

116TH CONGRESS
1ST SESSION

S. 1439

To reauthorize activities of the Maritime Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. WICKER (for himself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize activities of the Maritime Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Administra-
5 tion Authorization and Enhancement Act of 2019”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of the Act is as follows:

Sec. 1. Short title.

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- Sec. 102. Maritime Security Program.
- Sec. 103. Department of Transportation Inspector General Report.
- Sec. 104. Authority for MARAD to retain foreign student tuition reimbursement.
- Sec. 105. Appointment of candidates attending sponsored preparatory school.
- Sec. 106. Independent study on the United States Merchant Marine Academy.
- Sec. 107. Centers of excellence for domestic maritime workforce training and education.
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- Sec. 211. Coordination with international organizations.
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- Sec. 215. Improvement of transparency and traceability programs.
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- Sec. 223. Reports.
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- Sec. 231. Authorization of appropriations.

1 **TITLE I—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-**
4 **TION.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to the Department of Transportation for fiscal
7 year 2020, to be available without fiscal year limitation
8 if so provided in appropriations Acts, for programs associ-
9 ated with maintaining the United States Merchant Ma-
10 rine, the following amounts:

11 (1) For expenses necessary for operations of the
12 United States Merchant Marine Academy,
13 \$95,944,000, of which—

14 (A) \$77,944,000 shall remain available
15 until September 30, 2021 for Academy oper-
16 ations; and

17 (B) \$18,000,000 shall remain available
18 until expended for capital asset management at
19 the Academy.

20 (2) For expenses necessary to support the State
21 maritime academies, \$50,280,000, of which—

22 (A) \$2,400,000 shall remain available until
23 September 30, 2021, for the Student Incentive
24 Program;

1 (B) \$6,000,000 shall remain available until
2 expended for direct payments to such acad-
3 emies;

4 (C) \$30,080,000 shall remain available
5 until expended for maintenance and repair of
6 State maritime academy training vessels;

7 (D) \$3,800,000 shall remain available until
8 expended for training ship fuel assistance; and

9 (E) \$8,000,000 shall remain available until
10 expended for offsetting the costs of training
11 ship sharing.

12 (3) For expenses necessary to support the Na-
13 tional Security Multi-Mission Vessel Program,
14 \$300,000,000, which shall remain available until ex-
15 pended.

16 (4) For expenses necessary to support Maritime
17 Administration operations and programs,
18 \$60,442,000, of which \$5,000,000 shall remain
19 available until expended for activities authorized
20 under section 50307 of title 46, United States Code.

21 (5) For expenses necessary to dispose of vessels
22 in the National Defense Reserve Fleet, \$5,000,000,
23 which shall remain available until expended.

24 (6) For expenses necessary to maintain and
25 preserve a United States flag Merchant Marine to

1 serve the national security needs of the United
2 States under chapter 531 of title 46, United States
3 Code, \$300,000,000, which shall remain available
4 until expended.

5 (7) For expenses necessary for the loan guar-
6 antee program authorized under chapter 537 of title
7 46, United States Code, \$33,000,000, of which—

8 (A) \$30,000,000 may be used for the cost
9 (as defined in section 502(5) of the Federal
10 Credit Reform Act of 1990 (2 U.S.C. 661a(5))
11 of loan guarantees under the program, which
12 shall remain available until expended; and

13 (B) \$3,000,000 may be used for adminis-
14 trative expenses relating to loan guarantee com-
15 mitments under the program.

16 (8) For expenses necessary to provide assist-
17 ance to small shipyards and for maritime training
18 programs under section 54101 of title 46, United
19 States Code, \$40,000,000, which shall remain avail-
20 able until expended.

21 (9) For expenses necessary to implement the
22 Port Operations, Research, and Technology Act,
23 \$600,000,000, except that no funds shall be used for
24 a grant award to purchase fully automated cargo
25 handling equipment that is remotely operated or re-

1 motely monitored with or without the exercise of
2 human intervention or control, if the Secretary de-
3 termines such equipment would result in a net loss
4 of jobs that relate to the movement of goods through
5 a port and its intermodal connections.

6 **SEC. 102. MARITIME SECURITY PROGRAM.**

7 (a) AWARD OF OPERATING AGREEMENTS.—Section
8 53103 of title 46, United States Code, is amended by
9 striking “2025” each place it appears and inserting
10 “2035”.

11 (b) EFFECTIVENESS OF OPERATING AGREE-
12 MENTS.—Section 53104(a) of title 46, United States
13 Code, is amended by striking “2025” and inserting
14 “2035”.

15 (c) PAYMENTS.—Section 53106(a)(1) of title 46,
16 United States Code, is amended—

17 (1) in subparagraph (B), by striking “and”
18 after the semicolon;

19 (2) in subparagraph (C), by striking
20 “\$3,700,000 for each of fiscal years 2022, 2023,
21 2024, and 2025.” and inserting “\$5,233,463 for
22 each of fiscal years 2022, 2023, 2024, and 2025;
23 and”; and

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

1 “(D) \$5,233,463 for each of fiscal years
2 2026 through 2035.”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
4 53111 of title 46, United States Code, is amended—

5 (1) in paragraph (2), by striking “and” after
6 the semicolon;

7 (2) in paragraph (3), by striking
8 “\$222,000,000 for each fiscal year thereafter
9 through fiscal year 2025.” and inserting
10 “\$314,007,780 for each of fiscal years 2022, 2023,
11 2024, and 2025; and”;

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

13 “(4) \$314,007,780 for each of fiscal years 2026
14 through 2035.”.

15 **SEC. 103. DEPARTMENT OF TRANSPORTATION INSPECTOR**

16 **GENERAL REPORT.**

17 The Inspector General of the Department of Trans-
18 portation shall—

19 (1) not later than 180 days after the date of
20 enactment of this Act, initiate an audit of the Mari-
21 time Administration’s actions to address the 27 rec-
22 ommendations for improvement identified by a Na-
23 tional Academy of Public Administration panel in a
24 November 2017 report; and

1 (2) submit to the Committee on Commerce,
2 Science, and Transportation of the Senate and the
3 Committee on Transportation and Infrastructure of
4 the House of Representatives a report containing the
5 results of that audit once the audit is completed.

6 **SEC. 104. AUTHORITY FOR MARAD TO RETAIN FOREIGN**
7 **STUDENT TUITION REIMBURSEMENT.**

8 Section 51304 of title 46, United States Code, is
9 amended by adding at the end the following:

10 “(e) CREDIT OF REIMBURSEMENT.—Reimburse-
11 ments under this section shall be credited to the Maritime
12 Administration’s Operations and Training appropriation,
13 to remain available until expended, for use only for those
14 expenses related to the operations of the United States
15 Merchant Marine Academy.”.

16 **SEC. 105. APPOINTMENT OF CANDIDATES ATTENDING**
17 **SPONSORED PREPARATORY SCHOOL.**

18 Section 51303 of title 46, United States Code, is
19 amended—

20 (1) by striking “The Secretary” and inserting
21 the following:

22 “(a) IN GENERAL.—The Secretary”; and

23 (2) by adding at the end the following:

24 “(b) APPOINTMENT OF CANDIDATES SELECTED FOR
25 PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of

1 Transportation may appoint each year as cadets at the
2 United States Merchant Marine Academy not more than
3 40 qualified individuals sponsored by the Academy to at-
4 tend preparatory school during the academic year prior
5 to entrance in the Academy, and who have successfully
6 met the terms and conditions of sponsorship set by the
7 Academy.”.

8 **SEC. 106. INDEPENDENT STUDY ON THE UNITED STATES**
9 **MERCHANT MARINE ACADEMY.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of enactment of this Act, the Secretary of Transpor-
12 tation shall seek to enter into an agreement with the Na-
13 tional Academy of Public Administration (referred to in
14 this section as the “Academy”) to carry out the activities
15 described in this section.

16 (b) STUDY ELEMENTS.—In accordance with the
17 agreement described in subsection (a), the Academy shall
18 conduct a study of the United States Merchant Marine
19 Academy that consists of the following:

20 (1) A comprehensive assessment of the United
21 States Merchant Marine Academy’s systems, train-
22 ing, facilities, infrastructure, information technology,
23 and stakeholder engagement.

24 (2) Identification of needs and opportunities for
25 modernization to help the United States Merchant

1 Marine Academy keep pace with more modern cam-
2 puses.

3 (3) Development of an action plan for the
4 United States Merchant Marine Academy with spe-
5 cific recommendations for—

6 (A) improvements or updates relating to
7 the opportunities described in paragraph (2);
8 and

9 (B) systemic changes needed to help the
10 United States Merchant Marine Academy
11 achieve its mission of inspiring and educating
12 the next generation of the mariner workforce on
13 a long-term basis.

14 (c) DEADLINE AND REPORT.—Not later than 1 year
15 after the date of the agreement described in subsection
16 (a), the Academy shall prepare and submit to the Adminis-
17 trator of the Maritime Administration a report containing
18 the action plan described in subsection (b)(3), including
19 specific findings and recommendations.

20 **SEC. 107. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
21 **TIME WORKFORCE TRAINING AND EDU-**
22 **CATION.**

23 Section 54102 of title 46, United States Code, is
24 amended—

1 (1) in subsection (b), by inserting “or sub-
2 section (d)” after “designated under subsection (a)”;
3 and

4 (2) by adding at the end the following:

5 “(d) STATE MARITIME ACADEMY.—The Secretary of
6 Transportation shall designate each State maritime acad-
7 emy, as defined in section 51102(4) of this title, as a cen-
8 ter of excellence under this section.”.

9 **SEC. 108. MILITARY TO MARINER.**

10 (a) CREDENTIALING SUPPORT.—Not later than 1
11 year after the date of enactment of this Act, the Secretary
12 of Defense, the Secretary of Homeland Security, the Sec-
13 retary of Commerce, and the Secretary of Health and
14 Human Services, with respect to the applicable services
15 in their respective departments, and in coordination with
16 one another and with the United States Committee on the
17 Marine Transportation System, shall, consistent with ap-
18 plicable law, identify all training and experience within the
19 applicable service that may qualify for merchant mariner
20 credentialing, and submit a list of all identified training
21 and experience to the United States Coast Guard National
22 Maritime Center for a determination of whether such
23 training and experience counts for credentialing purposes.

24 (b) REVIEW OF APPLICABLE SERVICE.—The United
25 States Coast Guard Commandant shall make a determina-

1 tion of whether training and experience counts for
2 credentialing purposes, as described in subsection (a), not
3 later than 6 months after the date on which the United
4 States Coast Guard National Maritime Center receives a
5 submission under subsection (a) identifying a training or
6 experience and requesting such a determination.

7 (c) FEES AND SERVICES.—The Secretary of Defense,
8 the Secretary of Homeland Security, the Secretary of
9 Commerce, and the Secretary of Health and Human Serv-
10 ices shall—

11 (1) take all necessary and appropriate actions
12 to provide for the waiver of fees through the Na-
13 tional Maritime Center license evaluation, issuance,
14 and examination for members of the uniformed serv-
15 ices on active duty or separated members of the uni-
16 formed services, if a waiver is authorized and appro-
17 priate, and, if a waiver is not granted, take all nec-
18 essary and appropriate actions to provide for the
19 payment of fees for members of the uniformed serv-
20 ices on active duty or separated members of the uni-
21 formed services by the applicable service to the full-
22 est extent permitted by law;

23 (2) direct the applicable services to take all nec-
24 essary and appropriate actions to pay for Transpor-
25 tation Worker Identification Credential cards for

1 members of the uniformed services on active duty or
2 separated members of the uniformed services pur-
3 suing or possessing a mariner credential;

4 (3) ensure that members of the applicable serv-
5 ices who are to be discharged or released from active
6 duty and who request certification or verification of
7 sea service be provided such certification or
8 verification no later than one month after discharge
9 or release;

10 (4) ensure the applicable services have devel-
11 oped, or continue to operate, as appropriate, the on-
12 line resource known as Credentialing Opportunities
13 On-Line to support separating members of the uni-
14 formed services who are seeking information and as-
15 sistance on merchant mariner credentialing; and

16 (5) not later than 1 year after the date of en-
17 actment of this section, take all necessary and ap-
18 propriate actions to apply service-related medical
19 certifications to merchant mariner credential re-
20 quirements.

21 (d) **ADVANCING MILITARY TO MARINER WITHIN THE**
22 **EMPLOYER AGENCIES.—**

23 (1) **IN GENERAL.—**The Secretary of Defense,
24 the Secretary of Homeland Security, the Secretary
25 of Commerce, and the Secretary of Health and

1 Human Services shall have direct hiring authority to
 2 employ separated members of the uniformed services
 3 with valid merchant mariner licenses or sea service
 4 experience in support of United States national mar-
 5 itime needs, including the Army Corps of Engineers,
 6 U.S. Customs and Border Protection, and the Na-
 7 tional Oceanic and Atmospheric Administration.

8 (e) SEPARATED MEMBER OF THE UNIFORMED SERV-
 9 ICES.—In this section, the term “separated member of the
 10 uniformed services” means an individual who—

11 (1) is retiring or is retired as a member of the
 12 uniformed services;

13 (2) is voluntarily separating or voluntarily sepa-
 14 rated from the uniformed services at the end of en-
 15 listment or service obligation; or

16 (3) is administratively separating or has admin-
 17 istratively separated from the uniformed services
 18 with an honorable or general discharge characteriza-
 19 tion.

20 **SEC. 109. SALVAGE RECOVERIES OF FEDERALLY OWNED**
 21 **CARGOES.**

22 Section 57100 of title 46, United States Code, is
 23 amended by adding at the end the following:

24 “(h) FUNDS TRANSFER AUTHORITY RELATED TO
 25 THE USE OF NATIONAL DEFENSE RESERVE FLEET VES-

1 SELS AND THE PROVISION OF MARITIME-RELATED SERV-
2 ICES.—

3 “(1) IN GENERAL.—When the Secretary of
4 Transportation provides for the use of its vessels or
5 maritime-related services and goods under a reim-
6 bursable agreement with a Federal entity, or State
7 or local entity, authorized to receive goods and serv-
8 ices from the Maritime Administration for programs,
9 projects, activities, and expenses related to the Na-
10 tional Defense Reserve Fleet or maritime-related
11 services:

12 “(A) Federal entities are authorized to
13 transfer funds to the Secretary in advance of
14 expenditure or upon providing the goods or
15 services ordered, as determined by the Sec-
16 retary.

17 “(B) The Secretary shall determine all
18 other terms and conditions under which such
19 payments should be made and provide such
20 goods and services using its existing or new
21 contracts, including general agency agreements,
22 memoranda of understanding, or similar agree-
23 ments.

24 “(2) REIMBURSABLE AGREEMENT WITH A FED-
25 ERAL ENTITY.—

1 “(A) IN GENERAL.—The Maritime Admin-
2 istration is authorized to provide maritime-re-
3 lated services and goods under a reimbursable
4 agreement with a Federal entity.

5 “(B) MARITIME-RELATED SERVICES DE-
6 FINED.—For the purposes of this subsection,
7 maritime-related services includes the acquisi-
8 tion, procurement, operation, maintenance,
9 preservation, sale, lease, charter, construction,
10 reconstruction, or reconditioning (including out-
11 fitting and equipping incidental to construction,
12 reconstruction, or reconditioning) of a merchant
13 vessel or shipyard, ship site, terminal, pier,
14 dock, warehouse, or other installation related to
15 the maritime operations of a Federal entity.

16 “(3) SALVAGING CARGOES.—

17 “(A) IN GENERAL.—The Maritime Admin-
18 istration may provide services and purchase
19 goods relating to the salvaging of cargoes
20 aboard vessels in the custody or control of the
21 Maritime Administration or its predecessor
22 agencies and receive and retain reimbursement
23 from Federal entities for all such costs as it
24 may incur.

1 “(B) REIMBURSEMENT.—Reimbursement
2 as provided for in subparagraph (A) may come
3 from—

4 “(i) the proceeds recovered from such
5 salvage; or

6 “(ii) the Federal entity for which the
7 Maritime Administration has or will pro-
8 vide such goods and services, depending on
9 the agreement of the parties involved.

10 “(4) AMOUNTS RECEIVED.—Amounts received
11 as reimbursements under this subsection shall be
12 credited to the fund or account that was used to
13 cover the costs incurred by the Secretary or, if the
14 period of availability of obligations for that appro-
15 priation has expired, to the appropriation of funds
16 that is currently available to the Secretary for sub-
17 stantially the same purpose. Amounts so credited
18 shall be merged with amounts in such fund or ac-
19 count and shall be available for the same purposes,
20 and subject to the same conditions and limitations,
21 as amounts in such fund or account.

22 “(5) ADVANCE PAYMENTS.—Payments made in
23 advance shall be for any part of the estimated cost
24 as determined by the Secretary of Transportation.
25 Adjustments to the amounts paid in advance shall be

1 made as agreed to by the Secretary of Transpor-
2 tation and the head of the ordering agency or unit
3 based on the actual cost of goods or services pro-
4 vided.

5 “(6) BILL OR REQUEST FOR PAYMENT.—A bill
6 submitted or a request for payment is not subject to
7 audit or certification in advance of payment.”.

8 **SEC. 110. SALVAGE RECOVERIES FOR SUBROGATED OWN-**
9 **ERSHIP OF VESSELS AND CARGOES.**

10 Section 53909 of title 46, United States Code, is
11 amended by adding at the end the following:

12 “(e) SALVAGE AGREEMENTS.—Notwithstanding title
13 XIV of the Ronald W. Reagan National Defense Author-
14 ization Act for Fiscal Year 2005 (10 U.S.C. 113 note),
15 the Secretary of Transportation is authorized to enter into
16 marine salvage agreements for the recoveries, sale, and
17 disposal of sunken or damaged vessels, cargoes, or prop-
18 erties owned or insured by or on behalf of the Maritime
19 Administration, the United States Shipping Board, the
20 U.S. Shipping Board Bureau, the United States Maritime
21 Commission, or the War Shipping Administration.

22 “(f) RECOVERIES.—Notwithstanding other provisions
23 of law, the net proceeds from salvage agreements entered
24 into as authorized in subsection (e) shall remain available

1 until expended and be distributed as follows for marine
2 insurance-related salvages:

3 “(1) Fifty percent of the net funds recovered
4 shall be deposited in the war risk revolving fund and
5 shall be available for the purposes of the war risk re-
6 volving fund.

7 “(2) Fifty percent of the net funds recovered
8 shall be deposited in the Vessel Operations Revolving
9 Fund as established by section 50301(a) of this title
10 and shall be available until expended as follows:

11 “(A) Fifty percent shall be available to the
12 Administrator of the Maritime Administration
13 for such acquisition, maintenance, repair, recon-
14 ditioning, or improvement of vessels in the Na-
15 tional Defense Reserve Fleet as is authorized
16 under other Federal law.

17 “(B) Twenty-five percent shall be available
18 to the Administrator of the Maritime Adminis-
19 tration for the payment or reimbursement of
20 expenses incurred by or on behalf of State mar-
21 itime academies or the United States Merchant
22 Marine Academy for facility and training ship
23 maintenance, repair, and modernization, and
24 for the purchase of simulators and fuel.

1 “(C) The remainder shall be distributed
2 for maritime heritage preservation to the De-
3 partment of the Interior for grants as author-
4 ized by section 308703 of title 54.”.

5 **SEC. 111. PORT OPERATIONS, RESEARCH, AND TECH-**
6 **NOLOGY.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Ports Improvement Act”.

9 (b) **PORT AND INTERMODAL IMPROVEMENT PRO-**
10 **GRAM.**—Section 50302 of title 46, United States Code, is
11 amended by striking subsection (c) and inserting the fol-
12 lowing:

13 “(c) **PORT AND INTERMODAL IMPROVEMENT PRO-**
14 **GRAM.**—

15 “(1) **GENERAL AUTHORITY.**—Subject to the
16 availability of appropriations, the Secretary of
17 Transportation shall make grants, on a competitive
18 basis, to eligible applicants to assist in funding eligi-
19 ble projects for the purpose of improving the safety,
20 efficiency, or reliability of the movement of goods
21 through ports and intermodal connections to ports.

22 “(2) **ELIGIBLE APPLICANT.**—The Secretary
23 may make a grant under this subsection to the fol-
24 lowing:

25 “(A) A State.

1 “(B) A political subdivision of a State or
2 local government.

3 “(C) A public agency or publicly chartered
4 authority established by 1 or more States.

5 “(D) A special purpose district with a
6 transportation function.

7 “(E) An Indian Tribe (as defined in sec-
8 tion 4 of the Indian Self-Determination and
9 Education Assistance Act (25 U.S.C. 5304),
10 without regard to capitalization), or a consor-
11 tium of Indian Tribes.

12 “(F) A multistate or multijurisdictional
13 group of entities described in this subsection.

14 “(G) A lead entity described in subpara-
15 graph (A), (B), (C), (D), (E), or (F) jointly
16 with a private entity or group of private enti-
17 ties.

18 “(3) ELIGIBLE PROJECTS.—The Secretary may
19 make a grant under this subsection—

20 “(A) for a project that—

21 “(i) is either—

22 “(I) within the boundary of a
23 port; or

24 “(II) outside the boundary of a
25 port, but is directly related to port op-

1 erations or to an intermodal connec-
2 tion to a port; and

3 “(ii) will be used to improve the safe-
4 ty, efficiency, or reliability of—

5 “(I) the loading and unloading of
6 goods at the port, such as for marine
7 terminal equipment;

8 “(II) the movement of goods
9 into, out of, around, or within a port,
10 such as for highway or rail infrastruc-
11 ture, intermodal facilities, freight in-
12 telligent transportation systems, and
13 digital infrastructure systems;

14 “(III) environmental mitigation
15 measures and operational improve-
16 ments directly related to enhancing
17 the efficiency of ports and intermodal
18 connections to ports; or

19 “(IV) the movement of vessels in
20 and out of the port facility by dredg-
21 ing a vessel berthing area or per-
22 forming construction or maintenance
23 dredging that is not part of a Federal
24 channel or an access channel associ-
25 ated with a Federal channel; or

1 “(B) notwithstanding paragraph (6)(A)(v),
2 to provide financial assistance to 1 or more
3 projects under subparagraph (A) for develop-
4 ment phase activities, including planning, feasi-
5 bility analysis, revenue forecasting, environ-
6 mental review, permitting, and preliminary en-
7 gineering and design work.

8 “(4) PROHIBITED USES.—A grant award under
9 this subsection may not be used—

10 “(A) to finance or refinance the construc-
11 tion, reconstruction, reconditioning, or purchase
12 of a vessel that is eligible for such assistance
13 under chapter 537, unless the Secretary deter-
14 mines such vessel—

15 “(i) is necessary for a project de-
16 scribed in paragraph (3)(A)(ii)(III) of this
17 subsection; and

18 “(ii) is not receiving assistance under
19 chapter 537; or

20 “(B) for any project within a small ship-
21 yard (as defined in section 54101).

22 “(5) APPLICATIONS AND PROCESS.—

23 “(A) APPLICATIONS.—To be eligible for a
24 grant under this subsection, an eligible appli-
25 cant shall submit to the Secretary an applica-

1 tion in such form, at such time, and containing
2 such information as the Secretary considers ap-
3 propriate.

4 “(B) SOLICITATION PROCESS.—Not later
5 than 60 days after the date that amounts are
6 made available for grants under this subsection
7 for a fiscal year, the Secretary shall solicit
8 grant applications for eligible projects in ac-
9 cordance with this subsection.

10 “(6) PROJECT SELECTION CRITERIA.—

11 “(A) IN GENERAL.—The Secretary may se-
12 lect a project described in paragraph (3) for
13 funding under this subsection if the Secretary
14 determines that—

15 “(i) the project improves the safety,
16 efficiency, or reliability of the movement of
17 goods through a port or intermodal con-
18 nection to a port;

19 “(ii) the project is cost effective;

20 “(iii) the eligible applicant has author-
21 ity to carry out the project;

22 “(iv) the eligible applicant has suffi-
23 cient funding available to meet the match-
24 ing requirements under paragraph (8);

1 “(v) the project will be completed
2 without unreasonable delay; and

3 “(vi) the project cannot be easily and
4 efficiently completed without Federal fund-
5 ing or financial assistance available to the
6 project sponsor.

7 “(B) ADDITIONAL CONSIDERATIONS.—In
8 selecting projects described in paragraph (3) for
9 funding under this subsection, the Secretary
10 shall give substantial weight to—

11 “(i) the utilization of non-Federal
12 contributions; and

13 “(ii) the net benefits of the funds
14 awarded under this subsection, considering
15 the cost-benefit analysis of the project, as
16 applicable.

17 “(C) SMALL PROJECTS.—The Secretary
18 may waive the cost-benefit analysis under sub-
19 paragraph (A)(ii), and establish a simplified, al-
20 ternative basis for determining whether a
21 project is cost effective, for a small project de-
22 scribed in paragraph (7)(B).

23 “(7) ALLOCATION OF FUNDS.—

24 “(A) GEOGRAPHIC DISTRIBUTION.—Not
25 more than 25 percent of the amounts made

1 available for grants under this subsection for a
2 fiscal year may be used to make grants for
3 projects in any 1 State.

4 “(B) SMALL PROJECTS.—The Secretary
5 shall reserve 25 percent of the amounts made
6 available for grants under this subsection each
7 fiscal year to make grants for eligible projects
8 described in paragraph (3)(A) that request the
9 lesser of—

10 “(i) 10 percent of the amounts made
11 available for grants under this subsection
12 for a fiscal year; or

13 “(ii) \$11,000,000.

14 “(C) DREDGING PROJECTS.—Not more
15 than 25 percent of the amounts made available
16 for grants under this subsection for a fiscal
17 year may be used to make grants for projects
18 described in paragraph (3)(A)(ii)(III).

19 “(D) DEVELOPMENT PHASE ACTIVITIES.—
20 Not more than 10 percent of the amounts made
21 available for grants under this subsection for a
22 fiscal year may be used to make grants for de-
23 velopment phase activities under paragraph
24 (3)(B).

25 “(E) RESEARCH HARBORS.—

1 “(i) IN GENERAL.—Of the funds that
2 may be used under subparagraph (C), the
3 Secretary shall consider reserving an
4 amount equal to not more than 5 percent
5 of the amounts made available for grants
6 under this subsection to make grants for
7 projects described in paragraph
8 (3)(A)(ii)(III) for research harbors.

9 “(ii) APPLICANTS.—Notwithstanding
10 paragraph (2), the Secretary may allow en-
11 tities not described in that paragraph to be
12 eligible applicants for grants under this
13 subparagraph.

14 “(8) FEDERAL SHARE OF TOTAL PROJECT
15 COSTS.—

16 “(A) TOTAL PROJECT COSTS.—To be eligi-
17 ble for a grant under this subsection, an eligible
18 applicant shall submit to the Secretary an esti-
19 mate of the total costs of a project under this
20 subsection based on the best available informa-
21 tion, including any available engineering stud-
22 ies, studies of economic feasibility, environ-
23 mental analyses, and information on the ex-
24 pected use of equipment or facilities.

25 “(B) FEDERAL SHARE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clauses (ii) and (iii), the Federal
3 share of the total costs of a project under
4 this subsection shall not exceed 80 percent.

5 “(ii) DREDGING PROJECTS.—The
6 Federal share of the total costs of a
7 project described in paragraph
8 (3)(A)(ii)(III) shall not exceed 50 percent.

9 “(iii) RURAL AREAS.—The Secretary
10 may increase the Federal share of costs
11 above 80 percent for a project located in a
12 rural area.

13 “(9) PROCEDURAL SAFEGUARDS.—The Sec-
14 retary shall issue guidelines to establish appropriate
15 accounting, reporting, and review procedures to en-
16 sure that—

17 “(A) grant funds are used for the purposes
18 for which those funds were made available;

19 “(B) each grantee properly accounts for all
20 expenditures of grant funds; and

21 “(C) grant funds not used for such pur-
22 poses and amounts not obligated or expended
23 are returned.

24 “(10) CONDITIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 require as a condition of making a grant under
3 this subsection that a grantee—

4 “(i) maintain such records as the Sec-
5 retary considers necessary;

6 “(ii) make the records described in
7 clause (i) available for review and audit by
8 the Secretary; and

9 “(iii) periodically report to the Sec-
10 retary such information as the Secretary
11 considers necessary to assess progress.

12 “(B) LABOR.—The Federal wage rate re-
13 quirements of subchapter IV of chapter 31 of
14 title 40 shall apply, in the same manner as such
15 requirements apply to contracts subject to such
16 subchapter, to—

17 “(i) each project for which a grant is
18 provided under this subsection; and

19 “(ii) all portions of a project described
20 in clause (i), regardless of whether such a
21 portion is funded using—

22 “(I) other Federal funds; or

23 “(II) non-Federal funds.

24 “(11) CONGRESSIONAL NOTIFICATION.—

1 “(A) NOTIFICATION.—Not less than 60
2 days before making a grant for a project under
3 this subsection, the Secretary shall notify, in
4 writing, the appropriate committees of Congress
5 of the proposed grant.

6 “(B) CONTENTS.—Each notification under
7 subparagraph (A) shall include—

8 “(i) an evaluation of and justification
9 for the project; and

10 “(ii) the amount of the proposed
11 grant award.

12 “(C) CONGRESSIONAL DISAPPROVAL.—The
13 Secretary shall not make a grant or any other
14 obligation or commitment to fund a project
15 under this subsection if a joint resolution is en-
16 acted disapproving funding for the project be-
17 fore the last day of the 60-day period described
18 in subparagraph (A).

19 “(12) LIMITATION ON STATUTORY CONSTRUC-
20 TION.—Nothing in this subsection shall be construed
21 to affect existing authorities to conduct port infra-
22 structure programs in—

23 “(A) Hawaii, as authorized by section
24 9008 of the SAFETEA-LU Act (Public Law
25 109–59; 119 Stat. 1926);

1 “(B) Alaska, as authorized by section
2 10205 of the SAFETEA-LU Act (Public Law
3 109–59; 119 Stat. 1934); or

4 “(C) Guam, as authorized by section 3512
5 of the Duncan Hunter National Defense Au-
6 thorization Act for Fiscal Year 2009 (48 U.S.C.
7 1421r).

8 “(13) REPORTS.—The Secretary shall make
9 available on the website of the Department of Trans-
10 portation at the end of each fiscal year an annual
11 report that lists each project for which a grant has
12 been provided under this subsection during that fis-
13 cal year.

14 “(14) ADMINISTRATION.—

15 “(A) ADMINISTRATIVE AND OVERSIGHT
16 COSTS.—The Secretary may retain not more
17 than 2 percent of the amounts appropriated for
18 each fiscal year under this subsection for the
19 administrative and oversight costs incurred by
20 the Secretary to carry out this subsection.

21 “(B) AVAILABILITY.—

22 “(i) IN GENERAL.—Amounts appro-
23 priated for carrying out this subsection
24 shall remain available until expended.

1 “(ii) UNEXPENDED FUNDS.—
2 Amounts awarded as a grant under this
3 subsection that are not expended by the
4 grantee during the 5-year period following
5 the date of the award shall remain avail-
6 able to the Secretary for use for grants
7 under this subsection in a subsequent fis-
8 cal year.

9 “(15) DEFINITIONS.—In this subsection:

10 “(A) APPROPRIATE COMMITTEES OF CON-
11 GRESS.—The term ‘appropriate committees of
12 Congress’ means—

13 “(i) the Committee on Commerce,
14 Science, and Transportation of the Senate;
15 and

16 “(ii) the Committee on Transportation
17 and Infrastructure of the House of Rep-
18 resentatives.

19 “(B) PORT.—The term ‘port’ includes—

20 “(i) a seaport; and

21 “(ii) an inland waterways port.

22 “(C) PROJECT.—The term ‘project’ in-
23 cludes construction, reconstruction, environ-
24 mental rehabilitation, acquisition of property,
25 including land related to the project and im-

1 provements to the land, equipment acquisition,
2 and operational improvements.

3 “(D) RESEARCH HARBOR.—The term ‘re-
4 search harbor’ includes a harbor that supports
5 or will support a federally owned vessel oper-
6 ated by a State maritime academy (as defined
7 in section 51102 of this title) or a non-Federal
8 oceanographic research facility.

9 “(E) RURAL AREA.—The term ‘rural area’
10 means an area that is outside an urbanized
11 area.

12 “(d) ADDITIONAL AUTHORITY OF THE SEC-
13 RETARY.—In carrying out this section, the Secretary
14 may—

15 “(1) receive funds from a Federal or non-Fed-
16 eral entity that has a specific agreement with the
17 Secretary to further the purposes of this section;

18 “(2) coordinate with other Federal agencies to
19 expedite the process established under the National
20 Environmental Policy Act of 1969 (42 U.S.C. 4321
21 et seq.) for the improvement of port facilities to im-
22 prove the efficiency of the transportation system, to
23 increase port security, or to provide greater access
24 to port facilities;

1 “(3) seek to coordinate all reviews or require-
2 ments with appropriate local, State, and Federal
3 agencies; and

4 “(4) in addition to any financial assistance pro-
5 vided under subsection (c), provide such technical
6 assistance to port authorities or commissions or
7 their subdivisions and agents as needed for project
8 planning, design, and construction.”.

9 (c) SAVINGS CLAUSE.—A repeal made by subsection
10 (b) of this section shall not affect amounts apportioned
11 or allocated before the effective date of the repeal. Such
12 apportioned or allocated funds shall continue to be subject
13 to the requirements to which the funds were subject under
14 section 50302(c) of title 46, United States Code, as in ef-
15 fect on the day before the date of enactment of this Act.

16 **SEC. 112. STRATEGIC SEAPORTS.**

17 (a) IN GENERAL.—

18 (1) PROGRAM ESTABLISHED.—The Adminis-
19 trator of the Maritime Administration (referred to in
20 this section as the “Administrator”) and the United
21 States Transportation Command shall establish a
22 strategic seaport infrastructure readiness develop-
23 ment program to improve infrastructure at strategic
24 seaports to ensure those strategic seaport facilities
25 are in a state of good repair, have modern infra-

1 structure, and have sufficient readiness to support
2 operations on 48 hours notice.

3 (2) STRATEGIC SEAPORT.—In this section, the
4 term “strategic seaport” means a commercial sea-
5 port that is designated by the Commanding General
6 of the Military Surface Deployment and Distribution
7 Command as a strategic seaport that will support
8 the deployment of United States forces during a
9 military contingency or national emergency.

10 (b) AUTHORITY OF THE ADMINISTRATOR.—In order
11 to carry out any project under the strategic seaport infra-
12 structure readiness development program established
13 under subsection (a), the Administrator may—

14 (1) receive funds provided for the project from
15 the Department of Defense and non-Federal private
16 entities that have a specific agreement or contract
17 with the Administrator to further the purposes of
18 this section;

19 (2) coordinate with other Federal agencies to
20 harmonize efforts to comply with requirements and
21 procedures established under the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
23 in carrying out projects under the program, includ-
24 ing projects to improve port facilities, improve the

1 efficiency of the transportation system, increase port
2 security, or provide greater access to port facilities;

3 (3) seek to coordinate all reviews or require-
4 ments relating to the project with appropriate Fed-
5 eral, State, and local agencies; and

6 (4) provide such technical assistance to port au-
7 thorities or commissions or their subdivisions and
8 agents as needed for project planning, design, and
9 construction.

10 (c) STRATEGIC SEAPORT INFRASTRUCTURE DEVEL-
11 OPMENT FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund to be
14 known as the Strategic Seaport Readiness Infra-
15 structure Development Fund, (referred to in this
16 section as the “Fund”) consisting of such amounts
17 as may be appropriated or credited to such Fund as
18 provided in this section.

19 (2) CREDITS.—There may be deposited into the
20 Fund—

21 (A) funds from the Department of Defense
22 and funds from non-Federal private entities
23 that have agreements or contracts with the Ad-
24 ministrator, which shall remain in the Fund
25 until expended or refunded; and

1 (B) such amounts as may be appropriated
2 or transferred to the Fund.

3 (3) TRANSFERS.—Amounts appropriated or
4 otherwise made available for any fiscal year for a
5 strategic seaport may be transferred, at the option
6 of the recipient of such amounts, to the Fund and
7 may be administered by the Administrator as a com-
8 ponent of a project under the program.

9 (d) USE OF FUNDS.—The Administrator, in conjunc-
10 tion with the United States Transportation Command,
11 may use funds from the Fund to—

12 (1) administer and carry out projects under the
13 strategic seaport infrastructure readiness develop-
14 ment program under this section, including projects
15 to—

16 (A) upgrade infrastructure resiliency of
17 piers or wharfs or enhancing flexible lay-down
18 areas for heavy lift, increase efficiency in the
19 handling of Department of Defense intermodal
20 cargo movements, enhance shoreside intermodal
21 transportation infrastructure, or carry out other
22 similar improvements designed to increase effi-
23 ciency of Department of Defense readiness;

24 (B) facilitate funding for training dedi-
25 cated to enhancing interoperability between

1 military and port terminal personnel, and test-
2 ing and expanding operational areas to maxi-
3 mize strategic seaport capability and assets;
4 and

5 (C) provide cyber resiliency project funding
6 dedicated to the installation of new cybersecu-
7 rity infrastructure, or the enhancement of exist-
8 ing cybersecurity infrastructure, in order to en-
9 sure security of military operations at strategic
10 seaports; and

11 (2) make refunds for projects under that pro-
12 gram that will not be completed.

13 **SEC. 113. MARITIME TECHNICAL ASSISTANCE PROGRAM.**

14 Section 50307 of title 46, United States Code, is
15 amended—

16 (1) in subsection (a), by striking “The Sec-
17 retary of Transportation may engage in the environ-
18 mental study” and inserting “The Maritime Admin-
19 istrator, on behalf of the Secretary of Transpor-
20 tation, shall engage in the study”;

21 (2) in subsection (b)—

22 (A) in the matter preceding paragraph (1),
23 by striking “may” and inserting “shall”; and

24 (B) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “that are likely to
3 achieve environmental improvements by”
4 and inserting “to improve”;

5 (ii) by redesignating subparagraphs
6 (A) through (C) as clauses (i) through
7 (iii), respectively;

8 (iii) by inserting before clause (i), the
9 following:

10 “(A) performance to meet United States
11 Federal and international standards and guide-
12 lines, including—”; and

13 (iv) in clause (iii), as redesignated by
14 clause (ii), by striking “species; and” and
15 all that follows through the end of the sub-
16 section and inserting “species, reducing
17 propeller cavitation;

18 “(B) the efficiency and competitiveness of
19 domestic maritime industries; and

20 “(2) coordinate with the Environmental Protec-
21 tion Agency, the Coast Guard, and other Federal,
22 State, local, or tribal agencies, as appropriate.”;

23 (3) in subsection (c)(2), by striking “benefits”
24 and inserting “or other benefits to domestic mari-
25 time industries”; and

1 (4) by adding at the end the following:

2 “(e) LIMITATIONS ON THE USE OF FUNDS.—For the
3 purposes of this program, no more than 3 percent of funds
4 may be used for administrative purposes.”.

5 **SEC. 114. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.**

6 Section 54101(d) of title 46, United States Code, is
7 amended—

8 (1) by striking “Grants awarded” and inserting
9 the following:

10 “(1) IN GENERAL.—Grants awarded”; and

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

12 “(2) BUY AMERICA.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), no funds may be obligated by the
15 Administrator of the Maritime Administration
16 under this section, unless each product and ma-
17 terial purchased with those funds (including
18 products and materials purchased by a grant-
19 ee), and including any commercially available
20 off-the-shelf item, is—

21 “(i) an unmanufactured article, mate-
22 rial, or supply that has been mined or pro-
23 duced in the United States; or

24 “(ii) a manufactured article, material,
25 or supply that has been manufactured in

1 the United States substantially all from ar-
2 ticles, materials, or supplies mined, pro-
3 duced, or manufactured in the United
4 States.

5 “(B) EXCEPTIONS.—

6 “(i) IN GENERAL.—Notwithstanding
7 subparagraph (A), the requirements of
8 that subparagraph shall not apply with re-
9 spect to a particular product or material if
10 the Administrator determines—

11 “(I) that the application of those
12 requirements would be inconsistent
13 with the public interest;

14 “(II) that such product or mate-
15 rial is not available in the United
16 States in sufficient and reasonably
17 available quantities, of a satisfactory
18 quality, or on a timely basis; or

19 “(III) that inclusion of a domes-
20 tic product or material will increase
21 the cost of that product or material by
22 more than 25 percent, with respect to
23 a certain contract between a grantee
24 and that grantee’s supplier.

1 “(ii) FEDERAL REGISTER.—A deter-
2 mination made by the Administrator under
3 this subparagraph shall be published in the
4 Federal Register.

5 “(C) DEFINITIONS.—In this paragraph:

6 “(i) The term ‘commercially available
7 off-the-shelf item’ means—

8 “(I) any item of supply (includ-
9 ing construction material) that is—

10 “(aa) a commercial item, as
11 defined by section 2.101 of title
12 48, Code of Federal Regulations;
13 and

14 “(bb) sold in substantial
15 quantities in the commercial
16 marketplace; and

17 “(II) does not include bulk cargo,
18 as defined in section 40102(4) of this
19 title, such as agricultural products
20 and petroleum products.

21 “(ii) The term ‘product or material’
22 means an article, material, or supply
23 brought to the site by the recipient for in-
24 corporation into the building, work, or
25 project. The term also includes an item

1 brought to the site preassembled from arti-
2 cles, materials, or supplies. However, emer-
3 gency life safety systems, such as emer-
4 gency lighting, fire alarm, and audio evac-
5 uation systems, that are discrete systems
6 incorporated into a public building or work
7 and that are produced as complete sys-
8 tems, are evaluated as a single and distinct
9 construction material regardless of when or
10 how the individual parts or components of
11 those systems are delivered to the con-
12 struction site.

13 “(iii) The term ‘United States’ in-
14 cludes the District of Columbia, the Com-
15 monwealth of Puerto Rico, the Northern
16 Mariana Islands, Guam, American Samoa,
17 and the Virgin Islands.”.

18 **SEC. 115. IMPROVEMENT OF NATIONAL OCEANOGRAPHIC**
19 **PARTNERSHIP PROGRAM.**

20 (a) ADDITIONAL MEANS OF ACHIEVEMENT OF
21 GOALS OF PROGRAM THROUGH OCEANOGRAPHIC EF-
22 FORTS.—Section 8931(b)(2) of title 10, United States
23 Code, is amended—

24 (1) in subparagraph (A)—

1 (A) by striking “identifying” and inserting
2 “creating”; and

3 (B) by inserting “science,” after “areas
4 of”; and

5 (2) by striking subparagraph (B) and inserting
6 the following:

7 “(B) soliciting, accepting, and executing
8 oceanographic research and observational
9 projects funded by private grants, contracts, or
10 cooperative agreements that contribute to such
11 goals.”.

12 (b) NATIONAL OCEAN RESEARCH LEADERSHIP
13 COUNCIL MEMBERSHIP.—Section 8932 of title 10, United
14 States Code, is amended—

15 (1) in subsection (b)—

16 (A) by striking paragraph (10);

17 (B) by redesignating paragraphs (11)
18 through (14) as paragraphs (12) through (15),
19 respectively; and

20 (C) by inserting after paragraph (9) the
21 following new paragraphs:

22 “(10) The Bureau of Ocean Energy Manage-
23 ment of the Department of the Interior.

24 “(11) The Bureau of Safety and Environmental
25 Enforcement of the Department of the Interior.”;

1 (2) in subsection (d)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (B), by striking
4 “broad participation within the oceano-
5 graphic community” and inserting “appro-
6 priate participation within the oceano-
7 graphic community, including public, aca-
8 demic, commercial, and private partici-
9 tion or support”;

10 (ii) in subparagraph (E), by striking
11 “peer”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(F) Preexisting facilities, such as regional
15 data centers operated by the Integrated Ocean
16 Observing system, and expertise.”; and

17 (B) by striking paragraph (3);

18 (3) in subsection (e)—

19 (A) in the subsection heading by striking
20 “REPORT” and inserting “BRIEFING”;

21 (B) in the matter preceding paragraph (1),
22 by striking “to Congress a report” and insert-
23 ing “to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Com-

1 committee on Natural Resources of the House of
2 Representatives a briefing”;

3 (C) by striking “report” and inserting
4 “briefing” each place the term appears;

5 (D) by striking paragraph (4) and insert-
6 ing the following:

7 “(4) A description of the involvement of Fed-
8 eral agencies and non-Federal contributors partici-
9 pating in the program.”; and

10 (E) in paragraph (5), by striking “and the
11 estimated expenditures under such programs,
12 projects, and activities during such following
13 fiscal year” and inserting “and the estimated
14 expenditures under such programs, projects,
15 and activities of the program during such fol-
16 lowing fiscal year”;

17 (4) in subsection (f)—

18 (A) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) The Secretary of the Navy shall establish
21 an office to support the National Oceanographic
22 Partnership Program. The Council shall use com-
23 petitive procedures in selecting an operator for the
24 partnership program office. If practicable, an organi-
25 zation or entity may be selected as operator only if

1 the organization or entity has experience managing
2 interagency programs and programs with participa-
3 tion from other public and private entities.”; and

4 (B) in paragraph (2)(B), by inserting “,
5 where appropriate,” before “managing”; and

6 (5) by amending subsection (g) to read as fol-
7 lows:

8 “(g) CONTRACT AND GRANT AUTHORITY.—

9 “(1) IN GENERAL.—To carry out the purposes
10 of the National Oceanographic Partnership Pro-
11 gram, the Council shall have, in addition to other
12 powers otherwise given it under this chapter, the fol-
13 lowing authorities:

14 “(A) To authorize one or more of the de-
15 partments or agencies represented on the Coun-
16 cil to enter into contracts and make grants or
17 cooperative agreements, and establish and man-
18 age new collaborative programs as considered
19 appropriate, to address emerging science prior-
20 ities using both donated and appropriated
21 funds.

22 “(B) To authorize the program office
23 under subsection (f), on behalf of the Council,
24 to accept funds, including fines and penalties,

1 from other Federal and State departments and
2 agencies.

3 “(C) To authorize the program office, on
4 behalf of the Council, to award grants and
5 enter into contracts for purposes of the Na-
6 tional Oceanographic Partnership Program.

7 “(D) To authorize the program office, on
8 behalf of the Council, to solicit, accept and exe-
9 cute oceanographic research projects for pur-
10 poses of the National Oceanographic Partner-
11 ship Program that are funded by private
12 grants, contracts, and donations.

13 “(E) To transfer funds to other Federal
14 and State departments and agencies in further-
15 ance of the purposes of the National Oceano-
16 graphic Partnership Program.

17 “(F) To authorize one or more of the de-
18 partments or agencies represented on the Coun-
19 cil to enter into contracts and make grants, for
20 the purpose of implementing the National
21 Oceanographic Partnership Program and car-
22 rying out the responsibilities of the Council.

23 “(G) To use, with the consent of the head
24 of the agency or entity concerned, on a non-re-
25 imburseable basis, the land, services, equipment,

1 personnel, facilities, advice, and information
2 provided by a Federal agency or entity, State,
3 local government, Tribal government, territory,
4 or possession, or any subdivisions thereof, or
5 the District of Columbia as may be helpful in
6 the performance of the duties of the Council.

7 “(2) FUNDS TRANSFERRED.—Funds identified
8 for direct support of National Oceanographic Part-
9 nership Program grants are authorized for transfer
10 between agencies and are exempt from section 1535
11 of title 31, United States Code (commonly known as
12 the ‘Economy Act of 1932’).”.

13 (c) OCEAN RESEARCH ADVISORY PANEL.—Section
14 8933(a)(4) of title 10, United States Code, is amended
15 by striking “State governments” and inserting “State and
16 Tribal governments”.

17 **SEC. 116. IMPROVEMENTS TO THE MARITIME GUARANTEED**
18 **LOAN PROGRAM.**

19 (a) DEFINITIONS.—Section 53701 of title 46, United
20 States Code, is amended—

21 (1) by striking paragraph (5);

22 (2) by redesignating paragraphs (6) through
23 (15) as paragraphs (5) through (14), respectively;
24 and

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

1 “(15) VESSEL OF NATIONAL INTEREST.—The
2 term ‘Vessel of National Interest’ means a vessel
3 deemed to be of national interest that meets charac-
4 teristics determined by the Administrator, in con-
5 sultation with the Secretary of Defense, the Sec-
6 retary of Homeland Security, or the heads of other
7 Federal agencies, as described in section 53703(e).”.

8 (b) PREFERRED LENDER.—Section 53702(a) of title
9 46, United States Code, is amended—

10 (1) by striking “The Secretary or Adminis-
11 trator, on terms the Secretary or Administrator may
12 prescribe,” and inserting the following:

13 “(1) GUARANTEE.—The Secretary, acting
14 through the Administrator, on terms the Secretary
15 or Administrator may prescribe,”; and

16 (2) by adding at the end the following:

17 “(2) PREFERRED ELIGIBLE LENDER.—The
18 Federal Financing Bank shall be the preferred eligi-
19 ble lender of the principal and interest of the guar-
20 anteed obligations issued under this chapter.”.

21 (c) APPLICATION AND ADMINISTRATION.—Section
22 53703 of title 46, United States Code, is amended—

23 (1) in the section heading, by striking “**proce-**
24 **dures**” and inserting “**and administration**”;
25 and

1 (2) by adding at the end the following:

2 “(c) INDEPENDENT ANALYSIS.—

3 “(1) IN GENERAL.—To assess and mitigate the
4 risks due to factors associated with markets, tech-
5 nology, financial, or legal structures related to an
6 application or guarantee under this chapter, the Sec-
7 retary or Administrator may utilize third-party ex-
8 perts, including legal counsel, to—

9 “(A) process and review applications under
10 this chapter, including conducting independent
11 analysis and review of aspects of an application;

12 “(B) represent the Secretary or Adminis-
13 trator in structuring and documenting the obli-
14 gation guarantee;

15 “(C) analyze and review aspects of, struc-
16 ture, and document the obligation guarantee
17 during the term of the guarantee;

18 “(D) recommend financial covenants or fi-
19 nancial ratios to be met by the applicant during
20 the time a guarantee under this chapter is out-
21 standing that are—

22 “(i) based on the financial covenants
23 or financial ratios, if any, that are then ap-
24 plicable to the obligor under private sector
25 credit agreements; and

1 “(ii) in lieu of other financial cov-
2 enants applicable to the obligor under this
3 chapter with respect to requirements re-
4 garding long-term debt-to-equity, minimum
5 working capital, or minimum amount of
6 equity; and

7 “(E) represent the Secretary or Adminis-
8 trator to protect the security interests of the
9 Government relating to an obligation guarantee.

10 “(2) PRIVATE SECTOR EXPERT.—Independent
11 analysis, review, and representation conducted under
12 this subsection shall be performed by a private sec-
13 tor expert in the applicable field who is selected by
14 the Secretary or Administrator.

15 “(d) VESSELS OF NATIONAL INTEREST.—

16 “(1) NOTICE OF FUNDING.—The Secretary or
17 Administrator may post a notice in the Federal Reg-
18 ister regarding the availability of funding for obliga-
19 tion guarantees under this chapter for the construc-
20 tion, reconstruction, or reconditioning of a Vessel of
21 National Interest and include a timeline for the sub-
22 mission of applications for such vessels.

23 “(2) VESSEL CHARACTERISTICS.—

24 “(A) IN GENERAL.—The Secretary or Ad-
25 ministrator, in consultation with the Secretary

1 of Defense, the Secretary of Homeland Security,
2 security, or the heads of other Federal agencies,
3 shall develop and publish a list of vessel types
4 that would be considered Vessels of National
5 Interest.

6 “(B) REVIEW.—Such list shall be reviewed
7 and revised every 4 years or as necessary, as
8 determined by the Administrator.”.

9 (d) FUNDING LIMITS.—Section 53704 of title 46,
10 United States Code, is amended—

11 (1) in subsection (a)—

12 (A) by striking “that amount” and all the
13 follows through “\$850,000,000” and inserting
14 “that amount, \$850,000,000”; and

15 (B) by striking “facilities” and all that fol-
16 lows through the end of the subsection and in-
17 serting “facilities.”; and

18 (2) in subsection (c)(4)—

19 (A) by striking subparagraph (A); and

20 (B) by redesignating subparagraphs (B)
21 through (K), as subparagraphs (A) through (J),
22 respectively.

23 (e) ELIGIBLE PURPOSES OF OBLIGATIONS.—Section
24 53706 of title 46, United States Code, is amended—

25 (1) in subsection (a)(1)(A)—

1 (A) in the matter preceding clause (i), by
2 striking “(including an eligible export vessel)”;

3 (B) in clause (iv) by adding “or” after the
4 semicolon;

5 (C) in clause (v), by striking “; or” and in-
6 serting a period; and

7 (D) by striking clause (vi); and

8 (2) in subsection (c)(1)—

9 (A) in subparagraph (A), by striking
10 “and” after the semicolon;

11 (B) in subparagraph (B)(ii), by striking
12 the period at the end and inserting “; and”;
13 and

14 (C) by adding at the end the following:

15 “(C) after applying subparagraphs (A) and
16 (B), Vessels of National Interest.”.

17 (f) AMOUNT OF OBLIGATIONS.—Section 53709(b) of
18 title 46, United States Code, is amended—

19 (1) by striking paragraphs (3) and (6); and

20 (2) by redesignating paragraphs (4) and (5) as
21 paragraphs (3) and (4), respectively.

22 (g) CONTENTS OF OBLIGATIONS.—Section 53710 of
23 title 46, United States Code, is amended—

24 (1) in subsection (a)(4)—

25 (A) in subparagraph (A)—

1 (i) by striking “or, in the case of” and
2 all that follows through “party”; and

3 (ii) by striking “and” after the semi-
4 colon;

5 (B) in subparagraph (B), by striking the
6 period at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(C) documented under the laws of the
9 United States for the term of the guarantee of
10 the obligation or until the obligation is paid in
11 full, whichever is sooner.”; and

12 (2) in subsection (c)—

13 (A) in the subsection heading, by inserting
14 “AND PROVIDE FOR THE FINANCIAL STABILITY
15 OF THE OBLIGOR” after “INTERESTS”;

16 (B) by striking “provisions for the protec-
17 tion of” and inserting “provisions, which shall
18 include—

19 “(1) provisions for the protection of”;

20 (C) by striking “, and other matters that
21 the Secretary or Administrator may prescribe.”
22 and inserting “; and”; and

23 (D) by adding at the end the following:

24 “(2) any other provisions that the Secretary or
25 Administrator may prescribe.”.

1 (h) ADMINISTRATIVE FEES.—Section 53713 of title
2 46, United States Code, is amended—

3 (1) in subsection (a)—

4 (A) in the matter preceding paragraph
5 (1)—

6 (i) by striking “shall” and inserting
7 “may”; and

8 (ii) by striking “reasonable for—”
9 and inserting “reasonable for processing
10 the application and monitoring the loan
11 guarantee, including for—”;

12 (B) in paragraph (4), by striking “; and”
13 and inserting “or a deposit fund under section
14 53716 of this title;”;

15 (C) in paragraph (5), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(6) monitoring and providing services related
19 to the obligor’s compliance with any terms related to
20 the obligations, the guarantee, or maintenance of the
21 Secretary or Administrator’s security interests under
22 this chapter.”; and

23 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “under
2 section 53708(d) of this title” and inserting
3 “under section 53703(d) of this title”;

4 (B) by redesignating paragraphs (1)
5 through (3) as subparagraphs (A) through (C),
6 respectively;

7 (C) by striking “The Secretary” and in-
8 serting the following:

9 “(1) IN GENERAL.—The Secretary”; and

10 (D) by adding at the end the following:

11 “(2) FEE LIMITATION INAPPLICABLE.—Fees
12 collected under this subsection are not subject to the
13 limitation of subsection (b).”.

14 (i) BEST PRACTICES; ELIGIBLE EXPORT VESSELS.—
15 Chapter 537 of title 46, United States Code, is further
16 amended—

17 (1) in subchapter I, by adding at the end the
18 following new section:

19 “§ 53719. **Best practices**

20 “The Secretary or Administrator shall ensure that all
21 standard documents and agreements that relate to loan
22 guarantees made pursuant to this chapter are reviewed
23 and updated every four years to ensure that such docu-
24 ments and agreements meet the current commercial best
25 practices to the extent permitted by law.”; and

1 (2) in subchapter III, by striking section
2 53732.

3 (j) EXPRESS CONSIDERATION OF LOW-RISK APPLI-
4 CATIONS.—Not later than 180 days after the date of en-
5 actment of this Act, the Administrator of the Maritime
6 Administration shall, in consultation with affected stake-
7 holders, create a process for express processing of low-risk
8 maritime guaranteed loan applications under chapter 537
9 of title 46, United States Code, based on Federal and in-
10 dustry best practices, including proposals to better assist
11 applicants to submit complete applications within 6
12 months of the initial application.

13 (k) CONGRESSIONAL NOTIFICATION.—

14 (1) NOTIFICATION.—Not less than 60 days be-
15 fore reorganizing or consolidating the activities or
16 personnel covered under chapter 537 of title 46,
17 United States Code, the Secretary of Transportation
18 shall notify, in writing, the Committee on Com-
19 merce, Science, and Transportation of the Senate
20 and the Committee on Transportation and Infra-
21 structure of the House of Representatives of the
22 proposed reorganization or consolidation.

23 (2) CONTENTS.—Each notification under para-
24 graph (1) shall include an evaluation of, and jus-
25 tification for, the reorganization or consolidation.

1 (l) CLERICAL AMENDMENTS.—

2 (1) The table of sections at the beginning of
 3 chapter 537 of title 46, United States Code, is
 4 amended by inserting after the item relating to sec-
 5 tion 53718 the following new item:

“53719. Best practices.”.

6 (2) The table of sections at the beginning of
 7 chapter 537 of title 46, United States Code, is fur-
 8 ther amended by striking the item relating to section
 9 53732.

10 **SEC. 117. TECHNICAL CORRECTIONS.**

11 (a) THE NATIVE AMERICAN VETERANS’ MEMORIAL
 12 ESTABLISHMENT ACT OF 1994.—The Native American
 13 Veterans’ Memorial Establishment Act of 1994 (20 U.S.C.
 14 80q–5 note) is amended—

15 (1) in section 2, by striking “Armed Forces”
 16 each place the term appears and inserting “uni-
 17 formed services”; and

18 (2) in section 3(c), by adding at the end the fol-
 19 lowing:

20 “(3) Any design so selected shall include a rep-
 21 resentation of all the uniformed services (as that
 22 term is defined in section 101(a) of title 10, United
 23 States Code).”.

24 (b) OFFICE OF PERSONNEL MANAGEMENT GUID-
 25 ANCE.—Not later than 120 days after the date of enact-

1 ment of this Act, the Director of the Office of Personnel
2 Management, in consultation with the Administrator of
3 the Maritime Administration, shall identify key skills and
4 competencies necessary to maintain a balance of expertise
5 in merchant marine seagoing service and strategic sealift
6 military service in each of the following positions within
7 the Office of the Commandant:

- 8 (1) Commandant.
- 9 (2) Deputy Commandant.
- 10 (3) Tactical company officers.
- 11 (4) Regimental officers.

12 (c) SEA YEAR COMPLIANCE.—Section 3514(a)(1)(A)
13 of the National Defense Authorization Act for Fiscal Year
14 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is
15 amended by inserting “domestic and international” after
16 “criteria that”.

17 **TITLE II—MARITIME SAFE ACT**

18 **SEC. 201. SHORT TITLE.**

19 (a) SHORT TITLE.—This title may be cited as the
20 “Maritime Security and Fisheries Enforcement Act” or
21 the “Maritime SAFE Act”.

22 **SEC. 202. DEFINITIONS.**

23 In this title:

- 24 (1) AIS.—The term “AIS” means Automatic
25 Identification System (as defined in section 164.46

1 of title 33, Code of Federal Regulations, or a similar
2 successor regulation).

3 (2) COMBINED MARITIME FORCES.—The term
4 “Combined Maritime Forces” means the 33-nation
5 naval partnership, originally established in February
6 2002, which promotes security, stability, and prosper-
7 ity across approximately 3,200,000 square miles
8 of international waters.

9 (3) EXCLUSIVE ECONOMIC ZONE.—

10 (A) IN GENERAL.—Unless otherwise speci-
11 fied by the President as being in the public in-
12 terest in a writing published in the Federal
13 Register, the term “exclusive economic zone”
14 means—

15 (i) the area within a zone established
16 by a maritime boundary that has been es-
17 tablished by a treaty in force or a treaty
18 that is being provisionally applied by the
19 United States; or

20 (ii) in the absence of a treaty de-
21 scribed in clause (i)—

22 (I) a zone, the outer boundary of
23 which is 200 nautical miles from the
24 baseline from which the breadth of
25 the territorial sea is measured; or

1 (II) if the distance between the
2 United States and another country is
3 less than 400 nautical miles, a zone,
4 the outer boundary of which is rep-
5 resented by a line equidistant between
6 the United States and the other coun-
7 try.

8 (B) INNER BOUNDARY.—Without affecting
9 any Presidential Proclamation with regard to
10 the establishment of the United States terri-
11 torial sea or exclusive economic zone, the inner
12 boundary of the exclusive economic zone is—

13 (i) in the case of coastal States, a line
14 coterminous with the seaward boundary of
15 each such State (as described in section 4
16 of the Submerged Lands Act (43 U.S.C.
17 1312));

18 (ii) in the case of the Commonwealth
19 of Puerto Rico, a line that is 3 marine
20 leagues from the coastline of the Common-
21 wealth of Puerto Rico;

22 (iii) in the case of American Samoa,
23 the United States Virgin Islands, and
24 Guam, a line that is 3 geographic miles
25 from the coastlines of American Samoa,

1 the United States Virgin Islands, or Guam,
2 respectively;

3 (iv) in the case of the Commonwealth
4 of the Northern Mariana Islands—

5 (I) the coastline of the Common-
6 wealth of the Northern Mariana Is-
7 lands, until the Commonwealth of the
8 Northern Mariana Islands is granted
9 authority by the United States to reg-
10 ulate all fishing to a line seaward of
11 its coastline; and

12 (II) upon the United States
13 grant of the authority described in
14 subclause (I), the line established by
15 such grant of authority; or

16 (v) for any possession of the United
17 States not referred to in clause (ii), (iii), or
18 (iv), the coastline of such possession.

19 (C) RULE OF CONSTRUCTION.—Nothing in
20 this paragraph may be construed to diminish
21 the authority of the Department of Defense, the
22 Department of the Interior, or any other Fed-
23 eral department or agency.

24 (4) FOOD SECURITY.—The term “food secu-
25 rity” means access to, and availability, utilization,

1 and stability of, sufficient food to meet caloric and
2 nutritional needs for an active and healthy life.

3 (5) GLOBAL RECORD OF FISHING VESSELS, RE-
4 FRIGERATED TRANSPORT VESSELS, AND SUPPLY
5 VESSELS.—The term “global record of fishing ves-
6 sels, refrigerated transport vessels, and supply ves-
7 sels” means the Food and Agriculture Organization
8 of the United Nations’ initiative to rapidly make
9 available certified data from state authorities about
10 vessels and vessel related activities.

11 (6) IUU FISHING.—The term “IUU fishing”
12 means illegal fishing, unreported fishing, or unregu-
13 lated fishing (as such terms are defined in para-
14 graph 3 of the International Plan of Action to Pre-
15 vent, Deter, and Eliminate Illegal, Unreported and
16 Unregulated Fishing, adopted at the 24th Session of
17 the Committee on Fisheries in Rome on March 2,
18 2001).

19 (7) PORT STATE MEASURES AGREEMENT.—The
20 term “Port State Measures Agreement” means the
21 Agreement on Port State Measures to Prevent,
22 Deter, and Eliminate Illegal, Unreported, and Un-
23 regulated Fishing set forth by the Food and Agri-
24 culture Organization of the United Nations, done at
25 Rome, Italy November 22, 2009, and entered into

1 force June 5, 2016, which offers standards for re-
2 porting and inspecting fishing activities of foreign-
3 flagged fishing vessels at port.

4 (8) PRIORITY FLAG STATE.—The term “priority
5 flag state” means a country selected in accordance
6 with section 222(b)(3)—

7 (A) whereby the flagged vessels of which
8 actively engage in, knowingly profit from, or are
9 complicit in IUU fishing; and

10 (B) that is willing, but lacks the capacity,
11 to monitor or take effective enforcement action
12 against its fleet.

13 (9) PRIORITY REGION.—The term “priority re-
14 gion” means a region selected in accordance with
15 section 222(b)(2)—

16 (A) that is at high risk for IUU fishing ac-
17 tivity or the entry of illegally caught seafood
18 into the markets of countries in the region; and

19 (B) in which countries lack the capacity to
20 fully address the illegal activity described in
21 subparagraph (A).

22 (10) REGIONAL FISHERIES MANAGEMENT OR-
23 GANIZATION.—The term “Regional Fisheries Man-
24 agement Organization” means an intergovernmental
25 fisheries organization or arrangement, as appro-

1 appropriate, that has the competence to establish con-
2 servation and management measures.

3 (11) SEAFOOD.—The term “seafood”—

4 (A) means marine finfish, mollusks, crus-
5 taceans, and all other forms of marine animal
6 and plant life, including those grown, produced,
7 or reared through marine aquaculture oper-
8 ations or techniques; and

9 (B) does not include marine mammals or
10 birds.

11 (12) SEAFOOD FRAUD.—The term “seafood
12 fraud” means the knowing mislabeling or misrepresent-
13 ation of information regarding seafood or sea-
14 food products with the intent to deceive or defraud.

15 (13) SEAFOOD TRACEABILITY PROGRAM.—The
16 term “seafood traceability program” means any pro-
17 gram implemented by the National Oceanic and At-
18 mospheric Administration (such as the Seafood Im-
19 port Monitoring Program) that requires, with re-
20 spect to seafood and seafood products imported into
21 the United States—

22 (A) permitting, data reporting, and record-
23 keeping to prevent illegal, unreported, unregu-
24 lated, or misrepresented seafood from entering
25 United States commerce; and

1 (B) verifying the chain of custody of such
2 seafood, from harvest to point of entry into the
3 United States.

4 (14) TRANSNATIONAL ORGANIZED ILLEGAL AC-
5 TIVITY.—The term “transnational organized illegal
6 activity” means criminal activity conducted by self-
7 perpetuating associations of individuals who operate
8 transnationally for the purpose of obtaining power,
9 influence, or monetary or commercial gains, wholly
10 or in part by illegal means, while protecting their ac-
11 tivities through a pattern of corruption or violence
12 or through a transnational organizational structure
13 and the exploitation of transnational commerce or
14 communication mechanisms.

15 (15) TRANSSHIPMENT.—The term “trans-
16 shipment” means the use of refrigerated vessels
17 that—

18 (A) collect catch from multiple fishing
19 boats;

20 (B) carry the accumulated catches back to
21 port; and

22 (C) deliver supplies to fishing boats, which
23 allows fishing vessels to remain at sea for ex-
24 tended periods without coming into port.

1 **SEC. 203. FINDINGS.**

2 Congress makes the following findings:

3 (1) In a report titled, “Global Implications of
4 Illegal, Unreported, and Unregulated (IUU) Fish-
5 ing”, the Office of the Director of National Intel-
6 ligence identified IUU fishing as—

7 (A) a threat to the national security of the
8 United States; and

9 (B) a challenge to peace and stability in
10 regions of importance to the United States.

11 (2) Executive Order 13773 (82 Fed. Reg.
12 10691), issued on February 9, 2017, calls for a
13 comprehensive approach by the Federal Government
14 to combat crime syndicates, including transnational
15 organized illegal activities that may be associated
16 with IUU fishing.

17 (3) It is estimated that the value of IUU fish-
18 ing may exceed \$1,000,000,000 annually in unlawful
19 or undocumented revenue and may sometimes be
20 linked to transnational organized illegal activities,
21 including weapons, drug, and human trafficking.

22 (4) IUU fishing—

23 (A) undermines the business of legitimate
24 workers in the seafood industry; and

25 (B) can create inaccurate population esti-
26 mates for fish and other seafood species.

1 (5) Marine fisheries employ millions of people
2 worldwide, the livelihoods of whom can be negatively
3 impacted by IUU fishing and associated
4 transnational organized illegal activities.

5 (6) IUU fishing vessels play a significant role
6 in other forms of trafficking, particularly drug traf-
7 ficking. The Department of Justice has documented
8 numerous cases of illicit fishing ships involved in
9 trafficking cocaine, heroin, and cannabis from South
10 America to the United States.

11 (7) By introducing cheaper, illegal products
12 into the global market, IUU fishing undercuts the
13 business and economic livelihoods of legitimate fish-
14 ermen in the United States and around the world.

15 (8) In the United States and around the world,
16 seafood fraud undermines the economic viability of
17 fisheries and deceives consumers about their pur-
18 chasing choices.

19 (9) Competition over seafood resources can lead
20 to heightened tensions, conflict, and geostrategic in-
21 stability in regions of importance to the United
22 States.

23 **SEC. 204. PURPOSES.**

24 The purposes of this title are—

1 (1) to support a whole-of-government approach
2 across the Federal Government to counter IUU fish-
3 ing and related threats to maritime security;

4 (2) to improve data sharing that enhances sur-
5 veillance, enforcement, and prosecution against IUU
6 fishing and related activities at a global level;

7 (3) to support coordination and collaboration to
8 counter IUU fishing and seafood fraud within pri-
9 ority regions;

10 (4) to increase and improve global transparency
11 and traceability across the seafood supply chain as—

12 (A) a deterrent to IUU fishing and seafood
13 fraud; and

14 (B) a tool for strengthening fisheries man-
15 agement and food security;

16 (5) to improve global enforcement operations
17 against IUU fishing through a whole-of-government
18 approach by the United States; and

19 (6) to prevent the use of IUU fishing as a fi-
20 nancing source for transnational organized groups
21 that undermine United States and global security in-
22 terests.

23 **SEC. 205. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to take action to curtail the global trade in
2 seafood and seafood products derived from IUU
3 fishing, including its links to forced labor and
4 transnational organized illegal activity;

5 (2) to develop holistic diplomatic, military, law
6 enforcement, economic, and capacity-building tools
7 to counter IUU fishing;

8 (3) to provide technical and other forms of as-
9 sistance to countries in priority regions and priority
10 flag states to combat IUU fishing and seafood fraud,
11 including assistance—

12 (A) to increase local, national, and regional
13 level capacities to counter IUU fishing through
14 the engagement of law enforcement and secu-
15 rity forces;

16 (B) to enhance port capacity and security,
17 including through support to implement the
18 Port State Measures Agreement;

19 (C) to combat corruption and increase
20 transparency and traceability in fisheries man-
21 agement and trade;

22 (D) to enhance information sharing within
23 and across governments and multilateral orga-
24 nizations through the development and use of
25 agreed standards for information sharing; and

1 (E) to support effective, science-based fish-
2 eries management regimes that promote legal
3 and safe fisheries and act as a deterrent to
4 IUU fishing;

5 (4) to promote global maritime security through
6 improved capacity and technological assistance to
7 support improved maritime domain awareness;

8 (5) to engage with priority flag states to en-
9 courage the use of high quality vessel tracking tech-
10 nologies where existing enforcement tools are lack-
11 ing;

12 (6) to engage with multilateral organizations
13 working on fisheries issues, including Regional Fish-
14 eries Management Organizations and the Food and
15 Agriculture Organization of the United Nations, to
16 combat and deter IUU fishing;

17 (7) to advance information sharing across gov-
18 ernments and multilateral organizations in areas
19 that cross multiple jurisdictions, through the devel-
20 opment and use of an agreed standard for informa-
21 tion sharing;

22 (8) to continue to use existing and future trade
23 agreements to combat IUU fishing;

24 (9) to employ appropriate assets and resources
25 of the United States Government in a coordinated

1 manner to disrupt the illicit networks involved in
2 IUU fishing;

3 (10) to continue to declassify and make avail-
4 able, as appropriate and practicable, technologies de-
5 veloped by the United States Government that can
6 be used to help counter IUU fishing;

7 (11) to recognize the ties of IUU fishing to
8 transnational organized illegal activity, including
9 human trafficking and illegal trade in narcotics and
10 arms, and as applicable, to focus on illicit activity in
11 a coordinated, cross-cutting manner;

12 (12) to recognize and respond to poor working
13 conditions, labor abuses, and other violent crimes in
14 the fishing industry;

15 (13) to increase and improve global trans-
16 parency and traceability along the seafood supply
17 chain as—

18 (A) a deterrent to IUU fishing; and

19 (B) an approach for strengthening fish-
20 eries management and food security; and

21 (14) to promote technological investment and
22 innovation to combat IUU fishing.

1 **Subtitle A—Programs To Combat**
2 **IUU Fishing and Increase Mari-**
3 **time Security**

4 **SEC. 211. COORDINATION WITH INTERNATIONAL ORGANI-**
5 **ZATIONS.**

6 The Secretary of State, in conjunction with the Sec-
7 retary of Commerce, shall coordinate with Regional Fish-
8 eries Management Organizations and the Food and Agri-
9 culture Organization of the United Nations, and may co-
10 ordinate with other relevant international governmental or
11 nongovernmental organizations, or the private sector, as
12 appropriate, to enhance regional responses to IUU fishing
13 and related transnational organized illegal activities.

14 **SEC. 212. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE**
15 **UNITED STATES.**

16 Not later than 1 year after the date of the enactment
17 of this title, each chief of mission (as defined in section
18 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902))
19 to a relevant country in a priority region or to a priority
20 flag state may, if the Secretary of State determines such
21 action is appropriate—

22 (1) convene a working group, led by Depart-
23 ment of State officials, to examine IUU fishing,
24 which may include stakeholders such as—

1 (A) United States officials from relevant
2 agencies participating in the interagency work-
3 ing group identified in section 221, foreign offi-
4 cials, nongovernmental organizations, the pri-
5 vate sector, and representatives of local fisher-
6 men in the region; and

7 (B) experts on IUU fishing, law enforce-
8 ment, criminal justice, transnational organized
9 illegal activity, defense, intelligence, vessel
10 movement monitoring, and international devel-
11 opment operating in or with knowledge of the
12 region; and

13 (2) designate a counter-IUU Fishing Coordi-
14 nator from among existing personnel at the mission
15 if the chief of mission determines such action is ap-
16 propriate.

17 **SEC. 213. ASSISTANCE BY FEDERAL AGENCIES TO IMPROVE**
18 **LAW ENFORCEMENT WITHIN PRIORITY RE-**
19 **GIONS AND PRIORITY FLAG STATES.**

20 (a) IN GENERAL.—The Secretary of State, in collabo-
21 ration with the Secretary of Commerce and the Secretary
22 of the department in which the Coast Guard is operating,
23 shall provide assistance, as appropriate, in accordance
24 with this section.

1 (b) LAW ENFORCEMENT TRAINING AND COORDINA-
2 TION ACTIVITIES.—The officials referred to in subsection
3 (a) shall evaluate opportunities to provide assistance, as
4 appropriate, to countries in priority regions and priority
5 flag states to improve the effectiveness of IUU fishing en-
6 forcement, with clear and measurable targets and indica-
7 tors of success, including—

8 (1) by assessing and using existing resources,
9 enforcement tools, and legal authorities to coordi-
10 nate efforts to combat IUU fishing with efforts to
11 combat other illegal trade, including weapons, drugs,
12 and human trafficking;

13 (2) by expanding existing IUU fishing enforce-
14 ment training;

15 (3) by providing targeted, country- and region-
16 specific training on combating IUU fishing;

17 (4) by supporting increased effectiveness and
18 transparency of the fisheries enforcement sectors of
19 the governments of such countries; and

20 (5) by supporting increased outreach to stake-
21 holders in the affected communities as key partners
22 in combating and prosecuting IUU fishing.

23 (c) PORT SECURITY ASSISTANCE.—The officials re-
24 ferred to in subsection (a) shall evaluate opportunities to
25 provide assistance, as appropriate, to countries in priority

1 regions and priority flag states to help those states imple-
2 ment programs related to port security and capacity for
3 the purposes of preventing IUU fishing products from en-
4 tering the global seafood market, including support for im-
5 plementing the Port State Measures Agreement.

6 (d) CAPACITY BUILDING FOR INVESTIGATIONS AND
7 PROSECUTIONS.—The officials referred to in subsection
8 (a), in collaboration with the governments of countries in
9 priority regions and of priority flag states, shall evaluate
10 opportunities to assist those countries in designing and
11 implementing programs in such countries, as appropriate,
12 to increase the capacity of IUU fishing enforcement and
13 customs and border security officers to improve their abil-
14 ity—

15 (1) to conduct effective investigations, including
16 using law enforcement techniques such as under-
17 cover investigations and the development of informer
18 networks and actionable intelligence;

19 (2) to conduct vessel boardings and inspections
20 at sea and associated enforcement actions;

21 (3) to exercise existing shiprider agreements
22 and to enter into and implement new shiprider
23 agreements, as appropriate;

24 (4) to conduct vessel inspections at port and as-
25 sociated enforcement actions;

1 (5) to assess technology needs and promote the
2 use of technology to improve monitoring, enforce-
3 ment, and prosecution of IUU fishing;

4 (6) to conduct DNA-based and forensic identi-
5 fication of seafood used in trade;

6 (7) to conduct training on techniques, such as
7 collecting electronic evidence and using computer
8 forensics, for law enforcement personnel involved in
9 complex investigations related to international mat-
10 ters, financial issues, and government corruption
11 that include IUU fishing;

12 (8) to assess financial flows and the use of fi-
13 nancial institutions to launder profits related to IUU
14 fishing;

15 (9) to conduct training on the legal mechanisms
16 that can be used to prosecute those identified in the
17 investigations as alleged perpetrators of IUU fishing
18 and other associated crimes such as trafficking and
19 forced labor; and

20 (10) to conduct training to raise awareness of
21 the use of whistleblower information and ways to
22 incentivize whistleblowers to come forward with
23 original information related to IUU fishing.

24 (e) CAPACITY BUILDING FOR INFORMATION SHAR-
25 ING.—The officials referred to in subsection (a) shall

1 evaluate opportunities to provide assistance, as appro-
2 priate, to key countries in priority regions and priority flag
3 states in the form of training, equipment, and systems de-
4 velopment to build capacity for information sharing re-
5 lated to maritime enforcement and port security.

6 (f) COORDINATION WITH OTHER RELEVANT AGEN-
7 CIES.—The Secretary of State, in collaboration with the
8 Secretary of the department in which the Coast Guard is
9 operating and the Secretary of Commerce, shall coordinate
10 with other relevant agencies, as appropriate, in accordance
11 with this section.

12 **SEC. 214. EXPANSION OF EXISTING MECHANISMS TO COM-**
13 **BAT IUU FISHING.**

14 The Secretary of State, the Administrator of the
15 United States Agency for International Development, the
16 Secretary of the Department in which the Coast Guard
17 is operating, the Secretary of Defense, the Secretary of
18 Commerce, the Attorney General, and the heads of other
19 appropriate Federal agencies shall assess opportunities to
20 combat IUU fishing by expanding, as appropriate, the use
21 of the following mechanisms:

22 (1) Including counter-IUU fishing in existing
23 shiprider agreements in which the United States is
24 a party.

1 (2) Entering into shiprider agreements that in-
2 clude counter-IUU fishing with priority flag states
3 and countries in priority regions with which the
4 United States does not already have such an agree-
5 ment.

6 (3) Including counter-IUU fishing as part of
7 the mission of the Combined Maritime Forces.

8 (4) Including counter-IUU fishing exercises in
9 the annual at-sea exercises conducted by the Depart-
10 ment of Defense, in coordination with the United
11 States Coast Guard.

12 (5) Creating partnerships similar to the Oce-
13 ania Maritime Security Initiative and the Africa
14 Maritime Law Enforcement Partnership in other
15 priority regions.

16 **SEC. 215. IMPROVEMENT OF TRANSPARENCY AND**
17 **TRACEABILITY PROGRAMS.**

18 The Secretary of State, the Administrator of the
19 United States Agency for International Development, the
20 Secretary of the Department in which the Coast Guard
21 is operating, the Secretary of Commerce, and the heads
22 of other Federal agencies, if merited, shall work, as appro-
23 priate, with priority flag states and key countries in pri-
24 ority regions—

1 (1) to increase knowledge within such countries
2 about the United States transparency and
3 traceability standards for imports of seafood and
4 seafood products;

5 (2) to improve the capacity of seafood indus-
6 tries within such countries through information
7 sharing and training to meet the requirements of
8 transparency and traceability standards for seafood
9 and seafood product imports, including catch docu-
10 mentation and trade tracking programs adopted by
11 relevant regional fisheries management organiza-
12 tions;

13 (3) to improve the capacities of government, in-
14 dustry, and civil society groups to develop and imple-
15 ment comprehensive traceability systems that—

16 (A) deter IUU fishing;

17 (B) strengthen fisheries management; and

18 (C) enhance maritime domain awareness;

19 and

20 (4) to support the implementation of seafood
21 traceability standards in such countries to prevent
22 IUU fishing products from entering the global sea-
23 food market and assess capacity and training needs
24 in those countries.

1 **SEC. 216. TECHNOLOGY PROGRAMS.**

2 The Secretary of State, the Administrator of the
3 United States Agency for International Development, the
4 Secretary of the Department in which the Coast Guard
5 is operating, the Secretary of Defense, the Secretary of
6 Commerce, and the heads of other Federal agencies, as
7 appropriate, shall pursue programs to expand the role of
8 technology for combating IUU fishing, including by—

9 (1) promoting the use of technology to combat
10 IUU fishing;

11 (2) assessing the technology needs, including
12 vessel tracking technologies and data sharing, in pri-
13 ority regions and priority flag states;

14 (3) engaging with priority flag states to encour-
15 age the mandated use of vessel tracking tech-
16 nologies, including vessel monitoring systems, AIS,
17 or other vessel movement monitoring technologies on
18 fishing vessels and transshipment vessels at all
19 times, as appropriate, while at sea as a means to
20 identify IUU fishing activities and the shipment of
21 illegally caught fish products; and

22 (4) building partnerships with the private sec-
23 tor, including universities, nonprofit research organi-
24 zations, the seafood industry, and the technology,
25 transportation and logistics sectors, to leverage new

1 and existing technologies and data analytics to ad-
2 dress IUU fishing.

3 **SEC. 217. INFORMATION SHARING.**

4 The Director of National Intelligence, in conjunction
5 with other agencies, as appropriate, shall develop an enter-
6 prise approach to appropriately share information and
7 data within the United States Government or with other
8 countries or nongovernmental organizations, or the private
9 sector, as appropriate, on IUU fishing and other con-
10 nected transnational organized illegal activity occurring in
11 priority regions and elsewhere, including big data analytics
12 and machine learning.

13 **Subtitle B—Establishment of Inter-**
14 **agency Working Group on IUU**
15 **Fishing**

16 **SEC. 221. INTERAGENCY WORKING GROUP ON IUU FISHING.**

17 (a) IN GENERAL.—There is established a collabo-
18 rative interagency working group on maritime security
19 and IUU fishing (referred to in this title as the “Working
20 Group”).

21 (b) MEMBERS.—The members of the Working Group
22 shall be composed of—

23 (1) 1 chair, who shall rotate between the Coast
24 Guard, the Department of State, and the National

1 Oceanographic and Atmospheric Administration on a
2 3-year term;

3 (2) 2 deputy chairs, who shall be appointed by
4 their respective agency heads and shall be from a
5 different Department than that of the chair, from—

6 (A) the Coast Guard;

7 (B) the Department of State; and

8 (C) the National Oceanic and Atmospheric
9 Administration;

10 (3) 12 members, who shall be appointed by
11 their respective agency heads, from—

12 (A) the Department of Defense;

13 (B) the United States Navy;

14 (C) the United States Agency for Inter-
15 national Development;

16 (D) the United States Fish and Wildlife
17 Service;

18 (E) the Department of Justice;

19 (F) the Department of the Treasury;

20 (G) U.S. Customs and Border Protection;

21 (H) U.S. Immigration and Customs En-
22 forcement;

23 (I) the Federal Trade Commission;

24 (J) the National Institute of Food and Ag-
25 riculture;

1 (K) the Food and Drug Administration;
2 and

3 (L) the Department of Labor;

4 (4) 1 or more members from the intelligence
5 community (as defined in section 3 of the National
6 Security Act of 1947 (50 U.S.C. 3003)), who shall
7 be appointed by the Director of National Intel-
8 ligence; and

9 (5) 5 members, who shall be appointed by the
10 President, from—

11 (A) the National Security Council;

12 (B) the Council on Environmental Quality;

13 (C) the Office of Management and Budget;

14 (D) the Office of Science and Technology
15 Policy; and

16 (E) the Office of the United States Trade
17 Representative.

18 (c) RESPONSIBILITIES.—The Working Group shall
19 ensure an integrated, Federal Governmentwide response
20 to IUU fishing globally, including by—

21 (1) improving the coordination of Federal agen-
22 cies to identify, interdict, investigate, prosecute, and
23 dismantle IUU fishing operations and organizations
24 perpetrating and knowingly benefiting from IUU
25 fishing;

1 (2) assessing areas for increased interagency in-
2 formation sharing on matters related to IUU fishing
3 and related crimes;

4 (3) establishing standards for information shar-
5 ing related to maritime enforcement;

6 (4) developing a strategy to determine how mili-
7 tary assets and intelligence can contribute to en-
8 forcement strategies to combat IUU fishing;

9 (5) increasing maritime domain awareness re-
10 lating to IUU fishing and related crimes and devel-
11 oping a strategy to leverage awareness for enhanced
12 enforcement and prosecution actions against IUU
13 fishing;

14 (6) supporting the implementation of the Port
15 State Measures Agreement in relevant countries and
16 assessing the capacity and training needs in such
17 countries;

18 (7) outlining a strategy to coordinate, increase,
19 and use shiprider agreements between the Depart-
20 ment of Defense or the Coast Guard and relevant
21 countries;

22 (8) enhancing cooperation with partner govern-
23 ments to combat IUU fishing;

1 (9) identifying opportunities for increased infor-
2 mation sharing between Federal agencies and part-
3 ner governments working to combat IUU fishing;

4 (10) consulting and coordinating with the sea-
5 food industry and nongovernmental stakeholders
6 that work to combat IUU fishing;

7 (11) supporting the work of collaborative inter-
8 national initiatives to make available certified data
9 from state authorities about vessel and vessel-related
10 activities related to IUU fishing;

11 (12) supporting the identification and certifi-
12 cation procedures to address IUU fishing in accord-
13 ance with the High Seas Driftnet Fishing Morato-
14 rium Protection Act (16 U.S.C. 1826d et seq.); and

15 (13) developing a strategy for raising domestic
16 awareness of the issues relating to IUU fishing, in-
17 cluding publishing annual reports summarizing non-
18 sensitive information about the Working Group's ef-
19 forts to investigate, enforce, and prosecute groups
20 and individuals engaging in IUU fishing.

21 **SEC. 222. STRATEGIC PLAN.**

22 (a) STRATEGIC PLAN.—Not later than 2 years after
23 the date of the enactment of this title, the Working Group,
24 after consultation with the relevant stakeholders, shall
25 submit to Congress a 5-year integrated strategic plan on

1 combating IUU fishing and enhancing maritime security,
2 including specific strategies with monitoring benchmarks
3 for addressing IUU fishing in priority regions.

4 (b) IDENTIFICATION OF PRIORITY REGIONS AND
5 PRIORITY FLAG STATES.—

6 (1) IN GENERAL.—The strategic plan submitted
7 under subsection (a) shall identify priority regions
8 and priority flag states to be the focus of assistance
9 coordinated by the Working Group under section
10 221.

11 (2) PRIORITY REGION SELECTION CRITERIA.—
12 In selecting priority regions under paragraph (1),
13 the Working Group shall select regions that—

14 (A) are at high risk for IUU fishing activ-
15 ity or the entry of illegally caught seafood into
16 their markets; and

17 (B) lack the capacity to fully address the
18 issues described in subparagraph (A).

19 (3) PRIORITY FLAG STATES SELECTION CRI-
20 TERIA.—In selecting priority flag states under para-
21 graph (1), the Working Group shall select coun-
22 tries—

23 (A) the flagged vessels of which actively
24 engage in, knowingly profit from, or are
25 complicit in IUU fishing; and

1 (B) that lack the capacity to police their
2 fleet.

3 **SEC. 223. REPORTS.**

4 Not later than 5 years after the submission of the
5 5-year integrated strategic plan under section 222, and
6 every 5 years thereafter, the Working Group shall submit
7 a report to the Committee on Commerce, Science, and
8 Transportation of the Senate, the Committee on Foreign
9 Relations of the Senate, the Committee on Appropriations
10 of the Senate, the Committee on Natural Resources of the
11 House of Representatives, the Committee on Foreign Af-
12 fairs of the House of Representatives, and the Committee
13 on Appropriations of the House of Representatives that
14 contains—

15 (1) a summary of global and regional trends in
16 IUU fishing;

17 (2) an assessment of the extent of the conver-
18 gence between transnational organized illegal activ-
19 ity, including human trafficking and forced labor,
20 and IUU fishing;

21 (3) an assessment of the topics, data sources,
22 and strategies that would benefit from increased in-
23 formation sharing and recommendations regarding
24 harmonization of data collection and sharing;

1 (4) an assessment of assets, including military
2 assets and intelligence, which can be used for either
3 enforcement operations or strategies to combat IUU
4 fishing;

5 (5) summaries of the situational threats with
6 respect to IUU fishing in priority regions and an as-
7 sessment of the capacity of countries within such re-
8 gions to respond to those threats;

9 (6) an assessment of the progress of countries
10 in priority regions in responding to those threats as
11 a result of assistance by the United States pursuant
12 to the strategic plan developed under section 222,
13 including—

14 (A) the identification of—

15 (i) relevant supply routes, ports of
16 call, methods of landing and entering ille-
17 gally caught product into legal supply
18 chains, and financial institutions used in
19 each country by participants engaging in
20 IUU fishing; and

21 (ii) indicators of IUU fishing that are
22 related to money laundering;

23 (B) an assessment of the adherence of
24 countries in priority regions to international

1 treaties related to IUU fishing, including the
2 Port State Measures Agreement;

3 (C) an assessment of the implementation
4 by countries in priority regions of seafood
5 traceability or capacity to apply traceability to
6 verify the legality of catch and strengthen fish-
7 eries management;

8 (D) an assessment of the capacity of coun-
9 tries in priority regions to implement shiprider
10 agreements;

11 (E) an assessment of the capacity of coun-
12 tries in priority regions to increase maritime
13 domain awareness; and

14 (F) an assessment of the capacity of gov-
15 ernments of relevant countries in priority re-
16 gions to sustain the programs for which the
17 United States has provided assistance under
18 this title;

19 (7) an assessment of the capacity of priority
20 flag states to track the movement of and police their
21 fleet, prevent their flagged vessels from engaging in
22 IUU fishing, and enforce applicable laws and regula-
23 tions; and

24 (8) an assessment of the extent of involvement
25 in IUU fishing of organizations designated as for-

1 eign terrorist organizations under section 219 of the
2 Immigration and Nationality Act (8 U.S.C. 1189).

3 **SEC. 224. GULF OF MEXICO IUU FISHING SUBWORKING**
4 **GROUP.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this title, the Administrator of
7 the National Oceanic and Atmospheric Administration, in
8 coordination with the Coast Guard and the Department
9 of State, shall establish a subworking group to address
10 IUU fishing in the exclusive economic zone of the United
11 States in the Gulf of Mexico.

12 (b) FUNCTIONS.—The subworking group established
13 under subsection (a) shall identify—

14 (1) Federal actions taken and policies estab-
15 lished during the 5-year period immediately pre-
16 ceding the date of the enactment of this title with
17 respect to IUU fishing in the exclusive economic
18 zone of the United States in the Gulf of Mexico, in-
19 cluding such actions and policies related to—

20 (A) the surveillance, interdiction, and pros-
21 ecution of any foreign nationals engaged in
22 such fishing; and

23 (B) the application of the provisions of the
24 High Seas Driftnet Fishing Moratorium Protec-
25 tion Act (16 U.S.C. 1826d et seq.) to any rel-

1 evant nation, including the status of any past
2 or ongoing consultations and certification proce-
3 dures;

4 (2) actions and policies, in addition to the ac-
5 tions and policies described in paragraph (1), each
6 of the Federal agencies described in subsection (a)
7 can take, using existing resources, to combat IUU
8 fishing in the exclusive economic zone of the United
9 States in the Gulf of Mexico; and

10 (3) any additional authorities that could assist
11 each such agency in more effectively addressing such
12 IUU fishing.

13 (c) REPORT.—Not later than 1 year after the IUU
14 Fishing Subworking Group is established under subsection
15 (a), the group shall submit a report to the Committee on
16 Commerce, Science, and Transportation of the Senate and
17 the Committee on Natural Resources of the House of Rep-
18 resentatives that contains—

19 (1) the findings identified pursuant to sub-
20 section (b); and

21 (2) a timeline for each of the Federal agencies
22 described in subsection (a) to implement each action
23 or policy identified pursuant to subsection (b)(2).

1 **Subtitle C—Authorization of**
2 **Appropriations**

3 **SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out the activities required
6 under this title.

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