

111TH CONGRESS  
1ST SESSION

# S. 1820

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2009

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

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## 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—

8               (1) cruise ships carry millions of passengers  
9       through North American waters each year, showcase  
10       some of the most beautiful ocean and coastal envi-

1       ronments in the United States, and provide opportu-  
2       nities for passengers to relax and enjoy oceans and  
3       marine ecosystems;

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

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

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

14          (5) an average-sized cruise vessel generates mil-  
15       lions of gallons of liquid waste and many tons of  
16       solid waste;

17          (6) in just 1 week, a 3000-passenger cruise ship  
18       generates approximately 210,000 gallons of human  
19       sewage, 1,000,000 gallons of water from showers  
20       and sinks and dishwashing water (commonly known  
21       as “graywater”), 37,000 gallons of oily bilge water,  
22       more than 8 tons of solid waste, and toxic wastes  
23       from dry cleaning and photo-processing laboratories;

24          (7) in an Environmental Protection Agency sur-  
25       vey of 29 ships traveling in Alaskan waters, reported

1 sewage generation rates ranged from 1,000 to  
2 74,000 gallons per day per vessel, with the average  
3 volume of sewage generated being 21,000 gallons per  
4 day per vessel;

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

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

19 (10) pollution from cruise ships not only has  
20 the potential to threaten marine life and human  
21 health through consumption of contaminated sea-  
22 food, but also poses a health risk for recreational  
23 swimmers, surfers, and other beachgoers;

24 (11) according to the Environmental Protection  
25 Agency, “Sewage may host many pathogens of con-

cern to human health, including Salmonella,  
Shigella, Hepatitis A and E, and gastro-intestinal vi-  
ruses. Sewage contamination in swimming areas and  
shellfish beds poses potential risks to human health  
and the environment by increasing the rate of water-  
borne illnesses”;

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

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

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

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

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

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

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

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

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

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

19                (B) to reduce and better regulate dis-  
20                charges from cruise vessels; and

21                (C) to improve monitoring, reporting, and  
22                enforcement of standards regarding discharges.

23          (b) PURPOSE.—The purpose of this Act is to amend  
24          the Federal Water Pollution Control Act (33 U.S.C. 1251

1 et seq.) to establish national standards and prohibitions  
 2 for discharges from cruise vessels.

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

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

7 “(s) CRUISE VESSEL DISCHARGES.—

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

9 “(A) BILGE WATER.—

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

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

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

20 “(C) CRUISE VESSEL.—

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

23 “(I) is authorized to carry at  
 24 least 250 passengers; and

1 “(II) has onboard sleeping facili-  
2 ties for each passenger.

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

5 “(I) a vessel of the United States  
6 operated by the Federal Government;

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

9 “(III) a vessel owned by a local  
10 government.

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

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

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

23 “(E) EXCLUSIVE ECONOMIC ZONE.—The  
24 term ‘exclusive economic zone’ has the meaning  
25 given the term in section 2101 of title 46,

1 United States Code (as in effect on the day be-  
2 fore the date of enactment of Public Law 109-  
3 304 (120 Stat. 1485)).

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

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

12 “(H) GRAYWATER.—

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

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

21 “(I) spa, pool, and laundry  
22 wastewater;

23 “(II) wastes from soot tanker or  
24 economizer cleaning;



1 “(III) wastes from photo proc-  
2 essing;

3 “(IV) wastes from vessel interior  
4 surface cleaning; and

5 “(V) miscellaneous equipment  
6 and process wastewater.

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

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

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

18 “(L) NO-DISCHARGE ZONE.—

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

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

25 “(I) a marine sanctuary;

1 “(II) a marine protected area;

2 “(III) a marine reserve; and

3 “(IV) a marine national monu-  
4 ment.

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

10 “(N) SEWAGE.—The term ‘sewage’  
11 means—

12 “(i) human and animal body wastes;  
13 and

14 “(ii) wastes from toilets and other re-  
15 ceptacles intended to receive or retain  
16 human and animal body wastes.

17 “(O) SEWAGE SLUDGE.—

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

22 “(ii) INCLUSIONS.—The term ‘sewage  
23 sludge’ includes—

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

4 “(II) scum;

5 “(III) septage;

6 “(IV) portable toilet pumpings;

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

12 “(VI) sewage sludge products.

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

15 “(I) grit or screenings; or

16 “(II) ash generated during the  
17 incineration of sewage sludge.

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

23 “(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.

1 “(B) FEES ON CRUISE VESSELS.—

2 “(i) IN GENERAL.—The Commandant  
3 and the Administrator shall establish and  
4 collect from each cruise vessel a reasonable  
5 and appropriate fee for each paying pas-  
6 senger on a cruise vessel voyage, for use in  
7 carrying out this subsection.

8 “(ii) ADJUSTMENT OF FEE.—

9 “(I) IN GENERAL.—The Com-  
10 mandant and the Administrator shall  
11 biennially adjust the amount of the  
12 fee established under clause (i) to re-  
13 flect changes in the Consumer Price  
14 Index for All Urban Consumers pub-  
15 lished by the Department of Labor  
16 during the most recent 2-year period  
17 for which data are available.

18 “(II) ROUNDING.—The Com-  
19 mandant and the Administrator may  
20 round an adjustment under subclause  
21 (I) to the nearest  $\frac{1}{10}$  of a dollar.

22 “(iii) FACTORS IN ESTABLISHING  
23 FEES.—

24 “(I) IN GENERAL.—In estab-  
25 lishing 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                   ministrators and the Commandant such sums as are  
10                  necessary to carry out this subsection for each of fis-  
11                  cal years 2010 through 2014.”.

