

113TH CONGRESS
1ST SESSION

S. 1359

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

IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

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

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 2013”.

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 natural beauty and health of the ocean
5 and coastal environment is what draws passengers to
6 travel along these waterways by ship;

7 (3) protecting the natural environment is bene-
8 ficial to both the environment and to the cruise in-
9 dustry;

10 (4) the number of cruise passengers continues
11 to grow, making the cruise industry 1 of the fastest
12 growing tourism sectors in the world;

13 (5) in 2010, more than 10,000,000 passengers
14 departed from North America on thousands of cruise
15 ships;

16 (6) as of 2010, the average annual growth rate
17 of cruise passengers is 7.5 percent;

18 (7) during the 2 decades preceding the date of
19 enactment of this Act, the average cruise ship size
20 has increased at a rate of approximately 90 feet
21 every 5 years;

22 (8) an average-sized cruise vessel generates mil-
23 lions of gallons of liquid waste and many tons of
24 solid waste;

1 (9) in just 1 week, a 3,000-passenger cruise
2 ship generates approximately 200,000 gallons of
3 human sewage, more than 1,000,000 gallons of
4 water from showers and sinks and dishwashing
5 water (commonly known as “graywater”), more than
6 8 tons of solid waste, and toxic wastes from dry
7 cleaning and photo-processing laboratories;

8 (10) in an Environmental Protection Agency
9 survey of 29 ships traveling in Alaskan waters, re-
10 ported sewage generation rates ranged from 1,000
11 to 74,000 gallons per day per vessel, with the aver-
12 age volume of sewage generated being 21,000 gal-
13 lons per day per vessel;

14 (11) those frequently untreated cruise ship dis-
15 charges deliver nutrients, hazardous substances,
16 pharmaceuticals, and human pathogens, including
17 viruses and bacteria, directly into the marine envi-
18 ronment;

19 (12) in the final report of the United States
20 Commission on Ocean Policy, that Commission
21 found that cruise ship discharges, if not treated and
22 disposed of properly, and the cumulative impacts
23 caused when cruise ships repeatedly visit the same
24 environmentally sensitive areas, “can be a significant
25 source of pathogens and nutrients with the potential

1 to threaten human health and damage shellfish beds,
2 coral reefs, and other aquatic life”;

3 (13) pollution from cruise ships not only has
4 the potential to threaten marine life and human
5 health through consumption of contaminated sea-
6 food, but also poses a health risk for recreational
7 swimmers, surfers, and other beachgoers;

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

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

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

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

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

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

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

9 (18) that Science Panel further recommended
10 that graywater be treated in the same manner as
11 blackwater and that sewage sludge be off-loaded to
12 approved land-based facilities;

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

22 (20) a comprehensive statutory regime for man-
23 aging pollution discharges from cruise vessels, appli-
24 cable throughout the United States, is needed—

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

3 (B) to reduce and better regulate dis-
 4 charges from cruise vessels; and

5 (C) to improve monitoring, reporting, and
 6 enforcement of standards regarding discharges.

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

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

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

15 “(s) CRUISE VESSEL DISCHARGES.—

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

17 “(A) BILGE WATER.—

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

20 “(ii) INCLUSIONS.—The term ‘bilge
 21 water’ includes lubrication oils, trans-
 22 mission oils, oil sludge or slops, fuel or oil
 23 sludge, used oil, used fuel or fuel filters,
 24 and oily waste.

1 “(B) COMMANDANT.—The term ‘Com-
2 mandant’ means the Commandant of the Coast
3 Guard.

4 “(C) CRUISE VESSEL.—

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

7 “(I) is authorized to carry at
8 least 250 passengers; and

9 “(II) has onboard sleeping facili-
10 ties for each passenger.

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

13 “(I) a vessel of the United States
14 operated by the Federal Government;

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

17 “(III) a vessel owned by a local
18 government.

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

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

3 “(ii) in compliance with all applicable
 4 Federal, State, and local laws (including
 5 regulations).

6 “(E) EXCLUSIVE ECONOMIC ZONE.—The
 7 term ‘exclusive economic zone’ has the meaning
 8 given the term in section 2101 of title 46,
 9 United States Code (as in effect on the day be-
 10 fore the date of enactment of Public Law 109–
 11 304 (120 Stat. 1485)).

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

15 “(G) GARBAGE.—The term ‘garbage’
 16 means solid waste from food preparation, serv-
 17 ice and disposal activities, even if shredded,
 18 ground, processed, or treated to comply with
 19 other requirements.

20 “(H) GRAYWATER.—

21 “(i) IN GENERAL.—The term
 22 ‘graywater’ means galley water, dish-
 23 washer, and bath, shower, and washbasin
 24 water.

1 “(ii) INCLUSIONS.—The term
 2 ‘graywater’ includes, to the extent not al-
 3 ready covered under provisions of law re-
 4 lating to hazardous waste—

5 “(I) spa, pool, and laundry
 6 wastewater;

7 “(II) wastes from soot tanker or
 8 economizer cleaning;

9 “(III) wastes from photo proc-
 10 essing;

11 “(IV) wastes from vessel interior
 12 surface cleaning; and

13 “(V) miscellaneous equipment
 14 and process wastewater.

15 “(I) HAZARDOUS WASTE.—The term ‘haz-
 16 ardous waste’ has the meaning given the term
 17 in section 6903 of the Solid Waste Disposal Act
 18 (42 U.S.C. 6903).

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

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

1 “(L) NO-DISCHARGE ZONE.—

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

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

8 “(I) a marine sanctuary;

9 “(II) a marine protected area;

10 “(III) a marine reserve; and

11 “(IV) a marine national monu-
12 ment.

13 “(M) PASSENGER.—The term ‘passenger’
14 means any person (including a paying pas-
15 senger and any staff member, such as a crew
16 member, captain, or officer) traveling on board
17 a cruise vessel.

18 “(N) SEWAGE.—The term ‘sewage’
19 means—

20 “(i) human and animal body wastes;
21 and

22 “(ii) wastes from toilets and other re-
23 ceptacles intended to receive or retain
24 human and animal body wastes.

25 “(O) SEWAGE SLUDGE.—

1 “(i) IN GENERAL.—The term ‘sewage
2 sludge’ means any solid, semi-solid, or liq-
3 uid residue removed during the treatment
4 of on-board sewage.

5 “(ii) INCLUSIONS.—The term ‘sewage
6 sludge’ includes—

7 “(I) solids removed during pri-
8 mary, secondary, or advanced waste-
9 water treatment;

10 “(II) scum;

11 “(III) septage;

12 “(IV) portable toilet pumpings;

13 “(V) type III marine sanitation
14 device pumpings (as defined in part
15 159 of title 33, Code of Federal Regu-
16 lations (or a successor regulation));
17 and

18 “(VI) sewage sludge products.

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

21 “(I) grit or screenings; or

22 “(II) ash generated during the
23 incineration of sewage sludge.

24 “(P) TRASH.—The term ‘trash’ means
25 solid waste from vessel operations and pas-

senger services, even if shredded, ground, processed, or treated to comply with other regulations.

“(2) PROHIBITIONS.—

“(A) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from, or calling on, a port of the United States may discharge sewage sludge, incinerator ash, or hazardous waste into navigable waters, including the contiguous zone and the exclusive economic zone.

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

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

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from or calling on, a port of the United States may discharge sewage, graywater, or bilge water into navigable

1 waters, including the contiguous zone and
2 the exclusive economic zone, unless—

3 “(I) the sewage, graywater, or
4 bilge water is treated to meet all ap-
5 plicable effluent limits established
6 under this section and is in accord-
7 ance with all other applicable laws;

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

11 “(III) the cruise vessel is more
12 than 12 nautical miles from shore;
13 and

14 “(IV) the cruise vessel complies
15 with all applicable standards estab-
16 lished under this Act.

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

24 “(C) SAFETY EXCEPTION.—

1 “(i) SCOPE OF EXCEPTION.—Sub-
2 paragraphs (A) and (B) shall not apply in
3 any case in which—

4 “(I) a discharge is made solely
5 for the purpose of securing the safety
6 of the cruise vessel or saving human
7 life at sea; and

8 “(II) all reasonable precautions
9 have been taken to prevent or mini-
10 mize the discharge.

11 “(ii) NOTIFICATION.—

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

21 “(II) REPORT.—Not later than 7
22 days after the date on which a dis-
23 charge described in clause (i) occurs,
24 the owner, operator, master, or other
25 person in charge of a cruise vessel,

1 shall submit to the Administrator and
2 the Commandant a report that de-
3 scribes—

4 “(aa) the quantity and com-
5 position of each discharge au-
6 thorized under clause (i);

7 “(bb) the reason for author-
8 izing each such discharge;

9 “(cc) the location of the ves-
10 sel during the course of each
11 such discharge; and

12 “(dd) such other supporting
13 information and data as are re-
14 quested by the Commandant or
15 the Administrator.

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

21 “(3) EFFLUENT LIMITS.—

22 “(A) EFFLUENT LIMITS FOR DISCHARGES
23 OF SEWAGE, GRAYWATER, AND BILGE
24 WATER.—

1 “(i) IN GENERAL.—Not later than 1
2 year after the date of enactment of this
3 subsection, the Administrator shall promul-
4 gate effluent limits for sewage, graywater,
5 and bilge water discharges from cruise ves-
6 sels.

7 “(ii) REQUIREMENTS.—The effluent
8 limits shall—

9 “(I) be consistent with the capa-
10 bility of the best available technology
11 to treat effluent;

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

18 “(III) take into account marine
19 life and ecosystems, including coral
20 reefs, shell fish beds, endangered spe-
21 cies, marine mammals, seabirds, and
22 marine ecosystems;

23 “(IV) take into account condi-
24 tions that will affect marine life, eco-
25 systems, and human health, including

1 seamounts, continental shelves, oce-
2 anic fronts, warm core and cold core
3 rings, and ocean currents; and

4 “(V) require compliance with all
5 relevant Federal and State water
6 quality standards.

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

15 “(I) satisfy the minimum level of
16 effluent quality specified in section
17 133.102 of title 40, Code of Federal
18 Regulations (or a successor regula-
19 tion); and

20 “(II) with respect to the samples
21 from the discharge during any 30-day
22 period—

23 “(aa) have a geometric mean
24 that does not exceed 20 fecal
25 coliform per 100 milliliters;

1 “(bb) not exceed 40 fecal
2 coliform per 100 milliliters in
3 more than 10 percent of the sam-
4 ples; and

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

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

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

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

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

22 “(i) with respect to new vessels put
23 into water after the date of enactment of
24 this subsection, as of the date that is 180

1 days after the date of promulgation of the
 2 effluent limits; and

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

7 “(D) SAMPLING, MONITORING, AND RE-
 8 PORTING.—

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

12 “(I) the effluent limitations pro-
 13 mulgated under subparagraph (A);

14 “(II) all other applicable provi-
 15 sions of this Act;

16 “(III) any regulations promul-
 17 gated under this Act;

18 “(IV) other applicable Federal
 19 laws (including regulations); and

20 “(V) all applicable international
 21 treaty requirements.

22 “(ii) RESPONSIBILITIES OF PERSONS
 23 IN CHARGE OF CRUISE VESSELS.—The
 24 owner, operator, master, or other person in

1 charge of a cruise vessel, shall at a min-
2 imum—

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

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

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

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

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

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

1 “(aa) the location and time
2 of discharges from cruise vessels;

3 “(bb) the source, content,
4 and volume of the discharges;
5 and

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

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

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

22 “(iii) REPORTING REQUIREMENTS.—
23 The Administrator shall require the com-
24 pilation and production, and not later than
25 1 year after the date of enactment of this

1 subsection and biennially thereafter, the
2 provision to the Administrator and the
3 Commandant in electronic format, of docu-
4 mentation for each cruise vessel that in-
5 cludes, at a minimum—

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

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

14 “(III) copies of applicable haz-
15 ardous materials forms;

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

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

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

1 “(iv) SHORESIDE DISPOSAL.—The
2 Administrator shall require documentation
3 of shoreside disposal at approved facilities
4 for all wastes by, at a minimum—

5 “(I) establishing standardized
6 forms for the receipt of those wastes;

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

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

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

25 “(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 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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