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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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.

1 **TITLE I—FEDERAL MARITIME**
2 **COMMISSION**

3 **SEC. 101. AUTHORIZATION.**

4 Section 308 of title 46, United States Code, is
5 amended by striking “\$24,700,000 for each of fiscal years
6 2016 and 2017” and inserting “\$28,012,310 for fiscal
7 year 2018 and \$28,544,543 for fiscal year 2019”.

8 **SEC. 102. PORT SERVICES.**

9 (a) DEFINITIONS.—Section 40102 of title 46, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 “(26) PORT SERVICES.—The term ‘port serv-
13 ices’ means intermediary services provided to an
14 ocean carrier at a United States port to facilitate
15 vessels operated by such a carrier to operate and
16 load and unload cargo at such port, including tow-
17 age, cargo handling, and bunkering.”.

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

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

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

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

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

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

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

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

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

15 **SEC. 103. INFORMATION.**

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

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

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

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

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

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

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

9 **SEC. 104. OCEAN TRANSPORTATION INTERMEDIARIES.**

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

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

16 (c) COMMON CARRIERS.—Section 41104(11) of title
17 46, United States Code, is amended by striking “a tariff
18 as required by section 40501 of this title and”.

19 **SEC. 105. INTERRELATED AGREEMENTS.**

20 (a) COMMON CARRIERS.—Section 41104 of title 46,
21 United States Code, is amended—

22 (1) in paragraph (11) by striking “or” at the
23 end;

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

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

2 “(13) participate in a rate discussion agreement
3 and a vessel sharing agreement, slot sharing agree-
4 ment, space sharing agreement, or similar agree-
5 ment for use of vessels by two or more ocean com-
6 mon carriers, unless the Commission has granted
7 the parties an exemption pursuant to section
8 40103.”.

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

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

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

18 **TITLE II—OTHER MATTERS**

19 **SEC. 201. FISHING SAFETY GRANTS.**

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

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

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

3 (3) in subsection (i)(4), by striking
4 “\$3,000,000 for each of fiscal years 2015 through
5 2017” and inserting “\$3,000,000 for each of fiscal
6 years 2018 through 2019”;

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

9 (5) in subsection (j)(4), by striking
10 “\$3,000,000 for each fiscal years 2015 through
11 2017” and inserting “\$3,000,000 for each of fiscal
12 years 2018 through 2019”.

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

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

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

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

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

24 “(1) consider projects that foster—

1 “(A) efficiency, competitive operations, and
2 quality ship construction, repair, and reconfig-
3 uration; and

4 “(B) employee skills and enhanced produc-
5 tivity related to shipbuilding, ship repair, and
6 associated industries; and”;

7 (4) in subsection (c)(1)—

8 (A) by inserting “to” after “may be used”;
9 and

10 (B) by striking subparagraphs (A), (B),
11 and (C) and inserting the following:

12 “(A) make capital and related improve-
13 ments in small shipyards; and

14 “(B) provide training for workers in ship-
15 building, ship repair, and associated indus-
16 tries.”;

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

19 (6) in subsection (e)—

20 (A) by striking paragraph (2);

21 (B) by redesignating paragraph (3) as
22 paragraph (2); and

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

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

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

 “54101. Assistance for small shipyards.”.

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

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

12 **“§ 31310. Treatment of fishing permits**

13 “(a) LIMITATION ON MARITIME LIENS.—This chap-
14 ter—

15 “(1) does not establish a maritime lien on a
16 fishing permit; and

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

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

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

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

1 “(c) AUTHORITY OF SECRETARY OF COMMERCE NOT
2 AFFECTED.—Nothing in this section shall be construed as
3 imposing any limitation upon the authority of the Sec-
4 retary of Commerce—

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

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

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

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

“31310. Treatment of fishing permits.”.

17 **SEC. 204. CENTERS OF EXCELLENCE.**

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

21 **“§ 54102. Centers of excellence for domestic maritime**
22 **work force training and education**

23 “(a) DESIGNATION.—The Secretary of Transpor-
24 tation may designate as a center of excellence for domestic

1 maritime work force training and education a covered
2 training entity located in a State that borders on the—

3 “(1) Gulf of Mexico;

4 “(2) Atlantic Ocean;

5 “(3) Long Island Sound;

6 “(4) Pacific Ocean;

7 “(5) Great Lakes; or

8 “(6) Mississippi River System.

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

15 “(1) admit additional students;

16 “(2) recruit and train faculty;

17 “(3) expand facilities;

18 “(4) create new maritime career pathways; or

19 “(5) award students credit for prior experience,
20 including military service.

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

24 “(1) a community or technical college; or

25 “(2) a maritime training center—

1 “(A) operated by, or under the supervision
2 of, a State; and

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

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

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