

imagine that there exists a single airline executive in this country that would sanction the operation of a noncompliant or unsafe plane.

As I close I want to thank the leadership of the Aviation Subcommittee, in addition to the leadership of the Full Committee for advancing this vital piece of legislation to the floor.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6493, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 94. Concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces.

□ 1515

#### CLEAN BOATING ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2766) to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2766

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Boating Act of 2008".

#### SEC. 2. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.

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

"(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel."

#### SEC. 3. DEFINITION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(25) RECREATIONAL VESSEL.—

"(A) IN GENERAL.—The term 'recreational vessel' means any vessel that is—

"(i) manufactured or used primarily for pleasure; or

"(ii) leased, rented, or chartered to a person for the pleasure of that person.

"(B) EXCLUSION.—The term 'recreational vessel' does not include a vessel that is subject to Coast Guard inspection and that—

"(i) is engaged in commercial use; or

"(ii) carries paying passengers."

#### SEC. 4. MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.

Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(o) MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.—

"(1) APPLICABILITY.—This subsection applies to any discharge, other than a discharge of sewage, from a recreational vessel that is—

"(A) incidental to the normal operation of the vessel; and

"(B) exempt from permitting requirements under section 402(r).

"(2) DETERMINATION OF DISCHARGES SUBJECT TO MANAGEMENT PRACTICES.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall determine the discharges incidental to the normal operation of a recreational vessel for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on the waters of the United States.

"(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

"(iii) MANAGEMENT PRACTICES.—The Administrator shall develop management practices for recreational vessels in any case in which the Administrator determines that the use of those practices is reasonable and practicable.

"(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

"(i) the nature of the discharge;

"(ii) the environmental effects of the discharge;

"(iii) the practicability of using a management practice;

"(iv) the effect that the use of a management practice would have on the operation, operational capability, or safety of the vessel;

"(v) applicable Federal and State law;

"(vi) applicable international standards; and

"(vii) the economic costs of the use of the management practice.

"(C) TIMING.—The Administrator shall—

"(i) make the initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

"(ii) every 5 years thereafter—

"(I) review the determinations; and

"(II) if necessary, revise the determinations based on any new information available to the Administrator.

"(3) PERFORMANCE STANDARDS FOR MANAGEMENT PRACTICES.—

"(A) IN GENERAL.—For each discharge for which a management practice is developed under paragraph (2), the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, other in-

terested Federal agencies, and interested States, shall promulgate, in accordance with section 553 of title 5, United States Code, Federal standards of performance for each management practice required with respect to the discharge.

"(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator shall take into account the considerations described in paragraph (2)(B).

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

"(i) distinguish among classes, types, and sizes of vessels;

"(ii) distinguish between new and existing vessels; and

"(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

"(D) TIMING.—The Administrator shall—

"(i) promulgate standards of performance for a management practice under subparagraph (A) not later than 1 year after the date of a determination under paragraph (2) that the management practice is reasonable and practicable; and

"(ii) every 5 years thereafter—

"(I) review the standards; and

"(II) if necessary, revise the standards, in accordance with subparagraph (B) and based on any new information available to the Administrator.

"(4) REGULATIONS FOR THE USE OF MANAGEMENT PRACTICES.—

"(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate such regulations governing the design, construction, installation, and use of management practices for recreational vessels as are necessary to meet the standards of performance promulgated under paragraph (3).

"(B) REGULATIONS.—

"(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator promulgates standards with respect to the practice under paragraph (3), but not later than 1 year after the date on which the Administrator promulgates the standards.

"(ii) EFFECTIVE DATE.—The regulations promulgated by the Secretary under this paragraph shall be effective upon promulgation unless another effective date is specified in the regulations.

"(iii) CONSIDERATION OF TIME.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall consider the period of time necessary to communicate the existence of the regulation to persons affected by the regulation.

"(5) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a recreational vessel.

"(6) PROHIBITION RELATING TO RECREATIONAL VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (4), the owner or operator of a recreational vessel shall neither operate in nor discharge any discharge incidental to the normal operation of the vessel into, the waters of the United States or the waters of the contiguous zone, if the owner or operator of the vessel is not using any applicable management practice meeting standards established under this subsection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, S. 2766.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are. We started on this journey with this legislation in subcommittee and full committee on the initiative of Mr. TAYLOR of Mississippi, Mr. LATOURETTE of Ohio, Mr. LOBIONDO of New Jersey, Mr. KAGEN of Wisconsin, a whole host of Members who live along the water, whose districts encompass water-based recreational activity, alarmed by constituents that something serious was about to happen as a result of a decision of the U.S. District Court of the Northern District of California, that guys and women with little motor boats are going to have to go through a ballast water discharge system.

Well, the ramifications would have brought forward a regulatory scheme that would have been extraordinarily and unnecessarily burdensome on weekend recreational boaters. Every weekend I travel throughout my district, and I look longingly out on the lakes at those who are using their boats and wish I could be out there with them. I am doing other things, most of them meetings indoors.

I know from hearing from my constituents, as the gentleman from Ohio (Mr. LATOURETTE) has, that incidental discharges, as covered by the court ruling, deck runoffs, laundry, shower and galley waste from 13 million State-registered recreational boats could wreak havoc in this sector that is a multi-billion dollar part of our national economy and vital specifically to local economies and vital to individuals who seek respite from their workaday life by getting out on a boat on the weekend and kicking back and enjoying the water and the water environment.

In the aftermath of the court case, Northwest Environmental Advocates, our committee closely reviewed the issue of discharges incidental to the normal operation of a vessel, to use the technical term, including the implications of both recreational vessel discharges and commercial vessel discharges, and we decided it was appropriate to retain a limited exclusion from the national pollutant discharge elimination system that will allow requirements for discharges incidental to the normal operation of a recreational vessel. We restore the status quo in this legislation that existed prior to the California court decision.

Just one word of explanation for the procedure here. We were ready to bring our bill weeks ago. We got a message from our counterparts in the other body to wait and give the other body time to move its legislation because with all of the procedural limitations and hoops they have to jump through in the other body, wait until they could move a bill. And we waited and we waited and we waited. We were ready to move our own bill. I said this is it, we will bring it to the floor this week. We aren't going to wait any longer. Well, I won't characterize any further the other body. It might go beyond the decorum of the House in this matter.

And suddenly, the trigger went off and the other body moved with its bill and brought it to the floor. If we act today on this legislation, we can just send these bills directly to the President for his signature, and that is what we ought to do in the best interest of boating and in the best interest of comity between the bodies.

I express great appreciation to the gentleman from Ohio for his patience and for his cooperation and participation, and to the gentleman from Mississippi (Mr. TAYLOR) for also being very patient on the issue. And for all of my other colleagues who have wanted us to take this action, we are doing it. I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

I want to begin my remarks by thanking the chairman of the full committee, Mr. OBERSTAR, and I will have a little more to say about the body on the other side and how it contrasts with how Mr. OBERSTAR and the Transportation and Infrastructure Committee on this side operates.

I also thank the gentleman from Mississippi (Mr. TAYLOR) for his dogged pursuit of this, and all of the other Members that Mr. OBERSTAR mentioned; and in addition one who he by oversight forgot, CANDICE MILLER of Michigan, who was in the boat business before she came to Congress. And like most of us who live up on the Great Lakes, when she goes home, she hears about this.

I actually saw a couple of boaters the weekend before last, and they said that with all that is going on with fuel prices, they paid \$500 to fill up their tanks to go out and boat, and they certainly didn't need an incidental discharge permit authorized by the Environmental Protection Agency to go out walleye fishing.

Relative to the way the two bodies work, when this matter was brought to the chairman's attention, he immediately said well, draft a piece of legislation, put it in, let's find out everybody that is interested. We will have hearings. We did in the subcommittee and the full committee. We had a markup, we prepared the bill, and then we waited and we waited and we waited.

Then today, I know some people who may keep track of the schedule of the House of Representatives may have seen the schedule for today's suspension calendar printed, and it said we would be considering H.R. 5949, and I just would ask people to not adjust their television sets, it is not a mistake, we are in fact doing the Senate bill because the great slumbering dinosaur that is the august body on the other side of the Capitol awoke from that slumber earlier this morning and in fact passed Senate 2766, which I am happy to say is identical word for word with the House bill and so we are going to consider the Senate bill because unlike others, we have no pride of authorship, we are more interested in getting this bill to the President for his signature to help alleviate the pain that some 13 million, 14 million boaters would have.

The original House bill was introduced to exempt recreational boaters from having to obtain an EPA permit for incidental discharges that are determined to be normal to the operation of the vehicle. The House passage today will prevent 16 million recreational boaters from being subject to Federal fines of up to \$32,500. And let me repeat that, \$32,500 a day for a guy who owns a 19-foot Starcraft that has an incidental discharge in Lake Erie.

What is an incidental discharge? An incidental discharge is if it rains and water pours off the deck of your boat; if you are out fishing and you have a cooler and you want to dump the melted ice over the side of the boat, that is an incidental discharge. In my part of the Great Lakes basin, we are a little heartier and maybe a little cruder than others, and sometimes we will go out with a cooler filled with liquid refreshments while we walleye fish, and sometimes that leads to a call of nature. That is an incidental discharge from a recreational boat that would have been subject to this discharge permit because of this judge in California.

And the Congress had to act because the judge indicated that these regulations go into effect in September. The EPA has already drafted model regulations so they were ready to go. And although the matter is on appeal, if we don't take action and get the President to sign it, it is going to be a big problem.

So again, I am very, very thankful to Mr. OBERSTAR and the other members of our committee. I am very thankful for the prompt action of the House of Representatives and thankful for the action of the United States Senate earlier today. I urge everybody to support this piece of legislation.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on this side, and I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield to a distinguished Member of the House from Connecticut (Mr. SHAYS) for such time as he may consume.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding, and congratulations to Chairman OBERSTAR and Ranking Member MICA and Members LATOURETTE and TAYLOR.

I rise in support of H.R. 5949, the Clean Boating Act, which would exempt recreational boats from a permit requirement for normal operational discharges of ballast water.

In September of 2006, a U.S. District Court decision overturned the Environmental Protection Agency's authority to exempt recreational boats from having to obtain a permit for operational discharges. As a result, the EPA is required to develop and implement a permitting system for all boats by September 30, 2008. Under this new rule, all boaters will be required to apply for pollution permits regulating ballast water, which includes deck runoff, engine cooling water, gray water and bilge water from engines, laundries, showers and sinks.

While I believe large quantities of ballast water, primarily from commercial ships, adversely affect marine habitat, runoff from recreational vehicles does not come close to posing the same water pollution challenges.

The Clean Boating Act defines recreational vessels as those used primarily for pleasure, or those leased, rented or chartered to a person for recreational purposes. Under H.R. 5949, these vessels would be exempt from the new permit requirement, just as they had been before the U.S. District Court decision.

Recreational boating plays an important role in many of the communities in Connecticut's Fourth Congressional District, and I have found many boaters to be among the most concerned for our marine ecosystems. Boating is an important factor in tourism and the prosperity of local economies all along our coastline.

I urge support of the Clean Boating Act to exempt recreational boaters from this necessary permitting process.

Our laws should be logical, workable, and fair. Requiring all boats to obtain permits for normal discharge of ballast water is not logical, workable, or fair.

H.R. 5949, the Clean Boating Act, ensures pollution permits regulating ballast water will cover those vessels that it should apply to, commercial boats, and not those vessels that it shouldn't apply to, recreational boats.

Again, I thank the chairman for bringing this bill out and making sure that we don't have to go to conference so we can send it directly to President. Congratulations to both of you.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time for the purpose of closing on our side.

Mr. Speaker, again I want to thank Chairman OBERSTAR. This again is an example of how our committee works in a bipartisan way to deal with real issues affecting real Americans.

Just a couple of statistics for the purpose of the RECORD. In just the

State of Ohio, there are over 415,000 recreational boats registered with the Ohio Department of Natural Resources. One in every five boats registered in Ohio are located within the seven counties that I represent in northeastern Ohio. The Clean Water Act amendments that the court was allegedly interpreting were designed to deal with ballast water and to prevent the additional scourge of invasive species coming into our waterways, which those of us in the Great Lakes and the coastal regions know, the zebra mussels, the round goby, the sea lamprey, the Asian carp, we are all familiar with how terrible it is when something foreign to our ecosystem is introduced.

But the fallacy of the court's decision is that 99 percent of recreational boats don't have any ballast water so it would be tough for an invasive species to sneak into something that didn't exist. And, in fact, this court ruling would have even covered a kayak. If you, Mr. Speaker, wanted to go kayaking on the Cuyahoga River, you would have needed an EPA discharge permit for the purpose of your kayak.

Clearly it made no sense. There is no body or plethora of science that indicates that invasive species have hitched into inland water on kayaks or pontoon boats. This is a ruling that didn't make sense. And, sadly, it is taking congressional action, and I am glad that in this instance congressional action has taken place in both bodies and the President hopefully will soon sign this legislation. Again, my thanks to all who were involved.

Mr. Speaker, I yield back the balance of my time.

□ 1530

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of our time for the purpose of closing.

I also want to include in the list of distinguished Members who supported this legislation, and, from the outset, Mrs. MILLER from Michigan. CANDICE MILLER has been a strong advocate for this legislation.

The gentleman from Ohio referenced the other body arising from its slumber. I think that is a passage from scripture, from the Old Testament, that concludes, in the last stanza, "A new day is dawning." This is a new day of dawning, for boating, for recreational boaters.

As I was up the north shore of Lake Superior on Saturday dedicating a new McQuade Road Harbor of refuge, there was, indeed, an open water kayak, a 20-foot kayak that put into the Harbor of Refuge. I thought of this legislation, and I told the folks gathered that we are going to make boating safe and easy, comfortable again, thanks to a partnership. Although there wasn't a boat in the carload, for the gentleman from Ohio, I brought his name up saying it's wonderful to have this kind of partnership and participation in legislation for the common good and common interest.

I will observe further that today is the gentleman's birthday, and I promise not to break into song, but I do promise that we deliver to the gentleman an appropriate remembrance of his day in the form of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 2766, the "Clean Boating Act of 2008," which provides a targeted Clean Water Act exemption for discharges incidental to the normal operation of a recreational vessel.

This legislation is in response to a 2005 Federal district court decision, which struck down a decades-old exemption for discharges incidental to the normal operation of a vessel.

Although the focus of the 2005 court decision was the discharge of ballast water, the implications of this decision are likely to affect the more than 13 million recreational boaters in the United States.

The committee believes that the discharge of pollutants from recreational vessels is likely to pose a minimal adverse impact on water quality and the environment, even on a cumulative basis.

Accordingly, it is appropriate to reaffirm a limited exclusion from the National Pollution Discharge Elimination System, or NPDES, requirements of the Clean Water Act for discharges incidental to the normal operation of a recreational vessel, such as graywater, bilge water, and weather deck runoff.

S. 2766, the Clean Boating Act, would amend the Clean Water Act to provide a limited statutory exemption for discharges from recreational vessels, which would be clearly defined in the statute.

In addition, the scope of coverage for "discharges incidental to the normal operation of a recreational vessel" is intended to mirror those discharges that were included in the EPA regulatory exclusion, found at 40 CFR 122.3(a).

However, in order to further minimize any potential adverse impact to water quality and the environment, the Administrator must further examine the potential adverse impacts of discharges incidental to the normal operation of a recreational vessel, and develop appropriate management practices to mitigate potential adverse impacts on the waters of the United States.

Accordingly, S. 2766 also amends section 312 of the Clean Water Act to establish management practices for any discharges from a recreational vessel that would be excluded by this act, other than the discharge of sewage regulated under section 312 of the act).

This provision directs the Administrator to develop "reasonable and practicable" management practices to mitigate the adverse impacts that may result from discharges from a recreational vessel excluded by this act.

Under this provision, the Administrator must complete its evaluation of management practices for discharges excluded by this act within 1 year of the date of enactment, and review its evaluation, and revise, if necessary, every 5 years thereafter.

S. 2766 also requires the Administrator, in consultation with the Coast Guard, the Department of Commerce, and other interested Federal agencies, to develop performance standards for management practices based on the class, type, and size of the vessel, and directs the Coast Guard to conduct a rulemaking governing the design, construction, installation,

and use of management practices for recreational vessels as are necessary to meet these performance standards.

Finally, this legislation includes a savings clause to ensure that this act does not affect existing Clean Water Act prohibitions against discharges of oil or hazardous substances under section 311 of the act.

I urge my colleagues to support this targeted legislative proposal to properly address discharges from recreational vessels.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of S. 2766, the Clean Boating Act of 2008, and to applaud my good friend and the bill's lead sponsor, Senator NELSON, who has been a tireless advocate on this issue for Florida's recreational boaters.

I also want to thank the distinguished chairman of the full committee and my good friend from Minnesota, Mr. OBERSTAR, for fulfilling a promise he made on the House floor when we considered the Coast Guard bill back in April. He promised then to take up this issue on behalf of recreational boaters before the September 30th deadline, and once again, the distinguished Chairman has proven that he is one of the truly great leaders of the House.

Mr. Speaker, in a mere 70 days, the nation's 73 million recreational boaters will face a huge and unreasonable regulatory burden as a result of a recent U.S. District Court decision. The underlying decision dealt primarily with halting the spread of invasive species through commercial ballast water—an effort I support, having seen firsthand the ravages of invasive species on Florida's environmental treasure: the Everglades. The U.S. District Court, however, did not limit its decision only to ballast water. Instead, it struck down a long-standing exemption for recreational boaters from obtaining a permit for incidental discharges.

As a result, 73 million boaters will be forced to obtain permits from the EPA or face fines as high as \$32,500. To be frank, this is a ridiculous scenario. We don't need a new DMV for our recreational boaters, especially since the EPA feels ill-equipped to handle this new regulatory responsibility.

We must also not forget that this new permitting system will hurt an industry that is already suffering as a result of our country's economic downturn. In particular, the marine industry is a major economic force in my home state of Florida, responsible for over \$18 billion of revenues and 220,000 jobs statewide. It's critical to note that \$13 billion of the economic impact and 162,000 of those jobs as well as almost half of the industry's gross sales come from the tri-county region, much of which is in my Congressional district.

But this great industry is not without its own perils. People don't need boats, and they generally buy them when they are comfortable with the necessities of life. The industry is also affected by high interest rates, record insurance costs and rising property taxes, particularly for those on the waterfront. We must not add to their troubles this new regulatory burden that could prevent potential boaters from buying or using a boat. That's why I cosponsored the House version of the Clean Boating Act and have supported its swift passage.

Mr. Speaker, the Senate already has acted earlier this morning by passing S. 2766 and the next bill up for debate, S. 3298. I strongly support that bill as well because it provides a two-year moratorium for certain small commer-

cial vessels and all fishing vessels from the regulatory permits. I urge my colleagues to follow suit and adopt both bills so we can stop this logistical and regulatory nightmare.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 2766.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### CLARIFYING PERMIT REQUIREMENTS FOR CERTAIN VESSEL DISCHARGES

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3298

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term “covered vessel” means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms “contiguous zone”, “discharge”, “ocean”, and “State” have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

#### SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

#### SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a))) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.