

Union Calendar No. 798

115TH CONGRESS
2^D SESSION

H. R. 6175

[Report No. 115–1019]

To enhance maritime safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2018

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

NOVEMBER 13, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To enhance maritime safety, 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 Safety Act
5 of 2018”.

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

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Domestic vessel compliance.
- Sec. 5. Safety management system.
- Sec. 6. Equipment requirements.
- Sec. 7. Voyage data recorder; access.
- Sec. 8. Voyage data recorder; requirements.
- Sec. 9. Survival and locating equipment.
- Sec. 10. Training of Coast Guard personnel.
- Sec. 11. Major marine casualty property damage threshold.
- Sec. 12. Reviews, briefings, and reports.
- Sec. 13. Flag-state guidance and supplements.
- Sec. 14. Marine safety strategy.
- Sec. 15. Recognized organizations; oversight.
- Sec. 16. Timely weather forecasts.
- Sec. 17. Marine safety implementation status.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **COMMANDANT.**—The term “Commandant”
11 means the Commandant of the Coast Guard;.

12 (2) **RECOGNIZED ORGANIZATION.**—The term
13 “recognized organization” has the meaning given
14 that term in section 2.45–1 of title 46, Code of Fed-
15 eral Regulations, as in effect on the date of the en-
16 actment of this Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the department in which the Coast
3 Guard is operating.

4 **SEC. 4. DOMESTIC VESSEL COMPLIANCE.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date on which the President submits to the Congress a
7 budget each year pursuant to section 1105 of title 31,
8 United States Code, the Commandant shall publish on a
9 publicly accessible website information documenting do-
10 mestic vessel compliance with the requirements of subtitle
11 II of title 46, United States Code.

12 (b) CONTENT.—The information required under sub-
13 section (a) shall—

14 (1) include flag-State detention rates for each
15 type of inspected vessel; and

16 (2) identify any recognized organization that in-
17 spected or surveyed a vessel that was later subject
18 to a Coast Guard-issued control action attributable
19 to a major nonconformity that the recognized orga-
20 nization failed to identify in such inspection or sur-
21 vey.

22 **SEC. 5. SAFETY MANAGEMENT SYSTEM.**

23 (a) IN GENERAL.—The Comptroller General of the
24 United States shall conduct an audit regarding the imple-

1 mentation and effectiveness of safety management plans
2 required under chapter 32 of title 46, United States Code.

3 (b) SCOPE.—The audit conducted under subsection
4 (a) shall include a representative sample of safety manage-
5 ment plans, including such plans for—

6 (1) a range of vessel types and sizes; and

7 (2) vessels that operate in a cross-section of re-
8 gional operating areas.

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, the Comp-
12 troller General shall submit to Committee on Trans-
13 portation and Infrastructure of the House of Rep-
14 resentatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a report
16 detailing the results of the audit and providing rec-
17 ommendations related to such results, including
18 ways to streamline and focus such plans on ship
19 safety.

20 (2) MARINE SAFETY ALERT.—Not later than
21 60 days after the date the report is submitted under
22 paragraph (1), the Commandant shall publish a Ma-
23 rine Safety Alert providing notification of the com-
24 pletion of the report and including a link to the re-
25 port on a publicly accessible website.

1 **SEC. 6. EQUIPMENT REQUIREMENTS.**

2 (a) REGULATIONS.—

3 (1) IN GENERAL.—Section 3306 of title 46,
4 United States Code, is amended by adding at the
5 end the following:

6 “(l)(1) The Secretary shall require that a freight ves-
7 sel inspected under this chapter be outfitted with distress
8 signaling and location technology for the higher of—

9 “(A) the minimum complement of officers and
10 crew specified on the certificate of inspection for
11 such vessel; or

12 “(B) the number of persons onboard the vessel;
13 and

14 “(2) the requirement described in paragraph (1) shall
15 not apply to vessels operating within the baseline from
16 which the territorial sea of the United States is measured.

17 “(m)(1) The Secretary shall promulgate regulations
18 requiring companies to maintain records of all incremental
19 weight changes made to freight vessels inspected under
20 this chapter, and to track weight changes over time to fa-
21 cilitate rapid determination of the aggregate total.

22 “(2) Records maintained under paragraph (1) shall
23 be stored, in paper or electronic form, onboard such ves-
24 sels for not less than 3 years and shoreside for the life
25 of the vessel.”.

26 (2) DEADLINES.—The Secretary shall—

1 (A) begin implementing the requirement
2 under section 3306(l) of title 46, United States
3 Code, as amended by this subsection, by not
4 later than 1 year after the date of the enact-
5 ment of this Act; and

6 (B) promulgate the regulations required
7 under section 3306(m) of title 46, United
8 States Code, as amended by this subsection, by
9 not later than 1 year after the date of the en-
10 actment of this Act.

11 (b) **ENGAGEMENT.**—Not later than 1 year after the
12 date of the enactment of this Act, the Commandant shall
13 seek to enter into negotiations through the International
14 Maritime Organization to amend regulation 25 of chapter
15 II–1 of the International Convention for the Safety of Life
16 at Sea to require a high-water alarm sensor in each cargo
17 hold of a freight vessel (as that term is defined in section
18 2101(13) of title 46, United States Code), that connects
19 with audible and visual alarms on the navigation bridge
20 of the vessel.

21 **SEC. 7. VOYAGE DATA RECORDER; ACCESS.**

22 (a) **IN GENERAL.**—Chapter 63 of title 46, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 6309. Voyage data recorder access**

2 “Notwithstanding any other provision of law, the
3 Coast Guard shall have full and timely access to and abil-
4 ity to use voyage data recorder data and audio held by
5 any Federal agency in all marine casualty investigations,
6 regardless of which agency is the investigative lead.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is amended by adding at the end the following:
“6309. Voyage data recorder access.”.

9 **SEC. 8. VOYAGE DATA RECORDER; REQUIREMENTS.**

10 (a) FLOAT-FREE AND BEACON REQUIREMENTS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, the Com-
13 mandant shall seek to enter into negotiations
14 through the International Maritime Organization to
15 amend regulation 20 of chapter V of the Inter-
16 national Convention for the Safety of Life at Sea to
17 require that all voyage data recorders are installed
18 in a float-free arrangement and contain an inte-
19 grated emergency position indicating radio beacon.

20 (2) PROGRESS UPDATE.—Not later than 3
21 years after the date of the enactment of this Act, the
22 Commandant shall submit to the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate an update

1 on the progress of the engagement required under
2 paragraph (1).

3 (b) **COST-BENEFIT ANALYSIS.**—Not later than 2
4 years after the date of the enactment of this Act, the Com-
5 mandant shall submit to the Committee on Transportation
6 and Infrastructure of the House of Representatives and
7 the Committee on Commerce, Science, and Transportation
8 of the Senate a cost-benefit analysis of requiring that voy-
9 age data recorders installed on commercial vessels docu-
10 mented under chapter 121 of title 46, United States Code,
11 capture communications on the internal telephone systems
12 of such vessels, including requiring the capture of both
13 sides of all communications with the bridge onboard such
14 vessels.

15 **SEC. 9. SURVIVAL AND LOCATING EQUIPMENT.**

16 Not later than 2 years after the date of the enact-
17 ment of this Act, the Commandant shall, subject to the
18 availability of appropriations, identify and procure equip-
19 ment that will provide search-and-rescue units the ability
20 to attach a radio or Automated Identification System
21 strobe or beacon to an object that is not immediately re-
22 trievable.

23 **SEC. 10. TRAINING OF COAST GUARD PERSONNEL.**

24 (a) **PROSPECTIVE SECTOR COMMANDER TRAIN-**
25 **ING.**—Not later than 1 year after the date of the enact-

1 ment of this Act, the Commandant shall implement an Of-
2 ficer in Charge, Marine Inspections segment to the sector
3 commander indoctrination course for prospective sector
4 commanders without a Coast Guard prevention ashore of-
5 ficer specialty code.

6 (b) STEAMSHIP INSPECTIONS.—Not later than 1 year
7 after the date of the enactment of this Act, the Com-
8 mandant shall implement steam plant inspection training
9 for Coast Guard marine inspectors and, subject to avail-
10 ability, recognized organizations to which authority is dele-
11 gated under section 3316 of title 46, United States Code.

12 (c) ADVANCED JOURNEYMAN INSPECTOR TRAIN-
13 ING.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the date of the enactment of this Act, the Com-
16 mandant shall establish advanced training to provide
17 instruction on the oversight of recognized organiza-
18 tions to which authority is delegated under section
19 3316 of title 46, United States Code, auditing re-
20 sponsibilities, and the inspection of unique vessel
21 types.

22 (2) RECIPIENTS.—The Commandant shall—

23 (A) require that such training be com-
24 pleted by senior Coast Guard marine inspectors;
25 and

1 (B) subject to availability of training ca-
2 pacity, make such training available to recog-
3 nized organization surveyors authorized by the
4 Coast Guard to conduct inspections.

5 (d) COAST GUARD INSPECTIONS STAFF; BRIEF-
6 ING.—Not later than 1 year after the date of the enact-
7 ment of this Act, the Commandant shall provide to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a brief-
11 ing detailing—

12 (1) the estimated time and funding necessary to
13 triple the current size of the Coast Guard’s traveling
14 inspector staff; and

15 (2) other options available to the Coast Guard
16 to enhance and maintain marine safety knowledge,
17 including discussion of increased reliance on—

18 (A) civilian marine inspectors;

19 (B) experienced licensed mariners;

20 (C) retired members of the Coast Guard;

21 (D) arranging for Coast Guard inspectors
22 to ride onboard commercial oceangoing vessels
23 documented under chapter 121 of title 46,
24 United States Code, to gain experience and in-
25 sight; and

1 (E) extending tour-lengths for Coast
2 Guard marine safety officers assigned to inspec-
3 tion billets.

4 (e) AUDITS; COAST GUARD ATTENDANCE AND PER-
5 FORMANCE.—Not later than 180 days after the date of
6 the enactment of this Act, the Commandant shall—

7 (1) update Coast Guard policy to utilize risk
8 analysis to target the attendance of Coast Guard
9 personnel during external safety management certifi-
10 cate and document of compliance audits; and

11 (2) perform a quality assurance audit of recog-
12 nized organization representation and performance
13 regarding United States-flagged vessels.

14 **SEC. 11. MAJOR MARINE CASUALTY PROPERTY DAMAGE**
15 **THRESHOLD.**

16 Section 6101(i)(3) of title 46, United States Code,
17 is amended by striking “\$500,000” and inserting
18 “\$2,000,000”.

19 **SEC. 12. REVIEWS, BRIEFINGS, AND REPORTS.**

20 (a) MAJOR CONVERSION DETERMINATIONS.—

21 (1) REVIEW OF POLICIES AND PROCEDURES.—

22 The Commandant shall conduct a review of policies
23 and procedures for making and documenting major
24 conversion determinations, including an examination
25 of the deference given to precedent.

1 (2) BRIEFING.—Not later than 1 year after the
2 date of the enactment of this Act, the Commandant
3 shall provide to the Committee on Transportation
4 and Infrastructure of the House of Representatives
5 and the Committee on Commerce, Science, and
6 Transportation of the Senate a briefing on the find-
7 ings of the review required by paragraph (1).

8 (b) VENTILATORS, OPENINGS AND STABILITY
9 STANDARDS.—

10 (1) REVIEW.—Not later than 1 year after the
11 date of the enactment of this Act, the Commandant
12 shall complete a review of the effectiveness of United
13 States regulations, international conventions, recog-
14 nized organizations' class rules, and Coast Guard
15 technical policy regarding—

16 (A) ventilators and other hull openings;

17 (B) fire dampers and other closures pro-
18 tecting openings normally open during oper-
19 ations; and

20 (C) intact and damage stability standards
21 under subchapter S of chapter I of title 46,
22 Code of Federal Regulations.

23 (2) BRIEFING.—Not later than 18 months after
24 the date of the enactment of this Act, the Com-
25 mandant shall provide to the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a briefing
4 on the effectiveness of the regulations, international
5 conventions, recognized organizations' class rules,
6 and Coast Guard technical policy reviewed under
7 paragraph (1).

8 (c) SELF-LOCATING DATUM MARKER BUOYS.—Not
9 later than 6 months after the date of the enactment of
10 this Act, the Commandant shall provide to the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate a briefing on
14 the reliability of self-locating datum marker buoys and
15 other similar technology used during Coast Guard search-
16 and-rescue operations. The briefing shall include a de-
17 scription of reasonable steps the Commandant could take
18 to increase the reliability of such buoys, including the po-
19 tential to leverage technology used by the Navy, and how
20 protocols could be developed to conduct testing of such
21 buoys before using them for operations.

22 (d) OVERSIGHT PROGRAM; EFFECTIVENESS.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of the enactment of this Act, the Com-
25 mandant shall commission an assessment of the ef-

1 fectiveness of the Coast Guard’s oversight of recog-
2 nized organizations and its impact on compliance by
3 and safety of vessels inspected by such organiza-
4 tions.

5 (2) EXPERIENCE.—The assessment commis-
6 sioned under paragraph (1) shall be conducted by a
7 research organization with significant experience in
8 maritime operations and marine safety.

9 (3) SUBMISSION TO CONGRESS.—Not later than
10 180 days after the date that the assessment required
11 under paragraph (1) is completed, the Commandant
12 shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate the results of such as-
16 sessment.

17 **SEC. 13. FLAG-STATE GUIDANCE AND SUPPLEMENTS.**

18 (a) FREIGHT VESSELS; DAMAGE CONTROL INFORMA-
19 TION.—Within 1 year after the date of the enactment of
20 this Act, the Secretary shall issue flag-State guidance for
21 all freight vessels documented under chapter 121 of title
22 46, United States Code, built before January 1, 1992, re-
23 garding the inclusion of comprehensive damage control in-
24 formation in safety management plans required under
25 chapter 32 of title 46, United States Code.

1 (b) RECOGNIZED ORGANIZATIONS; UNITED STATES
2 SUPPLEMENT.—The Commandant shall—

3 (1) work with recognized organizations to cre-
4 ate a single United States Supplement to rules of
5 such organizations for classification of vessels; and

6 (2) by not later than 1 year after the date of
7 the enactment of this Act, provide to the Committee
8 on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a briefing
11 on whether it is necessary to revise part 8 of title
12 46, Code of Federal Regulations, to authorize only
13 one United States Supplement to such rules.

14 **SEC. 14. MARINE SAFETY STRATEGY.**

15 Section 2116 of title 46, United States Code, is
16 amended—

17 (1) in subsection (a), by striking “each year of
18 an annual” and inserting “of a triennial”;

19 (2) in subsection (b)—

20 (A) in the subsection heading, by striking
21 “ANNUAL” and inserting “TRIENNIAL”; and

22 (B) by striking “annual” each place it ap-
23 pears and inserting “triennial”;

24 (3) in subsection (c)—

1 (A) by striking “fiscal year 2011 and each
2 fiscal year” and inserting “fiscal year 2020 and
3 triennially”; and

4 (B) by striking “annual plan” and insert-
5 ing “triennial plan”; and

6 (4) in subsection (d)(2), by striking “annually”
7 and inserting “triennially”.

8 **SEC. 15. RECOGNIZED ORGANIZATIONS; OVERSIGHT.**

9 (a) IN GENERAL.—Section 3316 of title 46, United
10 States Code, is amended by redesignating subsection (g)
11 as subsection (h), and by inserting after subsection (f) the
12 following:

13 “(g)(1) There shall be within the Coast Guard an of-
14 fice that conducts comprehensive and targeted oversight
15 of all recognized organizations that act on behalf of the
16 Coast Guard.

17 “(2) The staff of the office shall include subject mat-
18 ter experts, including inspectors, investigators, and audi-
19 tors, who possess the capability and authority to audit all
20 aspects of such recognized organizations.

21 “(3) In this subsection the term ‘recognized organiza-
22 tion’ has the meaning given that term in section 2.45–
23 1 of title 46, Code of Federal Regulations, as in effect
24 on the date of the enactment of the Maritime Safety Act
25 of 2018.”.

1 (b) DEADLINE FOR ESTABLISHMENT.—The Com-
2 mandant of the Coast Guard shall establish the office re-
3 quired by the amendment made by subsection (a) by not
4 later than 2 years after the date of the enactment of this
5 Act.

6 **SEC. 16. TIMELY WEATHER FORECASTS.**

7 Not later than 1 year after the date of the enactment
8 of this Act, the Commandant shall seek to enter into nego-
9 tiations through the International Maritime Organization
10 to amend the International Convention for the Safety of
11 Life at Sea to require that vessels subject to the require-
12 ments of such Convention receive timely synoptic and
13 graphical chart weather forecasts.

14 **SEC. 17. MARINE SAFETY IMPLEMENTATION STATUS.**

15 Not later than December 19 of 2018, and of each
16 of the 2 subsequent years thereafter, the Commandant
17 shall provide to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a briefing on the status of implementation of each
21 action outlined in the Commandant's final action memo
22 dated December 19, 2017, regarding the sinking and loss
23 of the vessel El Faro.

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