

1 1930 (19 U.S.C. 1466), and the location where the
2 repairs described in such section occurred;

3 (2)(A) identifying shipyards of the United
4 States that have capacity to carry out vessel repairs;
5 and

6 (B) describing the extent to which vessels of the
7 United States chose to conduct repairs in such ship-
8 yards during the period covered by the report;

9 (3) evaluating the effectiveness of section 466
10 of the Tariff Act of 1930 (19 U.S.C. 1466) in en-
11 couraging the repair of vessels of the United States
12 in shipyards of the United States; and

13 (4) making recommendations for additional reg-
14 ulatory or legislative steps which could be taken to
15 support the United States vessel repair industrial
16 base.

17 **Subtitle B—Cargo Preference**

18 **SEC. 411. UNITED STATES GOVERNMENT CARGO.**

19 (a) SENSE OF CONGRESS.—It is the sense of the Con-
20 gress that—

21 (1) only the Maritime Administrator, acting in
22 the Administrator's capacity as Director of the Na-
23 tional Shipping Authority, has the authority to de-
24 termine the non-availability of qualified capacity of
25 vessels of the United States (referred to in this sub-

1 section as “qualified United States flag capacity”)
2 at fair and reasonable rates for commercial vessels
3 of the United States to meet the requirements of
4 section 55305 or 55314 of title 46, United States
5 Code;

6 (2) the requirements of section 55305 or 55314
7 of title 46, United States Code, may only be waived
8 temporarily by the President, the Secretary of De-
9 fense, or the Secretary of Transportation during a
10 declared emergency justifying such a temporary
11 waiver, following a determination by the Maritime
12 Administrator, acting in the Maritime Administra-
13 tor’s capacity as Director of the National Shipping
14 Authority, of the non-availability of qualified United
15 States flag capacity at fair and reasonable rates for
16 commercial vessels of the United States pursuant to
17 section 55305(d) of title 46, United States Code;
18 and

19 (3) nothing in title II of the Food for Peace Act
20 (7 U.S.C. 1721 et seq.) authorizes the Administrator
21 of the United States Agency for International Devel-
22 opment or the Secretary of Agriculture to waive the
23 requirements of section 55305 or 55314 of title 46,
24 United States Code, without first obtaining—

1 (A) delegated authority from the President
2 of the United States;

3 (B) an emergency declaration justifying
4 such a temporary waiver, pursuant to section
5 55305(d) of title 46, United States Code; and

6 (C) a determination by the Maritime Ad-
7 ministrator, acting in the Maritime Administra-
8 tor's capacity as Director of the National Ship-
9 ping Authority, on the non-availability of quali-
10 fied United States flag capacity at fair and rea-
11 sonable rates for commercial vessels of the
12 United States pursuant to section 55305(d) of
13 title 46, United States Code.

14 (b) APPLICABLE PERCENTAGE.—

15 (1) IN GENERAL.—Section 55305(a) of title 46,
16 United States Code, is amended by striking “at least
17 50” and inserting “100”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect on the date that
20 is 180 days after the date of enactment of this Act.

21 (c) CLARIFICATION.—Section 55305(d) of title 46,
22 United States Code, is amended—

23 (1) in paragraph (1), by inserting “a consulta-
24 tion with the Maritime Security Board” after “fol-
25 lowing”; and

1 (2) in paragraph (3)(B), by inserting “Maritime
2 Security Board and the” after “to the”.

3 **SEC. 412. CARGO PREFERENCE IMPLEMENTATION REGULA-**
4 **TIONS.**

5 (a) REGULATIONS AND GUIDANCE.—Not later than
6 180 days after the date of enactment of this Act, the Mari-
7 time Administrator, notwithstanding any other provision
8 of law, regulation, or administrative order, shall—

9 (1) promulgate regulations under subchapter
10 III of chapter 5 of title 5, United States Code, to
11 fully implement and ensure compliance with sections
12 55305, 55314, 55315, and 55316 of title 46, United
13 States Code;

14 (2) issue interagency guidance to other Federal
15 departments and agencies on how to administer the
16 programs that are subject to such sections in accord-
17 ance with those sections, as applicable; and

18 (3) publish such guidance in the Federal Reg-
19 ister and on the website of the Maritime Administra-
20 tion.

21 (b) CONSULTATION.—The Administrator may consult
22 with the Food Aid Consultative Group established by sec-
23 tion 205 of the Food for Peace Act (7 U.S.C. 1725) in
24 carrying out this section.