

115TH CONGRESS
1ST SESSION

H. R. 2593

To authorize appropriations for the Federal Maritime Commission for fiscal years 2018 and 2019, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2017

Mr. HUNTER (for himself, Mr. GARAMENDI, Mr. SHUSTER, and Mr. DEFazio) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize appropriations for the Federal Maritime Commission for fiscal years 2018 and 2019, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Maritime Commission Authorization Act of
6 2017”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL MARITIME COMMISSION

Sec. 101. Authorization.
 Sec. 102. Port services.
 Sec. 103. Information.
 Sec. 104. Ocean transportation intermediaries.
 Sec. 105. Interrelated agreements.

TITLE II—OTHER MATTERS

Sec. 201. Fishing safety grants.
 Sec. 202. Assistance for small shipyards.
 Sec. 203. Treatment of fishing permits.
 Sec. 204. Centers of excellence.

TITLE I—FEDERAL MARITIME COMMISSION

SEC. 101. AUTHORIZATION.

Section 308 of title 46, United States Code, is amended by striking “\$24,700,000 for each of fiscal years 2016 and 2017” and inserting “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019”.

SEC. 102. PORT SERVICES.

(a) DEFINITIONS.—Section 40102 of title 46, United States Code, is amended by adding at the end the following:

“(26) PORT SERVICES.—The term ‘port services’ means intermediary services provided to an ocean carrier at a United States port to facilitate vessels operated by such a carrier to operate and load and unload cargo at such port, including towage, cargo handling, and bunkering.”.

(b) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

1 (1) in paragraph (7) by striking “or” at the
2 end;

3 (2) in paragraph (8) by striking the period at
4 the end and inserting “; or”; and

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

6 “(9) negotiate with a provider of port services
7 on any matter relating to rates or services provided
8 within the United States by such provider, unless
9 advance notice is provided to the Federal Maritime
10 Commission of the intent and need for the negotia-
11 tion, the negotiation and any resulting agreement
12 are not in violation of the antitrust laws and are
13 consistent with the purposes of this part, and, as de-
14 termined by the Commission, the negotiation and
15 any resulting agreement will not substantially lessen
16 competition in the purchasing of port services pro-
17 vided at United States ports (this paragraph does
18 not prohibit the setting and publishing of a joint
19 through rate by a conference, joint venture, or asso-
20 ciation of common carriers).”.

21 (c) INJUNCTIVE RELIEF SOUGHT BY THE COMMIS-
22 SION.—Section 41307(b) of title 46, United States Code,
23 is amended—

24 (1) in paragraph (1) by striking “produce an
25 unreasonable reduction in transportation service or

1 an unreasonable increase in transportation cost” and
 2 inserting “produce an unreasonable reduction in
 3 transportation service, produce an unreasonable in-
 4 crease in transportation cost, or substantially lessen
 5 competition in the purchasing of port services”; and

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

7 “(4) COMPETITION FACTORS.—In making a de-
 8 termination under this subsection, the Commission
 9 may consider any relevant competition factors in af-
 10 fected markets, including, without limitation, the
 11 competitive effect of agreements other than the
 12 agreement under review.”.

13 **SEC. 103. INFORMATION.**

14 (a) REPORTS FILED WITH THE COMMISSION.—Sec-
 15 tion 40104(a) of title 46, United States Code, is amend-
 16 ed—

17 (1) by inserting “, marine terminal operator, or
 18 ocean transportation intermediary,” after “common
 19 carrier”;

20 (2) by inserting “, operator, or intermediary,”
 21 after “employee of the carrier”; and

22 (3) by inserting “, operator, or intermediary”
 23 after “business of the carrier”.

24 (b) COMMISSION ACTION.—Section 40304 of title 46,
 25 United States Code, is amended—

1 (1) in subsection (a) by inserting “, and inter-
2 ested persons may submit relevant information and
3 documents to the Commission” after “publication”;
4 and

5 (2) in subsection (d) by striking “to make the
6 determinations required by this section”.

7 **SEC. 104. OCEAN TRANSPORTATION INTERMEDIARIES.**

8 (a) **LICENSE REQUIREMENT.**—Section 40901(a) of
9 title 46, United States Code, is amended by inserting “ad-
10 vertise, hold oneself out, or” after “may not”.

11 (b) **FINANCIAL RESPONSIBILITY.**—Section 40902(a)
12 of title 46, United States Code, is amended by inserting
13 “advertise, hold oneself out, or” after “may not”.

14 (c) **COMMON CARRIERS.**—Section 41104(11) of title
15 46, United States Code, is amended by striking “a tariff
16 as required by section 40501 of this title and”.

17 **SEC. 105. INTERRELATED AGREEMENTS.**

18 (a) **COMMON CARRIERS.**—Section 41104 of title 46,
19 United States Code, is amended—

20 (1) in paragraph (11) by striking “or” at the
21 end;

22 (2) in paragraph (12) by striking the period at
23 the end and inserting “; or”; and

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

1 “(13) participate in a rate discussion agreement
 2 and a vessel sharing agreement, slot sharing agree-
 3 ment, space sharing agreement, or similar agree-
 4 ment for use of vessels by two or more ocean com-
 5 mon carriers, unless the Commission has granted
 6 the parties an exemption pursuant to section
 7 40103.”.

8 (b) APPLICABILITY.—Participants in an agreement
 9 in effect on the date of enactment of this Act and prohib-
 10 ited as a result of the amendment made in subsection (a)
 11 shall have 1 year from such date of enactment to—

12 (1) obtain an exemption from the application of
 13 section 41104(13) of title 46, United States Code,
 14 pursuant to section 40103 of such title; or

15 (2) withdraw from the agreement as necessary
 16 to comply with such section 41104(13).

17 **TITLE II—OTHER MATTERS**

18 **SEC. 201. FISHING SAFETY GRANTS.**

19 Section 4502 of title 46, United States Code, is
 20 amended—

21 (1) in subsections (i) and (j), by striking “Sec-
 22 retary” each place it appears and inserting “Sec-
 23 retary of Commerce”;

24 (2) in subsection (i)(3), by striking “75” and
 25 inserting “50”;

1 (3) in subsection (i)(4), by striking
 2 “\$3,000,000 for each of fiscal years 2015 through
 3 2017” and inserting “\$3,000,000 for each of fiscal
 4 years 2018 through 2019”;

5 (4) in subsection (j)(3), by striking “75” and
 6 inserting “50”; and

7 (5) in subsection (j)(4), by striking
 8 “\$3,000,000 for each fiscal years 2015 through
 9 2017” and inserting “\$3,000,000 for each of fiscal
 10 years 2018 through 2019”.

11 **SEC. 202. ASSISTANCE FOR SMALL SHIPYARDS.**

12 (a) IN GENERAL.—Section 54101 of title 46, United
 13 States Code, is amended—

14 (1) in the section heading, by striking “**and**
 15 **maritime communities**”;

16 (2) in subsection (a)(2), by striking “in commu-
 17 nities” and all that follows through the period and
 18 inserting “relating to shipbuilding, ship repair, and
 19 associated industries.”;

20 (3) in subsection (b), by amending paragraph
 21 (1) to read as follows:

22 “(1) consider projects that foster—

23 “(A) efficiency, competitive operations, and
 24 quality ship construction, repair, and reconfig-
 25 uration; and

1 “(B) employee skills and enhanced produc-
2 tivity related to shipbuilding, ship repair, and
3 associated industries; and”;

4 (4) in subsection (c)(1)—

5 (A) by inserting “to” after “may be used”;
6 and

7 (B) by striking subparagraphs (A), (B),
8 and (C) and inserting the following:

9 “(A) make capital and related improve-
10 ments in small shipyards; and

11 “(B) provide training for workers in ship-
12 building, ship repair, and associated indus-
13 tries.”;

14 (5) in subsection (d), by striking “unless” and
15 all that follows before the period;

16 (6) in subsection (e)—

17 (A) by striking paragraph (2);

18 (B) by redesignating paragraph (3) as
19 paragraph (2); and

20 (C) in paragraph (1) by striking “Except
21 as provided in paragraph (2),”; and

22 (7) in subsection (i), by striking “2015” and all
23 that follows before the period and inserting “2018
24 and 2019 to carry out this section \$30,000,000”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 541 of title 46, United States Code, is amended by
 3 striking the item relating to section 54101 and inserting
 4 the following:

“54101. Assistance for small shipyards.”.

5 **SEC. 203. TREATMENT OF FISHING PERMITS.**

6 (a) IN GENERAL.—Subchapter I of chapter 313 of
 7 title 46, United States Code, is amended by adding at the
 8 end the following:

9 **“§ 31310. Treatment of fishing permits**

10 “(a) LIMITATION ON MARITIME LIENS.—This chap-
 11 ter—

12 “(1) does not establish a maritime lien on a
 13 fishing permit; and

14 “(2) does not authorize any civil action to en-
 15 force a maritime lien on a fishing permit.

16 “(b) TREATMENT OF FISHING PERMITS UNDER
 17 STATE AND FEDERAL LAW.—A fishing permit—

18 “(1) is governed solely by the State or Federal
 19 law under which it is issued; and

20 “(2) shall not be treated as part of a vessel, or
 21 as an appurtenance or intangible of a vessel, for any
 22 purpose under Federal law.

23 “(c) AUTHORITY OF SECRETARY OF COMMERCE NOT
 24 AFFECTED.—Nothing in this section shall be construed as

1 imposing any limitation upon the authority of the Sec-
 2 retary of Commerce—

3 “(1) to modify, suspend, revoke, or impose a
 4 sanction on any fishing permit issued by the Sec-
 5 retary of Commerce; or

6 “(2) to bring a civil action to enforce such a
 7 modification, suspension, revocation, or sanction.

8 “(d) FISHING PERMIT DEFINED.—In this section the
 9 term ‘fishing permit’ means any authorization of a person
 10 or vessel to engage in fishing that is issued under State
 11 or Federal law.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such chapter is amended by inserting
 14 after the item relating to section 31309 the following:

“31310. Treatment of fishing permits.”.

15 **SEC. 204. CENTERS OF EXCELLENCE.**

16 (a) IN GENERAL.—Chapter 541 of title 46, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

19 **“§ 54102. Centers of excellence for domestic maritime**
 20 **work force training and education**

21 “(a) DESIGNATION.—The Secretary of Transpor-
 22 tation may designate as a center of excellence for domestic
 23 maritime work force training and education a covered
 24 training entity located in a State that borders on the—

25 “(1) Gulf of Mexico;

- 1 “(2) Atlantic Ocean;
- 2 “(3) Long Island Sound;
- 3 “(4) Pacific Ocean;
- 4 “(5) Great Lakes; or
- 5 “(6) Mississippi River System.

6 “(b) ASSISTANCE.—The Secretary may enter into a
7 cooperative agreement (as that term is used in section
8 6305 of title 31) with a center of excellence designated
9 under subsection (a) to support maritime workforce train-
10 ing and education at the center of excellence, including
11 efforts of the center of excellence to—

- 12 “(1) admit additional students;
- 13 “(2) recruit and train faculty;
- 14 “(3) expand facilities;
- 15 “(4) create new maritime career pathways; or
- 16 “(5) award students credit for prior experience,
- 17 including military service.

18 “(c) COVERED TRAINING ENTITY DEFINED.—In this
19 section, the term ‘covered training entity’ means an entity
20 that is—

- 21 “(1) a community or technical college; or
- 22 “(2) a maritime training center—
 - 23 “(A) operated by, or under the supervision
 - 24 of, a State; and

1 “(B) with a maritime training program in
2 operation on the date of enactment of this sec-
3 tion.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 541 of title 46, United States Code, is amended by
6 inserting after the item relating to section 54101 the fol-
7 lowing:

 “54102. Centers of excellence for domestic maritime work force training and
 education.”.

