory Commission (4).
 Members, Occupational Safety and Health Review Commission.
 Deputy Under Secretaries of the Treasury (or Assistant Secretaries of the Treasury) (2).
 Members, Consumer Product Safety Commission (4).
 Members, Commodity Futures Trading Commission.
 Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.
 Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.
 Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.
 Executive Director for Operations, Nuclear Regulatory Commission.
 President, Government National Mortgage Association, Department of Housing and Urban Development.
 Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.
 Director, Bureau of Prisons, Department of Justice.
 Assistant Secretaries of Energy (8).
 General Counsel of the Department of Energy.
 Administrator, Economic Regulatory Administration, Department of Energy.
 Administrator, Energy Information Administration, Department of Energy.
 Director, Office of Indian Energy Policy and Programs, Department of Energy.
 Director, Office of Science, Department of Energy.
 Assistant Secretary of Labor for Mine Safety and Health.
 Members, Federal Mine Safety and Health Review Commission.

President, National Consumer Cooperative Bank.
 Special Counsel of the Merit Systems Protection Board.
 Chairman, Federal Labor Relations Authority.
 Assistant Secretaries, Department of Homeland Security.
 Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.
 Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.
 General Counsel, Department of Homeland Security.
 Officer for Civil Rights and Civil Liberties, Department of Homeland Security.
 Chief Financial Officer, Department of Homeland Security.
 Chief Information Officer, Department of Homeland Security.
 Deputy Director, Institute for Scientific and Technological Cooperation.
 Director of the National Institute of Justice.
 Director of the Bureau of Justice Statistics.
 Chief Counsel for Advocacy, Small Business Administration.
 Assistant Administrator for Toxic Substances, Environmental Protection Agency.
 Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.
 Assistant Administrators, Environmental Protection Agency (8).
 Director of Operational Test and Evaluation, Department of Defense.
 Director of Cost Assessment and Program Evaluation, Department of Defense.
 Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.
 Ambassadors at Large.
 Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.
 Assistant Secretaries, Department of Veterans Affairs (7).
 General Counsel, Department of Veterans Affairs.
 Commissioner of Food and Drugs, Department of Health and Human Services
 Chairman, Board of Veterans' Appeals.
 Administrator, Office of Juvenile Justice and Delinquency Prevention.
 Director, United States Marshals Service.
 Chairman, United States Parole Commission.
 Director, Bureau of the Census, Department of Commerce.
 Director of the Institute of Museum and Library Services.
 Chief Financial Officer, Department of Agriculture.
 Chief Financial Officer, Department of Commerce.
 Chief Financial Officer, Department of Education.
 Chief Financial Officer, Department of Energy.
 Chief Financial Officer, Department of Health and Human Services.
 Chief Financial Officer, Department of Housing and Urban Development.
 Chief Financial Officer, Department of the Interior.

Chief Financial Officer, Department of Justice.
 Chief Financial Officer, Department of Labor.
 Chief Financial Officer, Department of State.
 Chief Financial Officer, Department of Transportation.
 Chief Financial Officer, Department of the Treasury.
 Chief Financial Officer, Department of Veterans Affairs.
 Chief Financial Officer, Environmental Protection Agency.
 Chief Financial Officer, National Aeronautics and Space Administration.
 Commissioner, Office of Navajo and Hopi Indian Relocation.
 Deputy Under Secretary of Defense for Research and Engineering.
 Deputy Under Secretary of Defense for Acquisition and Sustainment.
 Deputy Under Secretary of Defense for Policy.
 Deputy Under Secretary of Defense for Personnel and Readiness.
 Deputy Under Secretary of Defense (Comptroller).
 Deputy Under Secretary of Defense for Intelligence and Security.
 General Counsel of the Department of the Army.
 General Counsel of the Department of the Navy.
 General Counsel of the Department of the Air Force.
 Liaison for Community and Junior Colleges, Department of Education.
 Director of the Office of Educational Technology.
 Director of the International Broadcasting Bureau.
 The Commissioner of Labor Statistics, Department of Labor.
 Chief Information Officer, Department of Agriculture.
 Chief Information Officer, Department of Commerce.
 Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).
 Chief Information Officer, Department of Education.
 Chief Information Officer, Department of Energy.
 Chief Information Officer, Department of Health and Human Services.
 Chief Information Officer, Department of Housing and Urban Development.
 Chief Information Officer, Department of the Interior.
 Chief Information Officer, Department of Justice.
 Chief Information Officer, Department of Labor.
 Chief Information Officer, Department of State.
 Chief Information Officer, Department of Transportation.
 Chief Information Officer, Department of the Treasury.
 Chief Information Officer, Department of Veterans Affairs.
 Chief Information Officer, Environmental Protection Agency.
 Chief Information Officer, National Aeronautics and Space Administration.
 Chief Information Officer, Agency for International Development.
 Chief Information Officer, Federal Emergency Management Agency.
 Chief Information Officer, General Services Administration.

Chief Information Officer, National Science Foundation.
 Chief Information Officer, Nuclear Regulatory Agency.
 Chief Information Officer, Office of Personnel Management.
 Chief Information Officer, Small Business Administration.
 Chief Information Officer of the Intelligence Community.
 General Counsel of the Central Intelligence Agency.
 Principal Deputy Administrator, National Nuclear Security Administration.
 Additional Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).
 Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.
 General Counsel of the Office of the Director of National Intelligence.
 Chief Medical Officer, Department of Homeland Security.
 Director of the National Counterintelligence and Security Center.

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TITLE 18, UNITED STATES CODE

PART I—CRIMES

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CHAPTER 111—SHIPPING

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§ 2282B. Violence against aids to maritime navigation

Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the **[Saint Lawrence Seaway Development Corporation]** *Great Lakes St. Lawrence Seaway Development Corporation* under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years, or both.

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INTERNAL REVENUE CODE OF 1986

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Subtitle I—Trust Fund Code

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CHAPTER 98—TRUST FUND CODE

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Subchapter A—ESTABLISHMENT OF TRUST FUNDS

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SEC. 9505. HARBOR MAINTENANCE TRUST FUND.

(a) CREATION OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund to be known as the “Harbor Maintenance Trust Fund”, consisting of such amounts as may be—

(1) appropriated to the Harbor Maintenance Trust Fund as provided in this section,

(2) transferred to the Harbor Maintenance Trust Fund by the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* pursuant to section 13(a) of the Act of May 13, 1954, or

(3) credited to the Harbor Maintenance Trust Fund as provided in section 9602(b).

(b) TRANSFER TO HARBOR MAINTENANCE TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Harbor Maintenance Trust Fund amounts equivalent to the taxes received in the Treasury under section 4461 (relating to harbor maintenance tax).

(c) EXPENDITURES FROM HARBOR MAINTENANCE TRUST FUND.—Amounts in the Harbor Maintenance Trust Fund shall be available, as provided by appropriation Acts, for making expenditures—

(1) to carry out section 210 of the Water Resources Development Act of 1986,

(2) for payments of rebates of tolls or charges pursuant to section 13(b) of the Act of May 13, 1954 (as in effect on April 1, 1987), and

(3) for the payment of all expenses of administration incurred by the Department of the Treasury, the Army Corps of Engineers, and the Department of Commerce related to the administration of subchapter A of chapter 36 (relating to harbor maintenance tax), but not in excess of \$5,000,000 for any fiscal year.

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TITLE 31, UNITED STATES CODE

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SUBTITLE VI—MISCELLANEOUS

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CHAPTER 91—GOVERNMENT CORPORATIONS

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§ 9101. Definitions

In this chapter—

- (1) “Government corporation” means a mixed-ownership Government corporation and a wholly owned Government corporation.
- (2) “mixed-ownership Government corporation” means—
 - (A) the Central Bank for Cooperatives.
 - (B) the Federal Deposit Insurance Corporation.
 - (C) the Federal Home Loan Banks.
 - (D) the Federal Intermediate Credit Banks.
 - (E) the Federal Land Banks.
 - (F) the National Credit Union Administration Central Liquidity Facility.
 - (G) the Regional Banks for Cooperatives.
 - (H) the Financing Corporation.
 - (I) the Resolution Trust Corporation.
 - (J) the Resolution Funding Corporation.
- (3) “wholly owned Government corporation” means—
 - (A) the Commodity Credit Corporation.
 - (B) the Community Development Financial Institutions Fund.
 - (C) the Export-Import Bank of the United States.
 - (D) the Federal Crop Insurance Corporation.
 - (E) Federal Prison Industries, Incorporated.
 - (F) the Corporation for National and Community Service.
 - (G) the Government National Mortgage Association.
 - (H) the Overseas Private Investment Corporation.
 - (I) the Pennsylvania Avenue Development Corporation.
 - (J) the Pension Benefit Guaranty Corporation.
 - (K) the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*.
 - (L) the Secretary of Housing and Urban Development when carrying out duties and powers related to the Federal Housing Administration Fund.
 - (M) the Tennessee Valley Authority.
 - (N) the Panama Canal Commission.
 - (O) the Millennium Challenge Corporation.
 - (P) the International Clean Energy Foundation.

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WATER RESOURCES DEVELOPMENT ACT OF 1986

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TITLE II—HARBOR DEVELOPMENT

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SEC. 206. NONAPPLICABILITY TO SAINT LAWRENCE SEAWAY.

Sections 203, 204, and 205 do not apply to any harbor or inland harbor project for that portion of the Saint Lawrence Seaway ad-

ministered by the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*.

* * * * *

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) TRUST FUND.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* for such fiscal year; and

(2) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) GENERAL FUND.—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

(c) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—

(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

(2) CRITERIA.—

(A) IN GENERAL.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

- (i) consider the information obtained in the assessment conducted under subsection (e);
- (ii) consider the national and regional significance of harbor operations and maintenance; and
- (iii) as appropriate, consider national security and military readiness needs.

(B) LIMITATION.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

(3) EMERGING HARBOR PROJECTS.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each fiscal year, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

(4) MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall

manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

(d) PRIORITIZATION.—

(1) PRIORITY.—

(A) IN GENERAL.—For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.

(B) ADDITIONAL CONSIDERATIONS.—For each fiscal year, of the priority funds available, the Secretary shall use—

(i) not less than 5 percent of such funds for underserved harbor projects; and

(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

(C) UNDERSERVED HARBORS.—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

(i) the total quantity of commerce supported by the water body on which the project is located; and

(ii) the minimum width and depth that—

(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and

(II) does not exceed the constructed width and depth of the authorized navigation project.

(2) EXPANDED USES.—

(A) DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.—In this paragraph, the term “eligible harbor or inland harbor” means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

(B) USE OF EXPANDED USES FUNDS.—

(i) FISCAL YEARS 2015 THROUGH 2024.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

(ii) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.

(C) PRIORITIZATION.—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from

the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

(3) REMAINING FUNDS.—

(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

(B) CRITERIA.—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

(i) use the criteria specified in subsection (c)(2)(A);

and

(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

(4) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(e) ASSESSMENT OF HARBORS AND INLAND HARBORS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess, and issue a report to Congress on, the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—

(A) TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.—In carrying out paragraph (1), the Secretary shall identify—

(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

(B) USES OF HARBORS AND INLAND HARBORS.—In carrying out paragraph (1), the Secretary shall identify cur-

rent uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

- (i) commercial navigation, including the movement of goods;
- (ii) domestic trade;
- (iii) international trade;
- (iv) commercial fishing;
- (v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;
- (vi) use as a harbor of refuge;
- (vii) transportation of persons;
- (viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;
- (ix) activities of the Secretary of the department in which the Coast Guard is operating;
- (x) activities of the Secretary of the Navy;
- (xi) public health and safety related equipment for responding to coastal and inland emergencies;
- (xii) recreation purposes; and
- (xiii) other authorized purposes.

(C) OPPORTUNITIES FOR BENEFICIAL USE OF DREDGED MATERIALS.—In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

- (i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;
- (ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

(B) ADDITIONAL REQUIREMENT.—In the first report submitted under subparagraph (A) following the date of enactment of the Water Resources Development Act of 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.

(C) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTED WIDTH AND DEPTH.—The term “constructed width and depth” means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

(2) EMERGING HARBOR PROJECT.—The term “emerging harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

(3) EXPANDED USES.—The term “expanded uses” means the following activities:

(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

(i) such dredging and disposal benefits commercial navigation at the harbor; and

(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

(4) GREAT LAKES NAVIGATION SYSTEM.—The term “Great Lakes Navigation System” includes—

(A)(i) Lake Superior;

(ii) Lake Huron;

(iii) Lake Michigan;

(iv) Lake Erie; and

(v) Lake Ontario;

(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

- (D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.
- (5) HARBOR MAINTENANCE TAX.—The term “harbor maintenance tax” means the amounts collected under section 4461 of the Internal Revenue Code of 1986.
- (6) HIGH-USE HARBOR PROJECT.—The term “high-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.
- (7) MODERATE-USE HARBOR PROJECT.—The term “moderate-use harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—
- (A) more than 1,000,000 tons of cargo; but
 - (B) less than 10,000,000 tons of cargo.
- (8) PRIORITY FUNDS.—The term “priority funds” means the difference between—
- (A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and
 - (B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.
- (9) UNDERSERVED HARBOR PROJECT.—
- (A) IN GENERAL.—The term “underserved harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—
 - (i) that is a moderate-use harbor project or an emerging harbor project;
 - (ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and
 - (iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.
 - (B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

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SEC. 214. DEFINITIONS.

For purposes of this title—

- (1) DEEP-DRAFT HARBOR.—The term “deep-draft harbor” means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).
- (2) ELIGIBLE OPERATIONS AND MAINTENANCE.—(A) Except as provided in subparagraph (B), the term “eligible operations and maintenance” means all Federal operations, maintenance, repair, and rehabilitation, including (i) maintenance dredging reasonably necessary to maintain the width and nominal depth

of any harbor or inland harbor; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities.

(B) As applied to the Saint Lawrence Seaway, the term “eligible operations and maintenance” means all operations, maintenance, repair, and rehabilitation, including maintenance dredging reasonably necessary to keep such Seaway or navigation improvements operated or maintained by the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* in operation and reasonable state of repair.

(C) The term “eligible operations and maintenance” does not include providing any lands, easements, or rights-of-way, or performing relocations required for project operations and maintenance.

(3) GENERAL CARGO HARBOR.—The term “general cargo harbor” means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than 45 feet;

(4) HARBOR.—The term “harbor” means any channel or harbor, or element thereof, in the United States, capable of being utilized in the transportation of commercial cargo in domestic or foreign waterborne commerce by commercial vessels. The term does not include—

- (A) an inland harbor;
- (B) the Saint Lawrence Seaway;
- (C) local access or berthing channels;
- (D) channels or harbors constructed or maintained by nonpublic interests; and
- (E) any portion of the Columbia River other than the channels on the downstream side of Bonneville lock and dam.

(5) INLAND HARBOR.—The term “inland harbor” means a navigation project which is used principally for the accommodation of commercial vessels and the receipt and shipment of waterborne cargoes on inland waters. The term does not include—

- (A) projects on the Great Lakes;
- (B) projects that are subject to tidal influence;
- (C) projects with authorized depths of greater than 20 feet;
- (D) local access or berthing channels; and
- (E) projects constructed or maintained by nonpublic interests.

(6) NOMINAL DEPTH.—The term “nominal depth” means, in relation to the stated depth for any navigation improvement project, such depth, including any greater depths which must be maintained for any harbor or inland harbor or element thereof included within such project in order to ensure the safe

passage at mean low tide of any vessel requiring the stated depth.

(7) NON-FEDERAL INTEREST.—The term “non-Federal interest” has the meaning such term has under section 221 of the Flood Control Act of 1970 and includes any interstate agency and port authority established under a compact entered into between two or more States with the consent of Congress under section 10 of Article I of the Constitution.

(8) UNITED STATES.—The term “United States” means all areas included within the territorial boundaries of the United States, including the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession over which the United States exercises jurisdiction.

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TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

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SEC. 1132. GREAT LAKES MARKETING BOARD.

(a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the “Great Lakes”), known as the “Fourth Seacoast” of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the “Board”).

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

- (i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;
- (ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels, which are not being utilized, to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the non-navigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season. (D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular

seq. places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The co-chairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the **【Saint Lawrence Seaway Development Corporation】** *Great Lakes St. Lawrence Seaway Development Corporation* or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the cochairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1989, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) The non-Federal share of the cost of carrying out this subsection shall be 25 percent. There is authorized to be appropriated such sums as may be necessary to carry out the Federal share of

this subsection for fiscal years beginning after September 30, 1986, and ending before October 1, 1990.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1988, and a final report of such review along with recommendations not later than September 30, 1990.

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TITLE 46, UNITED STATES CODE

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SUBTITLE II—VESSELS AND SEAMEN

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PART A—GENERAL PROVISIONS

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CHAPTER 21—GENERAL

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§ 2109. Public vessels

Except as otherwise provided, this subtitle does not apply to a public vessel of the United States. However, this subtitle does apply to a vessel (except a [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* vessel) owned or operated by the Department of Transportation or by any corporation organized or controlled by the Department.

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PART F—MANNING OF VESSELS

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CHAPTER 81—GENERAL

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§ 8103. Citizenship and Navy Reserve requirements

(a) Except as otherwise provided in this title, only a citizen of the United States may serve as master, chief engineer, radio officer, or officer in charge of a deck watch or engineering watch on a documented vessel.

(b)(1) Except as otherwise provided in this section, on a documented vessel—

(A) each unlicensed seaman must be—

(i) a citizen of the United States;

(ii) an alien lawfully admitted to the United States for permanent residence; or

(iii) a foreign national who is enrolled in the United States Merchant Marine Academy; and

(B) not more than 25 percent of the total number of unlicensed seamen on the vessel may be aliens lawfully admitted to the United States for permanent residence.

(2) Paragraph (1) of this subsection does not apply to—

(A) a yacht;

(B) a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); and

(C) a fishing vessel fishing outside of the exclusive economic zone.

(3) The Secretary may waive a citizenship requirement under this section, other than a requirement that applies to the master of a documented vessel, with respect to—

(A) an offshore supply vessel or other similarly engaged vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that operates from a foreign port;

(B) a mobile offshore drilling unit or other vessel engaged in support of exploration, exploitation, or production of offshore mineral energy resources operating beyond the water above the outer Continental Shelf (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

(C) any other vessel if the Secretary determines, after an investigation, that qualified seamen who are citizens of the United States are not available.

(c) On each departure of a vessel (except a passenger vessel) for which a construction differential subsidy has been granted, all of the seamen of the vessel must be citizens of the United States.

(d)(1) On each departure of a passenger vessel for which a construction differential subsidy has been granted, at least 90 percent of the entire complement (including licensed individuals) must be citizens of the United States.

(2) An individual not required by this subsection to be a citizen of the United States may be engaged only if the individual has a declaration of intention to become a citizen of the United States or other evidence of admission to the United States for permanent residence. An alien may be employed only in the steward's department of the passenger vessel.

(e) If a documented vessel is deprived for any reason of the services of an individual (except the master and the radio officer) when on a foreign voyage and a vacancy consequently occurs, until the vessel's return to a port at which in the most expeditious manner a replacement who is a citizen of the United States can be obtained, an individual not a citizen of the United States may serve in—

(1) the vacancy; or

(2) a vacancy resulting from the promotion of another individual to fill the original vacancy.

(f) A person employing an individual in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$500 for each individual so employed.

(g) A deck or engineer officer employed on a vessel on which an operating differential subsidy is paid, or employed on a vessel (except a vessel of the Coast Guard or [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*) owned or operated by the Department of Transportation or by a corporation organized or controlled by the Department, if eligible, shall be a member of the Navy Reserve.

(h) The President may—

(1) suspend any part of this section during a proclaimed national emergency; and

(2) when the needs of commerce require, suspend as far and for a period the President considers desirable, subsection (a) of this section for crews of vessels of the United States documented for foreign trade.

(i)(1) Except as provided in paragraph (3) of this subsection, each unlicensed seaman on a fishing, fish processing, or fish tender vessel that is engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone must be—

(A) a citizen of the United States;

(B) an alien lawfully admitted to the United States for permanent residence;

(C) any other alien allowed to be employed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.

(2) Not more than 25 percent of the unlicensed seamen on a vessel subject to paragraph (1) of this subsection may be aliens referred to in clause (C) of that paragraph.

(3) This subsection does not apply to a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)).

(j) RIDING GANG MEMBER.—This section does not apply to an individual who is a riding gang member.

(k) CREW REQUIREMENTS FOR LARGE PASSENGER VESSELS.—

(1) CITIZENSHIP AND NATIONALITY.—Each unlicensed seaman on a large passenger vessel shall be—

(A) a citizen of the United States;

(B) an alien lawfully admitted to the United States for permanent residence;

(C) an alien allowed to be employed in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including an alien crewman described in section 101(a)(15)(D)(i) of that Act (8 U.S.C. 1101(a)(15)(D)(i)), who meets the requirements of paragraph (3)(A) of this subsection; or

(D) a foreign national who is enrolled in the United States Merchant Marine Academy.

(2) PERCENTAGE LIMITATION FOR ALIEN SEAMEN.—Not more than 25 percent of the unlicensed seamen on a vessel described in paragraph (1) of this subsection may be aliens referred to in subparagraph (B) or (C) of that paragraph.

(3) SPECIAL RULES FOR CERTAIN UNLICENSED SEAMEN.—

(A) QUALIFICATIONS.—An unlicensed seaman described in paragraph (1)(C) of this subsection—

(i) shall have been employed, for a period of not less than 1 year, on a passenger vessel under the same common ownership or control as the vessel described in paragraph (1) of this subsection, as certified by the

owner or managing operator of such vessel to the Secretary;

(ii) shall have no record of material disciplinary actions during such employment, as verified in writing by the owner or managing operator of such vessel to the Secretary;

(iii) shall have successfully completed a United States Government security check of the relevant domestic and international databases, as appropriate, or any other national security-related information or database;

(iv) shall have successfully undergone an employer background check—

(I) for which the owner or managing operator provides a signed report to the Secretary that describes the background checks undertaken that are reasonably and legally available to the owner or managing operator including personnel file information obtained from such seaman and from databases available to the public with respect to the seaman;

(II) that consisted of a search of all information reasonably available to the owner or managing operator in the seaman's country of citizenship and any other country in which the seaman receives employment referrals, or resides;

(III) that is kept on the vessel and available for inspection by the Secretary; and

(IV) the information derived from which is made available to the Secretary upon request; and

(v) may not be a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

(B) RESTRICTIONS.—An unlicensed seaman described in paragraph (1)(C) of this subsection—

(i) may be employed only in the steward's department of the vessel; and

(ii) may not perform watchstanding, automated engine room duty watch, or vessel navigation functions.

(C) STATUS, DOCUMENTATION, AND EMPLOYMENT.—An unlicensed seaman described in subparagraph (C) or (D) of paragraph (1) of this subsection—

(i) is deemed to meet the nationality requirements necessary to qualify for a merchant mariners document notwithstanding the requirements of part 12 of title 46, Code of Federal Regulations;

(ii) is deemed to meet the proof-of-identity requirements necessary to qualify for a merchant mariners document, as prescribed under regulations promulgated by the Secretary, if the seaman possesses—

(I) an unexpired passport issued by the government of the country of which the seaman is a citizen or subject; and

(II) an unexpired visa issued to the seaman, as described in paragraph (1)(C);

(iii) shall, if eligible, be issued a merchant mariners document with an appropriate annotation reflecting the restrictions of subparagraph (B) of this paragraph; and

(iv) may be employed for a period of service on board not to exceed 36 months in the aggregate as a non-immigrant crewman described in section 101(a)(15)(D)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)(i)) on vessels engaged in domestic voyages notwithstanding the departure requirements and time limitations of such section and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) and the regulations and rules promulgated thereunder.

(4) **MERCHANT MARINER'S DOCUMENT REQUIREMENTS NOT AFFECTED.**—This subsection shall not be construed to affect any requirement under Federal law that an individual must hold a merchant mariner's document.

(5) **DEFINITIONS.**—In this subsection:

(A) **STEWARD'S DEPARTMENT.**—The term “steward's department” means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary pursuant to section 70103(c) of this title.

(B) **LARGE PASSENGER VESSEL.**—The term “large passenger vessel” means a vessel of more than 70,000 gross tons, as measured under section 14302 of this title, with capacity for at least 2,000 passengers and documented with a coastwise endorsement under chapter 121 of this title.

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CHAPTER 85—PILOTS

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§ 8503. Federal pilots authorized

(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

- (1) engaged in foreign commerce; and
- (2) operating—

- (A) in internal waters of the United States; or
- (B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.

(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

- (1) establishes a requirement for a State licensed pilot; and

(2) notifies the Secretary of that fact.

(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the **【Saint Lawrence Seaway Development Corporation】** *Great Lakes St. Lawrence Seaway Development Corporation*.

(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(e) A person that knowingly violates this section or a regulation prescribed under this section commits a class D felony.

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SUBTITLE V—MERCHANT MARINE

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PART D—PROMOTIONAL PROGRAMS

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CHAPTER 551—COASTWISE TRADE

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§ 55112. Vessel escort operations and towing assistance

(a) **IN GENERAL.**—Except in the case of a vessel in distress, only a vessel of the United States may perform the following escort vessel operations within the navigable waters of the United States:

(1) Operations that commence or terminate at a port or place in the United States.

(2) Operations required by United States law or regulation.

(3) Operations provided in whole or in part within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to those facilities, other than facilities operated by the **【St. Lawrence Seaway Development Corporation】** *Great Lakes St. Lawrence Seaway Development Corporation* on the St. Lawrence River portion of the Seaway.

(b) **ESCORT VESSELS.**—For purposes of this section, an escort vessel is—

(1) any vessel that is assigned and dedicated to assist another vessel, whether or not tethered to that vessel, solely as a safety precaution to assist in controlling the speed or course of the assisted vessel in the event of a steering or propulsion equipment failure, or any other similar emergency circumstance, or in restricted waters where additional assistance in maneuvering the vessel is required to ensure its safe operation; and

(2) in the case of a vessel being towed under section 55111 of this title, any vessel that is assigned and dedicated to the vessel being towed in addition to any towing vessel required under that section.

(c) RELATIONSHIP TO OTHER LAW.—This section does not affect section 55111 of this title.

(d) PENALTY.—A person violating this section is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs.

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CHAPTER 553—PASSENGER AND CARGO PREFERENCES

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SUBCHAPTER III—AMERICAN GREAT LAKES VESSELS

§ 55331. Definitions

In this subchapter:

(1) AMERICAN GREAT LAKES VESSEL.—The term “American Great Lakes vessel” means a vessel so designated under section 55332 of this title, but only during the period the designation is in effect.

(2) GREAT LAKES.—The term “Great Lakes” means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, the Saint Lawrence River west of Saint Regis, New York, and their connecting and tributary waters.

(3) GREAT LAKES SHIPPING SEASON.—The term “Great Lakes shipping season” means the period each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*.

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SUBTITLE VII—SECURITY AND DRUG ENFORCEMENT

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CHAPTER 700—PORTS AND WATERWAYS SAFETY

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SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

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§ 70032. Saint Lawrence Seaway

The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation* to the extent the Secretary deter-

mines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

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TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

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CHAPTER 1—ORGANIZATION

Sec.
101. Purpose.

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[110. Saint Lawrence Seaway Development Corporation.]
110. Great Lakes St. Lawrence Seaway Development Corporation.

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**§ 110. [Saint Lawrence Seaway Development Corporation]
*Great Lakes St. Lawrence Seaway Development Corporation***

(a) The **[Saint Lawrence Seaway Development Corporation]** *Great Lakes St. Lawrence Seaway Development Corporation* established under section 1 of the Act of May 13, 1954 (33 U.S.C. 981), is subject to the direction and supervision of the Secretary of Transportation.

(b) The Administrator of the Corporation appointed under section 2 of the Act of May 13, 1954 (33 U.S.C. 982), reports directly to the Secretary.

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SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

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CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

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§ 6314. Port performance freight statistics program

(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

- (1) the Nation's top 25 ports by tonnage;
- (2) the Nation's top 25 ports by 20-foot equivalent unit; and
- (3) the Nation's top 25 ports by dry bulk.

(b) REPORTS.—

(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

(A) receives Federal assistance; or

(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall obtain recommendations for—

(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

(A) operating administrations of the Department;

(B) the Coast Guard;

(C) the Federal Maritime Commission;

(D) U.S. Customs and Border Protection;

(E) the Marine Transportation System National Advisory Council;

(F) the Army Corps of Engineers;

(G) the [Saint Lawrence Seaway Development Corporation] *Great Lakes St. Lawrence Seaway Development Corporation*;

(H) the Bureau of Labor Statistics;

(I) the Maritime Advisory Committee for Occupational Safety and Health;

(J) the Advisory Committee on Supply Chain Competitiveness;

(K) 1 representative from the rail industry;

(L) 1 representative from the trucking industry;

(M) 1 representative from the maritime shipping industry;

(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

(O) 1 representative from the International Longshoremen's Association;

(P) 1 representative from the International Longshore and Warehouse Union;

(Q) 1 representative from a port authority;

(R) 1 representative from a terminal operator;

(S) representatives of the National Freight Advisory Committee of the Department; and

(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

(d) ACCESS TO DATA.—The Director shall ensure that—

(1) the statistics compiled under this section—

(A) are readily accessible to the public; and

(B) are consistent with applicable security constraints and confidentiality interests; and

(2) the data acquired, regardless of source, shall be protected in accordance with section 3572 of title 44.

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