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1ST SESSION

H. R. 3888

To amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2009

Mr. FARR (for himself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DICKS, Mr. DOGGETT, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. MATSUI, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. STARK, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Cruise Ship Act
5 of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) cruise ships carry millions of passengers
2 through North American waters each year, showcase
3 some of the most beautiful ocean and coastal envi-
4 ronments in the United States, and provide opportu-
5 nities for passengers to relax and enjoy oceans and
6 marine ecosystems;

7 (2) the number of cruise passengers continues
8 to grow, making the cruise industry one of the fast-
9 est growing tourism sectors in the world;

10 (3) in 2007, more than 10,000,000 passengers
11 departed from North America on thousands of cruise
12 ships;

13 (4) during the 2 decades preceding the date of
14 enactment of this Act, the average cruise ship size
15 has increased at a rate of approximately 90 feet
16 every 5 years;

17 (5) an average-sized cruise vessel generates mil-
18 lions of gallons of liquid waste and many tons of
19 solid waste;

20 (6) in just 1 week, a 3000-passenger cruise ship
21 generates approximately 210,000 gallons of human
22 sewage, 1,000,000 gallons of water from showers
23 and sinks and dishwashing water (commonly known
24 as “graywater”), 37,000 gallons of oily bilge water,

1 more than 8 tons of solid waste, and toxic wastes
2 from dry cleaning and photo-processing laboratories;

3 (7) in an Environmental Protection Agency sur-
4 vey of 29 ships traveling in Alaskan waters, reported
5 sewage generation rates ranged from 1,000 to
6 74,000 gallons per day per vessel, with the average
7 volume of sewage generated being 21,000 gallons per
8 day per vessel;

9 (8) those frequently untreated cruise ship dis-
10 charges deliver nutrients, hazardous substances,
11 pharmaceuticals, and human pathogens, including
12 viruses and bacteria, directly into the marine envi-
13 ronment;

14 (9) in the final report of the United States
15 Commission on Ocean Policy, that Commission
16 found that cruise ship discharges, if not treated and
17 disposed of properly, and the cumulative impacts
18 caused when cruise ships repeatedly visit the same
19 environmentally sensitive areas, “can be a significant
20 source of pathogens and nutrients with the potential
21 to threaten human health and damage shellfish beds,
22 coral reefs, and other aquatic life”;

23 (10) pollution from cruise ships not only has
24 the potential to threaten marine life and human
25 health through consumption of contaminated sea-

1 food, but also poses a health risk for recreational
2 swimmers, surfers, and other beachgoers;

3 (11) according to the Environmental Protection
4 Agency, “Sewage may host many pathogens of con-
5 cern to human health, including Salmonella,
6 Shigella, Hepatitis A and E, and gastro-intestinal vi-
7 ruses. Sewage contamination in swimming areas and
8 shellfish beds poses potential risks to human health
9 and the environment by increasing the rate of water-
10 borne illnesses”;

11 (12) the nutrient pollution from human sewage
12 discharges from cruise ships can contribute to the
13 incidence of harmful algal blooms;

14 (13) algal blooms have been implicated in the
15 deaths of marine life, including the deaths of more
16 than 150 manatees off the coast of Florida;

17 (14) in a 2005 report requested by the Inter-
18 national Council of Cruise Lines, the Science Panel
19 of the Ocean Conservation and Tourism Alliance rec-
20 ommended that—

21 (A) “[a]ll blackwater should be treated”;

22 (B) treated blackwater should be “avoided
23 in ports, close to bathing beaches or water bod-
24 ies with restricted circulation, flushing or in-
25 flow”; and

1 (C) blackwater should not be discharged
2 within 4 nautical miles of shellfish beds, coral
3 reefs, or other sensitive habitats;

4 (15) that Science Panel further recommended
5 that graywater be treated in the same manner as
6 blackwater and that sewage sludge be off-loaded to
7 approved land-based facilities;

8 (16) in a summary of recommendations for ad-
9 dressing unabated point sources of pollution, the
10 Pew Oceans Commission states that, “Congress
11 should enact legislation that regulates wastewater
12 discharges from cruise ships under the Clean Water
13 Act by establishing uniform minimum standards for
14 discharges in all State waters and prohibiting dis-
15 charges within the U.S. Exclusive Economic Zone
16 that do not meet effluent standards.”; and

17 (17) a comprehensive statutory regime for man-
18 aging pollution discharges from cruise vessels, appli-
19 cable throughout the United States, is needed—

20 (A) to protect coastal and ocean areas
21 from pollution generated by cruise vessels;

22 (B) to reduce and better regulate dis-
23 charges from cruise vessels; and

24 (C) to improve monitoring, reporting, and
25 enforcement of standards regarding discharges.

1 (b) PURPOSE.—The purpose of this Act is to amend
 2 the Federal Water Pollution Control Act (33 U.S.C. 1251
 3 et seq.) to establish national standards and prohibitions
 4 for discharges from cruise vessels.

5 **SEC. 3. CRUISE VESSEL DISCHARGES.**

6 Section 402 of the Federal Water Pollution Control
 7 Act (33 U.S.C. 1342) is amended by adding at the end
 8 the following:

9 “(s) CRUISE VESSEL DISCHARGES.—

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

11 “(A) BILGE WATER.—

12 “(i) IN GENERAL.—The term ‘bilge
 13 water’ means wastewater.

14 “(ii) INCLUSIONS.—The term ‘bilge
 15 water’ includes lubrication oils, trans-
 16 mission oils, oil sludge or slops, fuel or oil
 17 sludge, used oil, used fuel or fuel filters,
 18 and oily waste.

19 “(B) COMMANDANT.—The term ‘Com-
 20 mandant’ means the Commandant of the Coast
 21 Guard.

22 “(C) CRUISE VESSEL.—

23 “(i) IN GENERAL.—The term ‘cruise
 24 vessel’ means a passenger vessel that—

1 “(I) is authorized to carry at
2 least 250 passengers; and

3 “(II) has onboard sleeping facili-
4 ties for each passenger.

5 “(ii) EXCLUSIONS.—The term ‘cruise
6 vessel’ does not include—

7 “(I) a vessel of the United States
8 operated by the Federal Government;

9 “(II) a vessel owned and oper-
10 ated by the government of a State; or

11 “(III) a vessel owned by a local
12 government.

13 “(D) DISCHARGE.—The term ‘discharge’
14 means the release, escape, disposal, spilling,
15 leaking, pumping, emitting, or emptying of
16 bilge water, graywater, hazardous waste, incin-
17 erator ash, sewage, sewage sludge, trash, or
18 garbage from a cruise vessel into the environ-
19 ment, however caused, other than—

20 “(i) at an approved shoreside recep-
21 tion facility, if applicable; and

22 “(ii) in compliance with all applicable
23 Federal, State, and local laws (including
24 regulations).

1 “(E) EXCLUSIVE ECONOMIC ZONE.—The
2 term ‘exclusive economic zone’ has the meaning
3 given the term in section 2101 of title 46,
4 United States Code (as in effect on the day be-
5 fore the date of enactment of Public Law 109–
6 304 (120 Stat. 1485)).

7 “(F) FUND.—The term ‘Fund’ means the
8 Cruise Vessel Pollution Control Fund estab-
9 lished by paragraph (11)(A)(i).

10 “(G) GARBAGE.—The term ‘garbage’
11 means solid waste from food preparation, serv-
12 ice and disposal activities, even if shredded,
13 ground, processed, or treated to comply with
14 other requirements.

15 “(H) GRAYWATER.—

16 “(i) IN GENERAL.—The term
17 ‘graywater’ means galley water, dish-
18 washer, and bath, shower, and washbasin
19 water.

20 “(ii) INCLUSIONS.—The term
21 ‘graywater’ includes, to the extent not al-
22 ready covered under provisions of law re-
23 lating to hazardous waste—

24 “(I) spa, pool, and laundry
25 wastewater;

1 “(II) wastes from soot tanker or
2 economizer cleaning;

3 “(III) wastes from photo proc-
4 essing;

5 “(IV) wastes from vessel interior
6 surface cleaning; and

7 “(V) miscellaneous equipment
8 and process wastewater.

9 “(I) HAZARDOUS WASTE.—The term ‘haz-
10 ardous waste’ has the meaning given the term
11 in section 6903 of the Solid Waste Disposal Act
12 (42 U.S.C. 6903).

13 “(J) INCINERATOR ASH.—The term ‘incin-
14 erator ash’ means ash generated during the in-
15 cineration of solid waste or sewage sludge.

16 “(K) NEW VESSEL.—The term ‘new vessel’
17 means a vessel, the construction of which is ini-
18 tiated after promulgation of standards and reg-
19 ulations under this subsection.

20 “(L) NO-DISCHARGE ZONE.—

21 “(i) IN GENERAL.—The term ‘no-dis-
22 charge zone’ means an area of ecological
23 importance, whether designated by Fed-
24 eral, State, or local authorities.

1 “(ii) INCLUSIONS.—The term ‘no-dis-
2 charge zone’ includes—

3 “(I) a marine sanctuary;

4 “(II) a marine protected area;

5 “(III) a marine reserve; and

6 “(IV) a marine national monu-
7 ment.

8 “(M) PASSENGER.—The term ‘passenger’
9 means any person (including a paying pas-
10 senger and any staff member, such as a crew
11 member, captain, or officer) traveling on board
12 a cruise vessel.

13 “(N) SEWAGE.—The term ‘sewage’
14 means—

15 “(i) human and animal body wastes;
16 and

17 “(ii) wastes from toilets and other re-
18 ceptacles intended to receive or retain
19 human and animal body wastes.

20 “(O) SEWAGE SLUDGE.—

21 “(i) IN GENERAL.—The term ‘sewage
22 sludge’ means any solid, semi-solid, or liq-
23 uid residue removed during the treatment
24 of on-board sewage.

1 “(ii) INCLUSIONS.—The term ‘sewage
2 sludge’ includes—

3 “(I) solids removed during pri-
4 mary, secondary, or advanced waste-
5 water treatment;

6 “(II) scum;

7 “(III) septage;

8 “(IV) portable toilet pumpings;

9 “(V) type III marine sanitation
10 device pumpings (as defined in part
11 159 of title 33, Code of Federal Regu-
12 lations (or a successor regulation));
13 and

14 “(VI) sewage sludge products.

15 “(iii) EXCLUSIONS.—The term ‘sew-
16 age sludge’ does not include—

17 “(I) grit or screenings; or

18 “(II) ash generated during the
19 incineration of sewage sludge.

20 “(P) TRASH.—The term ‘trash’ means
21 solid waste from vessel operations and pas-
22 senger services, even if shredded, ground, proc-
23 essed, or treated to comply with other regula-
24 tions.

25 “(2) PROHIBITIONS.—

1 “(A) PROHIBITION ON DISCHARGE OF
2 SEWAGE SLUDGE, INCINERATOR ASH, AND HAZ-
3 ARDOUS WASTE.—

4 “(i) IN GENERAL.—Except as pro-
5 vided by subparagraph (C), no cruise ves-
6 sel departing from, or calling on, a port of
7 the United States may discharge sewage
8 sludge, incinerator ash, or hazardous waste
9 into navigable waters, including the contig-
10 uous zone and the exclusive economic zone.

11 “(ii) OFF-LOADING.—Sewage sludge,
12 incinerator ash, and hazardous waste de-
13 scribed in clause (i) shall be off-loaded at
14 an appropriate land-based facility.

15 “(B) PROHIBITION ON DISCHARGE OF
16 SEWAGE, GRAYWATER, AND BILGE WATER.—

17 “(i) IN GENERAL.—Except as pro-
18 vided by subparagraph (C), no cruise ves-
19 sel departing from or calling on, a port of
20 the United States may discharge sewage,
21 graywater, or bilge water into navigable
22 waters, including the contiguous zone and
23 the exclusive economic zone, unless—

24 “(I) the sewage, graywater, or
25 bilge water is treated to meet all ap-

1 applicable effluent limits established
2 under this section and is in accord-
3 ance with all other applicable laws;

4 “(II) the cruise vessel is under-
5 way and proceeding at a speed of not
6 less than 6 knots;

7 “(III) the cruise vessel is more
8 than 12 nautical miles from shore;
9 and

10 “(IV) the cruise vessel complies
11 with all applicable standards estab-
12 lished under this Act.

13 “(ii) NO-DISCHARGE ZONES.—Not-
14 withstanding any other provision of this
15 paragraph, no cruise vessel departing from,
16 or calling on, a port of the United States
17 may discharge treated or untreated sew-
18 age, graywater, or bilge water into a no-
19 discharge zone.

20 “(C) SAFETY EXCEPTION.—

21 “(i) SCOPE OF EXCEPTION.—Sub-
22 paragraphs (A) and (B) shall not apply in
23 any case in which—

24 “(I) a discharge is made solely
25 for the purpose of securing the safety

1 of the cruise vessel or saving human
2 life at sea; and

3 “(II) all reasonable precautions
4 have been taken to prevent or mini-
5 mize the discharge.

6 “(ii) NOTIFICATION.—

7 “(I) IN GENERAL.—If the owner,
8 operator, master, or other person in
9 charge of a cruise vessel authorizes a
10 discharge described in clause (i), the
11 person shall notify the Administrator
12 and the Commandant of the decision
13 to authorize the discharge as soon as
14 practicable, but not later than 24
15 hours, after authorizing the discharge.

16 “(II) REPORT.—Not later than 7
17 days after the date on which a dis-
18 charge described in clause (i) occurs,
19 the owner, operator, master, or other
20 person in charge of a cruise vessel,
21 shall submit to the Administrator and
22 the Commandant a report that de-
23 scribes—

1 “(aa) the quantity and com-
2 position of each discharge au-
3 thorized under clause (i);

4 “(bb) the reason for author-
5 izing each such discharge;

6 “(cc) the location of the ves-
7 sel during the course of each
8 such discharge; and

9 “(dd) such other supporting
10 information and data as are re-
11 quested by the Commandant or
12 the Administrator.

13 “(III) DISCLOSURE OF RE-
14 PORTS.—Upon receiving a report
15 under subclause (II), the Adminis-
16 trator shall make the report available
17 to the public.

18 “(3) EFFLUENT LIMITS.—

19 “(A) EFFLUENT LIMITS FOR DISCHARGES
20 OF SEWAGE, GRAYWATER, AND BILGE
21 WATER.—

22 “(i) IN GENERAL.—Not later than 1
23 year after the date of enactment of this
24 subsection, the Administrator shall promul-
25 gate effluent limits for sewage, graywater,

1 and bilge water discharges from cruise ves-
2 sels.

3 “(ii) REQUIREMENTS.—The effluent
4 limits shall—

5 “(I) be consistent with the capa-
6 bility of the best available technology
7 to treat effluent;

8 “(II) take into account the best
9 available scientific information on the
10 environmental effects of sewage,
11 graywater, and bilge water discharges,
12 including conventional, nontoxic, and
13 toxic pollutants and petroleum;

14 “(III) take into account marine
15 life and ecosystems, including coral
16 reefs, shell fish beds, endangered spe-
17 cies, marine mammals, seabirds, and
18 marine ecosystems;

19 “(IV) take into account condi-
20 tions that will affect marine life, eco-
21 systems, and human health, including
22 seamounts, continental shelves, oce-
23 anic fronts, warm core and cold core
24 rings, and ocean currents; and

1 “(V) require compliance with all
2 relevant Federal and State water
3 quality standards.

4 “(iii) MINIMUM LIMITS.—The effluent
5 limits promulgated under clause (i) shall
6 require, at a minimum, that treated sew-
7 age, treated graywater, and treated bilge
8 water effluent discharges from cruise ves-
9 sels, measured at the point of discharge,
10 shall, not later than the date described in
11 subparagraph (C)—

12 “(I) satisfy the minimum level of
13 effluent quality specified in section
14 133.102 of title 40, Code of Federal
15 Regulations (or a successor regula-
16 tion); and

17 “(II) with respect to the samples
18 from the discharge during any 30-day
19 period—

20 “(aa) have a geometric mean
21 that does not exceed 20 fecal
22 coliform per 100 milliliters;

23 “(bb) not exceed 40 fecal
24 coliform per 100 milliliters in

1 more than 10 percent of the sam-
2 ples; and

3 “(cc) with respect to con-
4 centrations of total residual chlo-
5 rine, not exceed 10 milligrams
6 per liter.

7 “(B) REVIEW AND REVISION OF EFFLU-
8 ENT LIMITS.—The Administrator shall—

9 “(i) review the effluent limits promul-
10 gated under subparagraph (A) at least
11 once every 5 years; and

12 “(ii) revise the effluent limits to incor-
13 porate technology available at the time of
14 the review in accordance with subpara-
15 graph (A)(ii).

16 “(C) COMPLIANCE DATE.—The Adminis-
17 trator shall require compliance with the effluent
18 limits promulgated pursuant to subparagraph
19 (A)—

20 “(i) with respect to new vessels put
21 into water after the date of enactment of
22 this subsection, as of the date that is 180
23 days after the date of promulgation of the
24 effluent limits; and

1 “(ii) with respect to vessels in use as
2 of that date of enactment, as of the date
3 that is 1 year after the date of promulga-
4 tion of the effluent limits.

5 “(D) SAMPLING, MONITORING, AND RE-
6 PORTING.—

7 “(i) IN GENERAL.—The Administrator
8 shall require sampling, monitoring, and re-
9 porting to ensure compliance with—

10 “(I) the effluent limitations pro-
11 mulgated under subparagraph (A);

12 “(II) all other applicable provi-
13 sions of this Act;

14 “(III) any regulations promul-
15 gated under this Act;

16 “(IV) other applicable Federal
17 laws (including regulations); and

18 “(V) all applicable international
19 treaty requirements.

20 “(ii) RESPONSIBILITIES OF PERSONS
21 IN CHARGE OF CRUISE VESSELS.—The
22 owner, operator, master, or other person in
23 charge of a cruise vessel, shall at a min-
24 imum—

1 “(I) conduct sampling or testing
2 at the point of discharge on a monthly
3 basis, or more frequently, as deter-
4 mined by the Administrator;

5 “(II) provide real-time data to
6 the Administrator, using telemetric or
7 other similar technology, for reporting
8 relating to—

9 “(aa) discharges of sewage,
10 graywater, and bilge water from
11 cruise vessels;

12 “(bb) pollutants emitted in
13 sewage, graywater, and bilge
14 water from cruise vessels; and

15 “(cc) functioning of cruise
16 vessel components relating to fuel
17 consumption and control of air
18 and water pollution;

19 “(III) ensure, to the maximum
20 extent practicable, that technologies
21 providing real-time data have the abil-
22 ity to record—

23 “(aa) the location and time
24 of discharges from cruise vessels;

1 “(bb) the source, content,
2 and volume of the discharges;
3 and

4 “(cc) the operational state of
5 components relating to pollution
6 control technology at the time of
7 the discharges, including whether
8 the components are operating
9 correctly;

10 “(IV) establish chains of custody,
11 analysis protocols, and other specific
12 information necessary to ensure that
13 the sampling, testing, and records of
14 that sampling and testing are reliable;
15 and

16 “(V) maintain, and provide on a
17 monthly basis to the Administrator,
18 electronic copies of required sampling
19 and testing data.

20 “(iii) REPORTING REQUIREMENTS.—

21 The Administrator shall require the com-
22 pilation and production, and not later than
23 1 year after the date of enactment of this
24 subsection and biennially thereafter, the
25 provision to the Administrator and the

1 Commandant in electronic format, of docu-
2 mentation for each cruise vessel that in-
3 cludes, at a minimum—

4 “(I) a detailed description of on-
5 board waste treatment mechanisms in
6 use by the cruise vessel, including the
7 manufacturer of the waste treatment
8 technology on board;

9 “(II) a detailed description of on-
10 board sludge management practices of
11 the cruise vessel;

12 “(III) copies of applicable haz-
13 ardous materials forms;

14 “(IV) a characterization of the
15 nature, type, and composition of dis-
16 charges by the cruise vessel;

17 “(V) a determination of the vol-
18 umes of those discharges, including
19 average volumes; and

20 “(VI) the locations, including the
21 more common locations, of those dis-
22 charges.

23 “(iv) SHORESIDE DISPOSAL.—The
24 Administrator shall require documentation

1 of shoreside disposal at approved facilities
2 for all wastes by, at a minimum—

3 “(I) establishing standardized
4 forms for the receipt of those wastes;

5 “(II) requiring those receipts to
6 be sent electronically to the Adminis-
7 trator and Commandant and main-
8 tained in an onboard record book; and

9 “(III) requiring those receipts to
10 be signed and dated by the owner, op-
11 erator, master, or other person in
12 charge of the discharging vessel and
13 the authorized representative of the
14 receiving facility.

15 “(v) REGULATIONS.—Not later than
16 18 months after the date of enactment of
17 this subsection, the Administrator, in con-
18 sultation with the Commandant, shall pro-
19 mulgate regulations that, at a minimum,
20 implement the sampling, monitoring, and
21 reporting protocols required by this sub-
22 paragraph.

23 “(4) INSPECTION PROGRAM.—

1 “(A) IN GENERAL.—The Administrator
2 shall establish an inspection program to require
3 that—

4 “(i) regular announced and unan-
5 nounced inspections be conducted of any
6 relevant aspect of cruise vessel operations,
7 equipment, or discharges, including sam-
8 pling and testing of cruise vessel dis-
9 charges;

10 “(ii) each cruise vessel that calls on a
11 port of the United States be subject to an
12 unannounced inspection at least once per
13 year; and

14 “(iii) inspections be carried out by the
15 Environmental Protection Agency or the
16 Coast Guard.

17 “(B) COAST GUARD INSPECTIONS.—If the
18 Administrator and the Commandant jointly
19 agree that some or all inspections are to be car-
20 ried out by the Coast Guard, the inspections
21 shall—

22 “(i) occur outside the Coast Guard
23 matrix system for setting boarding prior-
24 ities;

1 “(ii) be consistent across Coast Guard
2 districts; and

3 “(iii) be conducted by specially-trained
4 environmental inspectors.

5 “(C) REGULATIONS.—Not later than 18
6 months after the date of enactment of this sub-
7 section, the Administrator, in consultation with
8 the Commandant, shall promulgate regulations
9 that, at a minimum—

10 “(i) designate responsibility for con-
11 ducting inspections;

12 “(ii) require the owner, operator, mas-
13 ter, or other person in charge of a cruise
14 vessel to maintain and submit a logbook
15 detailing the times, types, volumes, flow
16 rates, origins, and specific locations of, and
17 explanations for, any discharges from the
18 cruise vessel not otherwise required by the
19 International Convention for the Preven-
20 tion of Pollution from Ships, 1973 (done
21 at London on November 2, 1973; entered
22 into force on October 2, 1983), as modified
23 by the Protocol of 1978 relating to the
24 International Convention for the Preven-

tion of Pollution from Ships, 1973 (done
at London, February 17, 1978);

“(iii) provide for routine announced
and unannounced inspections of—

“(I) cruise vessel environmental
compliance records and procedures;
and

“(II) the functionality, suffi-
ciency, redundancy, and proper oper-
ation and maintenance of installed
equipment for abatement and control
of any cruise vessel discharge (includ-
ing equipment intended to treat sew-
age, graywater, or bilge water);

“(iv) ensure that—

“(I) all crew members are in-
formed of, in the native language of
the crew members, and understand,
the pollution control obligations under
this subsection, including regulations
promulgated under this subsection;
and

“(II) applicable crew members
are sufficiently trained and competent
to comply with requirements under

1 this subsection, including sufficient
2 training and competence—

3 “(aa) to effectively operate
4 shipboard pollution control sys-
5 tems;

6 “(bb) to conduct all nec-
7 essary sampling and testing; and

8 “(cc) to monitor and comply
9 with recording requirements;

10 “(v) require that operating manuals
11 be on the cruise vessel and accessible to all
12 crew members;

13 “(vi) require the posting of the phone
14 number for a toll-free whistleblower hotline
15 on all ships and at all ports using language
16 likely to be understood by international
17 crews;

18 “(vii) require any owner, operator,
19 master, or other person in charge of a
20 cruise vessel, who has knowledge of a dis-
21 charge from the cruise vessel in violation
22 of this subsection, including regulations
23 promulgated under this subsection, to re-
24 port immediately the discharge to the Ad-
25 ministrators and the Commandant;

1 “(viii) require the owner, operator,
2 master, or other person in charge of a
3 cruise vessel to provide, not later than 1
4 year after the date of enactment of this
5 subsection, to the Administrator, Com-
6 mandant, and on-board observers (includ-
7 ing designated representatives), a copy of
8 cruise vessel plans, including—

9 “(I) piping schematic diagrams;

10 “(II) construction drawings; and

11 “(III) drawings or diagrams of
12 storage systems, processing, treating,
13 intake, or discharge systems, and any
14 modifications of those systems (within
15 the year during which the modifica-
16 tions are made); and

17 “(ix) inhibit illegal discharges by pro-
18 hibiting all means of altering piping, tank-
19 age, pumps, valves, and processes to by-
20 pass or circumvent measures or equipment
21 designed to monitor, sample, or prevent
22 discharges.

23 “(D) DISCLOSURE OF LOGBOOKS.—The
24 logbook described in subparagraph (C)(ii) shall

1 be submitted to the Administrator and the
2 Commandant.

3 “(5) CRUISE OBSERVER PROGRAM.—

4 “(A) IN GENERAL.—Not later than 18
5 months after the date of enactment of this sub-
6 section, the Commandant, in consultation with
7 the Administrator, shall establish and carry out
8 a program for the hiring and placement of 1 or
9 more trained, independent, observers on each
10 cruise vessel.

11 “(B) PURPOSE.—The purpose of the cruise
12 observer program established under subpara-
13 graph (A) is to monitor and inspect cruise ves-
14 sel operations, equipment, and discharges to en-
15 sure compliance with—

16 “(i) this subsection (including regula-
17 tions promulgated under this subsection);
18 and

19 “(ii) all other relevant Federal and
20 State laws and international agreements.

21 “(C) REGULATIONS.—Not later than 18
22 months after the date of enactment of this sub-
23 section, the Commandant, in consultation with
24 the Administrator and the Attorney General,

1 shall promulgate regulations that, at a min-
2 imum—

3 “(i) specify that the Coast Guard
4 shall be responsible for the hiring of ob-
5 servers;

6 “(ii) specify the qualifications, experi-
7 ence, and duties of the observers;

8 “(iii) specify methods and criteria for
9 Coast Guard hiring of observers;

10 “(iv) establish the means for ensuring
11 constant observer coverage and allowing
12 for observer relief and rotation; and

13 “(v) establish an appropriate rate of
14 pay to ensure that observers are highly
15 trained and retained by the Coast Guard.

16 “(D) RESPONSIBILITIES.—Cruise observ-
17 ers participating in the program established
18 under subparagraph (A) shall—

19 “(i) observe and inspect—

20 “(I) onboard liquid and solid
21 handling and processing systems;

22 “(II) onboard environmental
23 treatment systems;

24 “(III) use of shore-based treat-
25 ment and storage facilities;

1 “(IV) discharges and discharge
2 practices; and

3 “(V) documents relating to envi-
4 ronmental compliance, including—

5 “(aa) sounding boards, logs,
6 and logbooks;

7 “(bb) daily and corporate
8 maintenance and engineers’
9 logbooks;

10 “(cc) fuel, sludge, slop,
11 waste, and ballast tank capacity
12 tables;

13 “(dd) installation, mainte-
14 nance, and operation records for
15 oily water separators, inciner-
16 ators, and boilers;

17 “(ee) piping diagrams;

18 “(ff) e-mail archives;

19 “(gg) receipts for the trans-
20 fer of materials, including waste
21 disposal;

22 “(hh) air emissions data;
23 and

24 “(ii) electronic and other
25 records of relevant information,

1 including fuel consumption,
2 maintenance, and spares ordering
3 for all waste processing- and pol-
4 lution-related equipment;

5 “(ii) have the authority to interview
6 and otherwise query any crew member with
7 knowledge of cruise vessel operations;

8 “(iii) have access to all data and in-
9 formation made available to government
10 officials under this subsection;

11 “(iv) immediately report any known or
12 suspected violation of this subsection or
13 any other applicable Federal law or inter-
14 national agreement to—

15 “(I) the owner, operator, master,
16 or other person in charge of a cruise
17 vessel;

18 “(II) the Commandant; and

19 “(III) the Administrator;

20 “(v) maintain inspection records to be
21 submitted to the Commandant and the Ad-
22 ministrator on a semiannual basis; and

23 “(vi) have authority to conduct the
24 full range of duties of the observers within

1 the United States territorial seas, contig-
2 uous zone, and exclusive economic zone.

3 “(E) PROGRAM EVALUATION.—The cruise
4 observer program established and carried out by
5 the Commandant under subparagraph (A) shall
6 include—

7 “(i) a method for collecting and re-
8 viewing data relating to the efficiency, suf-
9 ficiency, and operation of the cruise ob-
10 server program, including—

11 “(I) the ability to achieve pro-
12 gram goals;

13 “(II) cruise vessel personnel co-
14 operation;

15 “(III) necessary equipment and
16 analytical resources; and

17 “(IV) the need for additional ob-
18 server training; and

19 “(ii) a process for adopting periodic
20 revisions to the program based on the data
21 collected under clause (i).

22 “(F) OBSERVER SUPPORT.—Not later than
23 18 months after the date of enactment of this
24 subsection, the Commandant, in consultation
25 with the Administrator, shall implement a pro-

1 gram to provide support to observers, including,
2 at a minimum—

3 “(i) training for observers to ensure
4 the ability of the observers to carry out
5 this paragraph;

6 “(ii) necessary equipment and analyt-
7 ical resources, such as laboratories, to
8 carry out the responsibilities established
9 under this subsection; and

10 “(iii) support relating to the adminis-
11 tration of the program and the response to
12 any recalcitrant cruise vessel personnel.

13 “(G) REPORT.—Not later than 3 years
14 after the date of establishment of the program
15 under this paragraph, the Commandant, in con-
16 sultation with the Administrator, shall submit
17 to Congress a report describing—

18 “(i) the results of the program in
19 terms of observer effectiveness, optimal
20 coverage, environmental benefits, and
21 cruise ship cooperation;

22 “(ii) recommendations for increased
23 effectiveness, including increased training
24 needs and increased equipment needs; and

1 “(iii) other recommendations for im-
2 provement of the program.

3 “(6) REWARDS.—

4 “(A) PAYMENTS TO INDIVIDUALS.—

5 “(i) IN GENERAL.—The Administrator
6 or a court of competent jurisdiction, as the
7 case may be, may order payment, from a
8 civil penalty or criminal fine collected for a
9 violation of this subsection, of an amount
10 not to exceed $\frac{1}{2}$ of the amount of the civil
11 penalty or criminal fine, to any individual
12 who furnishes information that leads to the
13 payment of the civil penalty or criminal
14 fine.

15 “(ii) MULTIPLE INDIVIDUALS.—If 2
16 or more individuals provide information de-
17 scribed in clause (i), the amount available
18 for payment as a reward shall be divided
19 equitably among the individuals.

20 “(iii) INELIGIBLE INDIVIDUALS.—No
21 officer or employee of the United States, a
22 State, or an Indian tribe who furnishes in-
23 formation or renders service in the per-
24 formance of the official duties of the offi-

cer or employee shall be eligible for a reward payment under this paragraph.

“(B) PAYMENTS TO INDIAN TRIBES.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, to an Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

“(C) PAYMENTS DIVIDED AMONG INDIAN TRIBES AND INDIVIDUALS.—In a case in which an Indian tribe and an individual under subparagraph (A) are eligible to receive a reward payment under this paragraph, the Administrator or the court shall divide the amount available for the reward equitably among those recipients.

“(7) LIABILITY IN REM.—A cruise vessel operated in violation of this subsection or any regulation promulgated under this subsection—

“(A) shall be liable in rem for any civil penalty or criminal fine imposed for the violation; and

1 “(B) may be subject to a proceeding insti-
2 tuted in any United States district court of
3 competent jurisdiction.

4 “(8) PERMIT REQUIREMENT.—A cruise vessel
5 may operate in the waters of the United States, or
6 visit a port or place under the jurisdiction of the
7 United States, only if the cruise vessel has been
8 issued a permit under this section.

9 “(9) NONAPPLICABILITY OF CERTAIN PROVI-
10 SIONS.—Paragraphs (6)(A) and (12)(B) of section
11 502 shall not apply to any cruise vessel.

12 “(10) STATUTORY OR COMMON LAW RIGHTS
13 NOT RESTRICTED.—Nothing in this subsection—

14 “(A) restricts the rights of any person (or
15 class of persons) to regulate or seek enforce-
16 ment or other relief (including relief against the
17 Administrator or Commandant) under any stat-
18 ute or common law;

19 “(B) affects the right of any person (or
20 class of persons) to regulate or seek enforce-
21 ment or other relief with regard to vessels other
22 than cruise vessels under any statute or com-
23 mon law; or

24 “(C) affects the right of any person (or
25 class of persons) under any statute or common

1 law, including this Act, to regulate or seek en-
 2 forcement or other relief with regard to pollut-
 3 ants or emission streams from cruise vessels
 4 that are not otherwise regulated under this sub-
 5 section.

6 “(11) ESTABLISHMENT OF FUND; FEES.—

7 “(A) CRUISE VESSEL POLLUTION CONTROL
 8 FUND.—

9 “(i) ESTABLISHMENT.—There is es-
 10 tablished in the general fund of the Treas-
 11 ury a separate account, to be known as the
 12 ‘Cruise Vessel Pollution Control Fund’ (re-
 13 ferred to in this paragraph as the ‘Fund’).

14 “(ii) AMOUNTS.—The Fund shall con-
 15 sist of such amounts as are deposited in
 16 the Fund under subparagraph (B)(vi).

17 “(iii) AVAILABILITY AND USE OF
 18 AMOUNTS IN FUND.—Amounts in the
 19 Fund shall be—

20 “(I) available to the Adminis-
 21 trator and the Commandant as pro-
 22 vided in appropriations Acts; and

23 “(II) used by the Administrator
 24 and the Commandant only for pur-
 25 poses of carrying out this subsection.

“(B) FEES ON CRUISE VESSELS.—

“(i) IN GENERAL.—The Commandant and the Administrator shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this subsection.

“(ii) ADJUSTMENT OF FEE.—

“(I) IN GENERAL.—The Commandant and the Administrator shall biennially adjust the amount of the fee established under clause (i) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during the most recent 2-year period for which data are available.

“(II) ROUNDING.—The Commandant and the Administrator may round an adjustment under subclause (I) to the nearest $\frac{1}{10}$ of a dollar.

“(iii) FACTORS IN ESTABLISHING FEES.—

“(I) IN GENERAL.—In establishing fees under clause (i), the Com-

mandant and Administrator may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

“(aa) size;

“(bb) economic share; and

“(cc) such other factors as are determined to be appropriate by the Commandant and the Administrator.

“(iv) FEE SCHEDULES.—Any fee schedule established under clause (i), including the level of fees and the maximum amount of fees, shall take into account—

“(I) cruise vessel routes;

“(II) the frequency of stops at ports of call by cruise vessels; and

“(III) other applicable considerations.

“(v) COLLECTION OF FEES.—A fee established under clause (i) shall be collected by the Administrator or the Commandant from the owner or operator of each cruise vessel to which this subsection applies.

1 “(vi) DEPOSITS TO FUND.—Notwith-
2 standing any other provision of law, all
3 fees collected under this paragraph, and all
4 penalties and payments collected for viola-
5 tions of this subsection, shall be deposited
6 in the Fund.

7 “(12) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to the Ad-
9 ministrator and the Commandant such sums as are
10 necessary to carry out this subsection for each of fis-
11 cal years 2010 through 2014.”.

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