

115TH CONGRESS
2D SESSION

H. R. 6175

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

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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

10 (3) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the department in which the Coast
12 Guard is operating.

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

14 (a) **IN GENERAL.**—Not later than 60 days after the
15 date on which the President submits to the Congress a
16 budget each year pursuant to section 1105 of title 31,
17 United States Code, the Commandant shall publish on a
18 publicly accessible website information documenting do-
19 mestic vessel compliance with the requirements of subtitle
20 II of title 46, United States Code.

21 (b) **CONTENT.**—The information required under sub-
22 section (a) shall—

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

3 (2) identify any recognized organization that in-
4 spected or surveyed a vessel that was later subject
5 to a Coast Guard-issued control action attributable
6 to a major nonconformity that the recognized orga-
7 nization failed to identify in such inspection or sur-
8 vey.

9 **SEC. 5. SAFETY MANAGEMENT SYSTEM.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall conduct an audit regarding the imple-
12 mentation and effectiveness of safety management plans
13 required under chapter 32 of title 46, United States Code.

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

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

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

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this Act, the Comp-
23 troller General shall submit to Committee on Trans-
24 portation and Infrastructure of the House of Rep-
25 resentatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report
 2 detailing the results of the audit and providing rec-
 3 ommendations related to such results, including
 4 ways to streamline and focus such plans on ship
 5 safety.

6 (2) MARINE SAFETY ALERT.—Not later than
 7 60 days after the date the report is submitted under
 8 paragraph (1), the Commandant shall publish a Ma-
 9 rine Safety Alert providing notification of the com-
 10 pletion of the report and including a link to the re-
 11 port on a publicly accessible website.

12 **SEC. 6. EQUIPMENT REQUIREMENTS.**

13 (a) REGULATIONS.—

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

17 “(1)(1) The Secretary shall require that a freight ves-
 18 sel inspected under this chapter be outfitted with distress
 19 signaling and location technology for the higher of—

20 “(A) the minimum complement of officers and
 21 crew specified on the certificate of inspection for
 22 such vessel; or

23 “(B) the number of persons onboard the vessel;
 24 and

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

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

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

13 (2) DEADLINES.—The Secretary shall—

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

19 (B) promulgate the regulations required
20 under section 3306(m) of title 46, United
21 States Code, as amended by this subsection, by
22 not later than 1 year after the date of the en-
23 actment of this Act.

24 (b) ENGAGEMENT.—Not later than 1 year after the
25 date of the enactment of this Act, the Commandant shall

1 seek to enter into negotiations through the International
 2 Maritime Organization to amend regulation 25 of chapter
 3 II–1 of the International Convention for the Safety of Life
 4 at Sea to require a high-water alarm sensor in each cargo
 5 hold of a freight vessel (as that term is defined in section
 6 2101(13) of title 46, United States Code), that connects
 7 with audible and visual alarms on the navigation bridge
 8 of the vessel.

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

10 (a) IN GENERAL.—Chapter 63 of title 46, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 **“§ 6309. Voyage data recorder access**

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

19 (b) CLERICAL AMENDMENT.—The analysis for such
 20 chapter is amended by adding at the end the following:

“6309. Voyage data recorder access.”.

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

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

23 (1) IN GENERAL.—Not later than 1 year after
 24 the date of the enactment of this Act, the Com-
 25 mandant shall seek to enter into negotiations

1 through the International Maritime Organization to
2 amend regulation 20 of chapter V of the Inter-
3 national Convention for the Safety of Life at Sea to
4 require that all voyage data recorders are installed
5 in a float-free arrangement and contain an inte-
6 grated emergency position indicating radio beacon.

7 (2) PROGRESS UPDATE.—Not later than 3
8 years after the date of the enactment of this Act, the
9 Commandant shall submit to the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate an update
13 on the progress of the engagement required under
14 paragraph (1).

15 (b) COST-BENEFIT ANALYSIS.—Not later than 2
16 years after the date of the enactment of this Act, the Com-
17 mandant shall submit to the Committee on Transportation
18 and Infrastructure of the House of Representatives and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate a cost-benefit analysis of requiring that voy-
21 age data recorders installed on commercial vessels docu-
22 mented under chapter 121 of title 46, United States Code,
23 capture communications on the internal telephone systems
24 of such vessels, including requiring the capture of both

1 sides of all communications with the bridge onboard such
2 vessels.

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

4 Not later than 2 years after the date of the enact-
5 ment of this Act, the Commandant shall, subject to the
6 availability of appropriations, identify and procure equip-
7 ment that will provide search-and-rescue units the ability
8 to attach a radio or Automated Identification System
9 strobe or beacon to an object that is not immediately re-
10 trievable.

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

12 (a) PROSPECTIVE SECTOR COMMANDER TRAIN-
13 ING.—Not later than 1 year after the date of the enact-
14 ment of this Act, the Commandant shall implement an Of-
15 ficer in Charge, Marine Inspections segment to the sector
16 commander indoctrination course for prospective sector
17 commanders without a Coast Guard prevention ashore of-
18 ficer specialty code.

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

1 (c) ADVANCED JOURNEYMAN INSPECTOR TRAIN-
2 ING.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of the enactment of this Act, the Com-
5 mandant shall establish advanced training to provide
6 instruction on the oversight of recognized organiza-
7 tions to which authority is delegated under section
8 3316 of title 46, United States Code, auditing re-
9 sponsibilities, and the inspection of unique vessel
10 types.

11 (2) RECIPIENTS.—The Commandant shall—

12 (A) require that such training be com-
13 pleted by senior Coast Guard marine inspectors;
14 and

15 (B) subject to availability of training ca-
16 pacity, make such training available to recog-
17 nized organization surveyors authorized by the
18 Coast Guard to conduct inspections.

19 (d) COAST GUARD INSPECTIONS STAFF; BRIEF-
20 ING.—Not later than 1 year after the date of the enact-
21 ment of this Act, the Commandant shall provide to the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a brief-
25 ing detailing—

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

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

7 (A) civilian marine inspectors;

8 (B) experienced licensed mariners;

9 (C) retired members of the Coast Guard;

10 (D) arranging for Coast Guard inspectors
11 to ride onboard commercial oceangoing vessels
12 documented under chapter 121 of title 46,
13 United States Code, to gain experience and in-
14 sight; and

15 (E) extending tour-lengths for Coast
16 Guard marine safety officers assigned to inspec-
17 tion billets.

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

21 (1) update Coast Guard policy to utilize risk
22 analysis to target the attendance of Coast Guard
23 personnel during external safety management certifi-
24 cate and document of compliance audits; and

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

4 **SEC. 11. MAJOR MARINE CASUALTY PROPERTY DAMAGE**
5 **THRESHOLD.**

6 Section 6101(i)(3) of title 46, United States Code,
7 is amended by striking “\$500,000” and inserting
8 “\$2,000,000”.

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

10 (a) MAJOR CONVERSION DETERMINATIONS.—

11 (1) REVIEW OF POLICIES AND PROCEDURES.—

12 The Commandant shall conduct a review of policies
13 and procedures for making and documenting major
14 conversion determinations, including an examination
15 of the deference given to precedent.

16 (2) BRIEFING.—Not later than 1 year after the
17 date of the enactment of this Act, the Commandant
18 shall provide to the Committee on Transportation
19 and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and
21 Transportation of the Senate a briefing on the find-
22 ings of the review required by paragraph (1).

23 (b) VENTILATORS, OPENINGS AND STABILITY
24 STANDARDS.—

1 (1) REVIEW.—Note later than 1 year after the
2 date of the enactment of this Act, the Commandant
3 shall complete a review of the effectiveness of United
4 States regulations, international conventions, recog-
5 nized organizations’ class rules, and Coast Guard
6 technical policy regarding—

7 (A) ventilators and other hull openings;

8 (B) fire dampers and other closures pro-
9 tecting openings normally open during oper-
10 ations; and

11 (C) intact and damage stability standards
12 under subchapter S of chapter I of title 46,
13 Code of Federal Regulations.

14 (2) BRIEFING.—Not later than 18 months after
15 the date of the enactment of this Act, the Com-
16 mandant shall provide to the Committee on Trans-
17 portation and Infrastructure of the House of Rep-
18 resentatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a briefing
20 on the effectiveness of the regulations, international
21 conventions, recognized organizations’ class rules,
22 and Coast Guard technical policy reviewed under
23 paragraph (1).

24 (c) SELF-LOCATING DATUM MARKER BUOYS.—Not
25 later than 6 months after the date of the enactment of

1 this Act, the Commandant shall provide to the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a briefing on
5 the reliability of self-locating datum marker buoys and
6 other similar technology used during Coast Guard search-
7 and-rescue operations. The briefing shall include a de-
8 scription of reasonable steps the Commandant could take
9 to increase the reliability of such buoys, including the po-
10 tential to leverage technology used by the Navy, and how
11 protocols could be developed to conduct testing of such
12 buoys before using them for operations.

13 (d) OVERSIGHT PROGRAM; EFFECTIVENESS.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the date of the enactment of this Act, the Com-
16 mandant shall commission an assessment of the ef-
17 fectiveness of the Coast Guard’s oversight of recog-
18 nized organizations and its impact on compliance by
19 and safety of vessels inspected by such organiza-
20 tions.

21 (2) EXPERIENCE.—The assessment commis-
22 sioned under paragraph (1) shall be conducted by a
23 research organization with significant experience in
24 maritime operations and marine safety.

1 (3) SUBMISSION TO CONGRESS.—Not later than
2 180 days after the date that the assessment required
3 under paragraph (1) is completed, the Commandant
4 shall submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and
7 Transportation of the Senate the results of such as-
8 sessment.

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

10 (a) FREIGHT VESSELS; DAMAGE CONTROL INFORMA-
11 TION.—Within 1 year after the date of the enactment of
12 this Act, the Secretary shall issue flag-State guidance for
13 all freight vessels documented under chapter 121 of title
14 46, United States Code, built before January 1, 1992, re-
15 garding the inclusion of comprehensive damage control in-
16 formation in safety management plans required under
17 chapter 32 of title 46, United States Code.

18 (b) RECOGNIZED ORGANIZATIONS; UNITED STATES
19 SUPPLEMENT.—The Commandant shall—

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

23 (2) by not later than 1 year after the date of
24 the enactment of this Act, provide to the Committee
25 on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a briefing
3 on whether it is necessary to revise part 8 of title
4 46, Code of Federal Regulations, to authorize only
5 one United States Supplement to such rules.

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

7 Section 2116 of title 46, United States Code, is
8 amended—

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

11 (2) in subsection (b)—

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

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

16 (3) in subsection (c)—

17 (A) by striking “fiscal year 2011 and each
18 fiscal year” and inserting “fiscal year 2020 and
19 triennially”; and

20 (B) by striking “annual plan” and insert-
21 ing “triennial plan”; and

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

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

2 (a) IN GENERAL.—Section 3316 of title 46, United
3 States Code, is amended by redesignating subsection (g)
4 as subsection (h), and by inserting after subsection (f) the
5 following:

6 “(g)(1) There shall be within the Coast Guard an of-
7 fice that conducts comprehensive and targeted oversight
8 of all recognized organizations that act on behalf of the
9 Coast Guard.

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

14 “(3) In this subsection the term ‘recognized organiza-
15 tion’ has the meaning given that term in section 2.45–
16 1 of title 46, Code of Federal Regulations, as in effect
17 on the date of the enactment of the Maritime Safety Act
18 of 2018.”.

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

24 **SEC. 16. TIMELY WEATHER FORECASTS.**

25 Not later than 1 year after the date of the enactment
26 of this Act, the Commandant shall seek to enter into nego-

1 tiations through the International Maritime Organization
2 to amend the International Convention for the Safety of
3 Life at Sea to require that vessels subject to the require-
4 ments of such Convention receive timely synoptic and
5 graphical chart weather forecasts.

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

7 Not later than December 19 of 2018, and of each
8 of the 2 subsequent years thereafter, the Commandant
9 shall provide to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a briefing on the status of implementation of each
13 action outlined in the Commandant's final action memo
14 dated December 19, 2017, regarding the sinking and loss
15 of the vessel El Faro.

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