

COAST GUARD AUTHORIZATION ACT OF 2019

JULY 23, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3409]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3409) to authorize appropriations for the Coast Guard, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2019”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
 Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

- Sec. 101. Authorizations of appropriations.
 Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

- Sec. 201. Grade on retirement.
 Sec. 202. Congressional affairs; Director.
 Sec. 203. Limitations on claims.
 Sec. 204. Authority for officers to opt out of promotion board consideration.
 Sec. 205. Temporary promotion authority for officers in certain grades with critical skills.
 Sec. 206. Career intermission program.
 Sec. 207. Major acquisitions; operation and sustainment costs.
 Sec. 208. Employment assistance.
 Sec. 209. Reports on gender diversity in the Coast Guard.
 Sec. 210. Disposition of infrastructure related to E-LORAN.
 Sec. 211. Positions of importance and responsibility.
 Sec. 212. Coast Guard pay; continuation.
 Sec. 213. Research projects; transactions other than contracts and grants.
 Sec. 214. Acquisition workforce authorities.
 Sec. 215. Coast Guard Housing Fund.
 Sec. 216. Report on Coast Guard defense readiness resources allocation.
 Sec. 217. Report on the feasibility of liquefied natural gas fueled vessels.

TITLE III—SHIPPING

- Sec. 301. Electronic charts; equivalency.
 Sec. 302. Passenger vessel security and safety requirements; application.
 Sec. 303. Non-operating individual.
 Sec. 304. Small passenger vessels and uninspected passenger vessels.
 Sec. 305. Installation vessels.
 Sec. 306. Advisory committees.
 Sec. 307. Expired maritime liens.
 Sec. 308. Offshore navigation.
 Sec. 309. Training; emergency response providers.
 Sec. 310. Aiming a laser pointer at a vessel.
 Sec. 311. Maritime transportation assessment.
 Sec. 312. Safety of special activities.
 Sec. 313. Engine cut-off switches; use requirement.
 Sec. 314. Exemptions and equivalents.
 Sec. 315. Abandoned seafarers fund.
 Sec. 316. Ice patrol; payments.
 Sec. 317. Security plans; reviews.
 Sec. 318. Waiver of navigation and vessel inspection laws.
 Sec. 319. Requirement for small shipyard grantees.
 Sec. 320. Independent study on the United States Merchant Marine Academy.
 Sec. 321. Centers of excellence for domestic maritime workforce training and education.
 Sec. 322. Renewal of merchant mariner licenses and documents.

TITLE IV—MISCELLANEOUS

- Sec. 401. Coastwise trade.
 Sec. 402. Unmanned maritime systems.
 Sec. 403. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard.
 Sec. 404. Towing vessels; operation outside the boundary line.
 Sec. 405. Coast Guard authorities study.
 Sec. 406. Cloud computing strategy.
 Sec. 407. Report on effects of climate change on Coast Guard.
 Sec. 408. Shore infrastructure.
 Sec. 409. Physical access control system report.
 Sec. 410. Coastwise endorsements.
 Sec. 411. Polar security cutter acquisition report.
 Sec. 412. Sense of the Congress on the need for a new Great Lakes icebreaker.
 Sec. 413. Cargo preference study.
 Sec. 414. Insider Threat program.
 Sec. 415. Fishing safety grants.
 Sec. 416. Plans for demonstration programs.
 Sec. 417. Waters deemed not navigable waters of the United States for certain purposes.
 Sec. 418. Coast Guard housing; status and authorities briefing.
 Sec. 419. Conveyance of Coast Guard property at Point Spencer, Alaska.
 Sec. 420. Prohibition.
 Sec. 421. Certificate extensions.
 Sec. 422. Homeland security rotational cybersecurity research program at the Coast Guard Academy.
 Sec. 423. Towing vessel inspection fees.
 Sec. 424. Subrogated claims.
 Sec. 425. Loan provisions under Oil Pollution Act of 1990.
 Sec. 426. Liability limits.
 Sec. 427. Report on drug interdiction in the Caribbean basin.
 Sec. 428. Voting Requirement.

TITLE V—REORGANIZATION

- Sec. 501. Uninspected commercial fishing industry vessels.
 Sec. 502. Transfers.
 Sec. 503. Repeals.

TITLE VI—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

- Sec. 601. Maritime transportation system.
 Sec. 602. References to “persons” and “seamen”.

Sec. 603. Common appropriation structure.
 Sec. 604. References to “himself” and “his”.
 Sec. 605. References to “motorboats” and “yachts”.
 Sec. 606. Miscellaneous technical corrections.
 Sec. 607. Technical corrections relating to codification of Ports and Waterways Safety Act.

TITLE VII—FEDERAL MARITIME COMMISSION

Sec. 701. Short title.
 Sec. 702. Authorization of appropriations.

TITLE VIII—COAST GUARD ACADEMY IMPROVEMENT ACT

Sec. 801. Short title.
 Sec. 802. Coast Guard Academy study.
 Sec. 803. Annual report.
 Sec. 804. Assessment of Coast Guard Academy admission processes.
 Sec. 805. Coast Guard Academy minority outreach team program.
 Sec. 806. Coast Guard college student pre-commissioning initiative.
 Sec. 807. Annual board of visitors.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “year 2019” and inserting “years 2020 and 2021”;

(2) in paragraph (1)(A), by striking “provided for, \$7,914,195,000 for fiscal year 2019.” and inserting “provided for—

“(i) \$8,122,912,000 for fiscal year 2020; and

“(ii) \$8,538,324,000 for fiscal year 2021.”;

(3) in paragraph (1)(B), by striking “subparagraph (A)—” and inserting “subparagraph (A)(i), \$17,035,000 shall be for environmental compliance and restoration.”;

(4) by striking paragraphs (1)(B)(i) and (1)(B)(ii);

(5) in paragraph (1), by adding at the end the following:

“(C) Of the amount authorized under subparagraph (A)(ii) \$17,376,000 shall be for environmental compliance and restoration.”;

(6) in paragraph (2)—

(A) by striking “For the procurement” and inserting “(A) For the procurement”;

(B) by striking “and equipment, \$2,694,745,000 for fiscal year 2019.” and inserting “and equipment—

“(i) \$2,748,640,000 for fiscal year 2020; and

“(ii) \$2,803,613,000 for fiscal year 2021.”; and

(C) by adding at the end the following:

“(B) Of the amounts authorized under subparagraph (A), the following amounts shall be for the alteration of bridges:

“(i) \$10,000,000 for fiscal year 2020; and

“(ii) \$20,000,000 for fiscal year 2021.”;

(7) in paragraph (3), by striking “and equipment, \$29,141,000 for fiscal year 2019.” and inserting “and equipment—

“(A) \$13,834,000 for fiscal year 2020; and

“(B) \$14,111,000 for fiscal year 2021.”; and

(8) by adding at the end the following:

“(4) For the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense—

“(A) \$205,107,000 for fiscal year 2020; and

“(B) \$209,209,000 for fiscal year 2021.”.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “43,000 for fiscal year 2018 and 44,500 for fiscal year 2019” and inserting “44,500 for each of fiscal years 2020 and 2021”; and

(2) in subsection (b), by striking “fiscal years 2018 and 2019” and inserting “fiscal years 2020 and 2021”.

TITLE II—COAST GUARD

SEC. 201. GRADE ON RETIREMENT.

(a) COMMANDANT OR VICE COMMANDANT.—Section 303 of title 14, United States Code, is amended—

(1) in subsections (a) and (b), by striking “A” each place it appears and inserting “Subject to section 2501, a”; and

(2) in subsection (c), by striking “An” and inserting “Subject to section 2501, an”.

(b) OTHER OFFICERS.—Section 306 of title 14, United States Code, is amended—

(1) by striking “An officer” each place it appears and inserting “Subject to section 2501, an officer”; and

(2) in subsection (c), by striking “his” and inserting “the officer’s”.

(c) COMMISSIONED OR WARRANT OFFICER.—Section 2501 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Any” and inserting “COMMISSIONED OFFICER.—

“(1) IN GENERAL.—Any”;

(B) by striking “him” and inserting “such officer”;

(C) by striking “his” and inserting “the officer’s”; and

(D) by adding at the end the following:

“(2) CONDITIONAL DETERMINATION.—When an officer is under investigation for alleged misconduct at the time of retirement, the Secretary may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (c)(2).”;

(2) in subsection (b)—

(A) by striking “Any” and inserting “WARRANT OFFICER.—Any”;

(B) by striking “him” and inserting “such warrant officer”; and

(C) by striking “his” and inserting “the warrant officer’s”; and

(3) by adding at the end the following:

“(c) RETIREMENT IN NEXT LOWER GRADE.—

“(1) MISCONDUCT IN LOWER GRADE.—In the case of an officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the officer has not served satisfactorily in any grade equal to or higher than that lower grade.

“(2) CONDITIONAL DETERMINATION.—A determination of the retired grade of an officer shall be resolved following a conditional determination under subsection (a)(2) or (b)(2) if the investigation of or personnel action against the officer or warrant officer, as applicable, results in adverse findings.

“(3) RETIRED PAY; RECALCULATION.—If the retired grade of an officer is reduced, the retired pay of the officer under chapter 71 of title 10 shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction in retired grade.

“(d) FINALITY OF RETIRED GRADE DETERMINATIONS.—

“(1) ADMINISTRATIVE FINALITY.—Except as otherwise provided by law, a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened.

“(2) REOPENING DETERMINATION.—A determination of the retired grade of an officer may be reopened as follows:

“(A) If the retirement or retired grade of the officer was procured by fraud.

“(B) If substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section if known by competent authority at the time of retirement.

“(C) If a mistake of law or calculation was made in the determination of the retired grade.

“(D) In the case of a retired grade following a conditional determination under subsection (a)(2) or (b)(2), if the investigation of or personnel action against the officer, as applicable, results in an adverse finding.

“(E) If the Secretary determines, pursuant to regulations prescribed by the Secretary, that good cause exists to reopen the determination or certification.

“(3) NOTIFICATION OF REOPENING.—If a determination or certification of the retired grade of an officer is reopened, the Secretary—

“(A) shall notify the officer of the reopening; and

“(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis of the reopening.

“(4) RETIRED PAY; RECALCULATION.—If the retired grade of an officer is reduced through the reopening of the officer’s or warrant officer’s retired grade, the retired pay of the officer under chapter 71 of title 10 shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction of the officer’s retired grade.”

SEC. 202. CONGRESSIONAL AFFAIRS; DIRECTOR.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 320. Congressional affairs; Director

“The Commandant of the Coast Guard shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“320. Congressional affairs; Director.”.

SEC. 203. LIMITATIONS ON CLAIMS.

(a) ADMIRALTY CLAIMS.—Section 937 of title 14, United States Code, is amended in subsection (a) by striking “\$100,000” and inserting “\$425,000”.

(b) CLAIMS FOR DAMAGE TO PROPERTY OF THE UNITED STATES.—Section 938 of title 14, United States Code, is amended by striking “\$100,000” and inserting “\$425,000”.

SEC. 204. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

(a) ELIGIBILITY OF OFFICERS FOR CONSIDERATION FOR PROMOTION.—Section 2113 of title 14, United States Code, is amended by adding at the end the following:

“(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106(a).

“(2) The Commandant shall approve a request under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

“(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

(b) ELIGIBILITY OF RESERVE OFFICER FOR PROMOTION.—Section 3743 of title 14, United States Code, is amended to read as follows:

“§ 3743. Eligibility for promotion

“(a) IN GENERAL.—Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter, if that officer is in an active status.

“(b) EXCEPTION.—A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a) of this title, is not eligible for consideration for promotion.

“(c) REQUEST FOR EXCLUSION.—

“(1) IN GENERAL.—The Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade.

“(2) APPROVAL OF REQUEST.—The Commandant shall approve a request under paragraph (1) only if—

“(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

“(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

SEC. 205. TEMPORARY PROMOTION AUTHORITY FOR OFFICERS IN CERTAIN GRADES WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter I of Chapter 21 of title 14, United States Code, is amended by adding at the end the following:

“§ 2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant

“(a) IN GENERAL.—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander, who is described in subsection (b) may be temporarily promoted to the grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

“(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

“(1) has a skill in which the Coast Guard has a critical shortage of personnel (as determined by the Secretary); and

“(2) is serving in a position (as determined by the Secretary) that—

“(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

“(B) requires that an officer serving in such position have the skill possessed by such officer.

“(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—

“(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

“(2) An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

“(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

“(e) ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

“(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

“(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

“(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade; or

“(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance.

“(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

“(1) As lieutenant, 0.5 percent.

“(2) As lieutenant commander, 3.0 percent.

“(3) As commander, 2.6 percent.

“(4) As captain, 2.6 percent.”.

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

“2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant.”.

SEC. 206. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

“§ 2514. Career flexibility to enhance retention of members

“(a) PROGRAMS AUTHORIZED.—The Commandant may carry out a program under which members of the Coast Guard may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

“(b) PERIOD OF INACTIVATION FROM ACTIVE SERVICE; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM YEARS OF SERVICE.—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

“(3) EXCLUSION FROM RETIREMENT.—Any period of participation of a member in a program under this section shall not count toward—

“(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10; or

“(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10.

“(c) AGREEMENT.—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

“(1) To accept an appointment or enlist, as applicable, and serve in the Coast Guard Ready Reserve during the period of the inactivation of the member from active service under the program.

“(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

“(3) Following completion of the period of the inactivation of the member from active service under the program, to serve two months as a member of the Coast Guard on active service for each month of the period of the inactivation of the member from active service under the program.

“(d) CONDITIONS OF RELEASE.—The Commandant shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active service.

“(e) ORDER TO ACTIVE SERVICE.—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active service.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 or section 1925 of this title that is in force when the member commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active service of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

“(3) RETURN TO ACTIVE SERVICE.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of a member to active service after completion by the member of participation in a program—

“(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being

the period of the agreement remaining to run when the member commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active service as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active service.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

“(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as the member's residence during the period of participation in the program; and

“(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

“(5) LEAVE BALANCE.—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) OFFICERS.—

“(A) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 21 or 37 of this title.

“(B) RETURN TO SERVICE.—Upon the return of an officer to active service after completion by the officer of participation in a program—

“(i) the Commandant may adjust the date of rank of the officer in such manner as the Commandant shall prescribe in regulations for purposes of this section; and

“(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(2) ENLISTED MEMBERS.—An enlisted member participating in a program shall not be eligible for consideration for advancement during the period that—

“(A) begins on the date of the inactivation of the member from active service under the program; and

“(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

“(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of this title; and

“(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 2513 the following:

“2514. Career flexibility to enhance retention of members.”

SEC. 207. MAJOR ACQUISITIONS; OPERATION AND SUSTAINMENT COSTS.

Section 5103(e)(3) of title 14, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) operate and sustain the cutters and aircraft described under paragraph (2);”

SEC. 208. EMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“§ 2713. Employment assistance

“(a) IN GENERAL.—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

“(1) establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and

“(2) make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that State and other entities may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.

“(b) FORM OF CERTIFICATION OR VERIFICATION.—The Secretary shall ensure that a certification or verification of job skills and experience required by section 1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.

“(c) REQUESTS BY STATES.—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of jobs skills and experience provided under section 1143(c) of title 10.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 2712 the following:

“2713. Employment assistance.”

SEC. 209. REPORTS ON GENDER DIVERSITY IN THE COAST GUARD.

(a) ACTION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall—

(A) determine which recommendations in the RAND gender diversity report can practicably be implemented to promote gender diversity in the Coast Guard; and

(B) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the actions the Coast Guard has taken or plans to take to implement such recommendations.

(2) DEFINITION.—In this subsection, the term “RAND diversity report” means the RAND Corporation’s Homeland Security Operational Analysis Center 2019 report entitled “Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention”.

(b) RECURRING REPORT.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§ 5109. Report on gender diversity in the Coast Guard

“(a) IN GENERAL.—Not later than January 15, 2022, and biennially thereafter, the Commandant shall submit a report on gender diversity in the Coast Guard to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) CONTENTS.—The report required under subsection (a) shall contain the following:

“(1) GENDER DIVERSITY OVERVIEW.—An overview of Coast Guard active duty and Reserve members, including the number of officers and enlisted members and the percentages of men and women in each.

“(2) RECRUITMENT AND RETENTION.—(A) An analysis of the changes in the recruitment and retention of women over the previous two years.

“(B) A discussion of any changes to Coast Guard recruitment and retention over the previous two years that were aimed at increasing the recruitment and retention of female members.

“(3) PARENTAL LEAVE.—(A) The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.

“(B) A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.

“(4) LIMITATIONS.—An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of—

“(A) shipboard opportunities;

“(B) opportunities to serve at remote units; and

“(C) any other limitations on the opportunities of female members.

“(5) PROGRESS UPDATE.—An update on the Coast Guard’s progress on the implementation of the action plan required under section 209 of the Coast Guard Authorization Act of 2019.”.

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

“5109. Report on gender diversity in the Coast Guard.”.

SEC. 210. DISPOSITION OF INFRASTRUCTURE RELATED TO E-LORAN.

Section 914 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “date” and inserting “later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) or the date”; and

(B) by striking “determination by the Secretary” and inserting “determination by the Secretary of Transportation under section 312(d) of title 49”; and

(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited into the Coast Guard Housing Fund and, without further appropriation, shall be available until expended for uses authorized under section 2946 of this title.”.

SEC. 211. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 2103(c)(3) of title 14, United States Code, is amended by striking “rear admiral (lower half)” and inserting “vice admiral”.

SEC. 212. COAST GUARD PAY; CONTINUATION.

(a) SHORT TITLE.—This section may be cited as the “Pay Our Coast Guard Parity Act of 2019”.

(b) FINDINGS.—The Congress makes the following findings:

(1) The Coast Guard is a military service and a branch of the Armed Forces of the United States at all times regardless of whether it operates as a service in the Department of Homeland Security or as a service in the Navy.

(2) Notwithstanding respective appropriations and except as otherwise provided in law, members of the Coast Guard should receive treatment equitable to that of other members of the Armed Forces with regard to pay and benefits.

(c) COAST GUARD PAY; CONTINUATION.—

(1) IN GENERAL.—Chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“§ 2780. Pay; continuation during lapse in appropriations

“(a) IN GENERAL.—In the case of any period in which there is a Coast Guard-specific funding lapse, there are appropriated such sums as may be necessary—

“(1) to provide pay and allowances to military members of the Coast Guard, including the reserve component thereof, who perform active service or inactive-duty training during such period;

“(2) to provide pay and benefits to qualified civilian employees of the Coast Guard;

“(3) to provide pay and benefits to qualified contract employees of the Coast Guard;

“(4) to provide for—

“(A) the payment of a death gratuity under sections 1475 through 1477 and 1489 of title 10, with respect to members of the Coast Guard;

“(B) the payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, with respect to members of the Coast Guard; and

“(C) the temporary continuation of a basic allowance of housing for dependents of members of the Coast Guard dying on active duty, as authorized by section 403(l) of title 37; and

“(5) to provide for Coast Guard retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10.

“(b) COAST GUARD-SPECIFIC FUNDING LAPSE.—For purposes of this section, a Coast Guard-specific funding lapse occurs in any case in which—

“(1) a general appropriation bill providing appropriations for the Coast Guard for a fiscal year is not enacted before the beginning of such fiscal year (and no joint resolution making continuing appropriations for the Coast Guard is in effect); and

“(2) a general appropriation bill providing appropriations for the Department of Defense for such fiscal year is enacted before the beginning of such fiscal year (or a joint resolution making continuing appropriations for the Department of Defense is in effect).

“(c) TERMINATION.—Appropriations and funds made available and authority granted for any fiscal year for any purpose under subsection (a) shall be available until whichever of the following first occurs:

“(1) The enactment into law of an appropriation (including a continuing appropriation) for such purpose.

“(2) The enactment into law of an appropriation (including a continuing appropriation) for the Coast Guard without provision for such purpose.

“(3) The termination of availability of appropriations for the Department of Defense.

“(4) The date that is 180 days after the beginning of the Coast Guard-specific funding lapse.

“(d) RATE FOR OPERATIONS; APPLICABILITY TO APPROPRIATION ACTS.—Appropriations made pursuant this section shall be available at a rate for operations and to the extent and in the manner that would be provided by the pertinent appropriations Act.

“(e) CHARGE TO FUTURE APPROPRIATIONS.—Expenditures made pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is enacted into law.

“(f) APPORTIONMENT.—Appropriations and funds made available by or authority granted under this section may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, but nothing in this section may be construed to waive any other provision of law governing the apportionment of funds.

“(g) DEFINITIONS.—In this section:

“(1) QUALIFIED CIVILIAN EMPLOYEE.—The term ‘qualified civilian employee’ means a civilian employee of the Coast Guard whom the Commandant determines is—

“(A) providing support to members of the Coast Guard or another Armed Force; or

“(B) performing work as an excepted employee or an employee performing emergency work, as those terms are defined by the Office of Personnel Management.

“(2) QUALIFIED CONTRACT EMPLOYEE OF THE COAST GUARD.—The term ‘qualified contract employee of the Coast Guard’ means an individual performing work under a contract whom the Commandant determines is—

“(A) providing support to military members or qualified civilian employees of the Coast Guard or another Armed Force; or

“(B) required to perform work during a lapse in appropriations.”

(2) CLERICAL AMENDMENT.—The analysis for chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“2780. Pay; continuation during lapse in appropriations.”.

SEC. 213. RESEARCH PROJECTS; TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 720. Research projects; transactions other than contracts and grants

“(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—The Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects. The authority under this subsection is in addition to the authority provided in section 717 to use contracts, cooperative agreements, and grants in carrying out such projects.

“(b) ADVANCE PAYMENTS.—The authority under subsection (a) may be exercised without regard to section 3324 of title 31.

“(c) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

“(2) AVAILABILITY OF FUNDS.—The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Commandant, to an appropriate appropriations account. Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

“(d) CONDITIONS.—

“(1) IN GENERAL.—The Commandant shall ensure that—

“(A) to the extent that the Commandant determines practicable, no cooperative agreement containing a clause described in subsection (c)(1), and no transaction entered into under subsection (a), provides for research that duplicates research being conducted under existing programs carried out by the Coast Guard; and

“(B) to the extent that the Commandant determines practicable, the funds provided by the Federal Government under a cooperative agreement containing a clause described in subsection (c)(1), or under a transaction authorized by subsection (a), do not exceed the total amount provided by other parties to the cooperative agreement or other transaction, respectively.

“(2) OTHER AGREEMENTS NOT FEASIBLE.—A cooperative agreement containing a clause described in subsection (c)(1), or under a transaction authorized by subsection (a), may be used for a research project only if the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

“(e) EDUCATION AND TRAINING.—The Commandant shall—

“(1) ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

“(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

“(f) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall prescribe regulations, as necessary, to carry out this section.

“(g) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

“(1) IN GENERAL.—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Coast Guard.

“(2) LIMITATION.—

“(A) IN GENERAL.—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).

“(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is the following:

“(i) A proposal, proposal abstract, and supporting documents.

“(ii) A business plan submitted on a confidential basis.

“(iii) Technical information submitted on a confidential basis.

“(h) ANNUAL REPORT.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

- “(1) the amount of each transaction;
- “(2) the entities or organizations involved;
- “(3) the product or service received; and
- “(4) the research project for which the product or service was required.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“720. Research projects; transactions other than contracts and grants.”.

SEC. 214. ACQUISITION WORKFORCE AUTHORITIES.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 1110 the following:

“§ 1111. Acquisition workforce authorities

“(a) EXPEDITED HIRING AUTHORITY.—

“(1) IN GENERAL.—For the purposes of section 3304 of title 5, the Commandant may—

“(A) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

“(B) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

“(2) REPORTS.—The Commandant shall include in reports under section 1102 information described in that section regarding positions designated under this subsection.

“(b) REEMPLOYMENT AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

“(2)(A) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under subsection (a) after date of enactment of the Coast Guard Authorization Act of 2019, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

“(i) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify an employee who may file an election.

“(ii) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

“(B) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under such subparagraph and does not file a timely election under clause (i).”.

(b) CLERICAL AMENDMENT.—The table of contents of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1110 the following:

“1111. Acquisition workforce authorities.”.

SEC. 215. COAST GUARD HOUSING FUND.

Section 2946 of title 14, United States Code, is amended—

(1) in subsection (c) by striking paragraph (2) and redesignating paragraph (1) as paragraph (2);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following: “(1) Amounts in the Fund shall be available to the Secretary without further appropriation and shall remain available until expended.”; and

(3) in paragraph (2), as redesignated by paragraph (1), by striking “In such amounts as provided in appropriations Acts, and except” and inserting “Except”.

SEC. 216. REPORT ON COAST GUARD DEFENSE READINESS RESOURCES ALLOCATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and

the Committee on Commerce, Science, and Transportation of the Senate, a report on the allocation of resources by the Coast Guard to support its defense readiness mission.

(b) CONTENTS.—The report required by subsection (a) shall include the following elements:

(1) Funding levels allocated by the Coast Guard to support defense readiness missions for each of the past ten fiscal years.

(2) Funding levels transferred or otherwise provided by the Department of Defense to the Coast Guard in support of the Coast Guard's defense readiness missions for each of the past ten fiscal years.

(3) The number of Coast Guard detachments assigned in support of the Coast Guard's defense readiness mission for each of the past ten fiscal years.

(c) ASSESSMENT.—In addition to the elements detailed in subsection (b), the report shall include an assessment of the impacts on the Coast Guard's non-defense mission readiness and operational capabilities due to the annual levels of reimbursement provided by the Department of Defense to compensate the Coast Guard for its expenses to fulfill its defense readiness mission.

SEC. 217. REPORT ON THE FEASIBILITY OF LIQUEFIED NATURAL GAS FUELED VESSELS.

Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the following:

(1) The feasibility, safety, and cost effectiveness of using liquefied natural gas to fuel new Coast Guard vessels.

(2) The feasibility, safety, and cost effectiveness of converting existing vessels to run on liquefied natural gas fuels.

(3) The operational benefits of using liquefied natural gas to fuel Coast Guard vessels.

TITLE III—SHIPPING

SEC. 301. ELECTRONIC CHARTS; EQUIVALENCY.

(a) REQUIREMENTS.—Section 3105(a)(1) of title 46, United States Code, is amended to read as follows:

“(1) ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic navigational charts conforming to a standard acceptable to the Secretary in lieu of any marine charts, charts, and maps required by titles 33 and 46, Code of Federal Regulations, as in effect on the date of the enactment of this paragraph:

“(A) A self-propelled commercial vessel of at least 65 feet overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.”.

(b) EXEMPTIONS AND WAIVERS.—Section 3105(a)(2) of title 46, United States Code, is amended by—

(1) in subparagraph (A), by striking “operates; and” and inserting “operates;”;

(2) in subparagraph (B), by striking “those waters.” and inserting “those waters; and”; and

(3) by adding at the end the following:

“(C) permit vessels that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary scale and detail to ensure safe navigation for the intended voyage.”.

SEC. 302. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS; APPLICATION.

Section 3507(k)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by adding “and” after the semicolon at the end;

(2) in subparagraph (C), by striking “; and” and inserting a period; and

(3) by striking subparagraph (D).

SEC. 303. NON-OPERATING INDIVIDUAL.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (23) the following:

“(23a) ‘non-operating individual’ means an individual who—

“(A) does not perform—

“(i) with respect to the operation of a vessel, watchstanding, automated engine room duty watch, navigation, or personnel safety functions;

“(ii) with respect to the loading and unloading of merchandise, cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

“(iii) vessel maintenance, including any repairs that can be performed by the vessel’s crew or a riding gang; or

“(iv) safety, security, or environmental protection activities directly related to the operation of the vessel and normally conducted by the vessel’s crew;

“(B) does not serve as part of the crew complement required under section 8101;

“(C) does not serve as a riding gang member;

“(D) is not a member of the steward’s department;

“(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States;

“(F) is not specifically exempted from the requirement to have a merchant mariner’s document under section 8701(a);

“(G) has not been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

“(H) whose license, certificate of registry, or merchant mariner’s document has not been suspended or revoked under section 7704; and

“(I) who does not otherwise constitute a threat to the safety of the vessel.”

(b) CITIZENSHIP AND NAVY RESERVE REQUIREMENTS.—Section 8103(j) of title 46, United States Code, is amended by—

(1) striking “RIDING GANG MEMBER” and inserting “RIDING GANG MEMBER OR NON-OPERATING INDIVIDUAL”; and

(2) inserting “or a non-operating individual” before the period.

(c) REQUIREMENTS RELATING TO NON-OPERATING INDIVIDUALS.—

(1) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended—

(A) by redesignating section 8107 as section 8108; and

(B) by inserting after section 8106 the following:

“§ 8107. Requirements relating to non-operating individuals

“(a) IN GENERAL.—The owner or managing operator of a merchant vessel of the United States of at least 100 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, shall—

“(1) ensure that—

“(A) each non-operating individual on the vessel—

“(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

“(ii) possesses a United States non-immigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

“(B) all required documentation for such individual is kept on the vessel and available for inspection by the Secretary; and

“(C) each non-operating individual is identified on the manifest;

“(2) ensure that—

“(A) each non-operating individual possesses—

“(i) a merchant mariner’s document;

“(ii) a transportation worker identification credential under section 70105; or

“(iii) a current security clearance issued by a Federal agency; or

“(B) the employer of such an individual attests in a certificate to the owner or managing operator that—

“(i) the background of such individual has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel’s cargo, the ports the vessel visits, or other individuals onboard the vessel;;

“(ii) such examination—

“(I) met the requirements of section 70105(d)(2), for persons described in paragraph (1)(A)(i) of this subsection; or

“(II) consisted of a search of all information reasonably available to the owner or managing operator in the individual’s country of citizenship and any other country in which the individual works, receives employment referrals, or resides, for persons described in paragraph (1)(A)(ii) of this subsection; and

“(iii) the information derived from any such examination is made available to the Secretary upon request;

“(3) ensure that each non-operating individual of the vessel, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

“(4) ensure that each such individual employed on the vessel receives basic safety familiarization and basic safety training approved by the Coast Guard; and

“(5) ensure that every non-operating individual of the vessel is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law.

“(b) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel’s official logbook required by chapter 113.

“(c) CIVIL PENALTY.—A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$1,250.”

(2) CLERICAL AMENDMENTS.—The analysis for chapter 81 of title 46, United States Code, is amended by striking the item relating to section 8107 and inserting the following:

“8107. Requirements relating to non-operating individuals.

“8108. Use of force against piracy.”

(3) CONFORMING AMENDMENTS.—

(A) MERCHANT MARINERS’ DOCUMENTS REQUIRED.—Section 8701 of title 46, United States Code, is amended by adding at the end the following:

“(e) This section does not apply to non-operating individuals.”

(B) TRAINING FOR USE OF FORCE AGAINST PIRACY.—Section 51705(4) of title 46, United States Code, is amended by striking “46 U.S.C. 8107 note” and inserting “46 U.S.C. 8108 note”.

SEC. 304. SMALL PASSENGER VESSELS AND UNINSPECTED PASSENGER VESSELS.

Section 12121 of title 46, United States Code, is amended—

(1) in subsection (a)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) was built in the United States;

“(B) was not built in the United States and is at least 3 years old; or

“(C) if rebuilt, was rebuilt—

“(i) in the United States; or

“(ii) outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.”; and

(2) in subsection (b), by inserting “12132,” after “12113.”

SEC. 305. INSTALLATION VESSELS.

(a) IN GENERAL.—Chapter 551 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 55123. Installation vessels

“(a) INITIAL DETERMINATION OF COASTWISE QUALIFIED VESSEL.—No later than 180 days after the date of the enactment of this section, the Secretary of Transportation shall determine whether an installation vessel exists for which a coastwise endorsement has been issued under section 12112.

“(b) APPLICATION.—If the Secretary of Transportation determines under subsection (a) that no such coastwise qualified vessel exists, then, after the date on which such determination is made, lifting operations between a vessel for which a coastwise endorsement has been issued under section 12112 and an installation ves-

sel for which no such endorsement has been issued is not transportation of merchandise for the purposes of section 55102.

“(c) REQUESTS FOR DETERMINATIONS OF COASTWISE QUALIFIED VESSELS.—

“(1) IN GENERAL.—After the date on which the determination is made under subsection (a), an installation vessel for which a coastwise endorsement has been issued under section 12112, the owner or operator of such installation vessel may seek a new determination from the Secretary of Transportation that an installation vessel for which a coastwise endorsement has been issued under section 12112 exists.

“(2) APPLICATION TO NON-QUALIFIED VESSELS.—If the Secretary of Transportation makes a determination under paragraph (1) that a coastwise qualified vessel exists, then—

“(A) the owner or operator of an installation vessel for which no coastwise endorsement has been issued under section 12112 shall seek a determination of the availability of a coastwise qualified vessel under paragraph (3) before using such non-coastwise qualified vessel for the transportation of a platform jacket; and

“(B) after the date on which such determination is made, the owner or operator of an installation vessel for which no coastwise endorsement has been issued under section 12112 shall not use such non-coastwise qualified vessel for the transportation of a platform jacket unless the Secretary of Transportation determines a coastwise qualified is not available under paragraph (4).

“(3) CRITERIA FOR DETERMINATION OF AVAILABILITY.—The Secretary of Transportation shall determine a coastwise qualified vessel is not available if—

“(A) the owner or operator of a non-coastwise qualified vessel submits to the Secretary of Transportation an application for the use of a non-coastwise qualified installation vessel for transportation of a platform jacket under this section that includes all relevant information, including engineering details and timing requirements, and such application is submitted not less than 1 year before the date such vessel is required for such use;

“(B) the Secretary provides the application made under subparagraph (A) to the owner of each coastwise qualified vessel listed as an installation vessel in the inventory under section 12138(c) and promptly publishes in the Federal Register a notice—

“(i) describing the project and the platform jacket involved;

“(ii) advising that all relevant information reasonably needed to assess the transportation and installation requirements for the platform jacket will be made available to an interested person on request; and

“(iii) requesting that information on the availability of coastwise qualified vessels be submitted within a 45-day period beginning on the date of such publication; and

“(C)(i) within such 45-day period no information is submitted to the Secretary from owners or operators of coastwise qualified installation vessels to meet the requirements of the application required under paragraph (A); or

“(ii) the owner or operator of a coastwise qualified installation vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise qualified installation vessel available to meet the requirements of the application required under paragraph (A), but the Secretary determines, within 90 days after the notice is first published, that the coastwise qualified installation vessel is not suitable or reasonably available for the transportation.

“(d) DEFINITIONS.—In this section:

“(1) INSTALLATION VESSEL.—The term ‘installation vessel’ means a vessel using a crane suitable for offshore use that—

“(A) is used to install platform jackets;

“(B) has a slewing or luffing capability;

“(C) has a lifting capacity of at least 1,000 metric tons; and

“(D) conducts lifting operations to construct or remove offshore facilities or subsea infrastructure or to install and uninstall component parts or materials from offshore facilities or subsea infrastructure.

“(2) LIFTING OPERATIONS.—The term ‘lifting operations’ means the lifting of platform jackets by crane from the time that the lifting activity begins when unloading from a vessel or removing offshore facilities or subsea infrastructure until the time that the lifting activities are terminated for a particular unloading, installation, or removal of offshore facilities or subsea infrastructure.

“(3) PLATFORM JACKET.—The term ‘platform jacket’ has the meaning given such term in section 55108(a).”

(b) CLERICAL AMENDMENT.—The analysis for chapter 551 of title 46, United States Code, is amended by adding at the end the following:

“55123. Installation vessels.”.

(c) INVENTORY.—Section 12138(b) of title 46, United States Code, is amended—

(1) in the heading, by striking the period and inserting “, AND INSTALLATION.”;

(2) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are—

“(A) documented under this chapter;

“(B) at least 200 feet in length;

“(C) have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classed as a cable ship or cable vessel; and

“(D) installation vessels within the meaning of such term in section 55123.”; and

(3) by amending paragraph (2)(B) to read as follows:

“(B) the abilities and limitations of the vessel with respect to—

“(i) in the case of a vessel required to be inventoried under paragraph

(1)(A), laying, maintaining, and repairing a submarine cable; and

“(ii) in the case of a vessel required to be inventoried under paragraph (1)(B), installing platform jackets; and”.

(d) NOTICE OF MODIFICATION OR REVOCATION.—No later than 30 days after the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall issue a notice, including an opportunity for public comment, on the modification or revocation of Letter Rulings 101925, 108442, 113841, 114435, 115185, 115218, 115311, 115487, 115522, 115771, 115938, 116078, H004242 with respect to the application of the section 55102 of title 46, Shipping, United States Code, to certain offshore operations.

SEC. 306. ADVISORY COMMITTEES.

(a) NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE; REPRESENTATION.—Section 15106(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (C), by striking “mineral and oil operations, including geophysical services” and inserting “operations”;

(2) in subparagraph (D), by striking “exploration and recovery”;

(3) in subparagraph (E), by striking “engaged in diving services related to offshore construction, inspection, and maintenance” and inserting “providing diving services to the offshore industry”;

(4) in subparagraph (F), by striking “engaged in safety and training services related to offshore exploration and construction” and inserting “providing safety and training services to the offshore industry”;

(5) in subparagraph (G), by striking “engaged in pipelaying services related to offshore construction” and inserting “providing subsea engineering, construction, or remotely operated vehicle support to the offshore industry”;

(6) in subparagraph (H), by striking “mineral and energy”;

(7) in subparagraph (I), by striking “national environmental entities” and inserting “entities providing environmental protection, compliance, or response services to the offshore industry”; and

(8) in subparagraph (J), by striking “deepwater ports” and inserting “entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska”.

(b) ADVISORY COMMITTEES; TESTIMONY.—Section 15109(j)(4) of title 46, United States Code, is amended by adding at the end the following:

“(C) TESTIMONY.—The members of a committee shall be available to testify before appropriate committees of the Congress with respect to the advice, reports, and recommendations submitted under paragraph (2).”.

(c) NATIONAL MARITIME TRANSPORTATION SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“§ 55502. National Maritime Transportation System Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Maritime Transportation System Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary of Transportation on matters relating to the United States maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the United States Merchant Marine.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 25 members appointed by the Secretary of Transportation in accordance with this section and section 15109.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) At least 1 member shall represent the Environmental Protection Agency.

“(B) At least 1 member shall represent the Department of Commerce.

“(C) At least 1 member shall represent the Army Corps of Engineers.

“(D) At least 1 member shall represent the Coast Guard.

“(E) At least 1 member shall represent Customs and Border Protection.

“(F) At least 1 member shall represent State and local governmental entities.

“(G) Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.

“(H) The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.

“(4) ADMINISTRATION.—For purposes of section 15109—

“(A) the Committee shall be treated as a committee established under chapter 151; and

“(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.”

(2) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(A) an advisory committee substantially similar to the National Maritime Transportation System Advisory Committee established by this section and that was in force or in effect on the day before the date of the enactment of this Act, including the charter, membership, and other aspects of such committee, may remain in force or in effect for the 2-year period beginning on the date of the enactment of this section; and

(B) during such 2-year period—

(i) requirements relating to the National Maritime Transportation System Advisory Committee established by such section shall be treated as satisfied by such substantially similar advisory committee; and

(ii) the enactment of this section shall not be the basis—

(I) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(II) to suspend the activities of such committee; or

(III) to bar the members of such committee from a meeting.

(3) CLERICAL AMENDMENT.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“55502. National Maritime Transportation System Advisory Committee.”

(4) REPEAL.—Section 55603 of title 46, United States Code, and the item relating to that section in the analysis for chapter 556 of that title, are repealed.

(d) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—

(1) IN GENERAL.—Title 46, United States Code, is amended by striking section 9307 and inserting the following:

“§ 9307. Great Lakes Pilotage Advisory Committee

“(a) ESTABLISHMENT.—There is established a Great Lakes Pilotage Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee—

“(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate; and

“(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 7 members appointed by the Secretary in accordance with this section and section 15109.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) The President of each of the 3 Great Lakes pilotage districts, or the President’s representative.

“(B) At least 1 member shall represent the interests of vessel operators that contract for Great Lakes pilotage services.

“(C) At least 1 member shall represent the interests of Great Lakes ports.

“(D) At least 1 member shall represent the interests of shippers whose cargoes are transported through Great Lakes ports.

“(E) At least 1 member shall have a background in finance or accounting and must have been recommended to the Secretary by a unanimous vote of the other members of the Committee.

“(4) ADMINISTRATION.—For purposes of section 15109, the Committee shall be treated as a committee established under chapter 151.”

(2) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(A) an advisory committee substantially similar to the Great Lakes Pilotage Advisory Committee established by section 9307 of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of the enactment of this Act, including the charter, membership, and other aspects of the committee, may remain in force or in effect for a period of 2 years from the date of enactment of this Act; and

(B) during such 2-year period—

(i) requirements relating to the Great Lakes Pilotage Advisory Committee established by section 9307 of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

(ii) the enactment of this section and the amendments made by this section shall not be the basis—

(I) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(II) to suspend the activities of such committee; or

(III) to bar the members of such committee from a meeting.

(e) TECHNICAL CORRECTIONS.—Section 15109 of title 46 is amended by inserting “or to which this chapter applies” after “committee established under this chapter” each place it appears.

SEC. 307. EXPIRED MARITIME LIENS.

Section 31343(e) of title 46, United States Code, is amended—

(1) by inserting “(1)” before “A notice”; and

(2) by inserting after paragraph (1), as so designated by this section, the following:

“(2) On expiration of a notice of claim of lien under paragraph (1), the Secretary shall remove such expired notice.”

SEC. 308. OFFSHORE NAVIGATION.

(a) PORT ACCESS ROUTES.—Section 70003(e) of title 46, United States Code, is amended—

(1) in paragraph (3), by striking “continues; and” and inserting “continues;”;

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

and

(3) by adding at the end the following:

“(5) shall, unless otherwise authorized by the Secretary, and notwithstanding any other provision of this chapter, require—

“(A) a 2-nautical-mile buffer between the parallel outer or seaward boundary of a traffic lane and any offshore structure affixed to the submerged land of the Outer Continental Shelf; and

“(B) a 5-nautical-mile buffer between the entry or exit of any traffic separation scheme and any offshore structure.”

(b) NAVIGATION; CONFLICT MITIGATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall implement the recommendations of the Atlantic Coast Port Access Route Study, docket number USCG–2011–0351, dated February 24, 2016, including any recommendations in the appendices thereto.

(c) FAIRWAYS.—Not later than July 1, 2021, the Commandant of the Coast Guard shall conduct a review of navigation on the East Coast of the United States and submit recommendations for new fairways on such coast to facilitate commerce to the

Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) PORT ACCESS ROUTE STUDIES COMPLETION DATES.—The Commandant of the Coast Guard shall complete—

(1) the Chuckchi Sea, Bering Strait and Bering Sea Port Access Route Study not later than 1 year after the date of the enactment of this Act; and

(2) the Alaskan Arctic Coast Port Access Route Study not later than 5 years after the date of the enactment of this Act.

SEC. 309. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) SECURITY PLAN IMPLEMENTATION GRANTS.—Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “law enforcement personnel” and inserting “emergency response providers”;

(2) in subsection (b)(8), by striking “law enforcement personnel—” and inserting “emergency response providers—”; and

(3) in subsection (c)(2)(C), by striking “law enforcement agency personnel” and inserting “emergency response providers”.

(b) CREDENTIALING FOR STATE AND LOCAL SUPPORT.—Section 70132 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “law enforcement personnel—” and inserting “emergency response providers—”;

(2) in subsection (b), by striking “law enforcement personnel” each place it appears and inserting “emergency response providers”; and

(3) by adding at the end the following:

“(d) DEFINITION.—For the purposes of this section, the term ‘emergency response providers’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

SEC. 310. AIMING A LASER POINTER AT A VESSEL.

(a) IN GENERAL.—Subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“§ 70014. Aiming a laser pointer at a vessel

“(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

“(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

“(c) LASER POINTER DEFINED.—In this section the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end of the items relating to such subchapter the following:

“70014. Aiming a laser pointer at a vessel.”.

SEC. 311. MARITIME TRANSPORTATION ASSESSMENT.

Section 55501(e) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “an assessment of the condition” and inserting “a conditions and performance analysis”;

(2) in paragraph (4), by striking “; and” and inserting a semicolon;

(3) in paragraph (5) by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(6) a compendium of the Federal programs engaged in the maritime transportation system.”.

SEC. 312. SAFETY OF SPECIAL ACTIVITIES.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 70005 the following:

“§ 70006. Safety of special activities

“(a) IN GENERAL.—The Secretary may establish a safety zone to address special activities in the exclusive economic zone.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘safety zone’ has the meaning provided in section 165.20 of title 33, Code of Federal Regulations.

“(2) The term ‘special activities’ includes—

“(A) space activities, including launch and reentry, as those terms are defined in section 50902 of title 51, carried out by United States citizens; and

“(B) offshore energy development activities, as described in section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)), on or near a fixed platform.

“(3) The term ‘United States citizen’ has the meaning given the term ‘eligible owners’ in section 12103.

“(4) The term ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, is amended by inserting after the item relating to section 70005 the following:

“70006. Safety of special activities.”

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish regulations to implement this section.

(2) ALIGNMENT WITH OTHER REGULATIONS.—Such regulations shall align with subchapter C of chapter III of title 14, Code of Federal Regulations.

SEC. 313. ENGINE CUT-OFF SWITCHES; USE REQUIREMENT.

(a) IN GENERAL.—Section 4312 of title 46, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) USE REQUIREMENT.—

“(1) IN GENERAL.—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.

“(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply if—

“(A) the main helm of the covered vessel is installed within an enclosed cabin; or

“(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).”

(b) CIVIL PENALTY.—Section 4311 of title 46, United States Code, is amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) inserting after subsection (b) the following:

“(c) A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—

“(1) \$100 for the first offense;

“(2) \$250 for the second offense; and

“(3) \$500 for any subsequent offense.”

(c) EFFECTIVE DATE.—The amendments made in subsections (a) and (b) shall take effect 90 days after the date of the enactment of this section, unless the Commandant of the Coast Guard, prior to the date that is 90 days after the date of the enactment of this section, determines that the use requirement enacted in subsection (a) would not promote recreational boating safety.

SEC. 314. EXEMPTIONS AND EQUIVALENTS.

(a) IN GENERAL.—Section 4305 of title 46, United States Code, is amended—

(1) by striking the heading and inserting the following:

“§ 4305. Exemptions and equivalents”;

(2) by striking “If the Secretary” and inserting the following:

“(a) EXEMPTIONS.—If the Secretary”;

(3) by adding at the end the following:

“(b) EQUIVALENTS.—The Secretary may accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 43 of title 46, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

“4305. Exemptions and equivalents.”

SEC. 315. ABANDONED SEAFARERS FUND.

Section 11113 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking “may be appropriated to the Secretary” and inserting “shall be available to the Secretary without further appropriation and shall remain available until expended”; and

(2) by striking paragraph (4) of subsection (c).

SEC. 316. ICE PATROL; PAYMENTS.

Section 80301(c) of title 46, United States Code, is amended by striking “operating expenses of the Coast Guard.” and inserting “operations and support of the Coast Guard and shall remain available until expended.”.

SEC. 317. SECURITY PLANS; REVIEWS.

Section 70103 of title 46, United States Code, is amended—

- (1) in subsection (b)(3), by inserting “and updates” after “Area Maritime Transportation Security Plans” each place it appears; and
- (2) in subsection (c)(4), by inserting “or update” after “plan” each place it appears.

SEC. 318. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(a) of title 46, United States Code, is amended—

- (1) by striking “On request” and inserting the following:

“(1) **IN GENERAL.**—On request”; and

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

“(2) **EXPLANATION.**—Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a written explanation of the circumstances requiring such a waiver in the interest of national defense, including a confirmation that there are insufficient qualified vessels to meet the needs of national defense without such a waiver.”.

SEC. 319. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.

Section 54101(d) of title 46, United States Code, is amended—

- (1) by striking “Grants awarded” and inserting the following:

“(1) **IN GENERAL.**—Grants awarded”; and

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

“(2) **BUY AMERICA.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—

“(i) an unmanufactured article, material, or supply that has been mined or produced in the United States; or

“(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

“(B) **EXCEPTIONS.**—

“(i) **IN GENERAL.**—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if such Administrator determines—

“(I) that the application of those requirements would be inconsistent with the public interest;

“(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

“(III) that inclusion of a domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee’s supplier.

“(ii) **FEDERAL REGISTER.**—A determination made by such Administrator under this subparagraph shall be published in the Federal Register.

“(C) **DEFINITIONS.**—In this paragraph:

“(i) **COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM.**—The term ‘commercially available off-the-shelf item’ means—

“(I) any item of supply (including construction material) that is—

“(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations; and

“(bb) sold in substantial quantities in the commercial marketplace; and

“(II) does not include bulk cargo, as that term is defined in section 40102(4) of this title, such as agricultural products and petroleum products.

“(ii) **PRODUCT OR MATERIAL.**—The term ‘product or material’ means an article, material, or supply brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

“(iii) **UNITED STATES.**—The term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.”.

SEC. 320. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “Academy”) to carry out the activities described in this section.

(b) **STUDY ELEMENTS.**—In accordance with the agreement described in subsection (a), the Academy shall conduct a study of the United States Merchant Marine Academy that consists of the following:

(1) A comprehensive assessment of the United States Merchant Marine Academy’s systems, training, facilities, infrastructure, information technology, and stakeholder engagement.

(2) Identification of needs and opportunities for modernization to help the United States Merchant Marine Academy keep pace with more modern campuses.

(3) Development of an action plan for the United States Merchant Marine Academy with specific recommendations for—

(A) improvements or updates relating to the opportunities described in paragraph (2); and

(B) systemic changes needed to help the United States Merchant Marine Academy achieve its mission of inspiring and educating the next generation of the mariner workforce on a long-term basis.

(c) **DEADLINE AND REPORT.**—Not later than 1 year after the date of the agreement described in subsection (a), the Academy shall prepare and submit to the Administrator of the Maritime Administration a report containing the action plan described in subsection (b)(3), including specific findings and recommendations.

SEC. 321. CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE TRAINING AND EDUCATION.

Section 54102 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting “or subsection (d)” after “designated under subsection (a)”; and

(2) by adding at the end the following:

“(d) **STATE MARITIME ACADEMY.**—The Secretary of Transportation shall designate each State maritime academy, as defined in section 51102(4) of this title, as a center of excellence under this section.”.

SEC. 322. RENEWAL OF MERCHANT MARINER LICENSES AND DOCUMENTS.

Section 7507 of title 46, United States Code, is amended by adding at the end the following:

“(d) **RENEWAL.**—With respect to any renewal of an existing merchant mariner credential that is not an extension under subsection (a) or (b), such credential shall begin the day after the expiration of the credential holder’s existing credential.”.

TITLE IV—MISCELLANEOUS

SEC. 401. COASTWISE TRADE.

(a) **IN GENERAL.**—The Commandant of the Coast Guard shall review the adequacy of and continuing need for provisions in title 46, Code of Federal Regulations, that require a United States vessel documented under chapter 121 of title 46, United States Code, possessing a coastwise endorsement under that chapter, and engaged in coastwise trade, to comply with regulations for vessels engaged in an international voyage.

(b) **BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on

Commerce, Science, and Transportation of the Senate a briefing on the findings of the review required under subsection (a) and a discussion of how existing laws and regulations could be amended to ensure the safety of vessels described in subsection (a) while infringing as little as possible on commerce.

SEC. 402. UNMANNED MARITIME SYSTEMS.

(a) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Commandant of the Coast Guard, acting through the Blue Technology Center of Expertise, shall regularly assess available unmanned maritime systems for potential use to support missions of the Coast Guard.

(2) **CONSULTATION.**—The Commandant shall make the assessment required under paragraph (1) after consultation with the Department of Defense, other Federal agencies, the academic sector, and developers and manufacturers of unmanned maritime systems.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actual and potential effects of the use of then-existing unmanned maritime systems on the mission effectiveness of the Coast Guard.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) An inventory of current unmanned maritime systems used by the Coast Guard, an overview of such usage, and a discussion of the mission effectiveness of such systems, including any benefits realized or risks or negative aspects of such usage.

(B) A prioritized list of Coast Guard mission requirements that could be met with additional unmanned maritime systems, and the estimated costs of acquiring and operating such systems.

(c) **DEFINITIONS.**—In this section:

(1) **UNMANNED MARITIME SYSTEMS.**—

(A) **IN GENERAL.**—The term “unmanned maritime systems” means remotely operated or autonomous vehicles produced by the commercial sector designed to travel in the air, on or under the ocean surface, on land, or any combination thereof, and that function without an on-board human presence.

(B) **EXAMPLES.**—Such term includes the following:

- (i) Unmanned undersea vehicles.
- (ii) Unmanned surface vehicles.
- (iii) Unmanned aerial vehicles.
- (iv) Autonomous underwater vehicles.
- (v) Autonomous surface vehicles.
- (vi) Autonomous aerial vehicles.

(2) **AVAILABLE UNMANNED MARITIME SYSTEMS.**—The term “available unmanned maritime systems” includes systems that can be purchased commercially or are in use by the Department of Defense or other Federal agencies.

SEC. 403. EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT; DEPENDENTS OF MEMBERS OF THE COAST GUARD.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is not related to the victim.

SEC. 404. TOWING VESSELS; OPERATION OUTSIDE THE BOUNDARY LINE.

(a) **INTERIM EXEMPTION.**—A towing vessel to which this section applies is exempt from any additional requirements of subtitle II of title 46, United States Code, and chapter I of title 33 and chapter I of title 46, Code of Federal Regulations, that would result solely from such vessel operating outside the Boundary Line (as such term is defined in section 103 of title 46, United States Code) if such vessel—

(1) is listed as a response vessel on a vessel response plan and is operating outside the Boundary Line solely to perform duties of a response vessel; or

(2) is operating outside the Boundary Line solely to perform operations necessary to escort a vessel with limited maneuverability.

(b) **APPLICABILITY.**—This section applies to a towing vessel—

(1) that is subject to inspection under chapter 33 of title 46, United States Code, and subchapter M of title 46, Code of Federal Regulations;

(2) with only “Lakes, Bays, and Sounds” or “Rivers” routes recorded on such vessel’s certificate of inspection under section 136.230 of title 46, Code of Federal Regulations; and

(3)(A) that, with respect to a vessel that is described in subsection (a)(1), is listed—

(i) on a vessel response plan under part 155 of title 33, Code of Federal Regulations, on the date of approval of the vessel response plan; or

(ii) by name or reference in the vessel response plan’s geographic-specific appendix on the date of approval of the vessel response plan; or

(B) that, with respect to a vessel described in subsection (a)(2), is regularly engaged in harbor assist operations, including the docking, undocking, mooring, unmooring, and escorting of vessels with limited maneuverability.

(c) LIMITATIONS.—A vessel exempted under subsection (a) is subject to the following operating limitations:

(1) RESPONSE VESSELS.—The voyage of a vessel exempted under subsection (a)(1) shall—

(A) be less than 12 hours, or in the case of a voyage in the territorial waters of Alaska, Guam, Hawaii, and American Samoa, have sufficient manning as determined by the Secretary; and

(B) originate and end in the inspection zone of a single Officer In-Charge, Marine Inspection, as defined in section 3305(d)(4) of title 46, United States Code.

(2) ESCORT VESSELS.—The voyage of a vessel exempted under subsection (a)(2) shall—

(A) be less than 12 hours in total duration;

(B) originate and end in the inspection zone of a single Officer In-Charge, Marine Inspection, as such term is defined in section 3305(d)(4) of title 46, United States Code; and

(C) occur no further than 10 nautical miles from the Boundary Line.

(d) TERMINATION.—The interim exemption provided under subsection (a) shall terminate on July 22, 2023.

(e) RESTRICTION.—The Officer In-Charge, Marine Inspection, as defined in section 3305(d)(4) of title 46, United States Code, for an inspection zone may restrict operations under the exemptions provided under subsection (a) for safety purposes.

(f) BRIEFING.—Not later than July 22, 2022, the Commandant of the Coast Guard shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the following:

(1) The impacts of the interim exemptions provided under this section.

(2) Any safety concerns regarding the expiration of such interim exemptions.

(3) Whether such interim exemptions should be extended or made permanent in the interests of safety.

SEC. 405. COAST GUARD AUTHORITIES STUDY.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of Coast Guard authorities.

(b) ASSESSMENT.—The assessment under subsection (a) shall provide—

(1) an examination of emerging issues that may require Coast Guard oversight, regulation, or action;

(2) a description of potential limitations and shortcomings of relying on current Coast Guard authorities to address emerging issues; and

(3) an overview of adjustments and additions that could be made to existing Coast Guard authorities to fully address emerging issues.

(c) REPORT TO THE CONGRESS.—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment under this section to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) EMERGING ISSUES.—In this section, the term “emerging issues” means changes in the maritime industry and environment that in the determination of the National Academy of Sciences are reasonably likely to occur within 10 years after the date of the enactment of this Act, including—

(1) the introduction of new technologies in the maritime domain;

(2) the advent of new processes or operational activities in the maritime domain; and

(3) changes in the use of navigable waterways.

SEC. 406. CLOUD COMPUTING STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed description of the Coast Guard's strategy to implement cloud computing for the entire Coast Guard, including—

- (1) the goals and acquisition strategies for all proposed enterprise-wide cloud computing service procurements;
- (2) a strategy to sustain competition and innovation throughout the period of performance of each contract for procurement of cloud-computing goods and services for the Coast Guard, including defining opportunities for multiple cloud-service providers and insertion of new technologies;
- (3) an assessment of potential threats and security vulnerabilities of the strategy, and plans to mitigate such risks; and
- (4) an estimate of the cost and timeline to implement cloud computing service for all Coast Guard computing.

SEC. 407. REPORT ON EFFECTS OF CLIMATE CHANGE ON COAST GUARD.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on vulnerabilities of Coast Guard installations and requirements resulting from climate change over the next 20 years.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

- (1) A list of the 10 most vulnerable Coast Guard installations based on the effects of climate change, including rising sea tides, increased flooding, drought, desertification, wildfires, thawing permafrost, or any other categories the Commandant determines necessary.
- (2) An overview of—
 - (A) mitigations that may be necessary to ensure the continued operational viability and to increase the resiliency of the identified vulnerable installations; and
 - (B) the cost of such mitigations.
- (3) A discussion of the climate-change-related effects on the Coast Guard, including—
 - (A) the increase in the frequency of humanitarian assistance and disaster relief missions; and
 - (B) campaign plans, contingency plans, and operational posture of the Coast Guard.
- (4) An overview of mitigations that may be necessary to ensure mission resiliency and the cost of such mitigations.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 408. SHORE INFRASTRUCTURE.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall—

- (1) develop a plan to standardize Coast Guard facility condition assessments;
- (2) establish shore infrastructure performance goals, measures, and baselines to track the effectiveness of maintenance and repair investments and provide feedback on progress made;
- (3) develop a process to routinely align the Coast Guard shore infrastructure portfolio with mission needs, including disposing of unneeded assets;
- (4) establish guidance for planning boards to document inputs, deliberations, and project prioritization decisions for infrastructure maintenance projects;
- (5) employ models for Coast Guard infrastructure asset lines for—
 - (A) predicting the outcome of investments in shore infrastructure;
 - (B) analyzing tradeoffs; and
 - (C) optimizing decisions among competing investments;
- (6) include supporting details about competing project alternatives and report tradeoffs in congressional budget requests and related reports; and
- (7) explore the development of real property management expertise within the Coast Guard workforce, including members of the Senior Executive Service.

(b) **BRIEFING.**—Not later than December 31, 2020, the Commandant of the Coast Guard shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the actions required under subsection (a).

SEC. 409. PHYSICAL ACCESS CONTROL SYSTEM REPORT.

Not later than 180 days after the date of the enactment of this Act and annually for each of the 4 years thereafter, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the status of the Coast Guard's compliance with Homeland Security Presidential Directive 12 (HSPD-12) and Federal Information Processing Standard 201 (FIPS-201), including—

- (1) the status of Coast Guard efforts to field a comprehensive Physical Access Control System at Coast Guard installations and locations necessary to bring the Service into compliance with HSPD-12 and FIPS-201B;
- (2) the status of the selection of a technological solution;
- (3) the estimated phases and timeframe to complete the implementation of such a system; and
- (4) the estimated cost for each phase of the project.

SEC. 410. COASTWISE ENDORSEMENTS.

(a) "SAFARI VOYAGER".—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with a coastwise endorsement for the vessel Safari Voyager (International Maritime Organization number 8963753).

(2) REVOCATION OF EFFECTIVENESS OF CERTIFICATE.—A certificate of documentation issued under paragraph (1) is revoked on the date of the sale of the vessel or the entity that owns the vessel.

(b) "PACIFIC PROVIDER".—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel Pacific Provider (United States official number 597967).

(2) REVOCATION OF EFFECTIVENESS OF CERTIFICATE.—A certificate of documentation issued under paragraph (1) is revoked on the date of the sale of the vessel or the entity that owns the vessel.

(c) DOCUMENTATION OF LNG TANKERS.—Section 7(b)(3) of the America's Cup Act of 2011 (Public Law 112-61) is amended by—

- (1) striking "The coastwise endorsement issued" and inserting "No coastwise endorsement shall be issued"; and
- (2) striking "shall expire on" and inserting "after".

(d) REPLACEMENT VESSEL.—Notwithstanding section 208(g)(5) of the American Fisheries Act (Public Law 105-277; 16 U.S.C. 1851 note), a vessel eligible under section 208(e)(21) of such Act that is replaced under section 208(g) of such Act shall be subject to a sideboard restriction catch limit of zero metric tons in the Bering Sea and Aleutian Islands and in the Gulf of Alaska unless that vessel is also a replacement vessel under section 679.4(o)(4) of title 50, Code of Federal Regulations, in which case such vessel shall not be eligible to be a catcher/processor under section 206(b)(2) of such Act.

SEC. 411. POLAR SECURITY CUTTER ACQUISITION REPORT.

Not later than one year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives, and the Committees on Commerce, Science and Transportation and Armed Services of the Senate on—

- (1) the extent to which specifications, key drawings, and detail design for the Polar Security Cutter are complete before the start of construction;
- (2) the extent to which Polar Security Cutter hulls numbers one, two, and three are science ready; and
- (3) what actions will be taken to ensure that Polar Security Cutter hull number four is science capable, as described in the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment letter report entitled "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs" and dated July 11, 2017.

SEC. 412. SENSE OF THE CONGRESS ON THE NEED FOR A NEW GREAT LAKES ICEBREAKER.

(a) FINDINGS.—The Congress finds the following:

- (1) The Great Lakes shipping industry is crucial to the American economy, including the U.S. manufacturing base, providing important economic and national security benefits.

(2) A recent study found that the Great Lakes shipping industry supports 237,000 jobs and tens of billions of dollars in economic activity.

(3) United States Coast Guard icebreaking capacity is crucial to full utilization of the Great Lakes shipping system, as during the winter icebreaking season up to 15 percent of annual cargo loads are delivered and many industries would have to reduce their production if Coast Guard icebreaking services were not provided.

(4) Six of the Coast Guard's nine icebreaking cutters in the Great Lakes are more than 30 years old and are frequently inoperable during the winter icebreaking season, including those that have completed a recent service life extension program.

(5) During the previous 10 winters, Coast Guard Great Lakes icebreaking cutters have been inoperable for an average of 65 cutter-days during the winter icebreaking season, with this annual lost capability exceeding 100 cutter-days, with a high of 246 cutter-days during the winter of 2017–2018.

(6) The 2019 ice season provides further proof that current Coast Guard icebreaking capacity is inadequate for the needs of the Great Lakes shipping industry, as only six of the nine icebreaking cutters are operational and millions of tons of cargo was not loaded or was delayed due to inadequate Coast Guard icebreaking assets during a historically average winter for Great Lakes ice coverage.

(7) The Congress has authorized the Coast Guard to acquire a new Great Lakes icebreaker as capable as Coast Guard Cutter MACKINAW (WLBB–30), the most capable Great Lakes icebreaker, and \$10 million has been appropriated to fund the design and initial acquisition work for this icebreaker.

(8) The Coast Guard has not initiated a new acquisition program for this Great Lakes icebreaker.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress of the United States that a new Coast Guard icebreaker as capable as Coast Guard Cutter MACKINAW (WLBB–30) is needed on the Great Lakes and the Coast Guard should acquire this icebreaker as soon as possible.

SEC. 413. CARGO PREFERENCE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the enforcement of the United States cargo preference program under section 55305 of title 46, United States Code.

(b) SCOPE.—The audit conducted under subsection (a) shall include—

(1) a description of the agencies and organizations required to comply with cargo preference requirements;

(2) an analysis of the compliance or noncompliance of such agencies and organizations with such requirements, including details of—

(A) the total amount of international oceangoing cargo shipped by each such agency and organization; and

(B) the percentage of such cargo shipped on cargo preference-compliant vessels; and

(3) an overview of enforcement activities undertaken by the Maritime Administration from October 14, 2008, until the date of the enactment of this Act, including a listing of all bills of lading collected by the Maritime Administration during that period.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the audit required under subsection (a) and providing recommendations related to such results.

SEC. 414. INSIDER THREAT PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to expand the Coast Guard Insider Threat program to include the monitoring of all Coast Guard devices, including mobile devices.

SEC. 415. FISHING SAFETY GRANTS.

The cap on the Federal share of the cost of any activity carried out with a grant under subsections (i) and (j) of section 4502 of title 46, United States Code, as in effect prior to the date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, shall apply to any funds appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) for the purpose of making such grants.

SEC. 416. PLANS FOR DEMONSTRATION PROGRAMS.

(a) **IN GENERAL.**—The Commandant of the Coast Guard shall develop plans for demonstration programs that will assess the feasibility of using unmanned aircraft systems for surveillance of marine protected areas, the transit zone, and the Arctic to—

- (1) gather regular maritime domain awareness of such areas;
- (2) ensure sufficient response to illegal activities in marine protected areas, the transit zone, and the Arctic; and
- (3) collaborate with local, State, and Tribal authorities and international partners for surveillance permissions over their waters.

(b) **REQUIREMENTS.**—The plans required under subsection (a) shall include—

- (1) discussion of the feasibility, safety, and cost effectiveness of using unmanned aerial vehicles for the purposes of enhancing maritime domain awareness in marine protected areas;
- (2) coordination and communication plans to facilitate coordination with other relevant Federal, State, Tribal, and local agencies, and international partners;
- (3) consideration of the potential impacts of such a demonstration program on the Coast Guard’s existing unmanned vehicle programs;
- (4) an overview of areas that could be surveilled under such program;
- (5) a timeline and technical milestones for the implementation of such a program;
- (6) resource requirements to implement and sustain such a program; and
- (7) the operational benefits of such a program.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plans required under subsection (a).

(d) **DEFINITIONS.**—In this section:

- (1) **ARCTIC.**—The term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
- (2) **MARINE PROTECTED AREA.**—The term “marine protected area” means any discrete area of the marine environment under a Federal statute.
- (3) **TRANSIT ZONE.**—The term “transit zone” has the meaning given that term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(8)).
- (4) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

SEC. 417. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

The Coalbank Slough in Coos Bay, Oregon, is deemed to not be navigable waters of the United States for all purposes of subchapter J of Chapter I of title 33, Code of Federal Regulations.

SEC. 418. COAST GUARD HOUSING; STATUS AND AUTHORITIES BRIEFING.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on Coast Guard housing, including—

- (1) a description of the material condition of Coast Guard housing facilities;
- (2) the amount of current Coast Guard housing construction and deferred maintenance backlogs;
- (3) an overview of the manner in which the Coast Guard manages and maintains housing facilities;
- (4) a discussion of whether reauthorizing housing authorities for the Coast Guard similar to those provided in section 208 of the Coast Guard Authorization Act of 1996 (Public Law 104–324); and
- (5) recommendations regarding how the Congress could adjust those authorities to prevent mismanagement of Coast Guard housing facilities.

SEC. 419. CONVEYANCE OF COAST GUARD PROPERTY AT POINT SPENCER, ALASKA.

(1) Section 533 of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by adding at the end the following:

“(f) **REMEDIAL ACTIONS.**—For purposes of the transfers under this section, the remedial actions required under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) may be completed by the United States Coast Guard after the date of such transfer and a deed entered into for such transfer shall include a clause granting the United States

Coast Guard access to the property in any case in which remedial action or corrective action is found to be necessary after the date of such transfer.”.

(2) Section 534(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by—

(A) striking “Nothing” and inserting “After the date on which the Secretary of the Interior conveys land under section 533 of this Act, nothing”; and

(B) by inserting “, with respect to contaminants on such land prior to the date on which the land is conveyed” before the period.

SEC. 420. PROHIBITION.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall not establish anchorage grounds on the Hudson River between Yonkers, New York, and Kingston, New York, under section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) or chapter 700 of title 46, United States Code, in addition to any anchorage grounds in effect in such area on the date of the enactment of this Act.

(b) **RESTRICTION.**—The Commandant may not establish or expand any anchorages outside of the reach on the Hudson River described in subsection (a) without first providing notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days prior to the establishment or expansion of any such anchorages.

SEC. 421. CERTIFICATE EXTENSIONS.

(a) **IN GENERAL.**—Subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

“§ 12108. Authority to extend the duration of vessel certificates

“(a) **CERTIFICATES.**—Provided a vessel is in compliance with inspection requirements in section 3313, the Secretary of the Department in which in the Coast Guard is operating may, if he makes the determination described in subsection (b), extend for a period of not more than one year an expiring—

“(1) certificate of documentation issued for a vessel under chapter 121; or

“(2) certificate of financial responsibility required for a vessel by section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) or Section 108 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608).

“(b) **DETERMINATION.**—The determination referred to in subsection (a) is a determination that such extension is required to enable the Coast Guard to—

“(1) eliminate a backlog in processing applications for such certificates; or

“(2) act in response to a national emergency or natural disaster.

“(c) **MANNER OF EXTENSION.**—Any extension granted under this section may be granted to individual vessels or to a specifically identified group of vessels.”.

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

“12108. Authority to extend the duration of vessel certificates.”.

SEC. 422. HOMELAND SECURITY ROTATIONAL CYBERSECURITY RESEARCH PROGRAM AT THE COAST GUARD ACADEMY.

(a) **IN GENERAL.**—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PROGRAM.

“To enhance the Department’s cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

“(1) detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communications integration center authorized by section 2209) of Coast Guard Academy graduates and faculty; and

“(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

“(A) the Agency (including the center);

“(B) the Directorate of Science and Technology; or

“(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 846. Rotational cybersecurity research program.”.

SEC. 423. TOWING VESSEL INSPECTION FEES.

Notwithstanding section 9701 of title 31, United States Code, and section 2110 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may not charge an inspection fee for towing vessels required to have a Certificate of Inspection under subchapter M of title 46, Code of Federal Regulations, until—

- (1) the completion of the review required under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282); and
- (2) the promulgation of regulations to establish specific inspection fees for such vessels.

SEC. 424. SUBROGATED CLAIMS.

(a) IN GENERAL.—Section 1012(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(b)) is amended—

(1) by striking “The” and inserting the following:

“(1) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(2) SUBROGATED RIGHTS.—Except for a guarantor claim pursuant to a defense under section 1016(f)(1), Fund compensation of any claim by an insurer or other indemnifier of a responsible party or injured third party is subject to the subrogated rights of that responsible party or injured third party to such compensation.”.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 425. LOAN PROVISIONS UNDER OIL POLLUTION ACT OF 1990.

(a) IN GENERAL.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by striking subsection (f).

(b) CONFORMING AMENDMENTS.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

- (1) in paragraph (4), by adding “and” after the semicolon at the end;
- (2) in paragraph (5)(D), by striking “; and” and inserting a period; and
- (3) by striking paragraph (6).

SEC. 426. LIABILITY LIMITS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended to read as follows:

“(2) DEEPWATER PORTS AND ASSOCIATED VESSELS.—

“(A) IN GENERAL.—If the Secretary determines that the design and operation of a deepwater port results in a lower risk of oil pollution than the design and operation of such deepwater ports as existed on the date of the enactment of the Coast Guard Authorization Act of 2019, the Secretary may initiate a rulemaking proceeding to lower the limitation of liability under subsection (a)(4) for such deepwater port and each other deepwater port which achieves such lower risk level through such port’s design and operation.

“(B) RISK DETERMINATION.—In determining the risk of oil pollution, the Secretary shall take into account, as applicable—

- “(i) the size of the deepwater ports and associated vessels;
- “(ii) oil storage capacity of the deepwater ports and associated vessels;
- “(iii) oil handling capacity of the deepwater ports and associated vessels;
- “(iv) oil throughput;
- “(v) proximity to sensitive areas;
- “(vi) type of oil handled;
- “(vii) history of oil discharges; and
- “(viii) such other factors relevant to the oil pollution risks posed by the class or category of deepwater port and associated vessels as the Secretary determines appropriate.

“(C) LIMIT OF LIABILITY; TRANSPORTATION OF OIL.—For deepwater ports used in connection with the transportation of oil, the Secretary may establish a limitation of liability under subparagraph (A) of not more than \$350,000,000 and not less than \$50,000,000.

“(D) LIMIT OF LIABILITY; TRANSPORTATION OF NATURAL GAS.—For deepwater ports used in connection with the transportation of natural gas, the Secretary may establish a limitation of liability under subparagraph (A) of not more than \$350,000,000 and not less than \$1,000,000.”.

SEC. 427. REPORT ON DRUG INTERDICTION IN THE CARIBBEAN BASIN.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on drug interdiction in the Caribbean basin.

(b) **CONTENT.**—Such report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2017 through 2019 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

SEC. 428. VOTING REQUIREMENT.

Section 305(i)(1)(G)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

“(iv) **VOTING REQUIREMENT.**—The panel may act only by the affirmative vote of at least five of its members.”.

TITLE V—REORGANIZATION**SEC. 501. UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS.**

(a) **IN GENERAL.**—Subtitle II of title 46, United States Code, is amended by striking chapter 45 and inserting the following:

“CHAPTER 45—UNINSPECTED COMMERCIAL INDUSTRY VESSELS

“Sec.

4501. Application.

4502. Definitions.

4503. Safety standards.

4504. Vessel construction.

4505. Operating stability.

4506. Training.

4507. Vessel certification.

4508. Alternate safety compliance program.

4509. Substitute safety compliance program.

4510. Enhanced substitute safety compliance program.

4511. Prohibited acts.

4512. Termination of unsafe operations.

4513. Penalties.

4514. Compliance; Secretary actions.

4515. Exemptions.

4516. Regulations; considerations and limitations.

4517. Fishing safety grants.

“§ 4501. Application

“(a) **IN GENERAL.**—Except as provided in subsection (b), this chapter applies to an uninspected vessel that is a fishing vessel, fish processing vessel, or fish tender vessel.

“(b) **CARRIAGE OF BULK DANGEROUS CARGOES.**—This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37.

“§ 4502. Definitions

“In this chapter:

“(1) The term ‘accountable vessel’ means a vessel to which this chapter applies that—

“(A)(i) was built after December 31, 1988, or undergoes a major conversion completed after that date; and

“(ii) operates with more than 16 individuals on board; or

“(B) in the case of a fish tender vessel, engages in the Aleutian trade.

“(2) The term ‘auxiliary craft’ means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.

“(3)(A) The term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(i) The vessel’s keel is laid.

“(ii) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

“(B) In the case of a vessel greater than 79 feet in overall length, for purposes of subparagraph (A)(i), a keel is deemed to be laid when a marine surveyor af-

firms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.

“(4) The term ‘subject vessel’ means a vessel to which this chapter applies that—

“(A) operates beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;

“(B) operates with more than 16 individuals on board; or

“(C) in the case of a fish tender vessel, engages in the Aleutian trade.

“(5) The term ‘substitute-eligible vessel’ means a fishing vessel or fish tender vessel that is—

“(A) a subject vessel;

“(B) at least 50 feet overall in length, and not more than 180 feet overall in length as listed on the vessel’s certificate of documentation or certificate of number; and

“(C) built after February 8, 2016.

“§ 4503. Safety standards

“(a) IN GENERAL.—The Secretary shall prescribe regulations that require that each vessel to which this chapter applies shall be equipped with—

“(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

“(2) at least one readily accessible life preserver or other lifesaving device for each individual on board;

“(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine that uses gasoline as fuel;

“(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

“(5) visual distress signals;

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

“(7) a placard as required by regulations prescribed under section 10603(b).

“(b) SUBJECT VESSELS.—In addition to the requirements of subsection (a), the Secretary shall prescribe regulations requiring that subject vessels install, maintain, and use the following equipment:

“(1) Alerting and locating equipment, including emergency position indicating radio beacons.

“(2)(A) Subject to subparagraph (B), a survival craft that—

“(i) ensures that no part of an individual is immersed in water; and

“(ii) is sufficient to accommodate all individuals on board.

“(B) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

“(i) necessary for normal fishing operations;

“(ii) readily accessible during an emergency; and

“(iii) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.

“(3) At least one readily accessible immersion suit for each individual on board the vessel when operating on the waters described in section 3102.

“(4) Marine radio communications equipment sufficient to effectively communicate with a land-based search and rescue facility.

“(5) Navigation equipment, including compasses, nautical charts, and publications.

“(6) First aid equipment and medical supplies sufficient for the size and area of operation of the vessel.

“(7) Ground tackle sufficient for the vessel.

“(c) ACCOUNTABLE VESSELS.—In addition to the requirements described in subsections (a) and (b), the Secretary may prescribe regulations establishing minimum safety standards for accountable vessels, including standards relating to—

“(1) navigation equipment, including radars and fathometers;

“(2) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

“(3) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

“(4) use and installation of insulation material;

“(5) storage methods for flammable or combustible material; and

“(6) fuel, ventilation, and electrical systems.

“§ 4504. Vessel construction

“A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if the vessel is—

- “(1) a subject vessel;
- “(2) less than 50 feet overall in length; and
- “(3) built after January 1, 2010.

“§ 4505. Operating stability

“(a) REGULATIONS.—The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

- “(1) that was built after December 31, 1989; or
- “(2) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel’s operating stability.

“(b) EVIDENCE OF COMPLIANCE.—The Secretary may accept, as evidence of compliance with this section, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

“§ 4506. Training

“(a) IN GENERAL.—The individual in charge of a subject vessel must pass a training program approved by the Secretary that meets the requirements of subsection (b) and hold a valid certificate issued under that program.

“(b) TRAINING PROGRAM REQUIREMENTS.—The training program shall—

“(1) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, firefighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

“(2) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

“(3) recognize and give credit for recent past experience in fishing vessel operation; and

“(4) provide for issuance of a certificate to an individual who has successfully completed the program.

“(c) REGULATIONS.—The Secretary shall prescribe regulations implementing this section. The regulations shall require that an individual who is issued a certificate under subsection (b)(4) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

“(d) ELECTRONIC DATABASE.—The Secretary shall establish an electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

“§ 4507. Vessel certification

“(a) IN GENERAL.—A vessel to which this section applies may not be operated unless the vessel—

“(1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and

“(2) has on board a certificate issued by the American Bureau of Shipping or such other organization evidencing compliance with this subsection.

“(b) APPLICATION.—

“(1) Except as provided in section 4509, this section applies to a fish processing vessel to which this chapter applies that—

“(A) is built after July 27, 1990; or

“(B) undergoes a major conversion completed after that date.

“(2)(A) Except as provided in subparagraph (B), this section applies to a subject vessel that is at least 50 feet overall in length and is built after July 1, 2013.

“(B) This section does not apply to a substitute-eligible vessel if such vessel complies with—

“(i) the substitute safety compliance program established under section 4509; or

“(ii) the enhanced substitute safety compliance program established by the Secretary under section 4510.

“§ 4508. Alternate safety compliance program

“(a) IN GENERAL.—

“(1) The Secretary shall establish an alternate safety compliance program developed in coordination with the commercial fishing industry.

- “(2) The program established under paragraph (1) may include requirements for—
- “(A) a specific region or fishery (or both); and
 - “(B) any combination of regions or fisheries (or both).
- “(b) VESSELS REQUIRED TO COMPLY.—Beginning on the date that is 3 years after the date the Secretary prescribes an alternate safety compliance program, the following vessels shall comply with such program:
- “(1) A subject vessel that is—
 - “(A) at least 50 feet overall in length;
 - “(B) built before July 1, 2013; and
 - “(C) 25 years of age or older.
 - “(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2013, that undergoes a major conversion completed after the date the Secretary prescribes an alternate safety compliance program.
- “(c) EXEMPT VESSELS.—
- “(1) Notwithstanding subsection (b), vessels owned by a person that owns more than 30 vessels subject to that subsection are not required to comply with alternate safety compliance program requirements until January 1, 2030, if that owner—
 - “(A) enters into a compliance agreement with the Secretary that provides for a fixed schedule for all such vessels owned by that person to meet requirements of such paragraph by such date; and
 - “(B) is meeting such schedule.
 - “(2) A subject vessel that was classed before July 1, 2012, is exempt from the requirements of this section if such vessel—
 - “(A) remains subject to the requirements of a classification society approved by the Secretary; and
 - “(B) has on board a certificate from that society.

“§ 4509. Substitute safety compliance program

- “(a) IN GENERAL.—The Secretary shall establish a substitute safety compliance program for substitute-eligible vessels that includes the following requirements:
- “(1) A substitute-eligible vessel shall be designed by an individual licensed by a State as a naval architect or marine engineer, and the design shall incorporate standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.
 - “(2) Construction of a substitute-eligible vessel shall be overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.
 - “(3) A substitute-eligible vessel shall—
 - “(A) complete a stability test performed by a qualified individual;
 - “(B) have written stability and loading instructions from a qualified individual that are provided to the owner or operator; and
 - “(C) have an assigned loading mark.
 - “(4) A substitute-eligible vessel shall not be substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.
 - “(5) A substitute-eligible vessel shall undergo a condition survey at least twice in 5 years, with not more than 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.
 - “(6) A substitute-eligible vessel shall undergo an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.
 - “(7) Once every 5 years, and at the time of a substantial alteration to a substitute-eligible vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.
 - “(8) For the life of a substitute-eligible vessel, the owner of the vessel shall maintain records to demonstrate compliance with this subsection and make such records readily available for inspection by an official authorized to enforce this chapter.
- “(b) COMPLIANCE.—Section 4507 of this title shall not apply to a substitute-eligible vessel that complies with the requirements of the program established under this section.
- “(c) REPORT.—Not later than February 8, 2026, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the substitute safety compliance program requirements established under subsection (a) in maintaining the safety of

substitute-eligible fishing vessels and fish tender vessels and that comply with such requirements.

“§ 4510. Enhanced substitute safety compliance program

“(a) IN GENERAL.—If the report required under section 4509(c) includes a determination that the substitute safety compliance program established under section 4509(a) is not adequate or that additional safety measures are necessary, then the Secretary may establish an enhanced substitute safety compliance program for fishing vessels or fish tender vessels (or both) that are substitute-eligible vessels and that comply with the requirements of section 4509.

“(b) REQUIREMENTS.—The enhanced substitute safety compliance program established under this subsection shall include requirements for—

- “(1) vessel construction;
- “(2) a vessel stability test;
- “(3) vessel stability and loading instructions;
- “(4) an assigned vessel loading mark;
- “(5) a vessel condition survey at least twice in 5 years, not more than 3 years apart;
- “(6) an out-of-water vessel survey at least once every 5 years;
- “(7) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and
- “(8) such other aspects of vessel safety as the Secretary considers appropriate.

“(c) COMPLIANCE.—Section 4507 shall not apply to a substitute-eligible vessel that complies with the requirements of the program established under this section.

“§ 4511. Prohibited acts

“A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

“§ 4512. Termination of unsafe operations

“An official authorized to enforce this chapter—

“(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

“(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4507 to return the vessel to a mooring and to remain there until the vessel is in compliance with such section, unless the vessel is required to comply with section 4508.

“§ 4513. Penalties

“(a) CIVIL PENALTY.—The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies that is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$10,260. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

“(b) CRIMINAL PENALTIES.—An individual willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

“§ 4514. Compliance; Secretary actions

“To ensure compliance with the requirements of this chapter, the Secretary—

“(1) shall require the individual in charge of a subject vessel to keep a record of equipment maintenance and required instruction and drills;

“(2) shall examine at dockside a subject vessel at least once every 5 years, but may require an exam at dockside every 2 years for certain subject vessels if requested by the owner or operator; and

“(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements of paragraph (2).

“§ 4515. Exemptions

“The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

- “(1) good cause exists for granting an exemption; and
- “(2) the safety of the vessel and those on board will not be adversely affected.

“§ 4516. Regulations; considerations and limitations

“In prescribing a regulation under this chapter, the Secretary—

“(1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and

“(2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of such regulation.

“§ 4517. Fishing safety grants

“(a) SAFETY TRAINING GRANTS.—

“(1) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a Fishing Safety Training Grant Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training.

“(2) USE OF FUNDS.—Entities receiving funds under this section may use such funds—

“(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

“(i) in the case of vessel operators, meets the requirements of section 4506; and

“(ii) in the case of crewmembers, meets the requirements of sections 4506(b)(1), 4506(b)(4), 4506(c), and 4506(d), and such requirements of section 4506(b)(2) as are appropriate for crewmembers; and

“(B) for purchase of safety equipment and training aids for use in such fishing vessel safety training programs.

“(3) AWARD CRITERIA.—The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

“(4) LIMITATION ON FEDERAL SHARE OF COST.—The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2020 and 2021 for grants under this subsection.

“(b) RESEARCH GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, not-for-profit organizations, businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

“(2) AWARD CRITERIA.—The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

“(3) LIMITATION ON FEDERAL SHARE OF COST.—The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 for each fiscal year 2020 and 2021 for activities under this subsection.”

(b) CONFORMING AMENDMENT.—Section 3104(d) of title 46, United States Code, is amended by striking “under section 4503(d)” and inserting “under section 4502(3)”.

(c) SAFETY STANDARDS.—Not later than 90 days after the date of the enactment of this Act, and without regard to the provisions of chapters 5 and 6 of title 5, United States Code, the Secretary of the department in which the Coast Guard is operating shall promulgate the regulations required by section 4503(b) of title 46, United States Code, as amended by this section.

SEC. 502. TRANSFERS.

(a) TRANSFERS OF PROVISIONS.—

(1) IN GENERAL.—

(A) Section 215 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 14 U.S.C. 504 note) is redesignated as section 321 of title 14, United States Code, transferred to appear after section 320 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 406 of the Maritime Transportation Security Act of 2002 (Public Law (107–295; 14 U.S.C. 501 note) is redesignated as section 719 of title 14, United States Code, transferred to appear after section 718 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(C) Section 1110 of title 14, United States Code, is redesignated as section 5110 of that title, and transferred to appear after section 5109 of that title.

(D) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—

(i) Section 401 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking subsection (e).

(ii) Subchapter I of chapter 11 of title 14, United States Code, as amended by this Act, is amended by adding at the end the following:

“§ 1110. Elevation of Disputes to the Chief Acquisition Officer

“If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding level 1 or level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.”.

(E) Section 217 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 14 U.S.C. 504 note)—

(i) is redesignated as section 5111 of title 14, United States Code, transferred to appear after section 5110 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code; and
(ii) is amended—

(I) by striking the heading and inserting the following:

“§ 5111. Sexual assault and sexual harassment in the Coast Guard”; and

(II) in subsection (b), by adding at the end the following:

“(5)(A) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

“(B) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).

“(C) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).

“(D) In this paragraph, the term ‘covered individual’ means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.”.

(F) Section 305 of title 46, United States Code, is amended—

(i) by striking “The Federal” and inserting “(a) IN GENERAL.—The Federal”; and

(ii) by inserting after section (a) the following:

“(b) TRANSPARENCY.—

“(1) IN GENERAL.—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

“(2) FORMAT OF REPORTS.—Each report under paragraph (1) shall, among other things, clearly identify for each unfinished regulatory proceeding—

“(A) the popular title;

“(B) the current stage of the proceeding;

“(C) an abstract of the proceeding;

“(D) what prompted the action in question;

“(E) any applicable statutory, regulatory, or judicial deadline;

“(F) the associated docket number;

“(G) the date the rulemaking was initiated;

“(H) a date for the next action; and

“(I) if a date for the next action identified in the previous report is not met, the reason for the delay.”.

(G) Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(i) by transferring such section to appear after section 70006 of title 46, United States Code;

(ii) by striking “SEC. 7.” and inserting “**§70007. Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally**”; and

(iii) by adjusting the margins with respect to subsections (a) and (b) for the presence of a section heading accordingly.

(2) CLERICAL AMENDMENTS.—

(A) The analysis for chapter 3 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“321. Redistricting notification requirement.”.

(B) The analysis for chapter 7 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“719. VHF communication services.”.

(C) The analysis for chapter 11 of title 14, United States Code, is amended by striking the item relating to section 1110 and inserting the following:

“1110. Elevation of disputes to the Chief Acquisition Officer.”.

(D) The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“5110. Mission need statement.

“5111. Sexual assault and sexual harassment in the Coast Guard.”.

(E) The analysis for chapter 700 of title 46, United States Code, as amended by section 312(b), is further amended by inserting after the item relating to section 70006 the following:

“70007. Establishment by the Secretary of Homeland Security of anchorage grounds and regulations generally.”.

(b) TRANSFERS.—

(1) SECTION 204 OF THE MARINE TRANSPORTATION SECURITY ACT.—

(A) The Maritime Transportation Security Act of 2002 is amended by striking section 204 (33 U.S.C. 1902a).

(B) Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902)—

(i) is amended by redesignating subsections (e) through (i) as subsections (f) through (j) respectively; and

(ii) by inserting after subsection (d) the following:

“(e) DISCHARGE OF AGRICULTURAL CARGO RESIDUE.—Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.”.

(2) LNG TANKERS.—

(A) The Coast Guard and Maritime Transportation Act of 2006 is amended by striking section 304 (Public Law 109–241; 120 Stat. 527).

(B) Section 5 of the Deepwater Port Act of 1974 (33 U.S.C. 1504) is amended by adding at the end the following:

“(j) LNG TANKERS.—

“(1) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States flag vessels.

“(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.”.

SEC. 503. REPEALS.

(a) LICENSE EXEMPTIONS; REPEAL OF OBSOLETE PROVISIONS.—

(1) SERVICE UNDER LICENSES ISSUED WITHOUT EXAMINATION.—

(A) REPEAL.—Section 8303 of title 46, United States Code, and the item relating to that section in the analysis for chapter 83 of that title, are repealed.

(B) CONFORMING AMENDMENT.—Section 14305(a)(10) of title 46, United States Code, is amended by striking “sections 8303 and 8304” and inserting “section 8304”.

(2) STANDARDS FOR TANK VESSELS OF THE UNITED STATES.—Section 9102 of title 46, United States Code, is amended—

(A) by striking “(a)” before the first sentence; and

(B) by striking subsection (b).

(b) REPEAL.—Section 343 of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2106) is repealed.

(c) ACCIDENT AND INCIDENT NOTIFICATION.—Subsection (c) of section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat 1912) is repealed and is deemed not to have been enacted.

TITLE VI—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 601. MARITIME TRANSPORTATION SYSTEM.

(a) MARITIME TRANSPORTATION SYSTEM.—Section 312(b)(4) of title 14, United States Code, is amended by striking “marine transportation system” and inserting “maritime transportation system”.

(b) CLARIFICATION OF REFERENCE TO MARINE TRANSPORTATION SYSTEM PROGRAMS.—Section 50307(a) of title 46, United States Code, is amended by striking “marine transportation” and inserting “maritime transportation”.

SEC. 602. REFERENCES TO “PERSONS” AND “SEAMEN”.

(a) TECHNICAL CORRECTION OF REFERENCES TO “PERSONS”.—Title 14, United States Code, is amended as follows:

(1) In section 312(d), by striking “persons” and inserting “individuals”.

(2) In section 313(d)(2)(B), by striking “person” and inserting “individual”.

(3) In section 504—

(A) in subsection (a)(19)(B), by striking “a person” and inserting “an individual”; and

(B) in subsection (c)(4), by striking “seamen;” and inserting “mariners;”.

(4) In section 521, by striking “persons” each place it appears and inserting “individuals”.

(5) In section 522—

(A) by striking “a person” and inserting “an individual”; and

(B) by striking “person” the second and third place it appears and inserting “individual”.

(6) In section 525(a)(1)(C)(ii), by striking “person” and inserting “individual”.

(7) In section 526—

(A) by striking “person” each place it appears and inserting “individual”;

(B) by striking “persons” each place it appears and inserting “individuals”; and

(C) in subsection (b), by striking “person’s” and inserting “individual’s”.

(8) In section 709—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “person” and inserting “individual”.

(9) In section 933(b), by striking “Every person” and inserting “An individual”.

(10) In section 1102(d), by striking “persons” and inserting “individuals”.

(11) In section 1902(b)(3)—

(A) in subparagraph (A), by striking “person or persons” and inserting “individual or individuals”; and

(B) in subparagraph (B), by striking “person” and inserting “individual”.

(12) In section 1941(b), by striking “persons” and inserting “individuals”.

(13) In section 2101(b), by striking “person” and inserting “individual”.

(14) In section 2102(c), by striking “A person” and inserting “An individual”.

(15) In section 2104(b)—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “A person” and inserting “An individual”.

(16) In section 2118(d), by striking “person” and inserting “individual who is”.

(17) In section 2147(d), by striking “a person” and inserting “an individual”.

(18) In section 2150(f), by striking “person” and inserting “individual who is”.

(19) In section 2161(b), by striking “person” and inserting “individual”.

(20) In section 2317—

(A) by striking “persons” and inserting “individuals”;

- (B) by striking “person” each place it appears and inserting “individual”; and
 (C) in subsection (c)(2), by striking “person’s” and inserting “individual’s”.
- (21) In section 2531—
 (A) by striking “person” each place it appears and inserting “individual”; and
 (B) by striking “persons” each place it appears and inserting “individuals”.
- (22) In section 2709, by striking “persons” and inserting “individuals”.
- (23) In section 2710—
 (A) by striking “persons” and inserting “individuals”; and
 (B) by striking “person” each place it appears and inserting “individual”.
- (24) In section 2711(b), by striking “person” and inserting “individual”.
- (25) In section 2732, by striking “a person” and inserting “an individual”.
- (26) In section 2733—
 (A) by striking “A person” and inserting “An individual”; and
 (B) by striking “that person” and inserting “that individual”.
- (27) In section 2734, by striking “person” each place it appears and inserting “individual”.
- (28) In section 2735, by striking “a person” and inserting “an individual”.
- (29) In section 2736, by striking “person” and inserting “individual”.
- (30) In section 2737, by striking “a person” and inserting “an individual”.
- (31) In section 2738, by striking “person” and inserting “individual”.
- (32) In section 2739, by striking “person” and inserting “individual”.
- (33) In section 2740—
 (A) by striking “person” and inserting “individual”; and
 (B) by striking “one” the second place it appears.
- (34) In section 2741—
 (A) in subsection (a), by striking “a person” and inserting “an individual”;
 (B) in subsection (b)(1), by striking “person’s” and inserting “individual’s”;
 and
 (C) in subsection (b)(2), by striking “person” and inserting “individual”.
- (35) In section 2743, by striking “person” each place it appears and inserting “individual”.
- (36) In section 2744—
 (A) in subsection (b), by striking “a person” and inserting “an individual”;
 and
 (B) in subsections (a) and (c), by striking “person” each place it appears and inserting “individual”.
- (37) In section 2745, by striking “person” and inserting “individual”.
- (38)(A) In section 2761—
 (i) in the section heading, by striking “**Persons**” and inserting “**Individuals**”;
 (ii) by striking “persons” and inserting “individuals”; and
 (iii) by striking “person” and inserting “individual”.
- (B) In the analysis for chapter 27, by striking the item relating to section 2761 and inserting the following:
- “2761. Individuals discharged as result of court-martial; allowances to.”
- (39)(A) In the heading for section 2767, by striking “**persons**” and inserting “**individuals**”.
- (B) In the analysis for chapter 27, by striking the item relating to section 2767 and inserting the following:
- “2767. Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.”
- (40) In section 2769—
 (A) by striking “a person’s” and inserting “an individual’s”; and
 (B) in paragraph (1), by striking “person” and inserting “individual”.
- (41) In section 2772(a)(2), by striking “person” and inserting “individual”.
- (42) In section 2773—
 (A) in subsection (b), by striking “persons” each place it appears and inserting “individuals”; and
 (B) in subsection (d), by striking “a person” and inserting “an individual”.
- (43) In section 2775, by striking “person” each place it appears and inserting “individual”.
- (44) In section 2776, by striking “person” and inserting “individual”.
- (45)(A) In section 2777—
 (i) in the heading, by striking “**persons**” and inserting “**individuals**”;
 and

- (ii) by striking “persons” each place it appears and inserting “individuals”.
- (B) In the analysis for chapter 27, by striking the item relating to in section 2777 and inserting the following:
 - “2777. Clothing for destitute shipwrecked individuals.”.
 - (46) In section 2779, by striking “persons” each place it appears and inserting “individuals”.
 - (47) In section 2902(c), by striking “person” and inserting “individual”.
 - (48) In section 2903(b), by striking “person” and inserting “individual”.
 - (49) In section 2904(b)(1)(B), by striking “a person” and inserting “an individual”.
 - (50) In section 3706—
 - (A) by striking “a person” and inserting “an individual”; and
 - (B) by striking “person’s” and inserting “individual’s”.
 - (51) In section 3707—
 - (A) in subsection (c)—
 - (i) by striking “person” and inserting “individual”; and
 - (ii) by striking “person’s” and inserting “individual’s”; and
 - (B) in subsection (e), by striking “a person” and inserting “an individual”.
 - (52) In section 3708, by striking “person” each place it appears and inserting “individual”.
 - (53) In section 3738—
 - (A) by striking “a person” each place it appears and inserting “an individual”;
 - (B) by striking “person’s” and inserting “individual’s”; and
 - (C) by striking “A person” and inserting “An individual”.
- (b) CORRECTION OF REFERENCES TO PERSONS AND SEAMEN.—
 - (1) Section 2303a(a) of title 46, United States Code, is amended by striking “persons” and inserting “individuals”.
 - (2) Section 2306(a)(3) of title 46, United States Code, is amended to read as follows:
 - “(3) An owner, charterer, managing operator, or agent of a vessel of the United States notifying the Coast Guard under paragraph (1) or (2) shall—
 - “(A) provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard; and
 - “(B) submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under such paragraphs.”.
 - (3) Section 7303 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.
 - (4) Section 7319 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.
 - (5) Section 7501(b) of title 46, United States Code, is amended by striking “seaman” and inserting “holder”.
 - (6) Section 7508(b) of title 46, United States Code, is amended by striking “individual seamen or a specifically identified group of seamen” and inserting “an individual or a specifically identified group of individuals”.
 - (7) Section 7510 of title 46, United States Code, is amended—
 - (A) in subsection (c)(8)(B), by striking “merchant seamen” and inserting “merchant mariner”; and
 - (B) in subsection (d), by striking “merchant seaman” and inserting “merchant mariner”.
 - (8) Section 8103 of title 46, United States Code, is amended—
 - (A) by striking “seaman” each place it appears and inserting “individual”;
 - (B) by striking “seamen” each place it appears and inserting “individuals”;
 - (C) in the headings for paragraphs (2) and (3) of subsection (k), by striking “SEAMEN” each place it appears and inserting “INDIVIDUALS”;
 - (D) in subsection (k)(3)(A)(iv)(II), by striking “seaman’s” and inserting “individual’s”; and
 - (E) in subsection (k)(3)(C), by striking “merchant mariners” each place it appears and inserting “merchant mariner’s”.
 - (9) Section 8104 of title 46, United States Code, is amended—
 - (A) in subsection (c), by striking “a licensed individual or seaman” and inserting “an individual”;
 - (B) in subsection (d), by striking “A licensed individual or seaman” and inserting “An individual”;

- (C) in subsection (e), by striking “a seaman” each place it appears and inserting “an individual”; and
- (D) in subsection (j), by striking “seaman” and inserting “individual”.
- (10) Section 8302(d) of title 46, United States Code, is amended by striking “3 persons” and inserting “3 individuals”.
- (11) Section 11201 of title 46, United States Code, is amended by striking “a person” each place it appears and inserting “an individual”.
- (12) Section 11202 of title 46, United States Code, is amended—
- (A) by striking “a person” and inserting “an individual”; and
- (B) by striking “the person” each place it appears and inserting “the individual”.
- (13) Section 11203 of title 46, United States Code, is amended—
- (A) by striking “a person” each place it appears and inserting “an individual”; and
- (B) in subsection (a)(2), by striking “that person” and inserting “that individual”.
- (14) Section 15109(i)(2) of title 46, United States Code, is amended by striking “additional persons” and inserting “additional individuals”.

SEC. 603. COMMON APPROPRIATION STRUCTURE.

- (a) AMENDMENTS TO CONFORM TO COMMON APPROPRIATIONS STRUCTURE.—
- (1) PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.—Section 506 of title 14, United States Code, is amended—
- (A) in subsection (a)(1), by inserting “established under chapter 56 of title 10” after “Medicare-Eligible Retiree Health Care Fund”; and
- (B) in subsection (b)(1), by striking “operating expenses” and inserting “operations and support”.
- (2) USE OF CERTAIN APPROPRIATED FUNDS.—Section 903 of title 14, United States Code, is amended—
- (A) in subsection (a), by striking “acquisition, construction, and improvement of facilities, for research, development, test, and evaluation;” and inserting “procurement, construction, and improvement of facilities and for research and development”; and
- (B) in subsection (d)(1), by striking “operating expenses” and inserting “operations and support”.
- (3) CONFIDENTIAL INVESTIGATIVE EXPENSES.—Section 944 of title 14, United States Code, is amended by striking “necessary expenses for the operation” and inserting “operations and support”.
- (4) PROCUREMENT OF PERSONNEL.—Section 2701 of title 14, United States Code, is amended by striking “operating expense” and inserting “operations and support”.
- (5) COAST GUARD HOUSING FUND.—Section 2946(b)(2) of title 14, United States Code, is amended by striking “acquisition” and inserting “procurement”.
- (6) REQUIREMENT FOR PRIOR AUTHORIZATION OF APPROPRIATIONS.—Section 4901 of title 14, United States Code, is amended—
- (A) in paragraph (1), by striking “maintenance” and inserting “support”;
- (B) in paragraph (2), by striking “acquisition” and inserting “procurement”;
- (C) by striking paragraphs (3), (4), and (6);
- (D) by redesignating paragraph (5) as paragraph (3); and
- (E) in paragraph (3), as so redesignated, by striking “research, development, test, and evaluation” and inserting “research and development”.
- (b) COMMON APPROPRIATION STRUCTURE.—Sections 3317(b), 7504, and 80505(b)(3) of title 46, United States Code, are each amended by striking “operating expenses” and inserting “operations and support”.
- (c) COMMON APPROPRIATION STRUCTURE.—
- (1) OIL SPILL LIABILITY TRUST FUND.—Section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)) is amended by striking “operating expenses” and inserting “operations and support”.
- (2) HISTORIC LIGHT STATION SALES.—Section 305106 of title 54, United States Code, is amended—
- (A) in subsection (b)(1)(B)(i) by striking “Operating Expenses” and inserting “Operations and Support”; and
- (B) in subsection (b)(2) by striking “Operating Expense” and inserting “Operations and Support”;
- (3) BRIDGE PERMITS.—Section 712(a)(2) of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213; 126 Stat. 1582) is amended by striking “operating expenses” and inserting “operations and support”.

(4) **CONTRACTS.**—Section 557(a) of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 377) is amended by striking “Acquisition” and inserting “Procurement”.

(5) **CHILD DEVELOPMENT SERVICES.**—Section 214(d)(1) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3034) is amended by striking “operating expenses” and inserting “operations and support”.

SEC. 604. REFERENCES TO “HIMSELF” AND “HIS”.

- (a) Section 1927 of title 14, United States Code, is amended by—
- (1) striking “of his initial” and inserting “of an initial”; and
 - (2) striking “from his pay” and inserting “from the pay of such cadet”.
- (b) Section 2108(b) of title 14, United States Code, is amended by striking “himself” and inserting “such officer”.
- (c) Section 2732 of title 14, United States Code, as amended by this Act, is further amended—
- (1) by striking “distinguishes himself conspicuously by” and inserting “displays conspicuous”; and
 - (2) by striking “his” and inserting “such individual’s”.
- (d) Section 2736 of title 14, United States Code, as amended by this Act, is further amended by striking “distinguishes himself by” and inserting “performs”.
- (e) Section 2738 of title 14, United States Code, as amended by this Act is further amended by striking “distinguishes himself by” and inserting “displays”.
- (f) Section 2739 of title 14, United States Code, as amended by this Act, is further amended by striking “distinguishes himself by” and inserting “displays”.
- (g) Section 2742 of title 14, United States Code, is amended by striking “he distinguished himself” and inserting “of the acts resulting in the consideration of such award”.
- (h) Section 2743 of title 14, United States Code, as amended by this Act, is further amended—
- (1) by striking “distinguishes himself”; and
 - (2) by striking “he” and inserting “such individual”.

SEC. 605. REFERENCES TO “MOTORBOATS” AND “YACHTS”.

- (a) **CORRECTION OF REFERENCES TO MOTORBOATS AND YACHTS.**—
- (1) Section 3901(d)(4) of title 14, United States Code, is amended by striking “motor boats, yachts,” and inserting “vessels.”
 - (2) Section 3903(1)(A) of title 14, United States Code, is amended by striking “motorboats, yachts” and inserting “vessels.”
 - (3) Section 3907(a) of title 14, United States Code, is amended—
 - (A) in the heading, by striking “MOTOR BOATS, YACHTS,” and inserting “VESSELS,”; and
 - (B) by striking “motorboat, yacht,” and inserting “vessels.”
 - (4) Section 3908 of title 14, United States Code, is amended by striking “motorboat or yacht” and inserting “vessel”.
 - (5) Section 3911(a) of title 14, United States Code, is amended by striking “motorboat, yacht,” each place it appears and inserting “vessel.”
 - (6) Section 3912 of title 14, United States Code, is amended by striking “motorboat, yacht,” and inserting “vessel.”
 - (7) Section 4101 of title 14, United States Code, is amended by striking “motorboats, yachts,” and inserting “vessels.”
 - (8) Section 4102 of title 14, United States Code, is amended by striking “motorboat, yacht, or any other vessel,” and inserting “or vessel.”
- (b) **CONFORMING REFERENCES TO YACHTS.**—Title 46, United States Code, is amended—
- (1) in parts F and G of subtitle II, by striking “yacht” each place it appears and inserting “recreational vessel”;
 - (2) in subtitle III—
 - (A) in section 30506(a), by striking “pleasure yachts” and inserting “recreational vessels”; and
 - (B) in section 30508(a), by striking “pleasure yachts” and inserting “recreational vessels”; and
 - (3) in section 60504—
 - (A) by striking “yachts” each place it appears and inserting “recreational vessels”; and
 - (B) by striking “yacht” and inserting “recreational vessel”.
- (c) **VESSELS.**—Section 352(a)(4) of the Communications Act of 1934 (47 U.S.C. 352(a)(4)) is amended by striking “Yachts” and inserting “Recreational vessels, as defined in section 2101(46) of title 46, United States Code.”

SEC. 606. MISCELLANEOUS TECHNICAL CORRECTIONS.**(a) MISCELLANEOUS TECHNICAL CORRECTIONS.—**

(1) Section 3305(d)(3)(B) of title 46, United States Code, is amended by striking “Coast Guard Authorization Act of 2017” and inserting “Frank LoBiondo Coast Guard Authorization Act of 2018”.

(2) Section 4312 of title 46, United States Code, is amended by striking “Coast Guard Authorization Act of 2017” each place it appears and inserting “Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282)”.

(3) The analysis for chapter 700 of title 46, United States Code, is amended—
 (A) by striking the item relating to the heading for the first subchapter and inserting the following:

“SUBCHAPTER I—VESSEL OPERATIONS”;

(B) by striking the item relating to the heading for the second subchapter and inserting the following:

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY”;

(C) by striking the items relating to the heading for the third subchapter and inserting the following:

“SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

“70021. Conditions for Entry Into Ports in the United States.”;

(D) by striking the item relating to the heading for the fourth subchapter and inserting the following:

“SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY”;

(E) by striking the item relating to the heading for the fifth subchapter and inserting the following:

“SUBCHAPTER V—REGATTAS AND MARINE PARADES”;

and

(F) by striking the item relating to the heading for the sixth subchapter and inserting the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES”.

(4) Section 70031 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(5) Section 70032 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(6) Section 70033 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(7) Section 70034 of title 46, United States Code, is amended by striking “A through C” each place it appears and inserting “I through III”.

(8) Section 70035(a) of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(9) Section 70036 of title 46, United States Code, is amended by—

(A) striking “A through C” each place it appears and inserting “I through III”; and

(B) striking “A, B, or C” each place it appears and inserting “I, II, or III”.

(b) **ALTERATION OF BRIDGES; TECHNICAL CHANGES.—**The Act of June 21, 1940 (33 U.S.C. 511 et seq.), popularly known as the Truman-Hobbs Act, is amended by striking section 12 (33 U.S.C. 522).

(c) **REPORT OF DETERMINATION; TECHNICAL CORRECTION.—**Section 105(f)(2) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended by striking “subsection (a),” and inserting “paragraph (1).”

(d) **TECHNICAL CORRECTIONS TO FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018.—**

(1) Section 408 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and the item relating to such section in section 2 of such Act are repealed, and the provisions of law redesignated, transferred, or otherwise amended by section 408 are amended to read as if such section were not enacted.

(2) Section 514(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “Chapter 30” and inserting “Chapter 3”.

(3) Section 810(d) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60

days after transmitting such notice,” and inserting “in accordance with subsection (a)(2), the Secretary shall”.

(4) Section 820(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “years 2018 and” and inserting “year”.

(5) Section 820(b)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting “and the Consolidated Appropriations Act, 2018 (Public Law 115–141)” after “(Public Law 115–31)”.

(6) Section 821(a)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “Coast Guard Authorization Act of 2017” and inserting “Frank LoBiondo Coast Guard Authorization Act of 2018”.

(7) This section shall take effect on the date of the enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and apply as if included therein.

(e) TECHNICAL CORRECTION.—Section 533(d)(2)(A) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by striking “Tract 6” and inserting “such Tract”.

(f) DISTANT WATER TUNA FLEET; TECHNICAL CORRECTIONS.—Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) is amended—

(1) in subsection (a)—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and

(B) by adding at the end the following:

“(2) DEFINITION.—In this subsection, the term ‘treaty area’ has the meaning given the term in the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America as in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241).”; and

(2) in subsection (c)—

(A) by striking “12.6 or 12.7” and inserting “13.6”; and

(B) by striking “and Maritime Transportation Act of 2012” and inserting “Authorization Act of 2019”.

SEC. 607. TECHNICAL CORRECTIONS RELATING TO CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

Effective upon the enactment of section 401 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282), and notwithstanding section 402(e) of such Act—

(1) section 16 of the Ports and Waterways Safety Act, as added by section 315 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 947)—

(A) is redesignated as section 70022 of title 46, United States Code, transferred to appear after section 70021 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 46, United States Code; and

(B) as so redesignated and transferred, is amended—

(i) in subsections (b) and (e), by striking “section 4(a)(5)” each place it appears and inserting “section 70001(a)(5)”; and

(ii) in subsection (c)(2), by striking “not later than” and all that follows through “thereafter,” and inserting “periodically”; and

(iii) by striking subsection (h); and

(2) chapter 700 of title 46, United States Code, is amended—

(A) in section 70002(2), by inserting “or 70022” after “section 70021”; and

(B) in section 70036(e), by inserting “or 70022” after “section 70021”; and

(C) in the analysis for such chapter—

(i) by inserting “Sec.” above the section items, in accordance with the style and form of such an entry in other chapter analyses of such title; and

(ii) by striking the item relating to section 70021 and inserting the following:

“70021. Conditions for entry to ports in the United States
“70022. Prohibition on entry and operation”.

TITLE VII—FEDERAL MARITIME COMMISSION

SEC. 701. SHORT TITLE.

This title may be cited as the “Federal Maritime Commission Authorization Act of 2019”.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019” and inserting “\$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021”.

TITLE VIII—COAST GUARD ACADEMY IMPROVEMENT ACT

SEC. 801. SHORT TITLE.

This Act may be cited as the “Coast Guard Academy Improvement Act”.

SEC. 802. COAST GUARD ACADEMY STUDY.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration not later than 60 days after the date of the enactment of the this Act under which the National Academy of Public Administration shall—

(1) conduct an assessment of the cultural competence of the Coast Guard Academy as an organization and of individuals at the Coast Guard Academy to carry out effectively the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code, when interacting with individuals of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, or from different geographic origins; and

(2) issue recommendations based upon the findings in such assessment.

(b) ASSESSMENT OF CULTURAL COMPETENCE.—

(1) CULTURAL COMPETENCE OF THE COAST GUARD ACADEMY.—The arrangement described in subsection (a) shall require the National Academy of Public Administration to, not later than 1 year after entering into an arrangement with the Secretary under subsection (a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment described under subsection (a)(1).

(2) ASSESSMENT SCOPE.—The assessment described under subsection (a)(1) shall—

(A) describe the level of cultural competence described in subsection (a)(1) based on the National Academy of Public Administration’s assessment of the Coast Guard Academy’s relevant practices, policies, and structures, including an overview of discussions with faculty, staff, students, and relevant Coast Guard Academy affiliated organizations;

(B) examine potential changes which could be used to further enhance such cultural competence by—

(i) modifying institutional practices, policies, and structures; and

(ii) any other changes deemed appropriate by the National Academy of Public Administration; and

(C) make recommendations to enhance the cultural competence of the Coast Guard Academy described in subparagraph (A), including any specific plans, policies, milestones, performance measures, or other information necessary to implement such recommendations.

(c) FINAL ACTION MEMORANDUM.—Not later than three months after submission of the assessment under section 802(b)(1), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a final action memorandum in response to all recommendations contained in the assessment. The Final Action Memorandum shall include the rationale for accepting, accepting in part, or rejecting each recommendation, and shall specify, where applicable, actions to be taken to implement such recommendations, including an explanation of how each action enhances the ability of the Coast Guard to carry out the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code.

(d) PLAN.—

(1) IN GENERAL.—Not later than six months after the date of the submission of the final action memorandum required under subsection (c), the Com-

mandant of the Coast Guard, in coordination with the Chief Human Capital Officer of the Department of Homeland Security, shall submit a plan to carry out the recommendations or the parts of the recommendations accepted in the Final Action Memorandum to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) STRATEGY WITH MILESTONES.—If any recommendation or parts of recommendations accepted in the Final Action Memorandum address any of the following actions, then the plan required in paragraph (1) shall include a strategy with appropriate milestones to carry out such recommendations or parts of recommendations:

(A) Improve outreach and recruitment of a more diverse Coast Guard Academy cadet candidate pool based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(B) Modify institutional structures, practices, and policies to foster a more diverse cadet corps body, faculty, and staff workforce based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(C) Modify existing or establish new policies and safeguards to foster the retention of cadets, faculty, and staff of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, and geographic origins at the Coast Guard Academy.

(D) Restructure the admissions office of the Coast Guard Academy to be headed by a civilian with significant relevant higher education recruitment experience.

(3) IMPLEMENTATION.—Unless otherwise directed by an Act of Congress, the Commandant of the Coast Guard shall begin implementation of the plan developed under this subsection not later than 180 days after the submission of such plan to Congress.

(4) UPDATE.—The Commandant of the Coast Guard shall include in the first annual report required under chapter 51 of title 14, United States Code, as amended by this Act, submitted after the date of enactment of this section, the strategy with milestones required in paragraph (2) and shall report annually thereafter on actions taken and progress made in the implementation of such plan.

SEC. 803. ANNUAL REPORT.

(a) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§ 5112. Report on diversity at the Coast Guard Academy

“(a) IN GENERAL.—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) CONTENTS.—The report required under subsection (a) shall include—

“(1) the status of the implementation of the plan required section 802 of the Coast Guard Academy Improvement Act;

“(2) specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy Minority Outreach Team Program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;

“(3) enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

“(4) information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets; and

“(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“5112. Report on diversity at the Coast Guard Academy.”.

SEC. 804. ASSESSMENT OF COAST GUARD ACADEMY ADMISSION PROCESSES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration under which the National Academy of Public Administration

shall, not later than 1 year after submitting an assessment under section 802(a), submit an assessment of the Coast Guard Academy admissions process to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) ASSESSMENT SCOPE.—The assessment required to be sought under subsection (a) shall, at a minimum, include—

- (1) a study, or an audit if appropriate, of the process the Coast Guard Academy uses to—
 - (A) identify candidates for recruitment;
 - (B) recruit applicants;
 - (C) assist applicants in the application process;
 - (D) evaluate applications; and
 - (E) make admissions decisions;
- (2) discussion of the consideration during the admissions process of diversity, including—
 - (A) race;
 - (B) ethnicity;
 - (C) gender;
 - (D) religion;
 - (E) sexual orientation;
 - (F) socioeconomic background; and
 - (G) geographic origin;
- (3) an overview of the admissions processes at other Federal service academies, including—
 - (A) discussion of consideration of diversity, including any efforts to attract a diverse pool of applicants, in those processes; and
 - (B) an analysis of how the congressional nominations requirement in current law related to military service academies and the Merchant Marine Academy impacts those processes and the overall demographics of the student bodies at those academies;
 - (4) a determination regarding how a congressional nominations requirement for Coast Guard Academy admissions could impact diversity among the student body and the ability of the Coast Guard to carry out effectively the Service's primary duties described in section 102 of title 14, United States Code; and
 - (5) recommendations for improving Coast Guard Academy admissions processes, including whether a congressional nominations process should be integrated into such processes.

SEC. 805. COAST GUARD ACADEMY MINORITY OUTREACH TEAM PROGRAM.

(a) IN GENERAL.—Chapter 19 of title 14, United States Code, is amended by inserting after section 1904 the following:

“§ 1905. Coast Guard Academy minority outreach program

“(a) IN GENERAL.—There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the ‘Program’) under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.

“(b) ADMINISTRATION.—Not later than July 15, 2020, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things—

- “(1) overseeing administration of the Program;
- “(2) serving as a resource to volunteers and outside stakeholders;
- “(3) advising Academy leadership on recruitment and retention efforts based on recommendations from volunteers and outside stakeholders;
- “(4) establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and
- “(5) reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is amended by inserting after the item relating to section 1904 the following:

“1905. Coast Guard Academy minority outreach team program.”

SEC. 806. COAST GUARD COLLEGE STUDENT PRE-COMMISSIONING INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

“§ 2131. College student pre-commissioning initiative

“(a) IN GENERAL.—There is authorized within the Coast Guard the College Student Pre-Commissioning Initiative program (in this section referred to as the ‘program’) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.

“(b) CRITERIA FOR SELECTION.—To be eligible for the program a student must meet the following requirements upon submitting an application:

“(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the program selection panel selecting such student convenes.

“(2) CHARACTER.—

“(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

“(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded non-judicial punishment, or did not meet performance or character requirements set forth by the Commandant.

“(3) CITIZENSHIP.—A student must be a United States citizen.

“(4) CLEARANCE.—A student must be eligible for a secret clearance.

“(5) DEPENDENCY.—

“(A) A student may not have more than 2 dependents; and

“(B) A student who is single may not have sole or primary custody of dependents.

“(6) EDUCATION.—

“(A) INSTITUTION.—A student must be an undergraduate sophomore or junior—

“(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

“(ii) who is active in minority-serving organizations and pursuing a degree in science, technology, engineering, or mathematics at an institution of higher education described in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) that is not a historically Black college or university or institution of higher education referred to in clause (i) of this subparagraph.

“(B) LOCATION.—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

“(C) RECORDS.—A student must meet credit and grade point average requirements set forth by the Commandant.

“(7) MEDICAL AND ADMINISTRATIVE.—A student must meet other medical and administrative requirements as set forth by the Commandant.

“(c) ENLISTMENT AND OBLIGATION.—Individuals selected and accept to participate in the program shall enlist in the Coast Guard in pay grade E-3 with a four year duty obligation and four year inactive Reserve obligation.

“(d) MILITARY ACTIVITIES PRIOR TO OFFICER CANDIDATE SCHOOL.—Individuals enrolled in the program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

“(e) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—Each graduate of the program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate’s graduation.

“(f) COMMISSIONING.—Upon graduation from Officer Candidate School, program graduates shall be discharged from enlisted status and commissioned as an O-1 with an initial three-year duty obligation.

“(g) BRIEFING.—

“(1) IN GENERAL.—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the College Student Pre-Commissioning Initiative.

“(2) CONTENTS.—The briefing required under paragraph (1) shall describe—

“(A) outreach and recruitment efforts over the previous year; and

“(B) demographic information of enrollees including—

“(i) race;

“(ii) ethnicity;

“(iii) gender;

“(iv) geographic origin; and
“(v) educational institution.”

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

“2131. College Student Pre-Commissioning Initiative.”

SEC. 807. ANNUAL BOARD OF VISITORS.

Section 1903(d) of title 14, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) recruitment and retention;”.

PURPOSE OF LEGISLATION

The purpose of H.R. 3409, as amended, is to authorize \$11.1 billion in discretionary funding for the United States Coast Guard (hereafter, Coast Guard or Service) in fiscal year 2020, and \$11.6 billion in fiscal year 2021. The bill authorizes the end-of-year strength of 44,500 active duty personnel and maintains existing military training student loads for fiscal years 2020 and 2021. The bill also authorizes \$29 million in fiscal year 2020 and \$29.6 million in fiscal year 2021 for the Federal Maritime Commission (FMC). Finally, the bill makes reforms to Coast Guard authorities and laws governing shipping and navigation.

BACKGROUND AND NEED FOR LEGISLATION

Coast Guard

The contemporary Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established in 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

Under section 102 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable federal laws in, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure safety of life and property at sea; to protect the marine environment; to carry out icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities.

As one of the five Armed Services, the Coast Guard also maintains defense readiness and may be called upon to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 40,990 military personnel, 7,000 reservists, and 9,600 civilian employees. The Coast Guard or its predecessors have defended the Nation in every war since 1790.

In fiscal year 2018, the Coast Guard responded to over 15,000 search and rescue cases, saving over 3,900 lives. Additionally, the Coast Guard conducted over 11,574 boardings of vessels entering American ports, screened over 117,000 commercial vessels entering American ports for potential security threats, maintained over 45,000 aids to navigation, and detained 602 smugglers carrying 209.6 metric tons of cocaine.

H.R. 3409, as amended, authorizes the Coast Guard for the next two years at fiscally responsible levels to continue to carry out these missions, while helping to replace and modernize the Coast Guard's aging legacy assets in a cost-effective manner, enhance oversight, and reduce inefficiencies to save taxpayer dollars.

Pursuant to section 202 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-441, the LoBiondo Act), the operational activities of the Coast Guard are authorized through FY 2019 at \$7.9 billion. H.R. 3409, as amended, authorizes \$8.1 billion in discretionary funding for the Coast Guard in FY 2020 and \$8.5 billion in 2021.

Investment in Coast Guard capabilities

The diversity of the Coast Guard's eleven statutory missions stretches assets and resources thin as they protect American economic and national security. Enforcing federal laws in, under, over the high seas and waters subject to the jurisdiction of the United States is a complicated task requiring a highly trained workforce, skilled in areas from marine and aviation operations to marine safety. It also requires a substantial number of physical assets from offshore cutters and aircraft, to buoys and shoreside facilities.

The full utilization of assets will improve the efficiency of the Coast Guard as it executes its missions, and the Committee recognizes the importance of using the best available technology to ensure mission success. The Coast Guard has taken significant steps to improve its asset management, awareness of developing technologies, and strategic use of resources to accomplish the Service's challenging missions. However, while the Service has made strides to utilize and integrate new systems, such as unmanned or autonomous technologies, the Committee finds that such systems remain underutilized within the Coast Guard and understands that continued research and pilot programs are necessary to enhance the Service's overall awareness.

While capitalizing on the review of new and emerging technologies is essential, the Committee also recognizes that continued focus on the Coast Guard's ongoing recapitalization of existing offshore legacy assets, systems, and infrastructure is just as vital. The Coast Guard has reached a pivotal moment in these efforts with the initiation of its Offshore Patrol Cutter program of record—the most important and expensive segment of the entire approved recapitalization program. In addition, the Coast Guard has finally initiated a long overdue program to recapitalize its decrepit heavy icebreaker fleet, another expensive acquisition that will further stretch the Coast Guard's Procurement, Construction and Improvements (PC&I) account. The Committee recognizes that it is imperative for the Coast Guard to successfully carry out each critical program. Accordingly, the bill authorizes \$2.7 billion for the PC&I account in fiscal year 2020, and \$2.8 billion in fiscal year 2021, which should allow sufficient budget authority for these two programs. Additionally, it should allow room for new investments in the Coast Guard's nascent program to replace its legacy fleet of inland river tugs and buoy tenders.

The Committee has expressed concerns about the inadequacy of capital investment in Coast Guard housing and shoreside infrastructure. Most recently in 2019, the Government Accountability

Office (GAO) confirmed that there is a substantial \$2.7 billion backlog of structurally unsound buildings, facilities and structures across the Coast Guard that remain unaddressed. Worse, no meaningful management system exists within the Service to monitor, maintain, repair, or replace existing assets. The Committee remains concerned that deterioration of Coast Guard assets and infrastructure will erode Coast Guard mission readiness and operational capability, and the bill increases discretionary funding levels to address this gaping hole and growing liability. Throughout H.R. 3409, as amended, focus is placed on improving the Committee's oversight of the Service's acquisition capabilities to ensure that the procurement of new assets and systems is executed in a timely, efficient, and cost-effective manner.

The Coast Guard depends upon the availability of a ready force of surface vessels, aircraft, and personnel that are capable of taking on an array of maritime law enforcement and safety issues; from protecting the Nation's maritime borders from terrorist threats, illegal drugs, undocumented migrants, and contraband, to protecting the Nation's waters from environmental threats and carrying out search and rescue and crisis response operations.

The Committee believes the Coast Guard must be structured to serve the needs of its diverse active duty and reserve servicemembers, prevent and respond forcefully to sexual assault and harassment within its ranks, and should be able to communicate effectively with the culturally diverse maritime industry it regulates and protects. Such a structure will contribute to building a stronger, more capable, and more cohesive workforce. H.R. 3409, as amended, enables the Service to encourage diversity at all levels; not only the active duty force but also through the Coast Guard Academy and the Coast Guard Reserve. The recruitment of future cadets and servicemembers will prioritize an environment where individuals of all backgrounds are represented and included.

Several provisions in the bill will advance improved quality of life for servicemembers, such as new intermission period authority to allow servicemembers to meet personal or professional needs and be able to return to the Service. The Committee is particularly concerned that members of the Coast Guard should be able to live and work within their means and the bill encourages the allocation of housing funds to ensure servicemembers can afford accommodations within a reasonable commute to their duty stations. H.R. 3409, as amended, also institutes new standards for personnel administration, health care, training, and career advancement to enhance recruitment and retention and improve quality of life for all current and future active duty servicemembers.

The Committee remains extremely concerned with the long-term fall-out and after effects of the recent lapse in Department of Homeland Security appropriations which occurred from mid-December 2018 to late January 2019 that forced the Coast Guard—the only U.S. Armed Force not funded within the Department of Defense—to operate without any ability to pay its active duty servicemembers, reservists, or contractors. While the Federal government is now open, the Committee is united in acting to ensure that such a travesty never happens again in the event of another lapse in Department of Homeland Security appropriations.

During the shutdown, 41,000 members of the active duty Coast Guard missed a paycheck. Moreover, the pension checks for 50,000 Coast Guard military retirees were put at risk. Many Coast Guard members are deployed around the country and around the world. They do not have large family networks near them because they move every few years. Military servicemembers cannot quit, find a temporary job, or just not show up for work—that would be illegal and could result in a court-martial.

Regrettably, during the shutdown active duty servicemembers and their families relied on food banks and the charity of others to support themselves. Other servicemembers shipped out for overseas deployments—ironically and oftentimes, in support of the other Armed Services that were operating under an appropriation—without knowing if they would receive a paycheck during the months away. The Committee acknowledges the recent government shutdown hurt Coast Guard military readiness, jeopardized national security, and threatened the reliability and safety of the U.S. maritime supply chain. Additionally, the Committee remains concerned about potential negative consequences on future Coast Guard recruitment and the retention of highly-trained active duty servicemembers.

Resolute in the belief that such circumstances should never again befall our Coast Guard, this bill includes the language of H.R. 367, the Pay Our Coast Guard Parity Act of 2019, to ensure that should there ever be another lapse in Department of Homeland Security appropriations, and should the other four Armed Services be operating under an appropriation, that the Coast Guard will be treated like all Armed Forces have historically been treated—they will be paid as they continue to perform their critical missions.

The Committee also remains focused on the Coast Guard's internal processes for the disposition of excess real estate under its control. In particular, the Committee is extremely concerned to learn the Coast Guard requested that the designated property recipients of a Coast Guard property conveyed by legislation purchase additional real property outside of the terms of the conveyance for which the recipient had no use, in order to cover the Coast Guard's environmental cleanup costs on the property designated for transfer. Such action was entirely contrary to the intent of Congress, would have required a sale at rates inflated well above the asset's true value, and would have forced property recipients to pay to clean up an environmental mess caused by the Coast Guard. The Committee anticipates that the Coast Guard will not engage in such duplicitous actions in the future. Furthermore, if the Coast Guard does offer real property for sale to any tribe, Alaska Native village, or regional corporation in the future, the Committee expects the Service to provide the Committee written notification of such offer at the time it is made, including the process used to determine the property's value and disclosure of any non-financial quid pro quo upon which the sale depends.

Federal Maritime Commission

The Federal Maritime Commission (FMC) is the independent federal agency established in 1961 to oversee and regulate the U.S. international ocean transportation system for the benefit of U.S. exporters, importers, and consumers. The LoBiondo Act authorized

activities of the FMC through fiscal year 2019. H.R. 3409, as amended, reauthorizes the FMC at \$29 million in fiscal year 2020 and \$29.6 million in fiscal year 2021.

Under title VII of the LoBiondo Act, Congress enacted several targeted and strategic amendments to the Shipping Act to improve the legal standing of U.S. port service providers in their business interactions with large, foreign flag ocean carrier alliances. Additionally, this title strengthened the authority of the FMC to oversee and intervene, if necessary, in the future to ensure fair competition and compliance with anti-trust requirements. These new responsibilities more than justify the modest increases in authorized funding levels to support the FMC's implementation of these new authorities.

Maritime transportation

The maritime transportation system is essential to the nation's economy and vital to our national security. The U.S. maritime industry currently employs more than 650,000 Americans providing nearly \$41 billion in annual wages. There are more than 41,000 non-fishing related commercial vessels currently flying the American flag. The vast majority of these vessels are engaged in domestic commerce, or coastwise trade, moving over 115 million passengers and \$300 billion worth of goods between ports in the United States on an annual basis. Each year, U.S. seaports account for over \$4.6 trillion in annual economic activity.

Unlike the domestic coastwise fleet, over the last 35 years the number of U.S. flagged vessels sailing in U.S. international trade has dropped from 850 vessels to less than 100 vessels. In the same period, the United States has lost over 300 shipyards and thousands of American maritime-related jobs. The Committee is alarmed at the perilous declines in both sectors and recognizes that preserving and strengthening our Nation's maritime industry is vital to our economic and national security.

Since 1789, Congress has passed laws to help keep the U.S. merchant marine competitive in the global economy and maintain a sealift and shipyard industrial capacity necessary for national security. The Jones Act, the Federal Ship Financing Program (Title XI), and cargo preference requirements are notable examples. In addition to these authorities, Congress has enacted more recent programs, such as the Maritime Security Program, and promoted programs for the transition of separating service members into the maritime industry as a way to sustain federal support for the U.S. maritime industry. Accordingly, the bill also clarifies the application of the Jones Act to vessels servicing offshore activities in the U.S. Exclusive Economic Zone.

H.R. 3409, as amended, would further promote the American maritime industry by clarifying existing law and ensuring that cargo financed by American taxpayers is transported on U.S. flagged vessels crewed with U.S. mariners. The Committee is concerned that cargo preference has not been executed to the full extent of the law, thereby limiting the effectiveness of a program that has for decades been an indispensable pillar supporting U.S. flagged vessels and providing crucial vessels, labor, and assets necessary to sustain the Nation's military sealift and security needs. The study authorized under Section 413 of H.R. 3409, as amended,

will help the Committee determine if the law is being followed by analyzing federal agency compliance with cargo preference requirements and the Maritime Administration's oversight of this program.

A thriving U.S. maritime industry relies on a dedicated, supported, and skilled labor force. The Committee intends to support the maritime workforce that drives the economic prowess of the United States and seeks to improve recruitment and retention of highly trained deck officers, engineers, and unlicensed seafarers. Several provisions included in the bill provide continued support to labor by clarifying documentation requirements for personnel working on, but not operating, vessels. Moreover, the bill simplifies the renewal process for merchant mariner licenses. The bill also includes other proactive measures to ensure that American mariners and shipbuilders have access to training and job opportunities in the coastwise trade.

Vessel safety

Safety on the water is critical to protecting crew, passengers, and equipment. The Committee passed the most expansive package of marine safety improvements during the 115th Congress (Title II, Maritime Safety, Public Law 115–265). The Committee continues to investigate maritime safety issues and remains steadfast in its commitment to improve maritime safety wherever possible. In recent years, active use of laser pointers directed towards vessels has emerged as a new threat and alarmed vessel operators. As a result, H.R. 3409, as amended, includes a provision making it a federal crime to point a laser pointer at federally-owned vessels. In addition, the Committee recognizes that the use of electronic charts has become commonplace on commercial vessels with no detrimental effect on navigation safety. The bill, as amended, includes language amending Chapter 31 of title 46 United States Code, to allow equivalent use of either electronic or paper charts until the Coast Guard promulgates regulations.

As the coastal zone experiences greater commercial activity, both in volume and the number of competing uses (e.g. offshore renewable energy, precious metal and other mineral extraction, ocean aquaculture, etc.), and changing oceanographic and ecological conditions, the Committee recognizes that federal agencies may need new authorities to effectively regulate and facilitate these uses. Moreover, the bill grants the Coast Guard specific authority to establish navigation fairways for commercial vessels and marine safety zones outside the U.S. territorial sea and within the U.S. Exclusive Economic Zone.

The Committee also remains interested in improving the safety of the U.S. commercial fishing fleet. Comprehensive safety reforms passed as part of the Coast Guard Authorization Act of 2010 (Section 604, Public Law 111–281) have been modified over the past ten years, especially to provide greater flexibility for vessel owners to meet new safety standards. Recognizing that these modifications may have created confusion, H.R. 3409, as amended, includes in title V a reorganization of Chapter 45, United States Code, to clarify alternate safety compliance options for the construction of new fishing vessels.

Finally, the Committee remains focused not only on commercial vessel safety, but also recreational boating safety. The Boating Safety Division of the Coast Guard Office of Auxiliary and Boating Safety found that 98 recreational boating deaths and 128 recreational boating injuries would likely have been prevented had an engine cut-off switch been used. As a response, H.R. 3409, as amended, includes a new requirement that, unless the Commandant determines such requirement is not necessary for recreational boating safety, boat owners must use an engine cut-off switch for boats under 26 feet in length. Use of such switches will address one source of recreational boating fatalities and injuries.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—

(1) The following hearing was used to develop or consider H.R. 3409, as amended:

On May 21, 2019, the Subcommittee on Coast Guard and Maritime Transportation held a hearing to examine the fiscal year 2020 budget requests for the Coast Guard, the FMC, and the Maritime Administration titled, “Review of Fiscal Year 2020 Budget Request for the Coast Guard and Maritime Transportation Programs,” featuring Admiral Karl P. Schultz, Commandant of the United States Coast Guard, Master Chief Jason M. Vanderhaden, Master Chief Petty Officer of the United States Coast Guard, Rear Admiral Mark H. Buzby, Administrator of the Maritime Administration, and Michael A. Khouri, Chairman of the Federal Maritime Commission. Topics discussed included proper funding levels for the Coast Guard and the FMC, the status of Coast Guard acquisition programs, the impacts the lapse of Department of Homeland Security appropriations had on servicemembers and Coast Guard missions, quality of life for servicemembers beyond their missions, and maritime transportation issues relating to the Coast Guard and each agency.

(2) The following related hearings were held:

On March 6, 2019, the Subcommittee on Coast Guard and Maritime Transportation held a hearing titled, “U.S. Maritime and Shipbuilding Industries: Strategies to Improve Regulation, Economic Opportunities, and Competitiveness,” featuring Rear Admiral Mark H. Buzby, Administrator of the Maritime Administration, Rear Admiral John Nadeau, Assistant Commandant for Prevention Policy for the Coast Guard, Rear Admiral Michael Alfultis, President of the State University of New York Maritime College, Mr. John Crowley, President of the National Association of Waterfront Employers, Mr. Michael Roberts, Senior Vice President and General Counsel of Crowley Maritime, on behalf of the American Maritime Partnership, Mr. Augustin Tellez, Executive Vice President of the Seafarers International Union, on behalf of American Maritime Officers, Masters, Mates and Pilots and The Seafarers International Union, and Ms. Jennifer Carpenter, Executive Vice President and COO of the American Waterways Operators. Topics discussed included the state of the United States maritime industry, including domestic ports, the U.S.-flagged international trading fleet, and U.S. shipbuilding, implementation of cargo preference,

the importance of the Jones Act for the United States maritime industry, and the Merchant Marine Academy.

On May 8, 2019, the Subcommittee on Coast Guard and Maritime Transportation held a hearing titled, “The Cost of Doing Nothing: Maritime Infrastructure Vulnerabilities in an Emerging Arctic,” featuring Admiral Charles W. Ray, Vice Commandant of the United States Coast Guard, Rear Admiral Shepherd Smith, Director of the Office of Coast Survey of the National Oceanic and Atmospheric Administration, Colonel Phillip J. Borders, Commander of District Alaska of the Army Corps of Engineers, Ms. Heather A. Conley, Senior Vice President of the Europe, Eurasia, and the Arctic within the Center for Strategic and International Studies, Dr. Abbie Tingstad, Senior Physical Scientist for the RAND Corporation, Admiral Thad Allen, USCG ret., Senior Executive Advisory for Booz Allen Hamilton, and Mr. Mead Treadwell, Co-Chair of the Polar Institute Advisory Board for the Woodrow Wilson Center. Topics discussed included the United States’ role in the arctic as well as the need for a new fleet of ice breakers in the arctic and the Great Lakes, investment in shoreside infrastructure, and utilization of new technologies by the Coast Guard.

On June 4, 2019, the Subcommittee on Coast Guard and Maritime Transportation held a hearing titled, “Western Hemisphere Drug Interdictions: Why Maintaining Coast Guard Operations Matter,” featuring Vice Admiral Daniel B. Abel, Deputy Commandant for Operations of the Coast Guard, Rear Admiral Steven D. Poulin, Director of Operations for the United States Southern Command, and Mr. Thomas W. Padden, United States Interdiction Coordinator for the Office. Topics discussed included Coast Guard drug interdiction efforts in the transit zone, the potential use of unmanned systems to increase mission efficiency, the Coast Guard’s aging fleet of assets impeding interdiction efforts, and increasing Coast Guard funding to address these issues.

On June 19, 2019, the Subcommittee on Coast Guard and Maritime Transportation held a hearing titled “Short Sea Shipping: Rebuilding America’s Maritime Industry” featuring Rear Admiral Mark H. Buzby, Administrator of the Maritime Administration, Mr. John Nass, Chief Executive Officer for the Maine Port Authority, Mr. James Weakley, President of the Lake Carriers’ Associations, Mr. Larry Willis, President of the Transportation Trades Department, AFL–CIO. Topics discussed included the need for the Jones Act, the economic benefits of the Marine Highways program, broadening the use of short sea shipping within the United States, the role state maritime academies and the United States Merchant Marine Academy play in promoting and preparing for maritime careers, and supporting laborers employed by the United States maritime industry.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 3409 was introduced in the House on June 19, 2019, by Mr. DeFazio, Mr. Graves of Missouri, Mr. Sean Patrick Maloney, and Mr. Gibbs. H.R. 3409 was referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 3409 was referred to the Subcommittee on Coast Guard and Maritime Transportation.

The Subcommittee on Coast Guard and Maritime Transportation was discharged from further consideration of H.R. 3409 on June 26, 2019.

As introduced, H.R. 3409 contained provisions related to the following measures: H.R. 632, to direct the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a coastwise endorsement for the vessel *Safari Voyager*, included in Sec. 410; H.R. 633, to direct the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a coastwise endorsement for the vessel *Pacific Provider*, included in Sec. 410; H.R. 1322, to require a report on the effects of climate change on the Coast Guard, included in Sec. 407; H.R. 1821, to make technical corrections to provisions of law enacted by the Frank LoBiondo Coast Guard Authorization Act of 2018, and for other purposes, included in Sec. 606; H.R. 2276, the *Fair and Equal Treatment of Women in the Coast Guard Act*, included in Sec. 209; H.R. 2893, the *Boater Protection from Laser Pointers Act*, included in Sec. 310; H.R. 2926, the *Navigation Safety Act of 2019*, included in Sec. 301; H.R. 3066, the *Supporting our Coast Guard Members Act of 2019*, included in sections 204, 205, 206, and 208; H.R. 3140 the *Commercial Fishing Industry Vessel Clarification Act*, included in Sec. 505; H.R. 3210, the *Coast Guard Shore Infrastructure Improvement Act*, included in Sec. 408.

The Full Committee met in open session to consider H.R. 3409 on June 26, 2019, and ordered the measure, as amended, to be reported to the House with a favorable recommendation by voice vote with a quorum present.

The following amendments were offered:

A Manager's amendment offered by Mr. DeFazio (#1); consisting of the following:

At the end of title II insert the following new sections:

“Sec. 212. Coast Guard Pay; Continuation.”;

“Sec. 213. Research Projects; Transactions Other Than Contracts and Grants.”;

“Sec. 214. Acquisition Workforce Authorities.”;

“Sec. 215. Coast Guard Housing Fund.”;

“Sec. 216. Report on Coast Guard Defense Readiness Resources Allocation.”;

At the end of title III, insert the following new sections:

“Sec. 315. Abandoned Seafarers Fund.”;

“Sec. 316. Ice Patrol; Payments.”;

“Sec. 317. Security Plans; Reviews.”;

“Sec. 318. Waiver of Navigation and Vessel Inspection Laws.”;

“Sec. 319. Requirement for Small Shipyard Grantees.”;

“Sec. 320. Independent Study on the United States Merchant Marine Academy.”;

“Sec. 321. Centers of Excellence for Domestic Maritime Workforce Training and Education.”;

“Sec. 322. Renewal of Merchant Mariner Licenses and Documents.”;

At the end of title IV, insert the following new sections:

“Sec. 422. Homeland Security Rotational Cybersecurity Research Program at the Coast Guard Academy.”;

“Sec. 423. Towing Vessel Inspection Fees.”;

“Sec. 424. Subrogated Claims.”;
 “Sec. 425. Loan Provisions Under Oil Pollution Act of 1990.”;
 “Sec. 426. Liability Limits.”;
 “Sec. 427. Report on Drug Interdiction in the Caribbean Basin.”;
 “Sec. 428. Voting Requirement.”

Page 154, strike “(2) Strategy with Milestones” and all that follows through “restructure” on page 155, line 1, and insert a new subsection entitled “(2) Strategy with Milestones.”

Page 155, line 6, insert an Act of” after by”.

Page 156, lines 11–13, strike including the Coast Guard Academy Minority outreach Team Program described under section 1905;” and insert including the effectiveness of the Coast Guard Academy Minority Outreach Team Program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;”.

On page 159, line 22, insert “and officers from territories and other possessions of the United States” after “minority officers”.

Page 161, line 15, insert “upon submitting an application” after “requirements”; was AGREED TO by voice vote.

An amendment offered by Mr. Garamendi (#2); At the end of title IV, insert a new section entitled “Sec. 422. Transportation Work Identification Card Pilot Program.”; was WITHDRAWN by unanimous consent.

An amendment offered by Mr. Graves of Louisiana (#3); At the end of title II, insert a new section entitled “Sec. 315. Pilot Project.”; was WITHDRAWN by unanimous consent.

An amendment offered by Mr. Perry (#4); at the end of title II insert a new section entitled “Sec. 212. Report on the Feasibility of Liquified Natural Gas Fueled Vessels.”; was AGREED TO by voice vote.

An amendment offered by Mr. Graves of Louisiana (#5); On page 102, line 6, strike “50 feet overall in length and is built after July 1, 2013” and insert “150 feet and is built after the date of enactment of the Coast Guard Authorization Act of 2019”; was WITHDRAWN by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

There were no recorded votes taken in connection with consideration of H.R. 3409.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the Congressional Record upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to reauthorize the Coast Guard and Federal Maritime Commission in support of their missions.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3409, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Com-

mittee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 3409, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title

This section provides that the bill may be cited as the “Coast Guard Authorization Act of 2019”.

Sec. 2. Table of contents

The section lists the sections of the bill.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations

This section amends section 4902 of title 14, United States Code, to reauthorize discretionary funding levels for the Coast Guard for fiscal year 2020 at \$11.1 billion and for fiscal year 2021 at \$11.6 billion.

Sec. 102. Authorized levels of military strength and training

This section amends section 4904 of title 14, United States Code, to authorize an end strength level of 44,500 for military personnel and training for fiscal years 2020 and 2021.

TITLE II—COAST GUARD

Sec. 201. Grade on retirement

This section amends provisions of title 14, United States Code, to require the Secretary to make a determination of satisfactory service regarding the grade in which an officer is retired. The section also provides authority to retire an officer to a lower grade if such officer committed misconduct in a lower grade than that held at the time of retirement. The section also removes gender-specific terminology from provisions of title 14, United States Code. This

section aligns Coast Guard policy with that of the Department of Defense.

Sec. 202. Congressional Affairs; director

This section amends title 14, United States Code, to require the Commandant of the Coast Guard to appoint a rear admiral (lower half) (O-7) or higher as Director of Congressional Affairs. This would align the Coast Guard with the other Armed Forces.

Sec. 203. Limitations on claims

This section amends sections 937 and 938 of title 14, United States Code, to increase monetary limitations for the Commandant to settle admiralty claims against the Coast Guard and claims for damage to Coast Guard property. The increases align with inflationary increases since the enactment of the original authority for those provisions.

Sec. 204. Authority for officers to opt out of promotion board consideration

This section provides the authority for Coast Guard officers to opt out of promotion board consideration in limited circumstances. This provision aligns with authority provided to the other Armed Forces in the National Defense Authorization Act for Fiscal Year 2019.

Sec. 205. Temporary promotion authority for officers in certain grades with critical skills

This section amends chapter 21 of title 14, United States Code, to authorize the Secretary to temporarily promote officers with critical skills and serving in certain positions. This provision aligns with authority provided to the other Armed Forces in the National Defense Authorization Act for Fiscal Year 2019.

Sec. 206. Career intermission program

This section amends chapter 25 of title 14, United States Code, to authorize a program under which service members of the Coast Guard may be inactivated from active duty in order to meet personal or professional needs and then returned to the service at the end of such period. This provision aligns with authority provided to the other Armed Forces in the National Defense Authorization Act for Fiscal Year 2019.

Sec. 207. Major acquisitions; operation and sustainment costs

This section amends section 5103(e)(3) of title 14, United States Code, to require that Coast Guard long-term major acquisition plans include costs to operate and sustain the vessels and aircraft included therein. This provision aligns with a requirement of the other Armed Forces included in the National Defense Authorization Act for Fiscal Year 2019.

Sec. 208. Employment assistance

This section amends chapter 27 of title 14, United States Code, to improve employment skills verification, accuracy of certificates of training and skills, and responsiveness to certification requests for Coast Guard members. This provision aligns with improvements

made with regard to service members of the other Armed Forces in the National Defense Authorization Act for Fiscal Year 2018.

Sec. 209. Reports on gender diversity in the Coast Guard

This section requires the Commandant of the Coast Guard to determine which recommendations in the RAND Corporation's Homeland Security Operational Analysis Center 2019 report entitled "Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention" can practicably be implemented to promote gender diversity in the Coast Guard.

This section also requires the Commandant of the Coast Guard to submit a report to Congress on the actions the Coast Guard has taken or plans to take to implement such recommendations.

This section also amends chapter 51 of title 14, United States Code, to require the Coast Guard to submit a biennial report to Congress on gender diversity in the Coast Guard.

Sec. 210. Disposition of infrastructure related to E-LORAN

This section amends section 914 of title 14, United States Code, to prohibit the dismantling or disposal of infrastructure comprising the LORAN-C system until the later of the date of the conveyance of property in Port Spencer, Alaska, or the date the Secretary of Transportation determines that such infrastructure is not required to provide a position, navigation, and timing system.

This section further amends section 914 of title 14, United States Code, to deposit the proceeds of the sale of property under the administrative control of the Coast Guard and used for the LORAN-C system into the Coast Guard Housing Fund.

Sec. 211. Positions of importance and responsibility

This section amends section 2103(c)(3) of title 14, United States Code, to clarify the treatment of rear admirals and rear admirals (lower half) serving outside the Coast Guard.

Sec. 212. Coast Guard Pay; continuation

This section amends section 4902 of title 14, United States Code, to provide pay for Coast Guard service members, employees, and contractors during a Coast Guard-specific lapse in appropriations when other Armed Forces do not have a lapse in appropriations.

Sec. 213. Research projects; transactions other than contracts and grants

This section amends title 14, United States Code, to authorize the Commandant of the Coast Guard to enter into certain transactions to carry out basic, applied, and advanced research projects, including adequate training for involved Coast Guard personnel. This section aligns Coast Guard policy with that of the Department of Defense.

Sec. 214. Acquisition workforce authorities

This section amends chapter 11 of title 14, United States Code, to provide the Commandant of the Coast Guard acquisition workforce reemployment authority equivalent to that provided to the Secretary of Defense for members of the other Armed Forces. This

section aligns Coast Guard policy with that of the Department of Defense.

Sec. 215. Coast Guard Housing Fund

This section amends section 2946 of title 14, United States Code, to make funds in the Coast Guard Housing Fund available without further appropriation and allow for the usage of such funds to temporarily adjust the basic allowance for housing rates of a housing area where the actual costs of adequate housing differ from the calculated rates of housing for that area if determined by the Secretary.

Sec. 216. Report on Coast Guard defense readiness resources allocation

This section requires the Comptroller General of the United States to report on the Coast Guard's allocation of its resources to support its defense readiness mission with the Department of Defense, including funding allocated by the Coast Guard for these activities and reimbursement received from the Department of Defense for services rendered.

Sec. 217. Report on the feasibility of liquefied natural gas fueled vessels

This section requires the Coast Guard to submit a report to Congress on the potential use of liquefied natural gas fuels in Coast Guard vessels, including new and converted vessels.

Title III—Shipping

Sec. 301. Electronic charts; equivalency

This section amends section 3105 of title 46, United States Code, by requiring the use of electronic charts that meet standards acceptable to the Secretary.

Sec. 302. Passenger vessel security and safety requirements; application

This section amends section 3507(k)(1) of title 46, United States Code, to require certain passenger vessels to comply with security and safety requirements by eliminating an exception for vessels engaged on coastwise voyages.

Sec. 303. Non-operating individual

This section amends title 46, United States Code, to regulate persons on board merchant vessels who are not passengers and are not necessary for the navigation or safety of the vessel. This section removes the current requirement that such individuals must have a merchant mariner's document, but imposes requirements with which such non-operating personnel must comply to qualify.

Sec. 304. Small passenger vessels and uninspected passenger vessels

This section amends section 12121 of title 46, United States Code, to provide vessels built in the United States that lose their coastwise trade privileges an opportunity to regain those privileges in a manner similar to vessels not built in the United States.

Sec. 305. Installation vessels

This section amends chapter 551 of title 46, United States Code, to include the definition of an “installation vessel” and clarify that the Jones Act does apply to the operation of “installation vessels” in the United States Exclusive Economic Zone. The section also authorizes the Secretary of Transportation to determine whether suitable U.S.-flagged installation vessels are available for use. If not, authority is granted to allow the use of foreign-flagged installation vessels if there are no suitable and available U.S.-flagged installation vessels for the proposed use. This section also amends section 12138 of title 46, United States Code, to require the Secretary of Transportation to develop, maintain, and periodically update an inventory of installation vessels documented under chapter 121 of such title.

In addition, this section directs the Secretary of Homeland Security within 30 days after date of enactment to issue a notice on the modification or revocation of certain Letter Rulings with respect to the application of section 55102 of title 46, United States Code, to offshore activities.

Sec. 306. Advisory committees

This section amends section 15106(c)(3) of title 46, United States Code, to align representation on the National Offshore Safety Advisory Committee with that set forth in the Committee’s November 2016 charter.

This section also amends section 15109(j)(4) of title 46, United States Code, to authorize members of advisory committees to be available to testify before appropriate committees of Congress with respect to advice, reports, and recommendations submitted to the Coast Guard.

This section also amends chapter 555 of title 46, United States Code, to codify the Maritime Transportation System National Advisory Committee on matters relating to U.S. maritime transportation and its seamless integration with other segments of the transportation system, including the viability of the U.S. Merchant Marine.

This section also replaces section 9307 of title 46, United States Code, and reauthorizes the Great Lakes Pilotage Advisory Committee.

Sec. 307. Expired maritime liens

This section amends section 31343(e) of title 46, United States Code, to require the Secretary to remove a maritime lien after such lien expires.

Sec. 308. Offshore navigation

This section amends section 70003(e) of title 46, United States Code, to require buffers between traffic lanes/traffic separation schemes and offshore structures affixed to the submerged lands of the outer continental shelf used to generate or transmit renewable energy.

This section also directs the Secretary of the department in which the Coast Guard is operating to implement the recommendations of the Atlantic Coast Port Access Route Study within one year of the date of the enactment of this Act.

This section also directs the Commandant of the Coast Guard to conduct a review of navigation on the east coast of the United States and submit recommendations for new fairways to Congress not later than July 1, 2020.

Sec. 309. Training; emergency response providers

This section amends sections 70107 and 70132 of title 46, United States Code, by replacing the term “law enforcement personnel” with the term “emergency response providers” to allow the Coast Guard to engage with a broader array of partner agencies.

Sec. 310. Aiming a laser pointer at a vessel

This section amends chapter 700 of title 46, United States Code, to prohibit causing the beam of a laser pointer to strike a vessel operating in the navigable waters of the United States.

Sec. 311. Maritime transportation assessment

This section amends section 55501 of title 46, United States Code, to require the Committee on the Marine Transportation System to include a compendium of federal programs engaged in the maritime transportation system in the submission provided to Congress every five years.

Sec. 312. Safety of special activities

This section amends chapter 700 of title 46, United States Code, to authorize the Coast Guard to establish a safety zone to address special activities in the exclusive economic zone. For the purposes of this section, the term “special activities” includes space activities and offshore energy development activities on or near a fixed platform.

Sec. 313. Engine cut-off switches; use requirement

This section amends section 4312 of title 46, United States Code, to require an operator of certain recreational vessels to use an engine “cut-off” switch link while operating on plane or above displacement speed.

Sec. 314. Exemptions and equivalents

This section amends section 4305 of title 46, United States Code, to authorize the Secretary of the department in which the Coast Guard is operating to accept a substitution for fittings, materials, equipment, arrangements, calculations, information, or tests required under chapter 43 of title 46, United States Code, if the substitution provides an equivalent level of safety on the affected recreational vessels.

Sec. 315. Abandoned Seafarers Fund

This section amends section 11113 of title 46, United States Code, to make amounts in the Abandoned Seafarers Fund available without further appropriation. Fund expenditures previously required an appropriation, preventing the Coast Guard from utilizing the funds.

Sec. 316. Ice patrol; payments

This section amends section 80301 of title 46, United States Code, to make funds received from other countries for their proportionate share of ice patrol services available until expended. These funds are currently credited to a Coast Guard account but are not received in the fiscal year for which they were due, preventing the Coast Guard from utilizing the funds.

Sec. 317. Security Plans; reviews

This section amends section 70103 of title 46, United States Code, to require review of updates to Area Maritime Security Plans in addition to the Plans themselves.

Sec. 318. Waiver of navigation and vessel inspection laws

This section amends section 501(a) of title 46, United States Code, to require the Secretary of Defense to submit a written explanation of the circumstances requiring a waiver of navigation and vessel inspection laws in the interest of national defense.

Sec. 319. Requirement for small shipyard grantees

This section amends section 54101(d) of title 46, United States Code, to require that funds distributed through the Maritime Administration's Small Shipyard Grant Program to purchase materials are used for items produced or manufactured in the United States.

Sec. 320. Independent study on the United States Merchant Marine Academy

This section requires a report on the United States Merchant Marine Academy by the National Academy of Public Administration that assesses its systems, infrastructure, and information technology, and specifies an action plan to address programmatic needs to keep up with modern campuses.

Sec. 321. Centers of Excellence for domestic maritime workforce training and education

This section amends 54102 of title 46, United States Code, by designating every State Maritime Academy as a Center of Excellence in maritime workforce training.

Sec. 322. Renewal of merchant mariner licenses and documents

This section amends section 7507 of title 46, United States Code, to clarify the Coast Guard's authority to renew existing merchant mariner credentials that are not otherwise extended.

Title IV—Miscellaneous

Sec. 401. Coastwise Trade

This section requires the Commandant of the Coast Guard to review the adequacy of, and continuing need for, regulations requiring a United States documented vessel possessing a coastwise endorsement and engaged in coastwise trade to comply with regulations for vessels engaged in an international voyage. This section also requires Coast Guard briefings for Congressional committees

on the findings of such review within 180 days after the date of the enactment of this Act.

Sec. 402. Unmanned maritime systems

This section directs the Commandant of the Coast Guard to assess regularly available unmanned maritime systems for potential use to support missions of the Coast Guard and to consult with the Department of Defense, other Federal agencies, the academic sector, and developers and manufacturers of unmanned maritime systems in doing so. This section also directs the Commandant of the Coast Guard to submit a report on the actual and potential effects of the use of then-existing unmanned maritime systems on the mission effectiveness of the Coast Guard biennially.

Sec. 403. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard

This section directs the Commandant of the Coast Guard to establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault perpetrated by a member of the Armed Forces who is unrelated to the victim. This provision aligns with a requirement of the other Armed Forces included in the National Defense Authorization Act for Fiscal Year 2019.

Sec. 404. Towing vessels; operations outside the boundary line

This section allows towing vessels to transit beyond the boundary line in certain limited situations to fulfill the vessel's duties without being subject to additional requirements under title 46, United States Code, and titles 33 and 46, Code of Federal Regulations.

Sec. 405. Coast Guard authorities study

This section directs the Secretary of the department in which the Coast Guard is operating to enter into an arrangement with the National Academy of Sciences under which the Academy will prepare an assessment of Coast Guard operational authorities, including whether such authorities are sufficient to address emerging technologies, processes, and activities in the maritime domain.

Sec. 406. Cloud computing strategy

This section directs the Commandant of the Coast Guard to submit to Congress a description of the Coast Guard's strategy to implement cloud computing. This provision aligns with a requirement of the other Armed Forces included in the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019.

Sec. 407. Report on effects of climate change on the coast guard

This section directs the Commandant of the Coast Guard to submit a report on vulnerabilities of Coast Guard installations and requirements resulting from climate change over the next twenty years. This provision aligns with a requirement of the other Armed Forces included in the National Defense Authorization Act for Fiscal Year 2018.

Sec. 408. Shore infrastructure

This section directs the Commandant of the Coast Guard to develop a plan to address Coast Guard shore infrastructure issues and to brief Congress on that plan.

Sec. 409. Physical Access Control System report

This section directs the Commandant of the Coast Guard to submit to Congress a report on the Coast Guard's Physical Access Control System and the status of the Coast Guard's compliance with Homeland Security Presidential Directive 12 (HSPD-12) and Federal Information Processing Standard 201 (FIPS 201) regarding access to Coast Guard facilities and installations.

Sec. 410. Coastwise endorsements

This section directs the Secretary of the department in which the Coast Guard is operating to issue certificates of documentation with coastwise endorsements for the vessels *Safari Voyager* (International Maritime Organization number 8963753) and *Pacific Provider* (United States official number 597967). This section also clarifies the eligibility of a fishing vessel to be a replacement vessel under the American Fisheries Act and a replacement vessel in the amendment 80 fishery fleet.

Sec. 411. Polar Security Cutter acquisition report

This section directs the Commandant of the Coast Guard to submit a report to Congress regarding the ongoing Polar Security Cutter acquisition not later than one year after the date of the enactment of this Act.

Sec. 412. Sense of Congress on the need for a new Great Lakes icebreaker

This section expresses the sense of Congress that the Nation needs an additional Great Lakes icebreaker to facilitate commerce in the Great Lakes.

Sec. 413. Cargo preference study

This section directs the Comptroller General of the United States to conduct an audit regarding the enforcement of the United States cargo preference program under chapter 553 of title 46, United States Code.

Sec. 414. Insider Threat Program

This section directs the Commandant of the Coast Guard to brief Congress on a plan to expand the Coast Guard Insider Threat program to include the monitoring of all Coast Guard devices, including mobile devices.

Sec. 415. Fishing safety grants

This section states that paragraphs (3) and (6) of section 506 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-282) are not applicable to any funds appropriated for the purposes of the fishing safety grants programs under section 4517 of title 46, United States Code, that were appropriated prior to the date of enactment of the Act. This section ensures that the cost-

share percentages in law at the time of such appropriations apply to grants of those funds.

Sec. 416. Plans for demonstration programs

This section directs the Commandant of the Coast Guard to develop a plan for a demonstration program that will assess the feasibility of using unmanned aircraft systems for surveillance of marine protected areas and to submit a report to Congress on that plan.

Sec. 417. Waters seemed not navigable waters of the United States for certain purposes

This section deems Coalbank Slough in Coos Bay, Oregon, to be non-navigable waters for all purposes of subchapter J of Chapter I of title 33, Code of Federal Regulations.

Sec. 418. Coast Guard housing; status and authorities briefing

This section directs the Commandant of the Coast Guard to brief Congress on Coast Guard housing, including the material condition of housing facilities, current housing construction and deferred maintenance backlogs, the manner in which the Coast Guard manages and maintains housing, and whether additional housing authorities would be beneficial.

Sec. 419. Conveyance of Coast Guard property at Point Spencer, Alaska

This section amends sections 533 and 534 of the Coast Guard Authorization Act of 2016 to allow remedial actions required under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) to be completed after the transfer of property directed under section 533.

Sec. 420. Prohibition

This section prohibits the Secretary of the department in which the Coast Guard is operating from establishing new anchorages in the Hudson River between Yonkers, New York, and Kingston, New York.

Sec. 421. Certificate extensions

This section amends Subchapter I of chapter 121 of title 46 to provide the Coast Guard the authority to extend the duration of a vessel certificate of documentation and certification of financial responsibility for a period of not more than one year.

Sec. 422. Homeland Security rotational cybersecurity research program at the Coast Guard Academy

This section amends title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) to establish a Homeland Security rotational cybersecurity research and training program at the Coast Guard Academy.

Sec. 423. Towing vessel inspection fees

This section prohibits the collection of towing vessel inspection fees until the Coast Guard completes a required review of inspec-

tion costs and promulgates regulations to establish specific inspection fees.

Sec. 424. Subrogated claims

This section amends section 1012(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(b)) to clarify the status of subrogated claims under that Act, stating that an insurer or other indemnifier of a responsible party or injured third party is subject to the subrogated rights of such party to such compensation.

Sec. 425. Loan provisions under Oil Pollution Act of 1990

This section amends section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) by striking subsection (f), a loan program for fishermen and aquaculture producer claimants. The program has never been implemented and the process for making claims for similar damages provides claimants sufficient protection.

Sec. 426. Liability limits

This section amends section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) to provide different levels of liability for deepwater ports used in connection with the transportation of oil and those used in connection with the transportation of natural gas.

Sec. 427. Report on drug interdiction in the Caribbean Basin

This section requires a report from the Coast Guard regarding current drug interdiction efforts in the Caribbean and whether the number of maritime surveillance hours used to counter illicit drug trafficking meets mission requirements.

Sec. 428. Voting requirement

This section amends section 305(i)(1)(G)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(G)(iv)) to alter the voting requirement for the Pacific community development programs from a unanimous vote to a five person majority.

Title V—Reorganization

Sec. 501. Uninspected commercial fishing industry vessels

This section recodifies chapter 45 of title 46, United States Code. This is a technical reorganization and does not make any substantive changes to the chapter.

Sec. 502. Transfers

This section redesignates the following:

- Section 215 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293) as section 321 of title 14, United States Code;
- Section 406 of the Maritime Transportation Security Act of 2002 (Public Law 107–295) as section 719 of title 14, United States Code;
- Section 1110 of title 14, United States Code, as section 5110 of that title;

- Section 401 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) as section 1110 of title 14, United States Code;
- Section 217 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) as section 5111 of title 14, United States Code. It also amends that section to address sexual harassment in addition to sexual assault;
- Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) as section 70007 of title 46;
- Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) subsections (e) through (i) as subsections (f) through (j), respectively. It also incorporates the discharge of agricultural cargo residue into the Act to Prevent Pollution from Ships;
- Section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a) as section 3(e) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)); and
- Section 304 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) as subsection (j) of section 5 of the Deepwater Port Act of 1974 (33 U.S.C. 1504).

Sec. 503. Repeals

This section repeals the following:

- Section 8303 of title 46, United States Code;
- Section 9102(b) of title 46, United States Code;
- Section 343 of the Maritime Transportation Security Act of 2002 (Public Law 107–295); and
- Section 9(c) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90).

Title VI—Technical, Conforming, and Clarifying Amendments

Sec. 601. Maritime transportation system

This section amends titles 14 and 46, United States Code, to standardize the use of “maritime transportation system” throughout the United States Code.

Sec. 602. References to “persons” and “seaman”

This section amends titles 14 and 46, United States Code, to correct the use of the terms “person,” “individual,” “seaman,” and “mariner”.

Sec. 603. Common appropriation structure

This section amends titles 14 and 46, United States Code, as well as existing law outside those titles, to reflect the implementation of a new common appropriation structure for the Coast Guard, in alignment with the appropriation for fiscal year 2019.

Sec. 604. References to “himself” and “his”

This section amends title 14, United States Code, to correct the use of the terms “himself” and “his”.

Sec. 605. References to “motorboats” and “yachts”

This section amends titles 14 and 46, United States Code, as well as section 352 of the Communications Act of 1934 (47 U.S.C. 352), to correct the use of the terms “yacht” and “motorboat”.

Sec. 606. Miscellaneous technical corrections

This section amends titles 14 and 46, United States Code, and other provisions of law to make technical corrections to changes made in the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282).

This section also makes technical corrections to the Act of June 21, 1940 (33 U.S.C. 511 et seq.). This section does not make any substantive changes to such Act.

This section also amends section 105(f)(2) of the Pribilof Islands Transition Act to correct an incorrect cross-reference contained therein.

Sec. 607. Technical corrections relating to codification of Ports and Waterways Safety Act

This section corrects the inadvertent repeal of section 16 of the Ports and Waterways Safety Act, as added by section 315 of the Countering America’s Adversaries Through Sanction Act (Public Law 115–44) by section 402(e) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) by re-designating that section as section 70002 of title 46, United States Code, as of the date of the enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018.

This section also amends such section to ensure proper cross-references.

Title VII—Federal Maritime Commission

Sec. 701. Short title

This section states this title may be cited as the “Federal Maritime Commission Authorization Act of 2019”.

Sec. 702. Authorization of appropriations

This section authorizes appropriations for the Federal Maritime Commission for fiscal years 2020 at \$29 million and for fiscal year 2021 at \$29.6 million.

Title VIII—Coast Guard Academy Improvement Act

Sec. 801. Short title

This section states this title may be cited as the “Coast Guard Academy Improvement Act”.

Sec. 802. Coast Guard Academy study

This section directs the Secretary of the department in which the Coast Guard is operating to enter into an arrangement with the National Academy of Public Administration (NAPA) under which NAPA will prepare an assessment of the level of cultural competence at the Coast Guard Academy. This section also requires the Commandant to submit a Final Action Memorandum and action plan for accepted items from NAPA’s recommendations.

Sec. 803. Annual report

This section amends chapter 51 of title 14, United States Code, to require the Coast Guard to submit an annual report to Congress on diversity at the Coast Guard Academy.

Sec. 804. Assessment of Coast Guard Academy admission process

This section directs the Secretary of the department in which the Coast Guard is operating to enter into an arrangement with the National Academy of Public Administration (NAPA) under which NAPA will conduct a comprehensive review of the Coast Guard Academy admissions process.

Sec. 805. Coast Guard Academy minority outreach team program

This section amends chapter 19 of title 14, United States Code, to establish a minority outreach team at the Coast Guard Academy.

Sec. 806. Coast Guard college student pre-commissioning initiative

This section amends chapter 21 of title 14, United States Code, to authorize a college student pre-commissioning initiative program for the Coast Guard.

Sec. 807. Annual Board of Visitors

This section amends section 1903 of title 14, United States Code, to require the Coast Guard Academy Board of Visitors to include recruitment and retention within its scope of review.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

* * * * *

**SUBTITLE I—ESTABLISHMENT, POWERS,
DUTIES, AND ADMINISTRATION**

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CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.
301. Grades and ratings.

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320. *Congressional affairs; Director.*
321. *Redistricting notification requirement.*

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§ 303. Retirement of Commandant or Vice Commandant

(a)(1) **[A]** *Subject to section 2501, a Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d) of this title.*

(2) **[A]** *Subject to section 2501, a Vice Commandant who is not reappointed or appointed Commandant shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 306(d).*

(b) **[A]** *Subject to section 2501, a Commandant or Vice Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.*

(c) **[An]** *Subject to section 2501, an officer who is retired prior to the expiration of the officer's term, while serving as Commandant or Vice Commandant, may, in the discretion of the President, be retired with the grade of admiral.*

* * * * *

§ 306. Retirement

(a) **[An officer]** *Subject to section 2501, an officer, other than the Commandant or Vice Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.*

(b) **[An officer]** *Subject to section 2501, an officer, other than the Commandant or Vice Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 21/2 years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.*

(c) **[An officer]** *Subject to section 2501, an officer, other than the Commandant or Vice Commandant, who, after serving less than 21/2 years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in **[his]** the officer's permanent grade.*

(d) **[An officer]** *Subject to section 2501, an officer serving in the grade of admiral or vice admiral shall continue to hold that grade—*

(1) *while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and*

(2) *while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, or Vice Admiral and ending on the day before the officer's retirement, but not for more than 60 days.*

* * * * *

§ 312. Prevention and response workforces

(a) **CAREER PATHS.**—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate.

The Secretary shall make available published information on such career paths.

(b) QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.—An officer, member, or civilian employee of the Coast Guard assigned as a—

(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

(2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities;

(3) marine safety engineer shall have knowledge, skill, and practical experience in—

(A) the construction and operation of commercial vessels;

(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

(C) the qualifications and training of vessel personnel;

(4) waterways operations manager shall have knowledge, skill, and practical experience with respect to [marine transportation system] *maritime transportation system* management; or

(5) port and facility safety and security specialist shall have knowledge, skill, and practical experience with respect to the safety, security, and environmental protection responsibilities associated with maritime ports and facilities.

(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on [persons] *individuals* serving in those workforces:

(1) Qualifications, assignment history, and tenure in assignments.

(2) Promotion rates for military and civilian personnel.

(e) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall be a—

(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

(2) qualified marine casualty investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist.

(f) SIGNATORIES OF LETTER OF QUALIFICATION FOR CERTAIN PREVENTION PERSONNEL.—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

(g) SECTOR CHIEF OF RESPONSE.—There shall be in each Coast Guard sector a Chief of Response who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

§ 313. Centers of expertise for Coast Guard prevention and response

(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a “center”).

(b) MISSIONS.—Any center established under subsection (a) shall—

(1) promote, facilitate, and conduct—

(A) education;

(B) training; and

(C) activities authorized under section 504(a)(4);

(2) be a repository of information on operations, practices, and resources related to the mission for which the center was established; and

(3) perform and support the mission for which the center was established.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

(1) provide for joint operation of a center; and

(2) provide necessary administrative services for a center, including administration and allocation of funds.

(d) ACCEPTANCE OF DONATIONS.—

(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of the center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any [person] *individual* involved in such a program.

(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not

the acceptance of a donation from a foreign source would have a result described in paragraph (2).

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§ 320. Congressional affairs; Director

The Commandant of the Coast Guard shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain.

§ 321. Redistricting notification requirement

The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before—

(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.

CHAPTER 5—FUNCTIONS AND POWERS

* * * * *

SUBCHAPTER I—GENERAL POWERS

* * * * *

§ 504. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) maintain water, land, and air patrols, and ice-breaking facilities;

(2) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(3) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(4) conduct experiments and investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function, including research, development, test, or evaluation related to intelligence systems and capabilities;

(5) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(6) collect, publish, and distribute information concerning Coast Guard operations;

(7) conduct or make available to personnel of the Coast Guard, and to eligible spouses as defined under section 2904, such specialized training and courses of instruction, including correspondence courses and the textbooks, manuals, and other materials required as part of such training or course of instruc-

tion, as may be necessary or desirable for the good of the service;

(8) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

(9) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(10) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

(11) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(12) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(13) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in the fund established under section 2946;

(14) grant, under such terms and conditions as are deemed advisable, permits, licenses, easements, and rights-of-way over, across, in, and upon lands under the control of the Coast Guard when in the public interest and without substantially injuring the interests of the United States in the property thereby affected;

(15) establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration, and acquire such real property rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment;

(16) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations;

(17) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities;

(18) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform com-

munity service under the order of a Federal, State, or municipal court;

(19) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

(A) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

(B) **【a person】** *an individual* providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims;

(20) enter into cooperative agreements with other Government agencies and the National Academy of Sciences;

(21) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(b)(7) of title 49, may receive that information, and upon receipt, shall make the information available to the individual;

(22) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation);

(23) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery;

(24) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate; and

(25) enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities, to develop a positioning, navigation, and timing system to provide redundant capability in the event Global Positioning System signals are disrupted, which may consist of an enhanced LORAN system.

(b)(1) Notwithstanding subsection (a)(13), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

(2) A lease referred to in paragraph (1) is a lease—

(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

(B) to an entity with which the Commandant has a cooperative agreement under section 4(e) of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.

(c) MARINE SAFETY RESPONSIBILITIES.—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 305(a)(3) shall serve as the principal advisor to the Commandant regarding—

(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

(2) approval of materials, equipment, appliances, and associated equipment;

(3) the reporting and investigation of marine casualties and accidents;

(4) the licensing, certification, documentation, protection and relief of merchant [seamen;] *mariners*;

(5) suspension and revocation of licenses and certificates;

(6) enforcement of manning requirements, citizenship requirements, control of log books;

(7) documentation and numbering of vessels;

(8) State boating safety programs;

(9) commercial instruments and maritime liens;

(10) the administration of bridge safety;

(11) administration of the navigation rules;

(12) the prevention of pollution from vessels;

(13) ports and waterways safety;

(14) waterways management; including regulation for regattas and marine parades;

(15) aids to navigation; and

(16) other duties and powers of the Secretary related to marine safety and stewardship.

(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (c) affects—

(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 522 of this title; or

(2) the exercise of authority under section 527 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.

(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.

(f) LEASING OF TIDELANDS AND SUBMERGED LANDS.—

(1) **AUTHORITY.**—The Commandant may lease under subsection (a)(13) submerged lands and tidelands under the control of the Coast Guard without regard to the limitation under that subsection with respect to lease duration.

(2) **LIMITATION.**—The Commandant may lease submerged lands and tidelands under paragraph (1) only if—

(A) the lease is for cash exclusively;

(B) the lease amount is equal to the fair market value of the use of the leased submerged lands or tidelands for the period during which such lands are leased, as determined by the Commandant;

(C) the lease does not provide authority to or commit the Coast Guard to use or support any improvements to such submerged lands and tidelands, or obtain goods and services from the lessee; and

(D) proceeds from the lease are deposited in the Coast Guard Housing Fund established under section 2946.

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§ 506. Prospective payment of funds necessary to provide medical care

(a) **PROSPECTIVE PAYMENT REQUIRED.**—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund *established under chapter 56 of title 10*) at facilities under the jurisdiction of the Department of Defense or a military department; and

(2) for which a reimbursement would otherwise be made under section 1085.

(b) **AMOUNT.**—The amount of the prospective payment under subsection (a) shall be—

(1) in the case of treatment or care to be provided to members of the Coast Guard and their dependents, derived from amounts appropriated for the **operating expenses** *operations and support* of the Coast Guard;

(2) in the case of treatment or care to be provided former members of the Coast Guard and their dependents, derived from amounts appropriated for retired pay;

(3) determined under procedures established by the Secretary of Defense;

(4) paid during the fiscal year in which treatment or care is provided; and

(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

(d) RELATIONSHIP TO TRICARE.—This section shall not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.

* * * * *

SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

§ 521. Saving life and property

(a) In order to render aid to distressed [persons] *individuals*, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to [persons] *individuals* and property imperiled by flood, the Coast Guard may:

(1) perform any and all acts necessary to rescue and aid [persons] *individuals* and protect and save property;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by [persons] *individuals* legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to [persons] *individuals* succored by the Coast Guard; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b)(1) Subject to paragraph (2), the Coast Guard may render aid to [persons] *individuals* and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized.

(2) The Commandant shall make full use of all available and qualified resources, including the Coast Guard Auxiliary and individuals licensed by the Secretary pursuant to section 8904(b) of title 46, United States Code, in rendering aid under this subsection in nonemergency cases.

(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

(1) guilty of a class D felony;

(2) subject to a civil penalty of not more than \$10,000; and

(3) liable for all costs the Coast Guard incurs as a result of the individual's action.

(d) The Secretary shall establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills, which may include rescue diver training.

(e) An individual who knowingly and willfully operates a device with the intention of interfering with the broadcast or reception of

a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

- (1) guilty of a class E felony; and
- (2) subject to a civil penalty of not more than \$1,000 per day for each violation.

§ 522. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering [a person] *an individual* liable to arrest is being, or has been committed, by any [person] *individual*, such [person] *individual* shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

- (1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and
- (2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

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§ 525. Special agents of the Coast Guard Investigative Service law enforcement authority

(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

- (A) To carry firearms.
- (B) To execute and serve any warrant or other process issued under the authority of the United States.
- (C) To make arrests without warrant for—

- (i) any offense against the United States committed in the agent's presence; or
 - (ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the **[person]** *individual* to be arrested has committed or is committing the felony.
- (2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.
- (b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.
- (c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary or the Attorney General.

§ 526. Stopping vessels; indemnity for firing at or into vessel

(a)(1) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the **[person]** *individual* in command or in charge of the authorized vessel or authorized aircraft may, subject to paragraph (2), fire at or into the vessel which does not stop.

(2) Before firing at or into a vessel as authorized in paragraph (1), the **[person]** *individual* in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that **[person]** *individual* determines that the firing of a warning signal would unreasonably endanger **[persons]** *individuals* or property in the vicinity of the vessel to be stopped.

(b) The **[person]** *individual* in command of an authorized vessel or authorized aircraft and all **[persons]** *individuals* acting under that **[person's]** *individual's* direction shall be indemnified from any penalties or actions for damages for firing at or into a vessel pursuant to subsection (a). If any **[person]** *individual* is killed or wounded by the firing, and the **[person]** *individual* in command of the authorized vessel or authorized aircraft or any **[person]** *individual* acting pursuant to their orders is prosecuted or arrested therefor, they shall be forthwith admitted to bail.

(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

- (1) it is a Coast Guard vessel or aircraft;
- (2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10; or
- (3) it is any other vessel or aircraft on government non-commercial service when—
 - (A) the vessel or aircraft is under the tactical control of the Coast Guard; and

(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.

CHAPTER 7—COOPERATION

Sec.

701. Cooperation with other agencies, States, territories, and political subdivisions.

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719. *VHF communication services.*

720. *Research projects; transactions other than contracts and grants.*

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§ 709. Maritime instruction

The Coast Guard may, when so requested by proper authority, detail members for duty in connection with maritime instruction and training by the several States, Territories, the District of Columbia, and Puerto Rico, and when requested by the Maritime Administrator, detail [persons] *individuals* in the Coast Guard for duty in connection with maritime instruction and training by the United States. The service rendered by any [person] *individual* so detailed shall be considered Coast Guard duty.

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§ 719. VHF communications services

(a) *The Secretary of the department in which the Coast Guard is operating may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard.*

(b) *Commercial VHF communication equipment placed on real property under the administrative control of the Coast Guard under this section shall not interfere in any manner with any current or future Coast Guard communication equipment.*

(c) *Nothing in this section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.*

§ 720. Research projects; transactions other than contracts and grants

(a) *ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—The Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects. The authority under this subsection is in addition to the authority provided in section 717 to use con-*

tracts, cooperative agreements, and grants in carrying out such projects.

(b) *ADVANCE PAYMENTS.*—The authority under subsection (a) may be exercised without regard to section 3324 of title 31.

(c) *RECOVERY OF FUNDS.*—

(1) *IN GENERAL.*—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

(2) *AVAILABILITY OF FUNDS.*—The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Commandant, to an appropriate appropriations account. Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

(d) *CONDITIONS.*—

(1) *IN GENERAL.*—The Commandant shall ensure that—

(A) to the extent that the Commandant determines practicable, no cooperative agreement containing a clause described in subsection (c)(1), and no transaction entered into under subsection (a), provides for research that duplicates research being conducted under existing programs carried out by the Coast Guard; and

(B) to the extent that the Commandant determines practicable, the funds provided by the Federal Government under a cooperative agreement containing a clause described in subsection (c)(1), or under a transaction authorized by subsection (a), do not exceed the total amount provided by other parties to the cooperative agreement or other transaction, respectively.

(2) *OTHER AGREEMENTS NOT FEASIBLE.*—A cooperative agreement containing a clause described in subsection (c)(1), or under a transaction authorized by subsection (a), may be used for a research project only if the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

(e) *EDUCATION AND TRAINING.*—The Commandant shall—

(1) ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

(f) *REGULATIONS.*—The Secretary of the department in which the Coast Guard is operating shall prescribe regulations, as necessary, to carry out this section.

(g) *PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.*—

(1) *IN GENERAL.*—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Coast Guard.

(2) *LIMITATION.*—

(A) *IN GENERAL.*—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).

(B) *INFORMATION DESCRIBED.*—The information referred to in subparagraph (A) is the following:

(i) A proposal, proposal abstract, and supporting documents.

(ii) A business plan submitted on a confidential basis.

(iii) Technical information submitted on a confidential basis.

(h) *ANNUAL REPORT.*—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

- (1) the amount of each transaction;
- (2) the entities or organizations involved;
- (3) the product or service received; and
- (4) the research project for which the product or service was required.

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CHAPTER 9—ADMINISTRATION

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SUBCHAPTER I—REAL AND PERSONAL PROPERTY

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§ 903. Use of certain appropriated funds

(a) Funds appropriated to or for the use of the Coast Guard for [acquisition, construction, and improvement of facilities, for research, development, test, and evaluation;] *procurement, construction, and improvement of facilities and for research and development* and for the alteration of bridges over the navigable waters shall remain available until expended.

(b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

(c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than \$200,000 for any one project.

(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

(1) IN GENERAL.—Subject to the reporting requirements set forth in paragraph (2), each fiscal year the Secretary may expend from amounts made available for the [operating expenses] *operations and support* of the Coast Guard not more than \$1,500,000 for minor construction and improvement projects at any location.

(2) REPORT.—Not later than the date on which the President submits to Congress a budget under section 1105 of title 31 each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing each project carried out under paragraph (1), in the most recently concluded fiscal year, for which the amount expended under such paragraph for such project was more than \$1,000,000. If no such project was carried out during a fiscal year, no report under this paragraph shall be required with respect to that fiscal year.

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§ 914. Disposition of infrastructure related to E-LORAN

(a) IN GENERAL.—The Secretary may not carry out activities related to the dismantling or disposal of infrastructure comprising the LORAN-C system until the [date] *later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114-120) or the date on which the Secretary provides to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate notice of a [determination by the Secretary] determination by the Secretary of Transportation under section 312(d) of title 49 that such infrastructure is not required to provide a positioning, navigation, and timing system to provide redundant capability in the event the Global Positioning System signals are disrupted.*

(b) EXCEPTION.—Subsection (a) does not apply to activities necessary for the safety of human life.

(c) DISPOSITION OF PROPERTY.—

(1) IN GENERAL.—On any date after the notification is made under subsection (a), the Administrator of General Services, acting on behalf of the Secretary, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the LORAN-C system, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

[(2) AVAILABILITY OF PROCEEDS.—

[(A) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard “Environmental Compliance and Restoration ” account and, without further appropriation, shall be available until expended for—

[(i) environmental compliance and restoration purposes associated with the LORAN–C system;

[(ii) the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement;

[(iii) the demolition of improvements on such real property; and

[(iv) the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration.

[(B) OTHER ENVIRONMENTAL COMPLIANCE AND RESTORATION ACTIVITIES.—After the completion of activities described in subparagraph (A), the unexpended balances of such proceeds shall be available for any other environmental compliance and restoration activities of the Coast Guard.]

(2) AVAILABILITY OF PROCEEDS.—*The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited into the Coast Guard Housing Fund and, without further appropriation, shall be available until expended for uses authorized under section 2946 of this title.*

SUBCHAPTER II—MISCELLANEOUS

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§ 933. Coast Guard ensigns and pennants

(a) Vessels and aircraft authorized by the Secretary shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

(b) No vessel or aircraft without authority shall carry, hoist, or display any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft. [Every person] *An individual* violating this subsection shall be fined not more than \$5,000, or imprisoned for not more than two years, or both.

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§ 937. Admiralty claims against the United States

(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than

【\$100,000】 \$425,000, an admiralty claim against the United States for—

(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

(c) If a claim under this section is settled or compromised for more than \$100,000, the Secretary shall certify it to Congress.

§ 938. Claims for damage to property of the United States

The Secretary may consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such payments shall be deposited in the Treasury of the United States as miscellaneous receipts. The Secretary is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property hereinabove described. No settlement or compromise where there is involved a payment in the net amount of over 【\$100,000】 \$425,000 is authorized by this section.

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§ 944. Confidential investigative expenses

Not more than \$250,000 each fiscal year appropriated for [necessary expenses for the operation] *operations and support* of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be

final and conclusive upon the accounting officers of the Government.

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CHAPTER 11—ACQUISITIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

1101. Acquisition directorate.

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【1110. Mission need statement.】

1110. Elevation of disputes to the Chief Acquisition Officer.

1111. Acquisition workforce authorities.

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SUBCHAPTER IV—DEFINITIONS

1171. Definitions.

720. Research projects; transactions other than contracts and grants.

SUBCHAPTER I—GENERAL PROVISIONS

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§ 1102. Improvements in Coast Guard acquisition management

(a) PROJECT OR PROGRAM MANAGERS.—

(1) LEVEL 1 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(b) ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard’s acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

- (A) Program management.
- (B) Systems planning, research, development, engineering, and testing.
- (C) Procurement, including contracting.
- (D) Industrial and contract property management.
- (E) Life-cycle logistics.
- (F) Quality control and assurance.
- (G) Manufacturing and production.
- (H) Business, cost estimating, financial management, and auditing.
- (I) Acquisition education, training, and career development.
- (J) Construction and facilities engineering.

(K) Testing and evaluation.

(3) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(c) MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(d) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of **[persons]** *individuals* for positions in the acquisition workforce.

(e) CAREER PATHS.—

(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

(2) PROMOTION PARITY.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

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§ 1110. Elevation of Disputes to the Chief Acquisition Officer

If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding level 1 or level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

§ 1111. Acquisition workforce authorities

(a) *EXPEDITED HIRING AUTHORITY.*—

(1) *IN GENERAL.*—For the purposes of section 3304 of title 5, the Commandant may—

(A) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(B) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

(2) *REPORTS.*—The Commandant shall include in reports under section 1102 information described in that section regarding positions designated under this subsection.

(b) *REEMPLOYMENT AUTHORITY.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

(2)(A) *ELECTION.*—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under subsection (a) after date of enactment of the Coast Guard Authorization Act of 2019, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

(i) *DEADLINE.*—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify an employee who may file an election.

(ii) *COVERAGE.*—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

(B) *APPLICATION.*—Paragraph (1) shall apply to an individual who is eligible to file an election under such subparagraph and does not file a timely election under clause (i).

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SUBTITLE II—PERSONNEL

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CHAPTER 19—COAST GUARD ACADEMY

SUBCHAPTER I—ADMINISTRATION

Sec.
1901. Administration of Academy.

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1905. Coast Guard Academy minority outreach team program.

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SUBCHAPTER I—ADMINISTRATION

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§ 1902. Policy on sexual harassment and sexual violence

(a) **REQUIRED POLICY.**—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the [person or persons] *individual or individuals* to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

(B) a specification of any other [person] *individual* whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

(c) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

(2) **BIENNIAL SURVEY.**—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Super-

intendent shall conduct a survey of cadets and other Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

(i) the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

(d) REPORT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report, to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(5) FOCUS GROUPS.—

(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to con-

duct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant's report under this subsection.

(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.

§ 1903. Annual Board of Visitors

(a) IN GENERAL.—A Board of Visitors to the Coast Guard Academy is established to review and make recommendations on the operation of the Academy.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Board shall consist of the following:

(A) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman's designee.

(B) The chairman of the Committee on Transportation and Infrastructure of the House of Representatives, or the chairman's designee.

(C) 3 Members of the Senate designated by the Vice President.

(D) 4 Members of the House of Representatives designated by the Speaker of the House of Representatives.

(E) 6 individuals designated by the President.

(2) LENGTH OF SERVICE.—

(A) MEMBERS OF CONGRESS.—A Member of Congress designated under subparagraph (C) or (D) of paragraph (1) as a member of the Board shall be designated as a member in the First Session of a Congress and serve for the duration of that Congress.

(B) INDIVIDUALS DESIGNATED BY THE PRESIDENT.—Each individual designated by the President under subparagraph (E) of paragraph (1) shall serve as a member of the Board for 3 years, except that any such member whose term of office has expired shall continue to serve until a successor is appointed.

(3) DEATH OR RESIGNATION OF A MEMBER.—If a member of the Board dies or resigns, a successor shall be designated for any unexpired portion of the term of the member by the official who designated the member.

(c) ACADEMY VISITS.—

(1) ANNUAL VISIT.—The Board shall visit the Academy annually to review the operation of the Academy.

(2) ADDITIONAL VISITS.—With the approval of the Secretary, the Board or individual members of the Board may make other

visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(d) SCOPE OF REVIEW.—The Board shall review, with respect to the Academy—

- (1) the state of morale and discipline;
- (2) *recruitment and retention*;
- [(2)] (3) the curriculum;
- [(3)] (4) instruction;
- [(4)] (5) physical equipment;
- [(5)] (6) fiscal affairs; and
- [(6)] (7) other matters relating to the Academy that the Board determines appropriate.

(e) REPORT.—Not later than 60 days after the date of an annual visit of the Board under subsection (c)(1), the Board shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions of the Board during such visit and the recommendations of the Board pertaining to the Academy.

(f) ADVISORS.—If approved by the Secretary, the Board may consult with advisors in carrying out this section.

(g) REIMBURSEMENT.—Each member of the Board and each adviser consulted by the Board under subsection (f) shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a member or adviser.

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§ 1905. Coast Guard Academy minority outreach program

(a) *IN GENERAL.*—*There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the “Program”) under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.*

(b) *ADMINISTRATION.*—*Not later than July 15, 2020, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things—*

- (1) *overseeing administration of the Program;*
- (2) *serving as a resource to volunteers and outside stakeholders;*
- (3) *advising Academy leadership on recruitment and retention efforts based on recommendations from volunteers and outside stakeholders;*
- (4) *establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and*
- (5) *reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.*

SUBCHAPTER II—CADETS

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§ 1927. Cadets; initial clothing allowance

The Secretary may prescribe a sum which shall be credited to each new cadet upon first admission to the Academy, to cover the cost [of his initial] *of an initial* clothing and equipment issue, which sum shall be deducted subsequently [from his pay] *from the pay of such cadet*. Each cadet discharged prior to graduation who is indebted to the United States on account of advances of pay to purchase required clothing and equipment shall be required to turn in to the Academy all clothing and equipment of a distinctively military nature to the extent required to discharge such indebtedness; and, if the value of such clothing and equipment so turned in does not cover the indebtedness incurred, then such indebtedness shall be canceled.

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SUBCHAPTER III—FACULTY

§ 1941. Civilian teaching staff

(a) The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require. They shall have such titles and perform duties as prescribed by the Secretary. Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5.

(b) The compensation of [persons] *individuals* employed under this section is as prescribed by the Secretary.

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CHAPTER 21—PERSONNEL; OFFICERS

SUBCHAPTER I—APPOINTMENT AND PROMOTION

Sec.

2101. Original appointment of permanent commissioned officers.

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2130. *Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant.*

2131. *College Student Pre-Commissioning Initiative.*

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SUBCHAPTER I—APPOINTMENT AND PROMOTION

§ 2101. Original appointment of permanent commissioned officers

(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

(A) Graduates of the Coast Guard Academy.

(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.

(b) No **person** *individual* shall be appointed a commissioned officer under this section until his mental, moral, physical, and professional fitness to perform the duties of a commissioned officer has been established under such regulations as the Secretary shall prescribe.

(c) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

(d) For the purposes of this section, the term "original", with respect to the appointment of a member of the Coast Guard, refers to that member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.

§ 2102. Active duty promotion list

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Reserve officers on active duty, other than pursuant to an active duty agreement executed under section 12311 of title 10, retired officers, and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list.

(b) Officers shall be carried on the active duty promotion list in the order of seniority of the grades in which they are serving. Officers serving in the same grade shall be carried in the order of their seniority in that grade. The Secretary may correct any erroneous position on the active duty promotion list that was caused by administrative error.

(c) **A person** *An individual* appointed in the grade of ensign or above in the Regular Coast Guard shall be placed on the active duty promotion list in the order of his date of rank and seniority.

(d) A Reserve officer, other than one excluded by subsection (a), shall, when he enters on active duty, be placed on the active duty promotion list in accordance with his grade and seniority. The position of such a Reserve officer among other officers of the Coast Guard on active duty who have the same date of rank shall be determined by the Secretary.

§ 2103. Number and distribution of commissioned officers on active duty promotion list

(a) **MAXIMUM TOTAL NUMBER.**—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,900; except that the Commandant may temporarily increase that number by up to 2 percent

for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

(b) DISTRIBUTION PERCENTAGES BY GRADE.—

(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) COMPUTATIONS.—

(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of [rear admiral (lower half)] *vice admiral* serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

§ 2104. Appointment of temporary officers

(a) The president may appoint temporary commissioned officers—

(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.

(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of [persons] *individuals* so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. [A person] *An individual* who is appointed under this section may not suffer any reduction in the rate of pay and allowances to which he would have been entitled had he remained in his former grade and continued to receive the increases in pay and allowances authorized for that grade.

(c) An appointment under this section, or a subsequent promotion appointment of a temporary officer, may be vacated by the appointing officer at any time. Each officer whose appointment is so vacated shall revert to his permanent status.

(d) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. Appointees whose dates of appointment are the same shall take precedence with each other as the Secretary shall determine.

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§ 2108. Selection boards; notice of convening; communication with board

(a) Before a board is convened under section 2106 of this title, notice of the convening date, the promotion zone to be considered, and the officers eligible for consideration shall be given to the service at large.

(b) Each officer eligible for consideration by a selection board convened under section 2106 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the armed forces concerning [himself] *such officer*. A communication sent under this section may not criticize any officer or reflect upon the character, conduct, or motive of any officer.

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§ 2113. Eligibility of officers for consideration for promotion

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

- (1) two years in the grade of lieutenant (junior grade);
- (2) three years in the grade of lieutenant;

- (3) four years in the grade of lieutenant commander;
- (4) four years in the grade of commander; and
- (5) three years in the grade of captain.

(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 2125 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

- (1) continues on active duty; and
- (2) is not promoted to that grade.

(e) An officer whose involuntary retirement or separation is deferred under section 2156 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.

(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer's request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106(a).

(2) The Commandant shall approve a request under paragraph (1) only if—

(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.

* * * * *

§ 2118. Selection boards; submission of reports

(a) A board convened under section 2106 of this title shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review, the Secretary shall submit the report of the board to the President for his approval, modification, or disapproval.

(b) If any officer recommended for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(c) Upon approval by the President the names of officers selected for promotion by a board convened under section 2106 of this title shall be promptly disseminated to the service at large.

(d) Except as required by this section, the proceedings of a selection board, including a special selection board convened under section 2120, shall not be disclosed to any [person] *individual who is not a member of the board.*

* * * * *

§2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant

(a) *IN GENERAL.*—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander, who is described in subsection (b) may be temporarily promoted to the grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

(b) *COVERED OFFICERS.*—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

(1) has a skill in which the Coast Guard has a critical shortage of personnel (as determined by the Secretary); and

(2) is serving in a position (as determined by the Secretary) that—

(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

(B) requires that an officer serving in such position have the skill possessed by such officer.

(c) *PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.*—

(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

(2) An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

(d) *BOARD RECOMMENDATION REQUIRED.*—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

(e) *ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.*—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

(f) *TERMINATION OF APPOINTMENT.*—Unless sooner terminated, an appointment under this section terminates—

(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade; or

(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance.

(g) **LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.**—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

- (1) As lieutenant, 0.5 percent.
- (2) As lieutenant commander, 3.0 percent.
- (3) As commander, 2.6 percent.
- (4) As captain, 2.6 percent.

§2131. College Student Pre-Commissioning Initiative

(a) **IN GENERAL.**—There is authorized within the Coast Guard the College Student Pre-Commissioning Initiative program (in this section referred to as the ‘program’) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.

(b) **CRITERIA FOR SELECTION.**—To be eligible for the program a student must meet the following requirements upon submitting an application:

(1) **AGE.**—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the program selection panel selecting such student convenes.

(2) **CHARACTER.**—

(A) **ALL APPLICANTS.**—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

(B) **COAST GUARD APPLICANTS.**—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded non-judicial punishment, or did not meet performance or character requirements set forth by the Commandant.

(3) **CITIZENSHIP.**—A student must be a United States citizen.

(4) **CLEARANCE.**—A student must be eligible for a secret clearance.

(5) **DEPENDENCY.**—

(A) A student may not have more than 2 dependents; and

(B) A student who is single may not have sole or primary custody of dependents.

(6) **EDUCATION.**—

(A) **INSTITUTION.**—A student must be an undergraduate sophomore or junior—

(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher

education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

(ii) who is active in minority-serving organizations and pursuing a degree in science, technology, engineering, or mathematics at an institution of higher education described in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) that is not a historically Black college or university or institution of higher education referred to in clause (i) of this subparagraph.

(B) LOCATION.—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

(C) RECORDS.—A student must meet credit and grade point average requirements set forth by the Commandant.

(7) MEDICAL AND ADMINISTRATIVE.—A student must meet other medical and administrative requirements as set forth by the Commandant.

(c) ENLISTMENT AND OBLIGATION.—Individuals selected and accept to participate in the program shall enlist in the Coast Guard in pay grade E-3 with a four year duty obligation and four year inactive Reserve obligation.

(d) MILITARY ACTIVITIES PRIOR TO OFFICER CANDIDATE SCHOOL.—Individuals enrolled in the program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

(e) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—Each graduate of the program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate's graduation.

(f) COMMISSIONING.—Upon graduation from Officer Candidate School, program graduates shall be discharged from enlisted status and commissioned as an O-1 with an initial three-year duty obligation.

(g) BRIEFING.—

(1) IN GENERAL.—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the College Student Pre-Commissioning Initiative.

(2) CONTENTS.—The briefing required under paragraph (1) shall describe—

(A) outreach and recruitment efforts over the previous year; and

(B) demographic information of enrollees including—

- (i) race;
- (ii) ethnicity;
- (iii) gender;
- (iv) geographic origin; and
- (v) educational institution.

SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

* * * * *

§ 2147. Regular warrant officers: separation pay

(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

(d) The acceptance of separation pay under this section does not deprive [a person] *an individual* of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received separation pay under this section, until the total deductions equal the amount of such separation pay.

* * * * *

§ 2150. Captains; continuation on active duty; involuntary retirement

(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of rear admiral (lower half) or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral (lower half). Officers who are subject to retirement under section 2149 of this title during the promotion year in which the board meets shall not be considered by this board.

(b) Whenever he convenes a board under this section, the Secretary shall establish a continuation zone. The zone shall consist of the most senior captains eligible for consideration for continuation on active duty who have not previously been placed in a continuation zone under this section. The Secretary shall, based upon the needs of the service, prescribe the number of captains to be included in the zone.

(c) Based on the needs of the service the Secretary shall furnish the board with the number of officers that may be recommended for continuation on active duty. This number shall be no less than 50 percent of the number considered. The board shall select from the designated continuation zone, in the number directed by the Secretary, those officers who are, in the opinion of the board, best qualified for continuation on active duty.

(d) The provisions of sections 2108, 2109, 2115, and 2117 of this title relating to selection for promotion shall, to the extent that

they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(e) The Secretary shall prescribe by regulation the detailed procedures whereby officers in a continuation zone will be selected for continuation on active duty.

(f) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval. Except as required by the procedures of this section, the proceedings of the board shall not be disclosed to any [person] *individual who is* not a member of the board.

(g) Each officer who is considered but not recommended for continuation on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which the report of the continuation board convened under this section is approved, or the last day of the month in which he completes twenty years of active service, whichever is later.

(h) Notwithstanding subsection (g) and section 2149 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 2149 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.

* * * * *

§ 2161. Composition of boards

(a) A board convened under section 2158, 2159, or 2160 of this title shall consist of at least three officers of the grade of commander or above, all of whom are serving in a grade senior to the grade of any officer considered by the board.

(b) No [person] *individual* may be a member of more than one board convened under section 2158, 2159, or 2160 of this title to consider the same officer.

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CHAPTER 23—PERSONNEL; ENLISTED

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§ 2317. Aviation cadets; procurement; transfer

(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, citizens in civil life may be enlisted as, and enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

(b) Except in time of war or national emergency declared by Congress, not less than 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

(c) No [persons] *individuals* may be enlisted or designated as an aviation cadet unless—

(1) the [person] *individual* agrees in writing that, upon successful completion of the course of training as an aviation cadet, the [person] *individual* will accept a commission as an ensign in the Coast Guard Reserve and will serve on active duty as such for at least three years, unless sooner released; and

(2) if under twenty-one years of age, the [person] *individual* has the consent of the [person's] *individual's* parent or guardian to the agreement.

(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the Coast Guard, released from active duty, or discharged.

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CHAPTER 25—PERSONNEL; GENERAL PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

2501. Grade on retirement.

* * * * *

2514. *Career flexibility to enhance retention of members.*

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SUBCHAPTER I—GENERAL PROVISIONS

§ 2501. Grade on retirement

(a) **[Any] COMMISSIONED OFFICER.**—

(1) *IN GENERAL.*—Any commissioned officer, other than a commissioned warrant officer, who is retired under any provision of this title, shall be retired from active service with the highest grade held by [him] *such officer* for not less than six months while on active duty in which, as determined by the Secretary, [his] *the officer's* performance of duty was satisfactory.

(2) *CONDITIONAL DETERMINATION.*—When an officer is under investigation for alleged misconduct at the time of retirement, the Secretary may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under subsection (c)(2).

(b) **[Any] WARRANT OFFICER.**—Any warrant officer who is retired under any provision of section 580, 1263, 1293, or 1305 of title 10, shall be retired from active service with the highest commissioned grade above chief warrant officer, W-4, held by [him] *such warrant officer* for not less than six months on active duty in which, as determined by the Secretary, [his] *the warrant officer's* performance of duty was satisfactory.

(c) *RETIREMENT IN NEXT LOWER GRADE.*—

(1) *MISCONDUCT IN LOWER GRADE.*—In the case of an officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the officer has not served satisfactorily in any grade equal to or higher than that lower grade.

(2) *CONDITIONAL DETERMINATION.*—A determination of the retired grade of an officer shall be resolved following a condi-

tional determination under subsection (a)(2) or (b)(2) if the investigation of or personnel action against the officer or warrant officer, as applicable, results in adverse findings.

(3) *RETIRED PAY; RECALCULATION.*—If the retired grade of an officer is reduced, the retired pay of the officer under chapter 71 of title 10 shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction in retired grade.

(d) *FINALITY OF RETIRED GRADE DETERMINATIONS.*—

(1) *ADMINISTRATIVE FINALITY.*—Except as otherwise provided by law, a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened.

(2) *REOPENING DETERMINATION.*—A determination of the retired grade of an officer may be reopened as follows:

(A) If the retirement or retired grade of the officer was procured by fraud.

(B) If substantial evidence comes to light after the retirement that could have led to a lower retired grade under this section if known by competent authority at the time of retirement.

(C) If a mistake of law or calculation was made in the determination of the retired grade.

(D) In the case of a retired grade following a conditional determination under subsection (a)(2) or (b)(2), if the investigation of or personnel action against the officer, as applicable, results in an adverse finding.

(E) If the Secretary determines, pursuant to regulations prescribed by the Secretary, that good cause exists to reopen the determination or certification.

(3) *NOTIFICATION OF REOPENING.*—If a determination or certification of the retired grade of an officer is reopened, the Secretary—

(A) shall notify the officer of the reopening; and

(B) may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis of the reopening.

(4) *RETIRED PAY; RECALCULATION.*—If the retired grade of an officer is reduced through the reopening of the officer's or warrant officer's retired grade, the retired pay of the officer under chapter 71 of title 10 shall be recalculated, and any modification of the retired pay of the officer shall go into effect on the effective date of the reduction of the officer's retired grade.

* * * * *

§2514. Career flexibility to enhance retention of members

(a) *PROGRAMS AUTHORIZED.*—The Commandant may carry out a program under which members of the Coast Guard may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

(b) *PERIOD OF INACTIVATION FROM ACTIVE SERVICE; EFFECT OF INACTIVATION.*—

(1) *IN GENERAL.*—The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed three years.

(2) *EXCLUSION FROM YEARS OF SERVICE.*—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

(3) *EXCLUSION FROM RETIREMENT.*—Any period of participation of a member in a program under this section shall not count toward—

(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10; or

(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10.

(c) *AGREEMENT.*—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Coast Guard Ready Reserve during the period of the inactivation of the member from active service under the program.

(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

(3) Following completion of the period of the inactivation of the member from active service under the program, to serve two months as a member of the Coast Guard on active service for each month of the period of the inactivation of the member from active service under the program.

(d) *CONDITIONS OF RELEASE.*—The Commandant shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active service.

(e) *ORDER TO ACTIVE SERVICE.*—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active service.

(f) *PAY AND ALLOWANCES.*—

(1) *BASIC PAY.*—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the

member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 or section 1925 of this title that is in force when the member commences participation in the program.

(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active service of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

(3) RETURN TO ACTIVE SERVICE.—

(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of a member to active service after completion by the member of participation in a program—

(i) any agreement entered into by the member under chapter 5 of title 37 for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(B) LIMITATION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active service as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active service.

(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) *REPAYMENT.*—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

(D) *REQUIRED SERVICE IS ADDITIONAL.*—Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

(4) *TRAVEL AND TRANSPORTATION ALLOWANCE.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as the member's residence during the period of participation in the program; and

(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

(B) *SINGLE RESIDENCE.*—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(5) *LEAVE BALANCE.*—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

(g) *PROMOTION.*—

(1) *OFFICERS.*—

(A) *IN GENERAL.*—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 21 or 37 of this title.

(B) *RETURN TO SERVICE.*—Upon the return of an officer to active service after completion by the officer of participation in a program—

(i) the Commandant may adjust the date of rank of the officer in such manner as the Commandant shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) *ENLISTED MEMBERS.*—An enlisted member participating in a program shall not be eligible for consideration for advancement during the period that—

(A) begins on the date of the inactivation of the member from active service under the program; and

(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

(h) *CONTINUED ENTITLEMENTS.*—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of this title; and

(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.

SUBCHAPTER II—LIGHTHOUSE SERVICE

§ 2531. Personnel of former Lighthouse Service

(a) Any [person] *individual* of the former Lighthouse Service commissioned as an officer in the Coast Guard shall be an extra number in his grade and in the grades to which he may be promoted. He shall take precedence (1) with other officers commissioned in his grade from the former Lighthouse Service as the Secretary of the Treasury may determine, and (2) with other line officers in his grade in accordance with the respective dates of their commissions in such grade. He shall be eligible for promotion, if otherwise qualified, at such time as the officer in a regular number in line of promotion next above him on the seniority list becomes eligible for promotion; or if there be no such officer in his grade, he shall be eligible for promotion, if otherwise qualified, when a vacancy occurs in the next higher grade. An officer so commissioned shall be assigned to duty for which he is specially qualified, and professional examinations for promotion given to such officer shall embrace only subjects which pertain to the duty to which he is assigned.

(b) Each vacancy (1) hereafter occurring in the extra numbers of such officers; (2) existing on August 5, 1939, in positions in the Lighthouse Service formerly held by personnel eligible for such commissions; and (3) created by the retirement, resignation, death, or separation from the service for any other cause, of such personnel who do not possess the qualifications prescribed by the Secretary of the Treasury or who, being qualified, do not accept a commission thereunder, shall operate to increase by one the total authorized number of line officers of the Coast Guard.

(c) All [persons] *individuals* of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard shall be subject to all laws and regulations for the government of the Coast Guard, and nothing contained in this title shall be construed to prevent the application to any of such [persons] *individuals* of laws and regulations concerning the military discipline of commissioned and warrant officers and enlisted members of the Coast Guard.

(d) In computing length of service, for the purpose of retirement in the Coast Guard, of any [person] *individual* of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard, there shall be included all service computable for retirement under the provisions of section 763 of title 33; and after July 1, 1948, in computing longevity for the purpose of pay of such [person] *individual* there shall be included all service of such [person] *individual* in the Lighthouse Service.

(e) No [person] *individual* so commissioned, appointed, or enlisted in the Coast Guard shall suffer any reduction in the total of the annual compensation and allowances which he was receiving on the date of his commission, appointment, or enlistment. Upon his retirement from active duty in the Coast Guard, the retired pay of any [person] *individual* so commissioned, appointed, or enlisted, shall not be less than an annuity computed in accordance with the provisions of section 763 of title 33, substituting, however, for purposes of such computation, the annual compensation which he was receiving on the date of his commission, appointment, or enlistment in the Coast Guard for the average annual pay received by him for the last five years of service.

(f) Notwithstanding any other provision of law, chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5 shall not apply to civilian keepers of lighthouses and to civilians employed on lightships and other vessels of the Coast Guard.

(g)(1) The head of the department in which the Coast Guard is operating under regulations prescribed by him, may regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard, but such personnel may be called upon for duty in emergency circumstances or otherwise at any time or all times. The existing system governing the pay of such employees may be continued or changed except that overtime compensation, night differential, and extra pay for duty on holidays shall not be paid to such employees. In lieu thereof additional annual compensation may be authorized, which may be prescribed either as a fixed differential or as a percentage of the basic compensation otherwise applicable to such employees. In no case shall basic compensation exceed \$15,000 per annum, except that nothing contained in this subsection shall operate to decrease the basic compensation of any [person] *individual* employed by the Coast Guard on the date of enactment of this subsection, and in no case shall additions thereto exceed 25 percent of such basic compensation. Provision may be made for compensatory absence from duty when conditions of employment result in confinement because of isolation or in long periods of continuous duty; and provisions may likewise be made for extra allowance for service outside of the continental limits of the United States.

(2) The additional compensation authorized by this subsection shall be included in any computation of compensation under section 6 of the Act of June 20, 1918 (33 U.S.C. 763).

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CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

Sec.

2701. Procurement of personnel.

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2713. *Employment assistance.*

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SUBCHAPTER III—PAYMENTS

[2761. Persons discharged as result of court-martial; allowances to.]

2761. *Individuals discharged as result of court-martial; allowances to.*

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[2767. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.]

2767. *Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.*

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[2777. Clothing for destitute shipwrecked persons.]

2777. *Clothing for destitute shipwrecked individuals.*

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2780. *Pay; continuation during lapse in appropriations.*

SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

§ 2701. Procurement of personnel

The Coast Guard may expend **[operating expense]** *operations and support* funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

- (1) obtain recruits for the Service and cadet applicants; and
- (2) gain support of recruiting objectives from those who may assist in the recruiting effort.

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§ 2709. Procurement and sale of stores to members and civilian employees

Such stores as the Secretary may designate may be procured and sold to members of the Coast Guard, and to the surviving spouses of such members. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other **[persons]** *individuals* as may be specifically authorized by the Secretary, at Coast Guard stations and other units beyond the continental limits of the United States or in Alaska.

§ 2710. Disposition of effects of decedents

All moneys, articles of value, papers, keepsakes, and other similar effects belonging to the deceased **[persons]** *individuals* in the Coast Guard, not claimed by their legal heirs or next of kin, shall be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such **[person]** *individual*, such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury as miscellaneous receipts. The Secretary shall make diligent

inquiry in every instance after the death of such [person] *individual* to ascertain the whereabouts of his heirs or next of kin, and prescribe necessary regulations to carry out the foregoing provisions. Claims may be presented hereunder at any time within five years after such moneys or proceeds have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

§ 2711. Deserters; payment of expenses incident to apprehension and delivery; penalties

(a) The Coast Guard may, pursuant to regulations prescribed by the Secretary, make such expenditures as are deemed necessary for the apprehension and delivery of deserters, stragglers, and prisoners.

(b) No [person] *individual* who is convicted by court martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service under the United States, unless the disability resulting from desertion, as established by this section is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the Board is approved by the Secretary; or unless he is restored to duty in time of war.

* * * * *

§ 2713. Employment assistance

(a) *IN GENERAL.*—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

(1) *establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and*

(2) *make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that State and other entities may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.*

(b) *FORM OF CERTIFICATION OR VERIFICATION.*—The Secretary shall ensure that a certification or verification of job skills and experience required by section 1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.

(c) *REQUESTS BY STATES.*—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of jobs skills and experience provided under section 1143(c) of title 10.

SUBCHAPTER II—AWARDS

* * * * *

§ 2732. Medal of honor

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to [a person] *an individual* who, while a member of the Coast Guard, [distinguishes himself conspicuously by] *displays conspicuous* gallantry and intrepidity at the risk of [his] *such individual's* life above and beyond the call of duty—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force;
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

§ 2733. Medal of honor: duplicate medal

[A person] *An individual* awarded a medal of honor shall, upon written application of [that person] *that individual*, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.

§ 2734. Medal of honor: presentation of Medal of Honor Flag

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each [person] *individual* to whom a medal of honor is awarded under section 2732 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 2732 or 2743 of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the [person] *individual* to whom the medal is presented.

§ 2735. Coast Guard cross

The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to [a person] *an individual* who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

§ 2736. Distinguished service medal

The President may present, but not in the name of Congress, a distinguished service medal of appropriate design, with accompanying ribbon, together with a rosette or other device, to be worn in lieu thereof, to any [person] *individual* who, while serving in any capacity with the Coast Guard, [distinguishes himself by] *per-*

forms exceptionally meritorious service to the Government in a duty of great responsibility.

§ 2737. Silver star medal

The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to [a person] *an individual* who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

§ 2738. Distinguished flying cross

The President may present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any [person] *individual* who, while serving in any capacity with the Coast Guard, [distinguishes himself by] *displays* heroism or extraordinary achievement while participating in an aerial flight.

§ 2739. Coast Guard medal

The President may present, but not in the name of Congress, a medal to be known as the Coast Guard medal, of appropriate design, with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any [person] *individual* who, while serving in any capacity with the Coast Guard, [distinguishes himself by] *displays* heroism not involving actual conflict with an enemy.

§ 2740. Insignia for additional awards

No more than one Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or [one] Coast Guard medal shall be issued to any one [person] *individual*; but for each succeeding deed or service sufficient to justify the awarding of a Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

§ 2741. Time limit on award; report concerning deed

(a) No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof may be awarded to [a person] *an individual* unless—

(1) the award is made within five years after the date of the deed or service justifying the award;

(2) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by his

superior through official channels within three years from the date of that deed or termination of the service.

(b) If the Secretary determines that—

(1) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by the [person's] *individual's* superior through official channels within three years from the date of that deed or termination of the service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted upon; a medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof, as the case may be, may be awarded to the [person] *individual* within two years after the date of that determination.

§ 2742. Honorable subsequent service as condition to award

No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or emblem, or insignia in lieu thereof shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time [he distinguished himself] *of the acts resulting in the consideration of such award* shall not in the opinion of the Commandant have been honorable.

§ 2743. Posthumous awards

In case an individual who [distinguishes himself] dies before the making of any award to which [he] *such individual* may be entitled, as authorized in this chapter, the award may be made and presented within five years from the date of the act or service justifying the award to such next of kin as may have been designated by the individual, or in the absence of such designation, or if the designated [person] *individual* is not alive at the time of the award, or the relationship between such [person] *individual* and the serviceman shall have been terminated before his death, then to such representative as the President designates. In the event of a posthumous award when the award will be made to the parents of the deceased and the parents have been divorced or separated, a duplicate award may be made to each parent.

§ 2744. Life-saving medals

(a) The Secretary may, under regulations prescribed by him, award a Life-saving medal of gold or silver to any [person] *individual*, including personnel of the Coast Guard, who rescues or endeavors to rescue any other [person] *individual* from drowning, shipwreck, or other peril of the water in accordance with the following provisions:

(1) if such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold;

(2) if such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold, but evidences the ex-

ercise of such signal exertion as to merit recognition, the medal shall be of silver.

(b) In order for **[a person]** *an individual* to be eligible for the Life-saving Medals the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters, one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States.

(c) No **[person]** *individual* shall receive more than one gold medal and one silver medal; but any **[person]** *individual* who has received or may hereafter receive a gold or silver medal and who again performs an act which would entitle him to receive another medal of the same class may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Medals and bars in lieu thereof, authorized by this subsection, may be awarded posthumously.

§ 2745. Replacement of medals

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter has been stolen, lost, destroyed, or rendered unfit for use without fault or neglect on the part of the **[person]** *individual* to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or, in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

* * * * *

SUBCHAPTER III—PAYMENTS

§ 2761. **[Persons] *Individuals* discharged as result of court-martial; allowances to**

The Secretary may furnish **[persons]** *individuals* discharged pursuant to the sentence of a Coast Guard court-martial suitable civilian clothing and a monetary allowance not to exceed \$25 if the **[person]** *individual* discharged would not otherwise have suitable clothing or funds to meet immediate needs.

* * * * *

§ 2767. Reimbursement for medical-related travel expenses for certain **[persons] *individuals* residing on islands in the continental United States**

In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age, if—

(1) the covered beneficiary is referred by a primary care physician to a specialty care provider (as defined in section

1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides; or

(2) the Coast Guard medical regional manager for the area in which such island is located determines that the covered beneficiary requires services of a primary care, specialty care, or dental provider and such a provider who is part of the network of providers of a TRICARE program (as that term is defined in section 1072(7) of title 10) does not practice on such island.

* * * * *

§ 2769. Remission of indebtedness

The Secretary may have remitted or cancelled any part of [a person's] *an individual's* indebtedness to the United States or any instrumentality of the United States if—

- (1) the indebtedness was incurred while the [person] *individual* served as a member of the Coast Guard, whether as a regular or a reserve in active status; and
- (2) the Secretary determines that remitting or cancelling the indebtedness is in the best interest of the United States.

* * * * *

§ 2772. Education loan repayment program

(a)(1) Subject to the provisions of this section, the Secretary may repay—

- (A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);
- (B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or
- (C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

(2) The Secretary may repay loans described in paragraph (1) in the case of any [person] *individual* for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

(b) The portion or amount of a loan that may be repaid under subsection (a) is 331/3 percent or \$1,500, whichever is greater, for each year of service.

(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).

§ 2773. Rations or commutation therefor in money

(a) Enlisted members of the Coast Guard, civilian officers and civilian crews of vessels, and working parties in the field shall be allowed a ration or commutation thereof in money, in such amount and under limitations and regulations prescribed by the Secretary.

(b) Money for commuted rations shall be paid, under such regulations as the Secretary shall prescribe, on proper vouchers, or pay rolls, to **[persons]** *individuals* entitled to receive it, or to the officers designated by the Commandant to administer the financial affairs of the messes in which such **[persons]** *individuals* may be subsisted.

(c) Money paid for commuted rations to the designated officer may be deposited in general or limited depositories of public money or in any bank in which deposits are insured. Such funds shall be expended and accounted for under such regulations as the Secretary shall prescribe.

(d) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of law pertaining to subsistence allowances for enlisted members, but no ration or commutation thereof shall be allowed **[a person]** *an individual* receiving a subsistence allowance.

* * * * *

§ 2775. Flight rations

There may be furnished to officers, enlisted members, and civilian employees, while actually engaged in flight operations, an aircraft flight ration in kind, chargeable to the proper Coast Guard appropriation, which flight ration shall be supplementary to any ration or subsistence allowance now granted to such personnel. No part of an aircraft flight ration shall be furnished without cost to any **[person]** *individual* in a travel status or to any **[person]** *individual* to whom a per diem allowance is granted in lieu of actual subsistence.

§ 2776. Payments at time of discharge for good of service

Enlisted members discharged by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed \$25. The sum paid shall be fixed by and in the discretion of the Commandant, and shall be paid only in cases where the **[person]** *individual* so discharged would otherwise be without funds to meet his immediate needs.

§ 2777. Clothing for destitute shipwrecked **[persons] *individuals***

The Coast Guard may furnish clothing and subsistence to destitute shipwrecked **[persons]** *individuals*, and the Coast Guard may reimburse, in cash or in kind, Coast Guard personnel who furnish clothing and subsistence to destitute shipwrecked **[persons]** *individuals*.

* * * * *

§ 2779. Transportation to and from certain places of employment

(a) Whenever the Secretary determines that it is necessary for the effective conduct of the affairs of the Coast Guard, he may, at reasonable rates of fare fixed under regulations to be prescribed by him, provide assured and adequate transportation by motor vehicle or water carrier to and from their places of employment for **persons** *individuals* attached to, or employed by, the Coast Guard; and during a war or during a national emergency declared by Congress or the President, for **persons** *individuals* attached to, or employed in, a private plant that is manufacturing material for the Coast Guard.

(b) Transportation may not be provided under subsection (a) unless the Secretary or an officer designated by the Secretary, determines that—

(1) other transportation facilities are inadequate and cannot be made adequate;

(2) a reasonable effort has been made to induce operators of private facilities to provide the necessary transportation; and

(3) the service to be furnished will make proper use of transportation facilities and will supply the most efficient transportation to the **persons** *individuals* concerned.

(c) To provide transportation under subsection (a), the Secretary may—

(1) buy, lease, or charter motor vehicles or water carriers having a seating capacity of 12 or more passengers;

(2) maintain and operate that equipment by enlisted members or employees of the Coast Guard, or by private **persons** *individuals* under contract; and

(3) lease or charter the equipment to private or public carriers for operation under terms that are considered necessary by the Secretary or by an officer designated by the Secretary, and that may provide for the pooling of government-owned and privately owned equipment and facilities and for the reciprocal use of that equipment.

(d) Fares received under subsection (a), and proceeds of the leasing or chartering of equipment under subsection (c)(3), shall be covered into the Treasury as miscellaneous receipts.

§ 2780. Pay; continuation during lapse in appropriations

(a) *IN GENERAL.*—*In the case of any period in which there is a Coast Guard-specific funding lapse, there are appropriated such sums as may be necessary—*

(1) *to provide pay and allowances to military members of the Coast Guard, including the reserve component thereof, who perform active service or inactive-duty training during such period;*

(2) *to provide pay and benefits to qualified civilian employees of the Coast Guard;*

(3) *to provide pay and benefits to qualified contract employees of the Coast Guard;*

(4) *to provide for—*

(A) *the payment of a death gratuity under sections 1475 through 1477 and 1489 of title 10, with respect to members of the Coast Guard;*

(B) the payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, with respect to members of the Coast Guard; and

(C) the temporary continuation of a basic allowance of housing for dependents of members of the Coast Guard dying on active duty, as authorized by section 403(l) of title 37; and

(5) to provide for Coast Guard retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10.

(b) **COAST GUARD-SPECIFIC FUNDING LAPSE.**—For purposes of this section, a Coast Guard-specific funding lapse occurs in any case in which—

(1) a general appropriation bill providing appropriations for the Coast Guard for a fiscal year is not enacted before the beginning of such fiscal year (and no joint resolution making continuing appropriations for the Coast Guard is in effect); and

(2) a general appropriation bill providing appropriations for the Department of Defense for such fiscal year is enacted before the beginning of such fiscal year (or a joint resolution making continuing appropriations for the Department of Defense is in effect).

(c) **TERMINATION.**—Appropriations and funds made available and authority granted for any fiscal year for any purpose under subsection (a) shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation (including a continuing appropriation) for such purpose.

(2) The enactment into law of an appropriation (including a continuing appropriation) for the Coast Guard without provision for such purpose.

(3) The termination of availability of appropriations for the Department of Defense.

(4) The date that is 180 days after the beginning of the Coast Guard-specific funding lapse.

(d) **RATE FOR OPERATIONS; APPLICABILITY TO APPROPRIATION ACTS.**—Appropriations made pursuant this section shall be available at a rate for operations and to the extent and in the manner that would be provided by the pertinent appropriations Act.

(e) **CHARGE TO FUTURE APPROPRIATIONS.**—Expenditures made pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is enacted into law.

(f) **APPORTIONMENT.**—Appropriations and funds made available by or authority granted under this section may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, but nothing in this section may be construed to waive any other provision of law governing the apportionment of funds.

(g) *DEFINITIONS.—In this section:*

(1) *QUALIFIED CIVILIAN EMPLOYEE.—The term “qualified civilian employee” means a civilian employee of the Coast Guard whom the Commandant determines is—*

(A) providing support to members of the Coast Guard or another Armed Force; or

(B) performing work as an excepted employee or an employee performing emergency work, as those terms are defined by the Office of Personnel Management.

(2) *QUALIFIED CONTRACT EMPLOYEE OF THE COAST GUARD.—The term “qualified contract employee of the Coast Guard” means an individual performing work under a contract whom the Commandant determines is—*

(A) providing support to military members or qualified civilian employees of the Coast Guard or another Armed Force; or

(B) required to perform work during a lapse in appropriations.

* * * * *

CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

SUBCHAPTER I—COAST GUARD FAMILIES

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§ 2902. Surveys of Coast Guard families

(a) *AUTHORITY.—The Commandant, in order to determine the effectiveness of Federal policies, programs, and activities related to the families of Coast Guard members, may survey—*

- (1) any Coast Guard member;*
- (2) any retired Coast Guard member;*
- (3) the immediate family of any Coast Guard member or retired Coast Guard member; and*
- (4) any survivor of a deceased Coast Guard member.*

(b) *VOLUNTARY PARTICIPATION.—Participation in any survey conducted under subsection (a) shall be voluntary.*

(c) *FEDERAL RECORDKEEPING.—Each [person] individual surveyed under subsection (a) shall be considered an employee of the United States for purposes of section 3502(3)(A)(i) of title 44.*

§ 2903. Reimbursement for adoption expenses

(a) *AUTHORIZATION TO REIMBURSE.—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.*

(b) *ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single [person] individual, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c))).*

(c) **BENEFITS PAID AFTER ADOPTION IS FINAL.**—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

(d) **TREATMENT OF OTHER BENEFITS.**—A benefit may not be paid under this section for any expense paid to or for a member of the Coast Guard under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

(e) **LIMITATIONS.**—(1) Not more than \$2,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

(2) Not more than \$5,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.

(g) **DEFINITIONS.**—In this section:

(1) The term “qualifying adoption expenses” means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a qualified adoption agency. Such term does not include any expense incurred—

(A) by an adopting parent for travel; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(2) The term “reasonable and necessary expenses” includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees (including court costs) in connection with services that are unavailable to a member of the Coast Guard under section 1044 or 1044a of title 10; and

(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.

(3) The term “qualified adoption agency” means any of the following:

(A) A State or local government agency which has responsibility under State or local law for child placement through adoption.

(B) A nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.

(C) Any other source authorized by a State to provide adoption placement if the adoption is supervised by a court under State or local law.

§ 2904. Education and training opportunities for Coast Guard spouses

(a) **TUITION ASSISTANCE.**—The Commandant may provide, subject to the availability of appropriations, tuition assistance to an eligible spouse to facilitate the acquisition of—

(1) education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and portable career opportunities for the spouse; or

(2) education prerequisites and a professional license or credential required, by a government or government-sanctioned licensing body, for an occupation that expands employment and portable career opportunities for the spouse.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE SPOUSE.—

(A) IN GENERAL.—The term “eligible spouse” means the spouse of a member of the Coast Guard who is serving on active duty and includes a spouse who receives transitional compensation under section 1059 of title 10.

(B) EXCLUSION.—The term “eligible spouse” does not include [a person] *an individual* who—

(i) is married to, but legally separated from, a member of the Coast Guard under a court order or statute of any State or territorial possession of the United States; or

(ii) is eligible for tuition assistance as a member of the Armed Forces.

(2) PORTABLE CAREER.—The term “portable career” includes an occupation that requires education, training, or both that results in a credential that is recognized by an industry, profession, or specific type of business.

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SUBCHAPTER III—HOUSING

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§ 2946. Coast Guard Housing Fund

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the “Fund”).

(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to that Fund.

(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Homeland Security or Coast Guard for the [acquisition] *procurement* or construction of military family housing or military unaccompanied housing.

(3) Proceeds from the conveyance of property under section 2945 of this title for the purpose of carrying out activities under this chapter with respect to military family housing and military unaccompanied housing.

(4) Monies received under section 504(a)(13).

(5) Amounts received under section 908(b).

(c) USE OF AMOUNTS IN FUND.—(1) *Amounts in the Fund shall be available to the Secretary without further appropriation and shall remain available until expended. Amounts in the Fund shall be*

available to the Secretary without further appropriation and shall remain available until expended.

[(1) In such amounts as provided in appropriations Acts, and except] (2) Except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family housing and military unaccompanied housing, including—

(A) the planning, execution, and administration of the conveyance of real property;

(B) all necessary expenses, including expenses for environmental compliance and restoration, to prepare real property for conveyance; and

(C) the conveyance of real property.

[(2) Amounts made available under this subsection shall remain available until expended.]

(d) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(e) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

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SUBTITLE III—COAST GUARD RESERVE AND AUXILIARY

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CHAPTER 1 —COAST GUARD RESERVE

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SUBCHAPTER I—ADMINISTRATION

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§ 3706. Temporary members of the Reserve; eligibility and compensation

A citizen of the United States, its territories, or possessions who is a member of the Auxiliary, an officer or member of the crew of a motorboat or yacht placed at the disposal of the Coast Guard, or [a person] *an individual* (including a Government employee without pay other than the compensation of that [person's] *individual's* civilian position) who by reason of special training and experience is considered by the Commandant to be qualified for duty, may be enrolled by the Commandant as a temporary member of the Reserve, for duty under conditions the Commandant may prescribe, including part-time and intermittent active duty with or without pay, without regard to age. The Commandant is authorized to define the powers and duties of temporary members of the Reserve, and to confer upon them, appropriate to their qualifications and ex-

perience, the same grades and ratings as provided for members of the Reserve. When performing active duty with pay as authorized by this section, temporary members of the Reserve are entitled to receive the pay and allowances of their rank, grade, or rating.

§ 3707. Temporary members of the Reserve; disability or death benefits

(a) If a temporary member of the Reserve is physically injured, or dies as a result of physical injury, and the injury is incurred incident to service while performing active duty, or engaged in authorized travel to or from that duty, the law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, applies, subject to this section. That law shall be administered by the Secretary of Labor to the same extent as if the member was a civil employee of the United States and was injured in the performance of that duty. For benefit computation, regardless of pay or pay status, the member is considered to have had monthly pay of the monthly equivalent of the minimum rate of basic pay in effect for grade GS-9 of the General Schedule on the date the injury is incurred.

(b) This section does not apply if the workmen's compensation law of a State, a territory, or another jurisdiction provides coverage because of a concurrent employment status of the temporary member. When the temporary member or a dependent is entitled to a benefit under this section and also to a concurrent benefit from the United States on account of the same disability or death, the temporary member or dependent, as appropriate, shall elect which benefit to receive.

(c) If a claim is filed under this section with the Secretary of Labor for benefits because of an alleged injury or death, the Secretary of Labor shall notify the Commandant who shall direct an investigation into the facts surrounding the alleged injury or death. The Commandant shall then certify to the Secretary of Labor whether or not the injured or deceased [person] *individual* was a temporary member of the Reserve, the [person's] *individual's* military status, and whether or not the injury or death was incurred incident to military service.

(d) A temporary member of the Reserve, who incurs a physical disability or contracts sickness or disease while performing a duty to which the member has been assigned by competent authority, is entitled to the same hospital treatment afforded a member of the Regular Coast Guard.

(e) In administering section 8133 of title 5, for [a person] *an individual* covered by this section—

(1) the percentages applicable to payments under that section are—

(A) 45 percent under subsection (a)(2) of that section, where the member died fully or currently insured under title II of the Social Security Act (42 U.S.C. 401 et seq.), with no additional payments for a child or children so long as the widow or widower remains eligible for payments under that subsection;

(B) 20 percent under subsection (a)(3) of that section, for one child, and 10 percent additional for each additional child, not to exceed a total of 75 percent, where the mem-

ber died fully or currently insured under title II of the Social Security Act; and

(C) 25 percent under subsection (a)(4) of that section, if one parent was wholly dependent for support upon the deceased member at the time of the member's death and the other was not dependent to any extent; 16 percent to each if both were wholly dependent; and if one was, or both were, partly dependent, a proportionate amount in the discretion of the Secretary of Labor;

(2) payments may not be made under subsection (a)(5) of that section; and

(3) the Secretary of Labor shall inform the Commissioner of Social Security whenever a claim is filed and eligibility for compensation is established under subsection (a)(2) or (a)(3) of section 8133 of title 5. The Commissioner of Social Security shall then certify to the Secretary of Labor whether or not the member concerned was fully or currently insured under title II of the Social Security Act at the time of the member's death.

§ 3708. Temporary members of the Reserve; certificate of honorable service

In recognition of the service of temporary members of the Reserve, the Secretary may upon request issue an appropriate certificate of honorable service in lieu of a certificate of disenrollment issued to any [person] *individual* following disenrollment under honorable conditions from service as a temporary member. Issuance of a certificate of honorable service to any [person] *individual* under this section does not entitle that [person] *individual* to any rights, privileges, or benefits under any law of the United States.

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SUBCHAPTER II—PERSONNEL

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§ 3738. Constructive credit upon initial appointment

Under regulations prescribed by the Secretary, [a person] *an individual*, appointed as a Reserve officer, may be assigned a date of rank and precedence which reflects that [person's] *individual's* experience, education, or other qualifications. For the purpose of this subchapter only, [a person] *an individual* appointed for the purpose of assignment or designation as a judge advocate in the Reserve shall be credited with a minimum of one year service in an active status. [A person] *An individual* holding a doctor of philosophy, or a comparable degree, in medicine or in a science allied to medicine as determined by the Secretary, may be credited with a minimum of three years service in an active status if appointed for an assignment comparable to that of an officer in the Navy Medical Department.

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[§ 3743. Eligibility for promotion

[A Reserve officer is eligible for consideration for promotion and for promotion under this subchapter, if that officer is in an active

status. A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a) of this title, is not eligible for consideration for promotion.】

§ 3743. Eligibility for promotion

(a) *IN GENERAL.*—*Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter, if that officer is in an active status.*

(b) *EXCEPTION.*—*A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a) of this title, is not eligible for consideration for promotion.*

(c) *REQUEST FOR EXCLUSION.*—

(1) *IN GENERAL.*—*The Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade.*

(2) *APPROVAL OF REQUEST.*—*The Commandant shall approve a request under paragraph (1) only if—*

(A) *the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;*

(B) *the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and*

(C) *the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.*

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CHAPTER 39—COAST GUARD AUXILIARY

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§ 3901. Administration of the Coast Guard Auxiliary

(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the “Auxiliary headquarters unit”), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 3902, at all times be deemed to be an instrumentality of the United States, for purposes of the following:

(1) Chapter 171 of title 28 (popularly known as the Federal Tort Claims Act).

(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

(3) Section 30101 of title 46 (popularly known as the Admiralty Extension Act).

(4) Chapter 309 of title 46 (known as the Suits in Admiralty Act).

(5) Chapter 311 of title 46 (known as the Public Vessels Act).

(6) Other matters related to noncontractual civil liability.

(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.

(d)(1) Except as provided in paragraph (2), personal property of the auxiliary shall not be considered property of the United States.

(2) The Secretary may treat personal property of the auxiliary as property of the United States—

(A) for the purposes of—

(i) the statutes and matters referred to in paragraphs (1) through (6) of subsection (b); and

(ii) section 901 of this title; and

(B) as otherwise provided in this chapter.

(3) The Secretary may reimburse the Auxiliary, and each organizational element and unit of the Auxiliary, for necessary expenses of operation, maintenance, and repair or replacement of personal property of the Auxiliary.

(4) In this subsection, the term “personal property of the Auxiliary” means [motor boats, yachts,] *vessels*, aircraft, radio stations, motorized vehicles, trailers, or other equipment that is under the administrative jurisdiction of the Coast Guard Auxiliary or an organizational element or unit of the Auxiliary and that is used solely for the purposes described in this subsection.

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§ 3903. Eligibility; enrollments

The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

(1) who—

(A) are owners, sole or part, of [motorboats, yachts] *vessels*, aircraft, or radio stations; or

(B) by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary; and

(2) who may be enrolled therein pursuant to applicable regulations.

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§ 3907. Use of member’s facilities

(a) **[MOTOR BOATS, YACHTS,] VESSELS, AIRCRAFT, AND RADIO STATIONS.**—The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any **[motorboat, yacht,] vessels,** aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

(b) **MOTOR VEHICLES.**—The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motor vehicle (as defined in section 30102 of title 49) placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.

§ 3908. Vessel deemed public vessel

While assigned to authorized Coast Guard duty, any **[motorboat or yacht] vessel** shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 937 and 938 of this title and other applicable provisions of law.

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§ 3911. Availability of appropriations

(a) Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized duties and for actual necessary expenses of operation of any **[motorboat, yacht,] vessel,** aircraft, radio station, or motorized vehicle utilized under section 3907(b) when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term “actual necessary expenses of operation,” as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged **[motorboat, yacht,] vessel,** aircraft, radio station, or motorized vehicle utilized under section 3907(b) and for the constructive or actual loss of any **[motorboat, yacht,] vessel,** aircraft, radio station, or motorized vehicle utilized under section 3907(b) where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such **[motorboat, yacht,] vessel,** aircraft, radio station, or motorized vehicle utilized under section 3907(b) rests with the Coast Guard.

(b) The Secretary may pay interest on a claim under this section in any case in which a payment authorized under this section is not made within 60 days after the submission of the claim in a manner prescribed by the Secretary. The rate of interest for pur-

poses of this section shall be the annual rate established under section 6621 of the Internal Revenue Code of 1986.

§ 3912. Assignment and performance of duties

No member of the Auxiliary, solely by reason of such membership, shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Reserve, except that any such member may, under applicable regulations, be assigned duties, which, after appropriate training and examination, he has been found competent to perform, to effectuate the purposes of the Auxiliary. No member of the Auxiliary shall be placed in charge of a [motorboat, yacht,] vessel, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty. Members of the Auxiliary, when assigned to duties as herein authorized shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in the execution of such duties, as members of the regular Coast Guard assigned to similar duty. When any member of the Auxiliary is assigned to such duty he may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government, and no per diem shall be paid for any period while such member is performing duty on a vessel.

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**CHAPTER 41—GENERAL PROVISIONS FOR COAST
GUARD RESERVE AND AUXILIARY**

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§ 4101. Flags; pennants; uniforms and insignia

The Secretary may prescribe one or more suitable distinguishing flags, pennants, or other identifying insignia to be displayed by the [motorboats, yachts,] vessels, aircraft, and radio stations owned by members of the Auxiliary and one or more suitable insignia which may be worn by members of the Reserve or the Auxiliary, and may prescribe one or more suitable uniforms which may be worn by members of the Auxiliary. Such flags, pennants, uniforms, and insignia may be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to current appropriations from which purchase of these articles is authorized.

§ 4102. Penalty

Whoever, without proper authority, flies from any building, aircraft, [motorboat, yacht, or other vessel,] or vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Reserve or the Auxiliary shall be fined not more than \$500.

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SUBTITLE IV—COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS

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CHAPTER 49—AUTHORIZATIONS

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§ 4901. Requirement for prior authorization of appropriations

Amounts may be appropriated to or for the use of the Coast Guard for the following matters only if the amounts have been authorized by law after December 31, 1976:

(1) For the operation and **[maintenance]** *support* of the Coast Guard, not otherwise provided for.

(2) For the **[acquisition]** *procurement*, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment.

[(3)] For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services.

[(4)] For the environmental compliance and restoration functions of the Coast Guard under section 318 of this title.

[(5)] (3) For **[research, development, test, and evaluation]** *research and development* of technologies, materials, and human factors directly related to improving the performance of the Coast Guard.

[(6)] For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program.

§ 4902. Authorizations of appropriations

Funds are authorized to be appropriated for fiscal **[year 2019 years 2020 and 2021]** for necessary expenses of the Coast Guard as follows:

(1)(A) For the operation and maintenance of the Coast Guard, not otherwise **[provided for, \$7,914,195,000 for fiscal year 2019.]** *provided for—*

(i) \$8,122,912,000 for fiscal year 2020; and

(ii) \$8,538,324,000 for fiscal year 2021.

(B) Of the amount authorized under **[subparagraph (A)—]** *subparagraph (A)(i), \$17,035,000 shall be for environmental compliance and restoration.*

[(i)] \$16,701,000 shall be for environmental compliance and restoration; and

[(ii)] \$199,360,000 shall be for the Coast Guard's Medicare-eligible retiree health care fund contribution to the Department of Defense.

(C) *Of the amount authorized under subparagraph (A)(ii) \$17,376,000 shall be for environmental compliance and restoration.*

(2) **For the procurement** (A) *For the procurement*, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities **and equipment, \$2,694,745,000 for fiscal year 2019.** *and equipment—*

(i) *\$2,748,640,000 for fiscal year 2020; and*

(ii) *\$2,803,613,000 for fiscal year 2021.*

(B) *Of the amounts authorized under subparagraph (A), the following amounts shall be for the alteration of bridges:*

(i) *\$10,000,000 for fiscal year 2020; and*

(ii) *\$20,000,000 for fiscal year 2021.*

(3) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities **and equipment, \$29,141,000 for fiscal year 2019.** *and equipment—*

(A) *\$13,834,000 for fiscal year 2020; and*

(B) *\$14,111,000 for fiscal year 2021.*

(4) *For the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense—*

(A) *\$205,107,000 for fiscal year 2020; and*

(B) *\$209,209,000 for fiscal year 2021.*

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§ 4904. Authorized levels of military strength and training

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of **43,000 for fiscal year 2018 and 44,500 for fiscal year 2019** *44,500 for each of fiscal years 2020 and 2021.*

(b) **MILITARY TRAINING STUDENT LOADS.**—The Coast Guard is authorized average military training student loads for each of **fiscal year 2018 and 2019** *fiscal years 2020 and 2021* as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

CHAPTER 51—REPORTS

Sec.

5101. Transmission of annual Coast Guard authorization request.

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5109. *Report on gender diversity in the Coast Guard.*

5110. *Mission need statement.*

5111. *Sexual assault and sexual harassment in the Coast Guard.*

5112. *Report on diversity at the Coast Guard Academy.*

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§ 5103. Major acquisitions

(a) **IN GENERAL.**—In conjunction with the transmittal by the President to Congress of the budget of the United States for fiscal year 2014 and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

(b) **INFORMATION TO BE INCLUDED.**—Each report under subsection (a) shall include for each major acquisition program—

(1) a statement of the Coast Guard's mission needs and performance goals relating to such program, including a justification for any change to those needs and goals subsequent to a report previously submitted under this section;

(2) a justification explaining how the projected number and capabilities of assets acquired under such program meet applicable mission needs and performance goals;

(3) an identification of any and all mission hour gaps, accompanied by an explanation of how and when the Coast Guard will close those gaps;

(4) an identification of any changes with respect to such program, including—

(A) any changes to the timeline for the acquisition of each new asset and the phaseout of legacy assets; and

(B) any changes to—

(i) the costs of new assets or legacy assets for that fiscal year or future fiscal years; or

(ii) the total acquisition cost;

(5) a justification explaining how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

(7) an identification of how funds in the applicable fiscal year's budget request will be allocated, including information on the purchase of specific assets;

(8) a projection of the remaining operational lifespan and life-cycle cost of each legacy asset that also identifies any anticipated resource gaps;

(9) a detailed explanation of how the costs of legacy assets are being accounted for within such program; and

(10) an annual performance comparison of new assets to legacy assets.

(c) **ADEQUACY OF ACQUISITION WORKFORCE.**—Each report under subsection (a) shall—

(1) include information on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload;

(2) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under section 1102(c); and

(3) identify positions that are or will be understaffed and actions that will be taken to correct such understaffing.

(d) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class, with an explanation detailing the reasons why the cutters have not been maintained in class.

(e) LONG-TERM MAJOR ACQUISITIONS PLAN.—Each report under subsection (a) shall include a plan that describes for the upcoming fiscal year, and for each of the 20 fiscal years thereafter—

(1) the numbers and types of cutters and aircraft to be decommissioned;

(2) the numbers and types of cutters and aircraft to be acquired to—

(A) replace the cutters and aircraft identified under paragraph (1); or

(B) address an identified capability gap; and

(3) the estimated level of funding in each fiscal year required to—

(A) acquire the cutters and aircraft identified under paragraph (2);

(B) *operate and sustain the cutters and aircraft described under paragraph (2);*

[(B)] (C) acquire related command, control, communications, computer, intelligence, surveillance, and reconnaissance systems; and

[(C)] (D) acquire, construct, or renovate shoreside infrastructure.

(f) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term “major acquisition program” means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.

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§ 5109. Report on gender diversity in the Coast Guard

(a) *IN GENERAL.*—Not later than January 15, 2022, and biennially thereafter, the Commandant shall submit a report on gender diversity in the Coast Guard to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) *CONTENTS.*—The report required under subsection (a) shall contain the following:

(1) *GENDER DIVERSITY OVERVIEW.*—An overview of Coast Guard active duty and Reserve members, including the number of officers and enlisted members and the percentages of men and women in each.

(2) *RECRUITMENT AND RETENTION.*—(A) An analysis of the changes in the recruitment and retention of women over the previous two years.

(B) A discussion of any changes to Coast Guard recruitment and retention over the previous two years that were aimed at increasing the recruitment and retention of female members.

(3) *PARENTAL LEAVE.*—(A) *The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.*

(B) *A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.*

(4) *LIMITATIONS.*—*An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of—*

(A) *shipboard opportunities;*

(B) *opportunities to serve at remote units; and*

(C) *any other limitations on the opportunities of female members.*

(5) *PROGRESS UPDATE.*—*An update on the Coast Guard’s progress on the implementation of the action plan required under section 209 of the Coast Guard Authorization Act of 2019.*

§ [1110.] 5110. Mission need statement

(a) *IN GENERAL.*—*On the date on which the President submits to Congress a budget for fiscal year 2019 under section 1105 of title 31 and every 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an integrated major acquisition mission need statement.*

(b) *DEFINITIONS.*—*In this section, the following definitions apply:*

(1) *INTEGRATED MAJOR ACQUISITION MISSION NEED STATEMENT.*—*The term “integrated major acquisition mission need statement” means a document that—*

(A) *identifies current and projected gaps in Coast Guard mission capabilities using mission hour targets;*

(B) *explains how each major acquisition program addresses gaps identified under subparagraph (A) if funded at the levels provided for such program in the most recently submitted capital investment plan; and*

(C) *describes the missions the Coast Guard will not be able to achieve, by fiscal year, for each gap identified under subparagraph (A).*

(2) *MAJOR ACQUISITION PROGRAM.*—*The term “major acquisition program” has the meaning given that term in section 5103.*

(3) *CAPITAL INVESTMENT PLAN.*—*The term “capital investment plan” means the plan required under section 5102(a)(1).*

§5111. Sexual assault and sexual harassment in the Coast Guard

(a) *IN GENERAL.*—*Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults and incidents of sexual harassment involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.*

(b) *CONTENTS.*—The report required under subsection (a) shall contain the following:

(1) *The number of sexual assaults and incidents of sexual harassment against members of the Coast Guard, and the number of sexual assaults and incidents of sexual harassment by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.*

(2) *A synopsis of, and the disciplinary action taken in, each substantiated case.*

(3) *The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault and sexual harassment involving members of the Coast Guard concerned.*

(4) *A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault and sexual harassment involving members of the Coast Guard concerned.*

(5)(A) *The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.*

(B) *The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).*

(C) *The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).*

(D) *In this paragraph, the term “covered individual” means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.*

§5112. Report on diversity at the Coast Guard Academy

(a) *IN GENERAL.*—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) *CONTENTS.*—The report required under subsection (a) shall include—

(1) *the status of the implementation of the plan required section 802 of the Coast Guard Academy Improvement Act;*

(2) *specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy Minority Outreach Team Program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;*

(3) *enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;*

(4) *information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets; and*

(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty.

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TITLE 46, UNITED STATES CODE

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SUBTITLE I—GENERAL

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CHAPTER 3—FEDERAL MARITIME COMMISSION

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§ 305. Regulations

【The Federal】 (a) *IN GENERAL.*—The Federal Maritime Commission may prescribe regulations to carry out its duties and powers.

(b) *TRANSPARENCY.*—

(1) *IN GENERAL.*—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(2) *FORMAT OF REPORTS.*—Each report under paragraph (1) shall, among other things, clearly identify for each unfinished regulatory proceeding—

- (A) the popular title;
- (B) the current stage of the proceeding;
- (C) an abstract of the proceeding;
- (D) what prompted the action in question;
- (E) any applicable statutory, regulatory, or judicial deadline;
- (F) the associated docket number;
- (G) the date the rulemaking was initiated;
- (H) a date for the next action; and
- (I) if a date for the next action identified in the previous report is not met, the reason for the delay.

§ 308. Authorization of appropriations

There is authorized to be appropriated to the Federal Maritime Commission **【\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019】** \$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021 for the activities of the Commission authorized under this chapter and subtitle IV.

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CHAPTER 5—OTHER GENERAL PROVISIONS

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§ 501. Waiver of navigation and vessel-inspection laws

(a) ON REQUEST OF SECRETARY OF DEFENSE.—

(1) *IN GENERAL.*—On request of the Secretary of Defense, the head of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense.

(2) *EXPLANATION.*—*Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a written explanation of the circumstances requiring such a waiver in the interest of national defense, including a confirmation that there are insufficient qualified vessels to meet the needs of national defense without such a waiver.*

(b) BY HEAD OF AGENCY.—

(1) *IN GENERAL.*—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.

(2) *DETERMINATIONS.*—The Maritime Administrator shall—

(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

(3) *NOTICE TO CONGRESS.*—

(A) *IN GENERAL.*—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate—

(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

- (i) the reasons the waiver is necessary; and
- (ii) the reasons actions referred to in paragraph (2)(A) are not feasible.

(c) TERMINATION OF AUTHORITY.—The authority granted by this section shall terminate at such time as the Congress by concurrent resolution or the President may designate.

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SUBTITLE II—VESSELS AND SEAMEN

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PART A—GENERAL PROVISIONS

* * * * *

CHAPTER 21—GENERAL

* * * * *

§ 2101. General definitions

In this subtitle—

(1) “associated equipment”—

(A) means—

(i) a system, accessory, component, or appurtenance of a recreational vessel; or

(ii) a marine safety article intended for use on board a recreational vessel; but

(B) with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes, does not include radio equipment.

(2) “Coast Guard” means the organization established and continued under section 1 of title 14.

(3) “Commandant” means the Commandant of the Coast Guard.

(4) “commercial service” includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(5) “consideration” means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(6) “crude oil” means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which cer-

tain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(7) “crude oil tanker” means a tanker engaged in the trade of carrying crude oil.

(8) “dangerous drug” means a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(9) “discharge”, when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

(10) “ferry” means a vessel that is used on a regular schedule—

(A) to provide transportation only between places that are not more than 300 miles apart; and

(B) to transport only—

(i) passengers; or

(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

(11) “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(12) “fishing vessel” means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(13) “fish processing vessel” means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(14) “fish tender vessel” means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

(15) “freight vessel” means a motor vessel of more than 15 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(16) “Great Lakes barge” means a non-self-propelled vessel of at least 3,500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title operating on the Great Lakes.

(17) “hazardous material” means a liquid material or substance that is—

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 5103(a) of title 49.

(18) “major conversion” means a conversion of a vessel that—

- (A) substantially changes the dimensions or carrying capacity of the vessel;
 - (B) changes the type of the vessel;
 - (C) substantially prolongs the life of the vessel; or
 - (D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.
- (19) “marine environment” means—
- (A) the navigable waters of the United States and the land and resources in and under those waters;
 - (B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;
 - (C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and
 - (D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)–(C) of this clause.
- (20) “mobile offshore drilling unit” means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.
- (21) “motor vessel” means a vessel propelled by machinery other than steam.
- (22) “nautical school vessel” means a vessel operated by or in connection with a nautical school or an educational institution under section 558 of title 40.
- (23) “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.
- (23a) “*non-operating individual*” means an individual who—
- (A) does not perform—
 - (i) with respect to the operation of a vessel, watchstanding, automated engine room duty watch, navigation, or personnel safety functions;
 - (ii) with respect to the loading and unloading of merchandise, cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;
 - (iii) vessel maintenance, including any repairs that can be performed by the vessel’s crew or a riding gang; or
 - (iv) safety, security, or environmental protection activities directly related to the operation of the vessel and normally conducted by the vessel’s crew;
 - (B) does not serve as part of the crew complement required under section 8101;
 - (C) does not serve as a riding gang member;
 - (D) is not a member of the steward’s department;
 - (E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other

appropriate United States agencies, determines to be a security threat to the United States;

(F) is not specifically exempted from the requirement to have a merchant mariner's document under section 8701(a);

(G) has not been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

(H) whose license, certificate of registry, or merchant mariner's document has not been suspended or revoked under section 7704; and

(I) who does not otherwise constitute a threat to the safety of the vessel.

(24) "oceanographic research vessel" means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(25) "offshore supply vessel" means a motor vessel that regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(26) "oil" includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(27) "oil spill response vessel" means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.

(28) "overall in length" means—

(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—

(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or

(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and

(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(29) "passenger"—

(A) means an individual carried on the vessel except—

(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) the master; or

(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

(B) on an offshore supply vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) a managing operator;

(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

(D) on a sailing school vessel, means an individual carried on the vessel except—

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(iv) a sailing school instructor or sailing school student.

(30) “passenger for hire” means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(31) “passenger vessel” means a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(A) carrying more than 12 passengers, including at least one passenger for hire;

(B) that is chartered and carrying more than 12 passengers;

(C) that is a submersible vessel carrying at least one passenger for hire; or

(D) that is a ferry carrying a passenger.

(32) “product carrier” means a tanker engaged in the trade of carrying oil except crude oil.

(33) “public vessel” means a vessel that—

- (A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and
 (B) is not engaged in commercial service.
- (34) “recreational vessel” means a vessel—
 (A) being manufactured or operated primarily for pleasure; or
 (B) leased, rented, or chartered to another for the latter’s pleasure.
- (35) “recreational vessel manufacturer” means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.
- (36) “riding gang member” means an individual who—
 (A) has not been issued a merchant mariner document under chapter 73;
 (B) does not perform—
 (i) watchstanding, automated engine room duty watch, or personnel safety functions; or
 (ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;
 (C) does not serve as part of the crew complement required under section 8101;
 (D) is not a member of the steward’s department; and
 (E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.
- (37) “sailing instruction” means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include—
 (A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and
 (B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.
- (38) “sailing school instructor” means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.
- (39) “sailing school student” means an individual who is on board a sailing school vessel to receive sailing instruction.
- (40) “sailing school vessel” means a vessel—
 (A) that is less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage meas-

ured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

(B) carrying more than 6 individuals who are sailing school instructors or sailing school students;

(C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and

(D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.

(41)(A) Subject to subparagraph (B), “scientific personnel” means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to—

(I) engage in scientific research;

(II) instruct in oceanography or limnology; or

(III) receive instruction in oceanography or limnology.

(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.

(42) “seagoing barge” means a non-self-propelled vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title making voyages beyond the Boundary Line.

(43) “seagoing motor vessel” means a motor vessel of at least 300 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title making voyages beyond the Boundary Line.

(44) “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(45) “small passenger vessel” means a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and a vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(A) carrying more than 6 passengers, including at least one passenger for hire;

(B) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying more than 6 passengers;

(C) that is chartered with no crew provided or specified by the owner or the owner’s representative and carrying more than 12 passengers;

(D) that is a submersible vessel carrying at least one passenger for hire; or

(E) that is a ferry carrying more than 6 passengers.

(46) “steam vessel” means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(47) “submersible vessel” means a vessel that is capable of operating below the surface of the water.

(48) “tanker” means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(49) “tank vessel” means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States; or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(50) “towing vessel” means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(51) “uninspected passenger vessel” means an uninspected vessel—

(A) of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(i) carrying not more than 12 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying not more than 12 passengers; and

(B) of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(i) carrying not more than 6 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying not more than 6 passengers.

(52) “uninspected vessel” means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

(53) “vessel of war” means a vessel—

(A) belonging to the armed forces of a country;

(B) bearing the external marks distinguishing vessels of war of that country;

(C) under the command of an officer commissioned by the government of that country and whose name appears in the appropriate service list or its equivalent; and

(D) staffed by a crew under regular armed forces discipline.

(54) “wing-in-ground craft” means a vessel that is capable of operating completely above the surface of the water on a dy-

dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.

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CHAPTER 23—OPERATION OF VESSELS GENERALLY

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§ 2303a. Post serious marine casualty alcohol testing

(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other [persons] *individuals* responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs.

* * * * *

§ 2306. Vessel reporting requirements

(a)(1) An owner, charterer, managing operator, or agent of a vessel of the United States, having reason to believe (because of lack of communication with or nonappearance of a vessel or any other incident) that the vessel may have been lost or imperiled, immediately shall—

- (A) notify the Coast Guard; and
- (B) use all available means to determine the status of the vessel.

(2) When more than 48 hours have passed since the owner, charterer, managing operator, or agent of a vessel required to report to the United States Flag Merchant Vessel Location Filing System under authority of section 50113 of this title has received a communication from the vessel, the owner, charterer, managing operator, or agent immediately shall—

- (A) notify the Coast Guard; and
- (B) use all available means to determine the status of the vessel.

[(3) A person notifying the Coast Guard under paragraph (1) or (2) of this subsection shall provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard. The owner, charterer, managing operator, or agent also shall submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under those paragraphs.]

(3) *An owner, charterer, managing operator, or agent of a vessel of the United States notifying the Coast Guard under paragraph (1) or (2) shall—*

- (A) provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard; and*

(B) submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under such paragraphs.

(4) An owner, charterer, managing operator, or agent violating this subsection is liable to the United States Government for a civil penalty of not more than \$5,000 for each day during which the violation occurs.

(b)(1) The master of a vessel of the United States required to report to the System shall report to the owner, charterer, managing operator, or agent at least once every 48 hours.

(2) A master violating this subsection is liable to the Government for a civil penalty of not more than \$1,000 for each day during which the violation occurs.

(c) The Secretary may prescribe regulations to carry out this section.

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PART B—INSPECTION AND REGULATION OF VESSELS

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CHAPTER 31—GENERAL

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§ 3104. Survival craft

(a) REQUIREMENT TO EQUIP.—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

(1) such vessel is built or undergoes a major conversion after January 1, 2016; and

(2) operates in cold waters as determined by the Secretary.

(b) HIGHER STANDARD OF SAFETY.—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of the enactment of the Coast Guard Authorization Act of 2016.

(c) INNOVATIVE AND NOVEL DESIGNS.—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2016, allow a passenger vessel to be equipped with a life-saving appliance or arrangement of an innovative or novel design that—

(1) ensures no part of an individual is immersed in water; and

(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of the enactment.

(d) BUILT DEFINED.—In this section, the term “built” has the meaning that term has **[under section 4503(d)]** *under section 4502(3)*.

§ 3105. Electronic charts

(a) SYSTEM REQUIREMENTS.—

[(1) REQUIREMENTS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

[(A) A self-propelled commercial vessel of at least 65 feet overall length.

[(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

[(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

[(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.]

(1) *ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic navigational charts conforming to a standard acceptable to the Secretary in lieu of any marine charts, charts, and maps required by titles 33 and 46, Code of Federal Regulations, as in effect on the date of the enactment of this paragraph:*

(A) A self-propelled commercial vessel of at least 65 feet overall length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

(2) EXEMPTIONS AND WAIVERS.—The Secretary may—

(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel [operates; and] *operates;*

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on [those waters.] *those waters; and*

(C) *permit vessels that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary scale and detail to ensure safe navigation for the intended voyage.*

(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

- (1) innocent passage through the territorial sea of the United States; or
- (2) transit through the navigable waters of the United States that form a part of an international strait.

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CHAPTER 33—INSPECTION GENERALLY

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§ 3305. Scope and standards of inspection

(a)(1) The inspection process shall ensure that a vessel subject to inspection—

- (A) is of a structure suitable for the service in which it is to be employed;
- (B) is equipped with proper appliances for lifesaving, fire prevention, and firefighting;
- (C) has suitable accommodations for the crew, sailing school instructors, and sailing school students, and for passengers on the vessel if authorized to carry passengers;
- (D) has an adequate supply of potable water for drinking and washing by passengers and crew;
- (E) is in a condition to be operated with safety to life and property; and
- (F) complies with applicable marine safety laws and regulations.

(2) In determining the adequacy of the supply of potable water under paragraph (1)(D), the Secretary shall consider—

- (A) the size and type of vessel;
- (B) the number of passengers or crew on board;
- (C) the duration and routing of voyages; and
- (D) guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service.

(b) If an inspection, or examination under section 3308 of this title, reveals that a life preserver, lifesaving device, or firehose is defective and incapable of being repaired, the owner or master shall destroy the life preserver, lifesaving device, or firehose in the presence of the official conducting the inspection or examination.

(c) A nautical school vessel operated by a civilian nautical school or by an educational institution under section 558 of title 40 shall be inspected like a small passenger vessel or a passenger vessel, depending on its tonnage.

(d)(1) The Commandant of the Coast Guard shall ensure that Officers in Charge, Marine Inspections consistently interpret regulations and standards under this subtitle and chapter 700 to avoid disruption and undue expense to industry.

(2)(A) Subject to subparagraph (B), in the event of a disagreement regarding the condition of a vessel or the interpretation of a regulation or standard referred to in subsection (a) between a local Officer in Charge, Marine Inspection conducting an inspection of the vessel and the Officer in Charge, Marine Inspection that issued the most recent certificate of inspection for the vessel, such Officers shall seek to resolve such disagreement.

(B) If a disagreement described in subparagraph (A) involves vessel design or plan review, the Coast Guard marine safety center shall be included in all efforts to resolve such disagreement.

(C) If a disagreement described in subparagraph (A) or (B) cannot be resolved, the local Officer in Charge, Marine Inspection shall submit to the Commandant of the Coast Guard, through the cognizant Coast Guard district commander, a request for a final agency determination of the matter in disagreement.

(3) The Commandant of the Coast Guard shall—

(A) provide to each person affected by a decision or action by an Officer in Charge, Marine Inspection or by the Coast Guard marine safety center all information necessary for such person to exercise any right to appeal such decision or action; and

(B) if such an appeal is filed, process such appeal under parts 1 through 4 of title 46, Code of Federal Regulations, as in effect on the date of enactment of the [Coast Guard Authorization Act of 2017] *Frank LoBiondo Coast Guard Authorization Act of 2018*.

(4) In this section, the term “Officer in Charge, Marine Inspection” means any person from the civilian or military branch of the Coast Guard who—

(A) is designated as such by the Commandant; and

(B) under the superintendence and direction of the cognizant Coast Guard district commander, is in charge of an inspection zone for the performance of duties with respect to the inspections under, and enforcement and administration of, subtitle II, chapter 700, and regulations under such laws.

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§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this part of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for [operating expenses] *operations and support* of the Coast Guard.

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CHAPTER 35—CARRIAGE OF PASSENGERS

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§ 3507. Passenger vessel security and safety requirements

(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

- (i) security latches; and
- (ii) time-sensitive key technology.

(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

(b) VIDEO RECORDING.—

(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

(c) SAFETY INFORMATION.—

(1) CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.—The owner of a vessel to which this section applies (or the owner's designee) shall—

(A) have available for each passenger a guide (referred to in this subsection as the “security guide”), written in commonly understood English, which—

(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000, together with contact information for the appropriate law enforcement au-

thorities for missing persons or reportable crimes which arise—

(I) in the territorial waters of the United States;

(II) on the high seas; or

(III) in any country to be visited on the voyage;

(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

(C) publicize the security guide on the website of the vessel owner.

(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

(A) possesses a current physician's or registered nurse's license and—

(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

(5) provide the patient free and immediate access to—

(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy,

and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

(B) information to secure the safety of passengers or crew on board the vessel; or

(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services as confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

(1) establish and implement procedures and restrictions concerning—

(A) which crewmembers have access to passenger staterooms; and

(B) the periods during which they have that access; and

(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

(g) LOG BOOK AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

(i) all complaints of crimes described in paragraph (3)(A)(i),

(ii) all complaints of theft of property valued in excess of \$1,000, and

(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

(A) the vessel operator;

(B) the name of the cruise line;

(C) the flag under which the vessel was operating at the time the reported incident occurred;

(D) the age and gender of the victim and the accused assailant;

(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

(H) the time and date the incident occurred, if known;

(I) the total number of passengers and the total number of crew members on the voyage; and

(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

(ii) shall furnish a written report of each incident specified in clause (i) to the Internet website maintained by the Secretary of Transportation under paragraph (4)(A);

(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet website maintained by the Secretary of Transportation under paragraph (4)(A); and

(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(A) WEBSITE.—

(i) IN GENERAL.—The Secretary of Transportation shall maintain a statistical compilation of all incidents on board a cruise vessel specified in paragraph (3)(A)(i) on an Internet website that provides a numerical accounting of the missing persons and alleged crimes reported under that paragraph without regard to the investigative status of the incident.

(ii) UPDATES AND OTHER REQUIREMENTS.—The compilation under clause (i) shall—

(I) be updated not less frequently than quarterly;

(II) be able to be sorted by cruise line;

(III) identify each cruise line by name;

(IV) identify each crime or alleged crime committed or allegedly committed by a passenger or crewmember;

(V) identify the number of individuals alleged overboard; and

(VI) include the approximate number of passengers and crew carried by each cruise line during each quarterly reporting period.

(iii) USER-FRIENDLY FORMAT.—The Secretary of Transportation shall ensure that the compilation, data, and any other information provided on the Internet website maintained under this subparagraph are in a user-friendly format. The Secretary shall, to the greatest extent practicable, use existing commercial off the shelf technology to transfer and establish the website, and shall not independently develop software, or acquire new hardware in operating the site.

- (B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation under subparagraph (A).
- (h) ENFORCEMENT.—
- (1) PENALTIES.—
- (A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.
- (B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.
- (2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—
- (A) commits an act or omission for which a penalty may be imposed under this subsection; or
- (B) fails to pay a penalty imposed on the owner under this subsection.
- (i) PROCEDURES.—The Secretary shall maintain guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.
- (j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.
- (k) APPLICATION.—
- (1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(31)) that—
- (A) is authorized to carry at least 250 passengers;
- (B) has onboard sleeping facilities for each passenger;
- and
- (C) is on a voyage that embarks or disembarks passengers in the United States[; and].
- [(D) is not engaged on a coastwise voyage.]
- (2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.
- (1) DEFINITION.—In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

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CHAPTER 43—RECREATIONAL VESSELS

Sec.						
4301. Application.						
	*	*	*	*	*	*
[4305. Exemptions.]						
4305. <i>Exemptions and equivalents.</i>						
	*	*	*	*	*	*

§ 4305. [Exemptions] Exemptions and equivalents

(a) *EXEMPTIONS.*—If the Secretary considers that recreational vessel safety will not be adversely affected, the Secretary may issue an exemption from this chapter or a regulation prescribed under this chapter.

(b) *EQUIVALENTS.*—*The Secretary may accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.*

* * * * *

§ 4311. Penalties and injunctions

(a) A person willfully operating a recreational vessel in violation of this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(b)(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than \$5,000, except that the maximum civil penalty may be not more than \$250,000 for a related series of violations.

(2) If the Secretary decides under section 4310(f) that a recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation and directs the manufacturer to provide the notifications specified in this chapter, any person, including a director, officer or executive employee of a corporation, who knowingly and willfully fails to comply with that order, may be fined not more than \$10,000, imprisoned for not more than one year, or both.

(3) When a corporation violates section 4307(a), or fails to comply with the Secretary's decision under section 4310(f), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for a penalty under paragraphs (1) or (2) in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that—

(A) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the defect or the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

(B) at the time of the order or authorization, the director, officer, or executive employee advised the Secretary in writing of acting under this subparagraph and subparagraph (A).

(c) *A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—*

(1) *\$100 for the first offense;*

(2) *\$250 for the second offense; and*

(3) *\$500 for any subsequent offense.*

[(c)] (d) A person violating any other provision of this chapter or other regulation prescribed under this chapter is liable to the Government for a civil penalty of not more than \$1,000. If the vio-

lation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

[(d)] (e) When a civil penalty of not more than \$200 has been assessed under this chapter, the Secretary may refer the matter of collection of the penalty directly to the United States magistrate judge of the jurisdiction in which the person liable may be found for collection procedures under supervision of the district court and under an order issued by the court delegating this authority under section 636(b) of title 28.

[(e)] (f) The district courts of the United States have jurisdiction to restrain a violation of this chapter, or to restrain the sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation into the United States, of a recreational vessel or associated equipment that the court decides does not conform to safety standards of the Government. A civil action under this subsection shall be brought by filing a petition by the Attorney General for the Government. When practicable, the Secretary shall give notice to a person against whom an action for injunctive relief is contemplated and provide the person with an opportunity to present views and, except for a knowing and willful violation, shall provide the person with a reasonable opportunity to achieve compliance. The failure to give notice and provide the opportunity does not preclude the granting of appropriate relief by the district court.

[(f)] (g) A person is not subject to a penalty under this chapter if the person—

(1) establishes that the person did not have reason to know, in exercising reasonable care, that a recreational vessel or associated equipment does not conform with the applicable safety standards of the Government or that the person was not advised by the Secretary or the manufacturer of that vessel, equipment or component that the vessel, equipment or component contains a defect which creates a substantial risk of personal injury to the public; or

(2) holds a certificate issued by the manufacturer of that recreational vessel or associated equipment to the effect that the recreational vessel or associated equipment conforms to all applicable recreational vessel safety standards of the Government, unless the person knows or reasonably should have known that the recreational vessel or associated equipment does not so conform.

[(g)] (h) Compliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law.

§ 4312. Engine cut-off switches

(a) INSTALLATION REQUIREMENT.—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A-33, as in effect on the date of the enactment of the [Coast Guard Authorization Act of 2017] *Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-282)*.

(b) USE REQUIREMENT.—

(1) *IN GENERAL.*—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.

(2) *EXCEPTIONS.*—The requirement under paragraph (1) shall not apply if—

(A) the main helm of the covered vessel is installed within an enclosed cabin; or

(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).

[(b)] (c) *EDUCATION ON CUT-OFF SWITCHES.*—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

[(c)] (d) *AVAILABILITY OF STANDARD FOR INSPECTION.*—

(1) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A-33, as in effect on the date of enactment of the **[(Coast Guard Authorization Act of 2017)]** *Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-282)*, to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives;

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Coast Guard Office of Design and Engineering Standards; and

(D) the National Archives and Records Administration.

(2) *AVAILABILITY.*—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

[(d)] (e) *DEFINITIONS.*—In this section:

(1) *COVERED RECREATIONAL VESSEL.*—The term “covered recreational vessel” means a recreational vessel that is—

(A) less than 26 feet overall in length; and

(B) capable of developing 115 pounds or more of static thrust.

(2) *DEALER.*—The term “dealer” means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

(3) *DISTRIBUTOR.*—The term “distributor” means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

(4) *MANUFACTURER.*—The term “equipment manufacturer” means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

(5) *PROPULSION MACHINERY.*—The term “propulsion machinery” means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

(6) **STATIC THRUST.**—The term “static thrust” means the forward or backwards thrust developed by propulsion machinery while stationary.

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[CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

[§ 4501. Application

[(a) This chapter applies to an uninspected vessel which is a fishing vessel, fish processing vessel, or fish tender vessel.

[(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

[§ 4502. Safety standards

[(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

[(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

[(2) at least one readily accessible life preserver or other life-saving device for each individual on board;

[(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;

[(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

[(5) visual distress signals;

[(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

[(7) a placard as required by regulations prescribed under section 10603(b) of this title.

[(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for vessels to which this chapter applies that—

[(A) operate beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;

[(B) operate with more than 16 individuals on board; or

[(C) in the case of a fish tender vessel, engage in the Aleutian trade.

[(2) The equipment to be required is as follows:

[(A) alerting and locating equipment, including emergency position indicating radio beacons;

[(B) subject to paragraph (3), a survival craft that ensures that no part of an individual is immersed in water sufficient to accommodate all individuals on board;

[(C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

[(D) marine radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

[(E) navigation equipment, including compasses, nautical charts, and publications;

[(F) first aid equipment and medical supplies sufficient for the size and area of operation of the vessel; and

[(G) ground tackle sufficient for the vessel.

[(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

[(A) necessary for normal fishing operations;

[(B) readily accessible during an emergency; and

[(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.

[(c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that—

[(A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and

[(ii) operate with more than 16 individuals on board; or

[(B) in the case of a fish tender vessel, engage in the Aleutian trade.

[(2) The standards shall be minimum safety standards, including standards relating to—

[(A) navigation equipment, including radars and fathometers;

[(B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

[(C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

[(D) use and installation of insulation material;

[(E) storage methods for flammable or combustible material; and

[(F) fuel, ventilation, and electrical systems.

[(d)(1) The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

[(A) that was built after December 31, 1989; or

[(B) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

[(2) The Secretary may accept, as evidence of compliance with this subsection, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

[(e) In prescribing regulations under this chapter, the Secretary—

[(1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and

[(2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulation.

[(f) To ensure compliance with the requirements of this chapter, the Secretary—

[(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills;

[(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

[(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).

[(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

[(2) The training program shall—

[(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

[(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

[(C) recognize and give credit for recent past experience in fishing vessel operation; and

[(D) provide for issuance of a certificate to an individual that has successfully completed the program.

[(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

[(4) The Secretary shall establish an electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

[(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

[(1) subsection (b) of this section applies to the vessel;

[(2) the vessel is less than 50 feet overall in length; and

[(3) the vessel is built after January 1, 2010.

[(i)(1) The Secretary of Health and Human Services shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

[(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

[(i) in the case of vessel operators, meets the requirements of subsection (g); and

[(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

[(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

[(2) The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard shall award grants under this subsection on a competitive basis.

[(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

[(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2018 through 2019 for grants under this subsection.

[(j)(1) The Secretary of Health and Human Services shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

[(2) The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

[(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

[(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2018 through 2019 for activities under this subsection.

[(k) For the purposes of this section, the term “auxiliary craft” means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.

[(§ 4503. Fishing, fish tender, and fish processing vessel certification

[(a) A vessel to which this subsection applies may not be operated unless the vessel—

[(1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and

[(2) has on board a certificate issued by the American Bureau of Shipping or that other organization evidencing compliance with this subsection.

[(b) Except as provided in section 4503a, subsection (a) applies to a fish processing vessel to which this chapter applies that—

[(1) is built after July 27, 1990; or

[(2) undergoes a major conversion completed after that date.

[(c)(1) Except as provided in paragraph (2), subsection (a) applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2013.

[(2) Subsection (a) does not apply to a fishing vessel or fish tender vessel to which section 4502(b) of this title applies, if the vessel—

[(A) is at least 50 feet overall in length, and not more than 180 feet overall in length as listed on the vessel's certificate of documentation or certificate of number; and

[(B)(i) is built after the date of the enactment of the Coast Guard Authorization Act of 2016; and

[(ii) complies with—

[(I) the requirements described in subsection (d); or

[(II) the alternative requirements established by the Secretary under subsection (e).

[(d) The requirements referred to in subsection (c)(2)(B)(ii)(I) are the following:

[(1) The vessel is designed by an individual licensed by a State as a naval architect or marine engineer, and the design incorporates standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.

[(2) Construction of the vessel is overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.

[(3) The vessel—

[(A) completes a stability test performed by a qualified individual;

[(B) has written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

[(C) has an assigned loading mark.

[(4) The vessel is not substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

[(5) The vessel undergoes a condition survey at least twice in 5 years, not to exceed 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

[(6) The vessel undergoes an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

[(7) Once every 5 years and at the time of a substantial alteration to such vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

[(8) For the life of the vessel, the owner of the vessel maintains records to demonstrate compliance with this subsection and makes such records readily available for inspection by an official authorized to enforce this chapter.

[(e)(1) Not later than 10 years after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall submit to the Committee on Transportation and Infrastructure of

the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the requirements under subsection (d) in maintaining the safety of the fishing vessels and fish tender vessels which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

[(2) If the report required under this subsection includes a determination that the safety requirements under subsection (d) are not adequate or that additional safety measures are necessary, then the Secretary may establish an alternative safety compliance program for fishing vessels or fish tender vessels (or both) which are described in subsection (c)(2) and which comply with the requirements of subsection (d).

[(3) The alternative safety compliance program established under this subsection shall include requirements for—

[(A) vessel construction;

[(B) a vessel stability test;

[(C) vessel stability and loading instructions;

[(D) an assigned vessel loading mark;

[(E) a vessel condition survey at least twice in 5 years, not to exceed 3 years between surveys;

[(F) an out-of-water vessel survey at least once every 5 years;

[(G) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and

[(H) such other aspects of vessel safety as the Secretary considers appropriate.

[(f)(1) For purposes of this section and section 4503a, the term “built” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

[(A) The vessel’s keel is laid.

[(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

[(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.

[(§ 4503a. Alternate safety compliance program

[(a) Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if the vessel—

[(1) is at least 50 feet overall in length;

[(2) is built before July 1, 2013; and

[(3) is 25 years of age or older.

[(b) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2013, that undergoes a major conversion completed after the later of July 1, 2013, or the date the Secretary pre-

scribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program.

[(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.

[(d) Notwithstanding subsection (a), vessels owned by a person that owns more than 30 vessels subject to that subsection are not required to meet the alternate safety compliance requirements of that subsection until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that subsection by that date and the vessel owner is meeting that schedule.

[(e) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012 is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and, shall—

[(1) remain subject to the requirements of a classification society approved by the Secretary; and

[(2) have on board a certificate from that society.

[(f) For the purposes of this section, the term “built” has the meaning given that term in section 4503(f).

[(§ 4504. Prohibited acts

[(A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

[(§ 4505. Termination of unsafe operations

[(An official authorized to enforce this chapter—

[(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

[(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4503(a)(2) of this title to return the vessel to a mooring and to remain there until the vessel is in compliance with that section, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies.

[(§ 4506. Exemptions

[(The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

[(1) good cause exists for granting an exemption; and

[(2) the safety of the vessel and those on board will not be adversely affected.

【§ 4507. Penalties

[(a) The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies which is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$5,000. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

[(b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.】

**CHAPTER 45—UNINSPECTED COMMERCIAL INDUSTRY
VESSELS**

Sec.

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§ 4501. Application

(a) *IN GENERAL.*—Except as provided in subsection (b), this chapter applies to an uninspected vessel that is a fishing vessel, fish processing vessel, or fish tender vessel.

(b) *CARRIAGE OF BULK DANGEROUS CARGOES.*—This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37.

§ 4502. Definitions

In this chapter:

(1) The term “accountable vessel” means a vessel to which this chapter applies that—

(A)(i) was built after December 31, 1988, or undergoes a major conversion completed after that date; and

(ii) operates with more than 16 individuals on board; or

(B) in the case of a fish tender vessel, engages in the Aleutian trade.

(2) The term “auxiliary craft” means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.

(3)(A) The term “built” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

(i) The vessel’s keel is laid.

(ii) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of

at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

(B) In the case of a vessel greater than 79 feet in overall length, for purposes of subparagraph (A)(i), a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.

(4) The term “subject vessel” means a vessel to which this chapter applies that—

(A) operates beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes;

(B) operates with more than 16 individuals on board; or

(C) in the case of a fish tender vessel, engages in the Aleutian trade.

(5) The term “substitute-eligible vessel” means a fishing vessel or fish tender vessel that is—

(A) a subject vessel;

(B) at least 50 feet overall in length, and not more than 180 feet overall in length as listed on the vessel’s certificate of documentation or certificate of number; and

(C) built after February 8, 2016.

§ 4503. Safety standards

(a) *IN GENERAL.*—The Secretary shall prescribe regulations that require that each vessel to which this chapter applies shall be equipped with—

(1) readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;

(2) at least one readily accessible life preserver or other life-saving device for each individual on board;

(3) an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine that uses gasoline as fuel;

(4) the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;

(5) visual distress signals;

(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and

(7) a placard as required by regulations prescribed under section 10603(b).

(b) *SUBJECT VESSELS.*—In addition to the requirements of subsection (a), the Secretary shall prescribe regulations requiring that subject vessels install, maintain, and use the following equipment:

(1) Alerting and locating equipment, including emergency position indicating radio beacons.

(2)(A) Subject to subparagraph (B), a survival craft that—

(i) ensures that no part of an individual is immersed in water; and

(ii) is sufficient to accommodate all individuals on board.

(B) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

- (i) necessary for normal fishing operations;
- (ii) readily accessible during an emergency; and
- (iii) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.

(3) At least one readily accessible immersion suit for each individual on board the vessel when operating on the waters described in section 3102.

(4) Marine radio communications equipment sufficient to effectively communicate with a land-based search and rescue facility.

(5) Navigation equipment, including compasses, nautical charts, and publications.

(6) First aid equipment and medical supplies sufficient for the size and area of operation of the vessel.

(7) Ground tackle sufficient for the vessel.

(c) ACCOUNTABLE VESSELS.—In addition to the requirements described in subsections (a) and (b), the Secretary may prescribe regulations establishing minimum safety standards for accountable vessels, including standards relating to—

- (1) navigation equipment, including radars and fathometers;
- (2) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;
- (3) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;
- (4) use and installation of insulation material;
- (5) storage methods for flammable or combustible material; and
- (6) fuel, ventilation, and electrical systems.

§ 4504. Vessel construction

A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if the vessel is—

- (1) a subject vessel;
- (2) less than 50 feet overall in length; and
- (3) built after January 1, 2010.

§ 4505. Operating stability

(a) REGULATIONS.—The Secretary shall prescribe regulations for the operating stability of a vessel to which this chapter applies—

- (1) that was built after December 31, 1989; or
- (2) the physical characteristics of which are substantially altered after December 31, 1989, in a manner that affects the vessel's operating stability.

(b) EVIDENCE OF COMPLIANCE.—The Secretary may accept, as evidence of compliance with this section, a certification of compliance issued by the person providing insurance for the vessel or by another qualified person approved by the Secretary.

§4506. Training

(a) *IN GENERAL.*—The individual in charge of a subject vessel must pass a training program approved by the Secretary that meets the requirements of subsection (b) and hold a valid certificate issued under that program.

(b) *TRAINING PROGRAM REQUIREMENTS.*—The training program shall—

(1) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire-fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

(2) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

(3) recognize and give credit for recent past experience in fishing vessel operation; and

(4) provide for issuance of a certificate to an individual who has successfully completed the program.

(c) *REGULATIONS.*—The Secretary shall prescribe regulations implementing this section. The regulations shall require that an individual who is issued a certificate under subsection (b)(4) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

(d) *ELECTRONIC DATABASE.*—The Secretary shall establish an electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

§4507. Vessel certification

(a) *IN GENERAL.*—A vessel to which this section applies may not be operated unless the vessel—

(1) meets all survey and classification requirements prescribed by the American Bureau of Shipping or another similarly qualified organization approved by the Secretary; and

(2) has on board a certificate issued by the American Bureau of Shipping or such other organization evidencing compliance with this subsection.

(b) *APPLICATION.*—

(1) Except as provided in section 4509, this section applies to a fish processing vessel to which this chapter applies that—

(A) is built after July 27, 1990; or

(B) undergoes a major conversion completed after that date.

(2)(A) Except as provided in subparagraph (B), this section applies to a subject vessel that is at least 50 feet overall in length and is built after July 1, 2013.

(B) This section does not apply to a substitute-eligible vessel if such vessel complies with—

(i) the substitute safety compliance program established under section 4509; or

(ii) the enhanced substitute safety compliance program established by the Secretary under section 4510.

§4508. Alternate safety compliance program

(a) *IN GENERAL.*—

(1) *The Secretary shall establish an alternate safety compliance program developed in coordination with the commercial fishing industry.*

(2) *The program established under paragraph (1) may include requirements for—*

(A) *a specific region or fishery (or both); and*

(B) *any combination of regions or fisheries (or both).*

(b) *VESSELS REQUIRED TO COMPLY.*—*Beginning on the date that is 3 years after the date the Secretary prescribes an alternate safety compliance program, the following vessels shall comply with such program:*

(1) *A subject vessel that is—*

(A) *at least 50 feet overall in length;*

(B) *built before July 1, 2013; and*

(C) *25 years of age or older.*

(2) *A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2013, that undergoes a major conversion completed after the date the Secretary prescribes an alternate safety compliance program.*

(c) *EXEMPT VESSELS.*—

(1) *Notwithstanding subsection (b), vessels owned by a person that owns more than 30 vessels subject to that subsection are not required to comply with alternate safety compliance program requirements until January 1, 2030, if that owner—*

(A) *enters into a compliance agreement with the Secretary that provides for a fixed schedule for all such vessels owned by that person to meet requirements of such paragraph by such date; and*

(B) *is meeting such schedule.*

(2) *A subject vessel that was classed before July 1, 2012, is exempt from the requirements of this section if such vessel—*

(A) *remains subject to the requirements of a classification society approved by the Secretary; and*

(B) *has on board a certificate from that society.*

§4509. Substitute safety compliance program

(a) *IN GENERAL.*—*The Secretary shall establish a substitute safety compliance program for substitute-eligible vessels that includes the following requirements:*

(1) *A substitute-eligible vessel shall be designed by an individual licensed by a State as a naval architect or marine engineer, and the design shall incorporate standards equivalent to those prescribed by a classification society to which the Secretary has delegated authority under section 3316 or another qualified organization approved by the Secretary for purposes of this paragraph.*

(2) *Construction of a substitute-eligible vessel shall be overseen and certified as being in accordance with its design by a marine surveyor of an organization accepted by the Secretary.*

(3) *A substitute-eligible vessel shall—*

(A) *complete a stability test performed by a qualified individual;*

(B) have written stability and loading instructions from a qualified individual that are provided to the owner or operator; and

(C) have an assigned loading mark.

(4) A substitute-eligible vessel shall not be substantially altered without the review and approval of an individual licensed by a State as a naval architect or marine engineer before the beginning of such substantial alteration.

(5) A substitute-eligible vessel shall undergo a condition survey at least twice in 5 years, with not more than 3 years between surveys, to the satisfaction of a marine surveyor of an organization accepted by the Secretary.

(6) A substitute-eligible vessel shall undergo an out-of-water survey at least once every 5 years to the satisfaction of a certified marine surveyor of an organization accepted by the Secretary.

(7) Once every 5 years, and at the time of a substantial alteration to a substitute-eligible vessel, compliance of the vessel with the requirements of paragraph (3) is reviewed and updated as necessary.

(8) For the life of a substitute-eligible vessel, the owner of the vessel shall maintain records to demonstrate compliance with this subsection and make such records readily available for inspection by an official authorized to enforce this chapter.

(b) COMPLIANCE.—Section 4507 of this title shall not apply to a substitute-eligible vessel that complies with the requirements of the program established under this section.

(c) REPORT.—Not later than February 8, 2026, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides an analysis of the adequacy of the substitute safety compliance program requirements established under subsection (a) in maintaining the safety of substitute-eligible fishing vessels and fish tender vessels and that comply with such requirements.

§ 4510. Enhanced substitute safety compliance program

(a) IN GENERAL.—If the report required under section 4509(c) includes a determination that the substitute safety compliance program established under section 4509(a) is not adequate or that additional safety measures are necessary, then the Secretary may establish an enhanced substitute safety compliance program for fishing vessels or fish tender vessels (or both) that are substitute-eligible vessels and that comply with the requirements of section 4509.

(b) REQUIREMENTS.—The enhanced substitute safety compliance program established under this subsection shall include requirements for—

- (1) vessel construction;
- (2) a vessel stability test;
- (3) vessel stability and loading instructions;
- (4) an assigned vessel loading mark;
- (5) a vessel condition survey at least twice in 5 years, not more than 3 years apart;
- (6) an out-of-water vessel survey at least once every 5 years;

(7) maintenance of records to demonstrate compliance with the program, and the availability of such records for inspection; and

(8) such other aspects of vessel safety as the Secretary considers appropriate.

(c) COMPLIANCE.—Section 4507 shall not apply to a substitute-eligible vessel that complies with the requirements of the program established under this section.

§ 4511. Prohibited acts

A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

§ 4512. Termination of unsafe operations

An official authorized to enforce this chapter—

(1) may direct the individual in charge of a vessel to which this chapter applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended; and

(2) may order the individual in charge of an uninspected fish processing vessel that does not have on board the certificate required under section 4507 to return the vessel to a mooring and to remain there until the vessel is in compliance with such section, unless the vessel is required to comply with section 4508.

§ 4513. Penalties

(a) CIVIL PENALTY.—The owner, charterer, managing operator, agent, master, and individual in charge of a vessel to which this chapter applies that is operated in violation of this chapter or a regulation prescribed under this chapter may each be assessed a civil penalty by the Secretary of not more than \$10,260. Any vessel with respect to which a penalty is assessed under this subsection is liable in rem for the penalty.

(b) CRIMINAL PENALTIES.—An individual willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

§ 4514. Compliance; Secretary actions

To ensure compliance with the requirements of this chapter, the Secretary—

(1) shall require the individual in charge of a subject vessel to keep a record of equipment maintenance and required instruction and drills;

(2) shall examine at dockside a subject vessel at least once every 5 years, but may require an exam at dockside every 2 years for certain subject vessels if requested by the owner or operator; and

(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements of paragraph (2).

§4515. Exemptions

The Secretary may exempt a vessel from any part of this chapter if, under regulations prescribed by the Secretary (including regulations on special operating conditions), the Secretary finds that—

- (1) good cause exists for granting an exemption; and
- (2) the safety of the vessel and those on board will not be adversely affected.

§4516. Regulations; considerations and limitations

In prescribing a regulation under this chapter, the Secretary—

- (1) shall consider the specialized nature and economics of the operations and the character, design, and construction of the vessel; and
- (2) may not require the alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of such regulation.

§4517. Fishing safety grants

(a) SAFETY TRAINING GRANTS.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a Fishing Safety Training Grant Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training.

(2) USE OF FUNDS.—Entities receiving funds under this section may use such funds—

(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

(i) in the case of vessel operators, meets the requirements of section 4506; and

(ii) in the case of crewmembers, meets the requirements of sections 4506(b)(1), 4506(b)(4), 4506(c), and 4506(d), and such requirements of section 4506(b)(2) as are appropriate for crewmembers; and

(B) for purchase of safety equipment and training aids for use in such fishing vessel safety training programs.

(3) AWARD CRITERIA.—The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

(4) LIMITATION ON FEDERAL SHARE OF COST.—The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2020 and 2021 for grants under this subsection.

(b) RESEARCH GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, not-for-profit organizations, businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency

and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

(2) *AWARD CRITERIA.*—The Secretary of Health and Human Services, in consultation with and based on criteria established by the Commandant of the Coast Guard, shall award grants under this subsection on a competitive basis.

(3) *LIMITATION ON FEDERAL SHARE OF COST.*—The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 50 percent.

(4) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$3,000,000 for each fiscal year 2020 and 2021 for activities under this subsection.

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PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

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CHAPTER 73—MERCHANT MARINERS’ DOCUMENTS

* * * * *

§ 7303. Possession and description of merchant mariners’ documents

A merchant mariner’s document shall be retained by the [seaman] *individual* to whom issued. The document shall contain the signature, notations of nationality, age, and physical description, the photograph, and the home address of the [seaman] *individual*. In addition, the document shall specify the rate or ratings in which the [seaman] *individual* is qualified to serve.

* * * * *

§ 7319. Records of merchant mariners’ documents

The Secretary shall maintain records on each merchant mariner’s document issued, including the name and address of the [seaman] *individual* to whom issued and the next of kin of the [seaman] *individual*.

* * * * *

CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

* * * * *

§ 7501. Duplicates

(a) If a license, certificate of registry, or merchant mariner’s document issued under this part is lost as a result of a marine casualty, the holder shall be supplied with a duplicate without cost.

(b) For any other loss, the [seaman] *holder* may obtain a duplicate on payment of reasonable costs prescribed by regulation by the Secretary.

* * * * *

§ 7504. Travel and expense reimbursement

When a requirement to qualify for the issuance of, or endorsement on, a certificate, license, or document under this part is administered at a place at the request of an applicant or an applicant's representative, the applicant or representative may reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the administration of the requirement. Amounts received as reimbursement under this section shall be credited to the appropriation for [operating expenses] *operations and support* of the Coast Guard.

* * * * *

§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner's document.

(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

(1) extend for not more than one year an expiring merchant mariner's document issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those merchant mariner documents or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

(2) issue for not more than five years an expiring merchant mariner's document issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such merchant mariner's document with the expiration date of a license or certificate of registry.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) RENEWAL.—*With respect to any renewal of an existing merchant mariner credential that is not an extension under subsection (a) or (b), such credential shall begin the day after the expiration of the credential holder's existing credential.*

§ 7508. Authority to extend the duration of medical certificates

(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or is in response to a national emergency or natural disaster.

(b) MANNER OF EXTENSION.—An extension under this section may be granted to [individual seamen or a specifically identified group of seamen] *an individual or a specifically identified group of individuals.*

* * * * *

§ 7510. Examinations for merchant mariner credentials

(a) DISCLOSURE NOT REQUIRED.—Notwithstanding any other provision of law, the Secretary is not required to disclose to the public—

- (1) a question from any examination for a merchant mariner credential;
- (2) the answer to such a question, including any correct or incorrect answer that may be presented with such question; and
- (3) any quality or characteristic of such a question, including—
 - (A) the manner in which such question has been, is, or may be selected for an examination;
 - (B) the frequency of such selection; and
 - (C) the frequency that an examinee correctly or incorrectly answered such question.

(b) EXCEPTION FOR CERTAIN QUESTIONS.—Notwithstanding subsection (a), the Secretary may, for the purpose of preparation by the general public for examinations required for merchant mariner credentials, release an examination question and answer that the Secretary has retired or is not presently on or part of an examination, or that the Secretary determines is appropriate for release.

(c) EXAM REVIEW.—

- (1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Coast Guard Authorization Act of 2016, and once every two years thereafter, the Commandant shall commission a working group to review new questions for inclusion in examinations required for merchant mariner credentials, composed of—
 - (A) 1 subject matter expert from the Coast Guard;
 - (B) representatives from training facilities and the maritime industry, of whom—
 - (i) one-half shall be representatives from approved training facilities; and
 - (ii) one-half shall be representatives from the appropriate maritime industry;
 - (C) at least 1 representative from the National Merchant Marine Personnel Advisory Committee;

(D) at least 2 representatives from the State maritime academies, of whom one shall be a representative from the deck training track and one shall be a representative of the engineer license track;

(E) representatives from other Coast Guard Federal advisory committees, as appropriate, for the industry segment associated with the subject examinations;

(F) at least 1 subject matter expert from the Maritime Administration; and

(G) at least 1 human performance technology representative.

(2) INCLUSION OF PERSONS KNOWLEDGEABLE ABOUT EXAMINATION TYPE.—The working group shall include representatives knowledgeable about the examination type under review.

(3) LIMITATION.—The requirement to convene a working group under paragraph (1) does not apply unless there are new examination questions to review.

(4) BASELINE REVIEW.—

(A) IN GENERAL.—Within 1 year after the date of the enactment of the Coast Guard Authorization Act of 2016, the Secretary shall convene the working group to complete a baseline review of the Coast Guard's Merchant Mariner Credentialing Examination, including review of—

(i) the accuracy of examination questions;

(ii) the accuracy and availability of examination references;

(iii) the length of merchant mariner examinations; and

(iv) the use of standard technologies in administering, scoring, and analyzing the examinations.

(B) PROGRESS REPORT.—The Coast Guard shall provide a progress report to the appropriate congressional committees on the review under this paragraph.

(5) FULL MEMBERSHIP NOT REQUIRED.—The Coast Guard may convene the working group without all members present if any non-Coast-Guard representative is present.

(6) NONDISCLOSURE AGREEMENT.—The Secretary shall require all members of the working group to sign a nondisclosure agreement with the Secretary.

(7) TREATMENT OF MEMBERS AS FEDERAL EMPLOYEES.—A member of the working group who is not a Federal Government employee shall not be considered a Federal employee in the service or the employment of the Federal Government, except that such a member shall be considered a special government employee, as defined in section 202(a) of title 18 for purposes of sections 203, 205, 207, 208, and 209 of such title and shall be subject to any administrative standards of conduct applicable to an employee of the department in which the Coast Guard is operating.

(8) FORMAL EXAM REVIEW.—The Secretary shall ensure that the Coast Guard Performance Technology Center—

(A) prioritizes the review of examinations required for merchant mariner credentials; and

(B) not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2016, completes a

formal review, including an appropriate analysis, of the topics and testing methodology employed by the National Maritime Center for [merchant seamen] *merchant mariner* licensing.

(9) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any working group created under this section to review the Coast Guard’s merchant mariner credentialing examinations.

(d) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term “merchant mariner credential” means a [merchant seaman] *merchant mariner* license, certificate, or document that the Secretary is authorized to issue pursuant to this title.

* * * * *

PART F—MANNING OF VESSELS

* * * * *

CHAPTER 81—GENERAL

Sec.

* * * * *

[8107. Use of force against piracy.]
 8107. *Requirements relating to non-operating individuals.*
 8108. *Use of force against piracy.*

* * * * *

§ 8103. Citizenship and Navy Reserve requirements

(a) Except as otherwise provided in this title, only a citizen of the United States may serve as master, chief engineer, radio officer, or officer in charge of a deck watch or engineering watch on a documented vessel.

(b)(1) Except as otherwise provided in this section, on a documented vessel—

- (A) each unlicensed [seaman] *individual* must be—
 - (i) a citizen of the United States;
 - (ii) an alien lawfully admitted to the United States for permanent residence; or
 - (iii) a foreign national who is enrolled in the United States Merchant Marine Academy; and

(B) not more than 25 percent of the total number of unlicensed [seamen] *individuals* on the vessel may be aliens lawfully admitted to the United States for permanent residence.

(2) Paragraph (1) of this subsection does not apply to—

- (A) a [yacht] *recreational vessel*;
- (B) a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); and
- (C) a fishing vessel fishing outside of the exclusive economic zone.

(3) The Secretary may waive a citizenship requirement under this section, other than a requirement that applies to the master of a documented vessel, with respect to—

(A) an offshore supply vessel or other similarly engaged vessel of less than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that operates from a foreign port;

(B) a mobile offshore drilling unit or other vessel engaged in support of exploration, exploitation, or production of offshore mineral energy resources operating beyond the water above the outer Continental Shelf (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

(C) any other vessel if the Secretary determines, after an investigation, that qualified **[seamen]** *individuals* who are citizens of the United States are not available.

(c) On each departure of a vessel (except a passenger vessel) for which a construction differential subsidy has been granted, all of the **[seamen]** *individuals* of the vessel must be citizens of the United States.

(d)(1) On each departure of a passenger vessel for which a construction differential subsidy has been granted, at least 90 percent of the entire complement (including licensed individuals) must be citizens of the United States.

(2) An individual not required by this subsection to be a citizen of the United States may be engaged only if the individual has a declaration of intention to become a citizen of the United States or other evidence of admission to the United States for permanent residence. An alien may be employed only in the steward's department of the passenger vessel.

(e) If a documented vessel is deprived for any reason of the services of an individual (except the master and the radio officer) when on a foreign voyage and a vacancy consequently occurs, until the vessel's return to a port at which in the most expeditious manner a replacement who is a citizen of the United States can be obtained, an individual not a citizen of the United States may serve in—

(1) the vacancy; or

(2) a vacancy resulting from the promotion of another individual to fill the original vacancy.

(f) A person employing an individual in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$500 for each individual so employed.

(g) A deck or engineer officer employed on a vessel on which an operating differential subsidy is paid, or employed on a vessel (except a vessel of the Coast Guard or Saint Lawrence Seaway Development Corporation) owned or operated by the Department of Transportation or by a corporation organized or controlled by the Department, if eligible, shall be a member of the Navy Reserve.

(h) The President may—

(1) suspend any part of this section during a proclaimed national emergency; and

(2) when the needs of commerce require, suspend as far and for a period the President considers desirable, subsection (a) of this section for crews of vessels of the United States documented for foreign trade.

(i)(1) Except as provided in paragraph (3) of this subsection, each unlicensed **seaman** *individual* on a fishing, fish processing, or fish tender vessel that is engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone must be—

(A) a citizen of the United States;

(B) an alien lawfully admitted to the United States for permanent residence;

(C) any other alien allowed to be employed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.

(2) Not more than 25 percent of the unlicensed **seamen** *individuals* on a vessel subject to paragraph (1) of this subsection may be aliens referred to in clause (C) of that paragraph.

(3) This subsection does not apply to a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)).

(j) **RIDING GANG MEMBER** *RIDING GANG MEMBER OR NON-OPERATING INDIVIDUAL*.—This section does not apply to an individual who is a riding gang member *or a non-operating individual*.

(k) **CREW REQUIREMENTS FOR LARGE PASSENGER VESSELS**.—

(1) **CITIZENSHIP AND NATIONALITY**.—Each unlicensed **seaman** *individual* on a large passenger vessel shall be—

(A) a citizen of the United States;

(B) an alien lawfully admitted to the United States for permanent residence;

(C) an alien allowed to be employed in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including an alien crewman described in section 101(a)(15)(D)(i) of that Act (8 U.S.C. 1101(a)(15)(D)(i)), who meets the requirements of paragraph (3)(A) of this subsection; or

(D) a foreign national who is enrolled in the United States Merchant Marine Academy.

(2) **PERCENTAGE LIMITATION FOR ALIEN SEAMEN INDIVIDUALS**.—Not more than 25 percent of the unlicensed **seamen** *individuals* on a vessel described in paragraph (1) of this subsection may be aliens referred to in subparagraph (B) or (C) of that paragraph.

(3) **SPECIAL RULES FOR CERTAIN UNLICENSED SEAMEN INDIVIDUALS**.—

(A) **QUALIFICATIONS**.—An unlicensed **seaman** *individual* described in paragraph (1)(C) of this subsection—

(i) shall have been employed, for a period of not less than 1 year, on a passenger vessel under the same common ownership or control as the vessel described in paragraph (1) of this subsection, as certified by the owner or managing operator of such vessel to the Secretary;

(ii) shall have no record of material disciplinary actions during such employment, as verified in writing by the owner or managing operator of such vessel to the Secretary;

(iii) shall have successfully completed a United States Government security check of the relevant domestic and international databases, as appropriate, or any other national security-related information or database;

(iv) shall have successfully undergone an employer background check—

(I) for which the owner or managing operator provides a signed report to the Secretary that describes the background checks undertaken that are reasonably and legally available to the owner or managing operator including personnel file information obtained from such **【seaman】 individual** and from databases available to the public with respect to the **【seaman】 individual**;

(II) that consisted of a search of all information reasonably available to the owner or managing operator in the **【seaman’s】 individual’s** country of citizenship and any other country in which the **【seaman】 individual** receives employment referrals, or resides;

(III) that is kept on the vessel and available for inspection by the Secretary; and

(IV) the information derived from which is made available to the Secretary upon request; and

(v) may not be a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

(B) RESTRICTIONS.—An unlicensed **【seaman】 individual** described in paragraph (1)(C) of this subsection—

(i) may be employed only in the steward’s department of the vessel; and

(ii) may not perform watchstanding, automated engine room duty watch, or vessel navigation functions.

(C) STATUS, DOCUMENTATION, AND EMPLOYMENT.—An unlicensed **【seaman】 individual** described in subparagraph (C) or (D) of paragraph (1) of this subsection—

(i) is deemed to meet the nationality requirements necessary to qualify for a **【merchant mariners】 merchant mariner’s** document notwithstanding the requirements of part 12 of title 46, Code of Federal Regulations;

(ii) is deemed to meet the proof-of-identity requirements necessary to qualify for a **【merchant mariners】 merchant mariner’s** document, as prescribed under regulations promulgated by the Secretary, if the **【seaman】 individual** possesses—

(I) an unexpired passport issued by the government of the country of which the [seaman] *individual* is a citizen or subject; and

(II) an unexpired visa issued to the [seaman] *individual*, as described in paragraph (1)(C);

(iii) shall, if eligible, be issued a [merchant mariners] *merchant mariner's* document with an appropriate annotation reflecting the restrictions of subparagraph (B) of this paragraph; and

(iv) may be employed for a period of service on board not to exceed 36 months in the aggregate as a non-immigrant crewman described in section 101(a)(15)(D)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)(i)) on vessels engaged in domestic voyages notwithstanding the departure requirements and time limitations of such section and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) and the regulations and rules promulgated thereunder.

(4) **MERCHANT MARINER'S DOCUMENT REQUIREMENTS NOT AFFECTED.**—This subsection shall not be construed to affect any requirement under Federal law that an individual must hold a merchant mariner's document.

(5) **DEFINITIONS.**—In this subsection:

(A) **STEWARD'S DEPARTMENT.**—The term “steward's department” means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary pursuant to section 70103(c) of this title.

(B) **LARGE PASSENGER VESSEL.**—The term “large passenger vessel” means a vessel of more than 70,000 gross tons, as measured under section 14302 of this title, with capacity for at least 2,000 passengers and documented with a coastwise endorsement under chapter 121 of this title.

§ 8104. Watches

(a) An owner, charterer, managing operator, master, individual in charge, or other person having authority may permit an officer to take charge of the deck watch on a vessel when leaving or immediately after leaving port only if the officer has been off duty for at least 6 hours within the 12 hours immediately before the time of leaving.

(b) On an oceangoing or coastwise vessel of not more than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title (except a fishing, fish processing, or fish tender vessel), a licensed individual may not be required to work more than 9 of 24 hours when in port, including the date of arrival, or more than 12 of 24 hours at sea, except in an emergency when life or property are endangered.

(c) On a towing vessel (except a towing vessel operated only for fishing, fish processing, fish tender, or engaged in salvage oper-

ations) operating on the Great Lakes, harbors of the Great Lakes, and connecting or tributary waters between Gary, Indiana, Duluth, Minnesota, Niagara Falls, New York, and Ogdensburg, New York, **[a licensed individual or seaman]** *an individual* in the deck or engine department may not be required to work more than 8 hours in one day or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period, except in an emergency when life or property are endangered.

(d) On a merchant vessel of more than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title (except a vessel only operating on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, **[yacht]** *recreational vessel*, or vessel engaged in salvage operations), the licensed individuals, sailors, and oilers shall be divided, when at sea, into at least 3 watches, and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. The requirement of this subsection applies to radio officers only when at least 3 radio officers are employed. **[A licensed individual or seaman]** *An individual* in the deck or engine department may not be required to work more than 8 hours in one day.

(e) On a vessel designated by subsection (d) of this section—

(1) **[a seaman]** *an individual* may not be—

(A) engaged to work alternately in the deck and engine departments; or

(B) required to work in the engine department if engaged for deck department duty or required to work in the deck department if engaged for engine department duty;

(2) **[a seaman]** *an individual* may not be required to do unnecessary work on Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day, when the vessel is in a safe harbor, but this clause does not prevent dispatch of a vessel on a voyage; and

(3) when the vessel is in a safe harbor, 8 hours (including anchor watch) is a day's work.

(f) Subsections (d) and (e) of this section do not limit the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, any part of the crew is needed for—

(1) maneuvering, shifting the berth of, mooring, or unmooring, the vessel;

(2) performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;

(3) saving life on board another vessel in jeopardy; or

(4) performing fire, lifeboat, or other drills in port or at sea.

(g)(1) On a towing vessel, an offshore supply vessel, or a barge to which this section applies, that is engaged on a voyage of less than 600 miles, the licensed individuals and crewmembers may be divided, when at sea, into at least 2 watches.

(2) Paragraph (1) applies to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and recordkeeping of that service) as prescribed by the Secretary.

(h) On a vessel to which section 8904 of this title applies, an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency.

(i) A person violating subsection (a) or (b) of this section is liable to the United States Government for a civil penalty of \$10,000.

(j) The owner, charterer, or managing operator of a vessel on which a violation of subsection (c), (d), (e), or (h) of this section occurs is liable to the Government for a civil penalty of \$10,000. The **【seaman】** *individual* is entitled to discharge from the vessel and receipt of wages earned.

(k) On a fish processing vessel subject to inspection under part B of this subtitle, the licensed individuals and deck crew shall be divided, when at sea, into at least 3 watches.

(l) Except as provided in subsection (k) of this section, on a fish processing vessel, the licensed individuals and deck crew shall be divided, when at sea, into at least 2 watches if the vessel—

(1) entered into service before January 1, 1988, and is more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; or

(2) entered into service after December 31, 1987, and has more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(m) This section does not apply to a fish processing vessel—

(1) entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; or

(2) entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(n) On a tanker, a licensed individual or seaman may not be permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period, except in an emergency or a drill. In this subsection, “work” includes any administrative duties associated with the vessel whether performed on board the vessel or onshore.

(o)(1) Except as provided in paragraph (2) of this subsection, on a fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title engaged in the Aleutian trade, the licensed individuals and crewmembers shall be divided, when at sea, into at least 3 watches.

(2) On a fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or less than 500 gross tons as measured under section 14502 of this title, or is less than

2,500 gross tons as measured under section 14302 of this title engaged in the Aleutian trade, the licensed individuals and crewmembers shall be divided, when at sea, into at least 2 watches, if the vessel—

(A) before September 8, 1990, operated in that trade; or

(B)(i) before September 8, 1990, was purchased to be used in that trade; and

(ii) before June 1, 1992, entered into service in that trade.

(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.

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§8107. Requirements relating to non-operating individuals

(a) *IN GENERAL.*—*The owner or managing operator of a merchant vessel of the United States of at least 100 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, shall—*

(1) *ensure that—*

(A) *each non-operating individual on the vessel—*

(i) *is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or*

(ii) *possesses a United States non-immigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;*

(B) *all required documentation for such individual is kept on the vessel and available for inspection by the Secretary; and*

(C) *each non-operating individual is identified on the manifest;*

(2) *ensure that—*

(A) *each non-operating individual possesses—*

(i) *a merchant mariner's document;*

(ii) *a transportation worker identification credential under section 70105; or*

(iii) *a current security clearance issued by a Federal agency; or*

(B) *the employer of such an individual attests in a certificate to the owner or managing operator that—*

(i) *the background of such individual has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel's cargo, the ports the vessel visits, or other individuals onboard the vessel;;*

(ii) *such examination—*

(I) *met the requirements of section 70105(d)(2), for persons described in paragraph (1)(A)(i) of this subsection; or*

(II) *consisted of a search of all information reasonably available to the owner or managing operator in the individual's country of citizenship and any other country in which the individual works, receives employment referrals, or resides, for per-*

sons described in paragraph (1)(A)(ii) of this subsection; and

(iii) the information derived from any such examination is made available to the Secretary upon request;

(3) ensure that each non-operating individual of the vessel, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

(4) ensure that each such individual employed on the vessel receives basic safety familiarization and basic safety training approved by the Coast Guard; and

(5) ensure that every non-operating individual of the vessel is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law.

(b) **RECORDKEEPING.**—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel's official logbook required by chapter 113.

(c) **CIVIL PENALTY.**—A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$1,250.

§ [8107.] 8108. Use of force against piracy

(a) **LIMITATION ON LIABILITY.**—An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States against an act of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary.

(b) **PROMOTION OF COORDINATED ACTION.**—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).

(c) **DEFINITION.**—For the purpose of this section, the term “act of piracy” means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.

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CHAPTER 83—MASTERS AND OFFICERS

Sec.
8301. Minimum number of licensed individuals.

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§ 8303. Service under licenses issued without examination.

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§ 8302. Staff department

(a) This section applies to a vessel of the United States except—
(1) a fishing or whaling vessel or a **【yacht】** *recreational vessel*;

(2) a vessel operated only on bays, sounds, inland waters, and lakes (except the Great Lakes); and

(3) a vessel ferrying passengers and cars on the Great Lakes.

(b) The staff department on a vessel is a separate and independent department. It consists of individuals registered under section 7101 of this title, clerks, and individuals assigned to the senior registered medical doctor.

(c) The staff department is composed of a medical division and a purser’s division. The officer in charge of each division is responsible only to the master. The senior registered medical doctor is in charge of the medical division. The senior registered purser is in charge of the purser’s division.

(d) The officer in charge of the purser’s division of the staff department on an oceangoing passenger vessel licensed to carry more than 100 passengers shall be a registered chief purser. When more than **【3 persons】** *3 individuals* are employed in the purser’s division of that vessel, there also shall be at least one registered senior assistant purser and one registered junior assistant purser.

(e) A person may not employ an individual to serve in, and an individual may not serve in, a grade of staff officer on a vessel, when that staff officer is required by this section to be registered, if the individual does not have a certificate of registry as staff officer in that grade. A person (including an individual) violating this subsection is liable to the United States Government for a civil penalty of \$100. However, if a registered staff officer is not available at the time of sailing, the vessel may sail with an unregistered staff officer or without a staff officer.

(f) A staff officer may not be included in a vessel’s certificate of inspection.

(g) A registered staff officer serving under this section who is a member of the Navy Reserve may wear on the officer’s uniform special distinguishing insignia prescribed by the Secretary of the Navy.

(h) The uniform stripes, decoration, or other insignia worn by a staff officer shall be of gold braid or woven gold or silver material. A crewmember (except a staff officer) may not wear any uniform with a staff officer’s identifying insignia.

【§ 8303. Service under licenses issued without examination

【An individual issued a license without examination before October 29, 1941, to serve as master, mate, or engineer on a vessel not subject to inspection under part B of this subtitle, may not serve under authority of that license on a vessel that is subject to inspection under part B.】

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CHAPTER 87—UNLICENSED PERSONNEL

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§ 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, fish tender, or whaling vessel or a [yacht] *recreational vessel*;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products;

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation;

(8) a mobile offshore drilling unit with respect to individuals, other than crew members required by the certificate of inspection, engaged on board the unit for the sole purpose of carrying out the industrial business or function of the unit;

(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and

(10) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's document issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$500.

(e) *This section does not apply to non-operating individuals.*

§ 8702. Certain crew requirements

(a) This section applies to a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, fish tender, or whaling vessel (except a fish tender vessel engaged in the Aleutian trade) or a **[yacht]** *recreational vessel*;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) A vessel may operate only if at least—

(1) 75 percent of the crew in each department on board is able to understand any order spoken by the officers, and

(2) 65 percent of the deck crew (excluding licensed individuals) have merchant mariners' documents endorsed for a rating of at least able seaman, except that this percentage may be reduced to 50 percent—

(i) on a vessel permitted under section 8104 of this title to maintain a 2-watch system; or

(ii) on a fish tender vessel engaged in the Aleutian trade.

(c) An able seaman is not required on a towing vessel operating on bays and sounds connected directly with the seas.

(d) An individual having a rating of less than able seaman may not be permitted at the wheel in ports, harbors, and other waters subject to congested vessel traffic, or under conditions of reduced visibility, adverse weather, or other hazardous circumstances.

(e) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$10,000.

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CHAPTER 91—TANK VESSEL MANNING STANDARDS

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§ 9102. Standards for tank vessels of the United States

[(a)] The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

- (1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;
- (2) instruction in vessel and cargo handling and vessel navigation in emergency situations and under marine casualty or potential casualty conditions;
- (3) qualifications for licenses by specific type and size of vessels;
- (4) qualifications for licenses by use of simulators for the practice or demonstration of marine-oriented skills;
- (5) minimum health and physical fitness criteria for various grades of licenses and certificates;
- (6) periodic retraining and special training for upgrading positions, changing vessel type or size, or assuming new responsibilities;
- (7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing; and
- (8) instruction in vessel maintenance functions.

[(b)] The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.]

* * * * *

CHAPTER 93—GREAT LAKES PILOTAGE

* * * * *

§ 9307. Great Lakes Pilotage Advisory Committee

[(a)] The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

- [(1)] may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;
- [(2)] may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;
- [(3)] may make available to the Congress recommendations that the Committee makes to the Secretary; and
- [(4)] shall meet at the call of—
 - [(A)] the Secretary, who shall call such a meeting at least once during each calendar year; or

[(B) a majority of the Committee.

[(b)(1) The Committee shall consist of seven members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

[(2) The membership of the Committee shall include—

[(A) the President of each of the 3 Great Lakes pilotage districts, or the President's representative;

[(B) one member representing the interests of vessel operators that contract for Great Lakes pilotage services;

[(C) one member representing the interests of Great Lakes ports;

[(D) one member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

[(E) a member with a background in finance or accounting, who—

[(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

[(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

[(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

[(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

[(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

[(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

[(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee.

[(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

[(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

[(B) travel or transportation expenses under section 5703 of title 5, United States Code.

[(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

[(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

[(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.]

§9307. Great Lakes Pilotage Advisory Committee

(a) *ESTABLISHMENT.*—*There is established a Great Lakes Pilotage Advisory Committee (in this section referred to as the “Committee”).*

(b) *FUNCTION.*—*The Committee—*

(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate; and

(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage.

(c) *MEMBERSHIP.*—

(1) IN GENERAL.—*The Committee shall consist of 7 members appointed by the Secretary in accordance with this section and section 15109.*

(2) EXPERTISE.—*Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.*

(3) REPRESENTATION.—*Members of the Committee shall be appointed as follows:*

(A) The President of each of the 3 Great Lakes pilotage districts, or the President’s representative.

(B) At least 1 member shall represent the interests of vessel operators that contract for Great Lakes pilotage services.

(C) At least 1 member shall represent the interests of Great Lakes ports.

(D) At least 1 member shall represent the interests of shippers whose cargoes are transported through Great Lakes ports.

(E) At least 1 member shall have a background in finance or accounting and must have been recommended to the Secretary by a unanimous vote of the other members of the Committee.

(4) ADMINISTRATION.—*For purposes of section 15109, the Committee shall be treated as a committee established under chapter 151.*

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PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

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CHAPTER 111—PROTECTION AND RELIEF

* * * * *

§ 11101. Accommodations for seamen

(a) On a merchant vessel of the United States the construction of which began after March 4, 1915 (except a [yacht] *recreational vessel*, pilot vessel, or vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title)—

(1) each place appropriated to the crew of the vessel shall have a space of at least 120 cubic feet and at least 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged in the vessel;

(2) each seaman shall have a separate berth and not more than one berth shall be placed one above another;

(3) the place or berth shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water; and

(4) crew space shall be kept free from goods or stores that are not the personal property of the crew occupying the place in use during the voyage.

(b) In addition to the requirements of subsection (a) of this section, a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required).

(c) A steam vessel of the United States operating on the Mississippi River or its tributaries shall provide, under the direction and approval of the Secretary, an appropriate place for the crew that shall conform to the requirements of this section, as far as they apply to the steam vessel, by providing a properly heated sleeping room in the engineroom of the steam vessel properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck.

(d) A merchant vessel of the United States, the construction of which began after March 4, 1915, having more than 10 seamen on deck, shall have at least one lighted, clean, and properly heated and ventilated washing place. There shall be provided at least one washing outfit for each 2 seamen of the watch. A separate washing place shall be provided for the fireroom and engineroom seamen, if their number is more than 10, that shall be large enough to accommodate at least one-sixth of them at the same time, and have a hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

(e) Forecastles shall be fumigated at intervals provided by regulations prescribed by the Secretary of Health and Human Services, with the approval of the Secretary, and shall have at least 2 exits, one of which may be used in emergencies.

(f) The owner, charterer, managing operator, agent, master, or licensed individual of a vessel not complying with this section is liable to the United States Government for a civil penalty of at least \$50 but not more than \$500.

* * * * *

§ 11106. Wages on justifiable complaint of seamen

(a) Before a seaman on a vessel of the United States is discharged in a foreign country by a consular officer on the seaman's complaint that the agreement required by this part has been breached because the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, the officer shall inquire about the complaint. If satisfied of the justice of the complaint, the consular officer shall require the master to pay the wages due the seaman plus one month's additional wages and shall discharge the seaman. The master shall provide the seaman with employment on another vessel or provide the seaman with passage on another vessel to the port of original engagement, to the most convenient port of the United States, or to some port agreeable to the seaman.

(b) When a vessel does not have sufficient provisions for the intended voyage, and the seaman has been forced to accept a reduced ration or provisions that are bad in quality or unfit for use, the seaman is entitled to recover from the master or owner an allowance, as additional wages, that the court hearing the case considers reasonable.

(c) Subsection (b) of this section does not apply when the reduction in rations was for a period during which the seaman willfully and without sufficient cause failed to perform duties or was lawfully under confinement on board or on shore for misconduct, unless that reduction can be shown to have been unreasonable.

(d) Subsection (b) of this section does not apply to a fishing or whaling vessel or a [yacht] recreational vessel.

* * * * *

§ 11113. Treatment of abandoned seafarers

(a) ABANDONED SEAFARERS FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the Abandoned Seafarers Fund.

(2) AUTHORIZED USES.—Amounts in the Fund [may be appropriated to the Secretary] shall be available to the Secretary without further appropriation and shall remain available until expended for use—

(A) to pay necessary support of a seafarer—

(i) who—

(I) was paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), or for whom the Secretary has requested parole under such section; and

(II) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of law by the Coast Guard; or

(ii) who—

(I) is physically present in the United States;

(II) the Secretary determines was abandoned in the United States; and

(III) has not applied for asylum under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) to reimburse a vessel owner or operator for the costs of necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of law by the Coast Guard, if—

(i) the vessel owner or operator is not convicted of a criminal offense related to such matter; or

(ii) the Secretary determines that reimbursement is appropriate.

(3) CREDITING OF AMOUNTS TO FUND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there shall be credited to the Fund the following:

(i) Penalties deposited in the Fund under section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908).

(ii) Amounts reimbursed or recovered under subsection (c).

(B) LIMITATION.—Amounts may be credited to the Fund under subparagraph (A) only if the unobligated balance of the Fund is less than \$5,000,000.

(4) REPORT REQUIRED.—On the date on which the President submits each budget for a fiscal year pursuant to section 1105 of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

(A) the amounts credited to the Fund under paragraph (3) for the preceding fiscal year; and

(B) amounts in the Fund that were expended for the preceding fiscal year.

(b) LIMITATION.—Nothing in this section shall be construed—

(1) to create a private right of action or any other right, benefit, or entitlement to necessary support for any person; or

(2) to compel the Secretary to pay or reimburse the cost of necessary support.

(c) REIMBURSEMENT; RECOVERY.—

(1) IN GENERAL.—A vessel owner or operator shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer, if—

(A) the vessel owner or operator—

(i) during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

(ii) subsequently is—

(I) convicted of a criminal offense related to such matter; or

(II) required to reimburse the Fund pursuant to a court order or negotiated settlement related to such matter; or

(B) the vessel owner or operator abandons a seafarer in the United States, as determined by the Secretary based on substantial evidence.

(2) ENFORCEMENT.—If a vessel owner or operator fails to reimburse the Fund under paragraph (1) within 60 days after receiving a written, itemized description of reimbursable expenses and a demand for payment, the Secretary may—

(A) proceed in rem against the vessel on which the seafarer served in the Federal district court for the district in which the vessel is found; and

(B) withhold or revoke the clearance required under section 60105 for the vessel and any other vessel operated by the same operator (as that term is defined in section 2(a)(9)(A) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(9)(A)) as the vessel on which the seafarer served.

(3) OBTAINING CLEARANCE.—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the vessel owner or operator—

(A) reimburses the Fund the amount required under paragraph (1); or

(B) provides a bond, or other evidence of financial responsibility, sufficient to meet the amount required to be reimbursed under paragraph (1).

[(4) NOTIFICATION REQUIRED.—The Secretary shall notify the vessel at least 72 hours before taking any action under paragraph (2)(B).]

(d) DEFINITIONS.—In this section:

(1) ABANDONS; ABANDONED.—Each of the terms “abandons” and “abandoned” means—

(A) a vessel owner’s or operator’s unilateral severance of ties with a seafarer; or

(B) a vessel owner’s or operator’s failure to provide necessary support of a seafarer.

(2) FUND.—The term “Fund” means the Abandoned Seafarers Fund established under this section.

(3) NECESSARY SUPPORT.—The term “necessary support” means normal wages and expenses the Secretary considers reasonable for lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other support the Secretary considers to be appropriate.

(4) SEAFARER.—The term “seafarer” means an alien crew member who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

(5) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term “vessel subject to the jurisdiction of the United States” has the meaning given that term in section 70502(c), except that it does not include a vessel that is—

- (A) owned, or operated under a bareboat charter, by the United States, a State or political subdivision thereof, or a foreign nation; and
- (B) not engaged in commerce.

* * * * *

CHAPTER 112—MERCHANT MARINER BENEFITS

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§ 11201. Eligibility for veterans' burial and cemetery benefits

(a) ELIGIBILITY.—

(1) IN GENERAL.—The qualified service of [a person] *an individual* referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

(A) Chapter 23 (relating to burial benefits).

(B) Chapter 24 (relating to interment in national cemeteries).

(2) COVERED INDIVIDUALS.—Paragraph (1) applies to [a person] *an individual* who—

(A) receives an honorable service certificate under section 11203 of this title; and

(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for [a person] *an individual* by reason of eligibility under this section.

(c) APPLICABILITY.—

(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

(2) BURIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

§ 11202. Qualified service

For purposes of this chapter, [a person] *an individual* shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, [the person] *the individual*—

(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

(C) under contract or charter to, or property of, the Government of the United States; and

(D) serving the Armed Forces; and

(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document [the person] *the individual* for such service.

§ 11203. Documentation of qualified service

(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

(1) issue a certificate of honorable service to [a person] *an individual* who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

(2) correct, or request the appropriate official of the Federal Government to correct, the service records of [that person] *that individual* to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than 1 year after the date of that receipt.

(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of [a person] *an individual* shall make such correction.

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PART H—IDENTIFICATION OF VESSELS

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CHAPTER 121—DOCUMENTATION OF VESSELS

SUBCHAPTER I—GENERAL

Sec.
12101. Definitions.

* * * * *

12108. Authority to extend the duration of vessel certificates.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

* * * * *

SUBCHAPTER IV—PENALTIES

SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT, INVESTIGATORY
POWERS, APPLICABILITY

* * * * *

SUBCHAPTER I—GENERAL

* * * * *

§ 12108. Authority to extend the duration of vessel certificates

(a) *CERTIFICATES.*—*Provided a vessel is in compliance with inspection requirements in section 3313, the Secretary of the Department in which in the Coast Guard is operating may, if he makes the determination described in subsection (b), extend for a period of not more than one year an expiring—*

(1) *certificate of documentation issued for a vessel under chapter 121; or*

(2) *certificate of financial responsibility required for a vessel by section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) or Section 108 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608).*

(b) *DETERMINATION.*—*The determination referred to in subsection (a) is a determination that such extension is required to enable the Coast Guard to—*

(1) *eliminate a backlog in processing applications for such certificates; or*

(2) *act in response to a national emergency or natural disaster.*

(c) *MANNER OF EXTENSION.*—*Any extension granted under this section may be granted to individual vessels or to a specifically identified group of vessels.*

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SUBCHAPTER II—ENDORSEMENTS AND SPECIAL
DOCUMENTATION

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§ 12121. Small passenger vessels and uninspected passenger vessels

(a) *DEFINITIONS.*—*In this section:*

(1) *ELIGIBLE VESSEL.*—*The term “eligible vessel” means a vessel that—*

[(A) *was not built in the United States and is at least 3 years old; or*

[(B) *if rebuilt, was rebuilt outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.*]

(A) *was built in the United States;*

(B) *was not built in the United States and is at least 3 years old; or*

(C) *if rebuilt, was rebuilt—*

(i) *in the United States; or*

(ii) *outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.*

(2) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms “small passenger vessel”, “uninspected passenger vessel”, and “passenger for hire” have the meaning given those terms in section 2101 of this title.

(b) ISSUANCE OF CERTIFICATE AND ENDORSEMENT.—Notwithstanding sections 12112, 12113, 12132, 55102, and 55103 of this title, the Secretary may issue a certificate of documentation with an appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel in the case of an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary of Transportation, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

- (1) United States vessel builders; or
- (2) the coastwise trade business of any person that employs vessels built in the United States in that business.

(c) REVOCATION.—

(1) FOR FRAUD.—The Secretary shall revoke a certificate or endorsement issued under subsection (b) if the Secretary of Transportation, after notice and an opportunity for a hearing, determines that the certificate or endorsement was obtained by fraud.

(2) OTHER PROVISIONS NOT AFFECTED.—Paragraph (1) does not affect—

- (A) the criminal prohibition on fraud and false statements in section 1001 of title 18; or
- (B) any other authority of the Secretary to revoke a certificate or endorsement issued under subsection (b).

SUBCHAPTER III—MISCELLANEOUS

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§ 12138. List of documented vessels

(a) IN GENERAL.—The Secretary shall publish periodically a list of all documented vessels and information about those vessels that the Secretary considers pertinent or useful. The list shall contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

(b) VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR[.], AND INSTALLATION.—

【(1) IN GENERAL.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are documented under this chapter, are at least 200 feet in length, and have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classed as a cable ship or cable vessel.】

(1) IN GENERAL.—*The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are—*

- (A) *documented under this chapter;*

- (B) at least 200 feet in length;
- (C) have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classed as a cable ship or cable vessel; and
- (D) installation vessels within the meaning of such term in section 55123.

(2) INFORMATION TO BE INCLUDED.—For each vessel listed in the inventory, the Secretary of Transportation shall include in the inventory—

(A) the name, length, beam, depth, and other distinguishing characteristics of the vessel;

~~[(B) the abilities and limitations of the vessel with respect to laying, maintaining, and repairing a submarine cable; and]~~

(B) the abilities and limitations of the vessel with respect to—

(i) in the case of a vessel required to be inventoried under paragraph (1)(A), laying, maintaining, and repairing a submarine cable; and

(ii) in the case of a vessel required to be inventoried under paragraph (1)(B), installing platform jackets; and

(C) the name and address of the person to whom inquiries regarding the vessel may be made~~[,]~~, and *Installation*.

(3) PUBLICATION.—The Secretary of Transportation shall publish in the Federal Register an updated inventory every 6 months~~[,]~~, and *Installation*.

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SUBCHAPTER IV—PENALTIES

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PART J—MEASUREMENT OF VESSELS

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CHAPTER 143—CONVENTION MEASUREMENT

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§ 14305. Optional regulatory measurement

(a) On request of the owner of a vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States, the Secretary also shall measure the vessel under chapter 145 of this title. The tonnages determined under that chapter shall be used in applying—

- (1) parts A, B, C, E, F, and G of this subtitle and section 12116 of this title;
- (2) section 3(d)(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3));
- (3) section 4 of the Bridge to Bridge Radiotelephone Act (33 U.S.C. 1203(a));
- (4) section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3));

- (5) section 30506 of this title;
- (6) sections 12118 and 12132 of this title;
- (7) section 12139(b) of this title;
- (8) sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a);
- (9) section 403 of the Commercial Fishing Industry Vessel Act (46 U.S.C. 3302 note);
- (10) the Officers' Competency Certificates Convention, 1936, and [sections 8303 and 8304] *section 8304* of this title;
- (11) the International Convention for the Safety of Life at Sea as provided by IMCO Resolution A.494 (XII) of November 19, 1981;
- (12) the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as provided by IMO Resolution A.540 (XIII) of November 17, 1983;
- (13) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as provided by IMO Resolution A.541 (XIII) of November 17, 1983;
- (14) provisions of law establishing the threshold tonnage levels at which evidence of financial responsibility must be demonstrated; or
- (15) unless otherwise provided by law, any other law of the United States in effect before July 19, 1994, and not listed by the Secretary under section 14302(c) of this title.

(b) As long as the owner of a vessel has a request in effect under subsection (a) of this section, the tonnages determined under that request shall be used in applying the other provisions of law described in subsection (a) to that vessel.

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**PART K—NATIONAL MARITIME
TRANSPORTATION ADVISORY COMMITTEES**

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**CHAPTER 151—NATIONAL MARITIME TRANSPORTATION
ADVISORY COMMITTEES**

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§ 15106. National Offshore Safety Advisory Committee

(a) **ESTABLISHMENT.**—There is established a National Offshore Safety Advisory Committee (in this section referred to as the “Committee”).

(b) **FUNCTION.**—The Committee shall advise the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Committee shall consist of 15 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

(A) 2 members shall represent entities engaged in the production of petroleum.

(B) 2 members shall represent entities engaged in offshore drilling.

(C) 2 members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore [mineral and oil operations, including geophysical services] *operations*.

(D) 1 member shall represent entities engaged in the construction of offshore [exploration and recovery] facilities.

(E) 1 member shall represent entities [engaged in diving services related to offshore construction, inspection, and maintenance] *providing diving services to the offshore industry*.

(F) 1 member shall represent entities [engaged in safety and training services related to offshore exploration and construction] *providing safety and training services to the offshore industry*.

(G) 1 member shall represent entities [engaged in pipe-laying services related to offshore construction] *providing subsea engineering, construction, or remotely operated vehicle support to the offshore industry*.

(H) 2 members shall represent individuals employed in offshore operations and, of the 2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore [mineral and energy] industry.

(I) 1 member shall represent [national environmental entities] *entities providing environmental protection, compliance, or response services to the offshore industry*.

(J) 1 member shall represent [deepwater ports] *entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska*.

(K) 1 member shall represent the general public (but not a specific environmental group).

* * * * *

§ 15109. Administration

(a) MEETINGS.—Each committee established under this chapter or to which this chapter applies shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

(b) EMPLOYEE STATUS.—A member of a committee established under this chapter or to which this chapter applies shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

(1) Chapter 81 of title 5.

(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter *or to which this chapter applies*, when actually engaged in the performance of the duties of such committee, may—

(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

(2) if not compensated in accordance with paragraph (1)—

(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter *or to which this chapter applies* may serve on such committee on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

(e) STATUS OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter *or to which this chapter applies* whom the Secretary appoints to represent an entity or group—

(A) the member is authorized to represent the interests of the applicable entity or group; and

(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter *or to which this chapter applies* shall be treated as a special Government employee for purposes of the committee service of the member if—

(A) the Secretary appointed the member to represent the general public; or

(B) the member, without regard to service on the committee, is a special Government employee.

(f) SERVICE ON COMMITTEE.—

(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter *or to which this chapter applies*, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

(2) APPOINTMENTS.—

(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter *or to which this chapter applies*.

(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter *or to which this chapter applies*.

(3) SERVICE AT PLEASURE OF THE SECRETARY.—

(A) IN GENERAL.—Each member of a committee established under this chapter *or to which this chapter applies* shall serve at the pleasure of the Secretary.

(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter *or to which this chapter applies*.

(5) PROHIBITION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter *or to which this chapter applies*.

(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

(6) TERMS.—

(A) IN GENERAL.—The term of each member of a committee established under this chapter *or to which this chapter applies* shall expire on December 31 of the third full year after the effective date of the appointment.

(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter *or to which this chapter applies* ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

(7) VACANCIES.—A vacancy on a committee established under this chapter *or to which this chapter applies* shall be filled in the same manner as the original appointment.

(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter *or to which this chapter applies* for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter *or to which this chapter applies* any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

(h) CHAIRMAN; VICE CHAIRMAN.—

(1) IN GENERAL.—Each committee established under this chapter *or to which this chapter applies* shall elect a Chairman and Vice Chairman from among the committee's members.

- (2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.
- (i) SUBCOMMITTEES AND WORKING GROUPS.—
- (1) IN GENERAL.—The Chairman of a committee established under this chapter *or to which this chapter applies* may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.
- (2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter *or to which this chapter applies* and [additional persons] *additional individuals* drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).
- (3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).
- (j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—
- (1) CONSULTATION.—
- (A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice, and recommendations of, a committee established under this chapter *or to which this chapter applies* if the function of the committee is to advise the Secretary on matters related to the significant action.
- (B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.
- (2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter *or to which this chapter applies* shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.
- (3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—
- (A) publish the recommendations on a website accessible at no charge to the public;
- (B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and
- (C) respond, in writing, to the committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.
- (4) SUBMISSION TO CONGRESS.—
- (A) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from committees under paragraph (2).
- (B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this

section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

(C) TESTIMONY.—The members of a committee shall be available to testify before appropriate committees of the Congress with respect to the advice, reports, and recommendations submitted under paragraph (2).

(k) OBSERVERS.—Any Federal agency with matters under such agency’s administrative jurisdiction related to the function of a committee established under this chapter *or to which this chapter applies* may designate a representative to—

- (1) attend any meeting of such committee; and
- (2) participate as an observer at meetings of such committee that relate to such a matter.

(l) TERMINATION.—Each committee established under this chapter *or to which this chapter applies* shall terminate on September 30, 2027.

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SUBTITLE III—MARITIME LIABILITY

* * * * *

§ 30506. Limit of liability for personal injury or death

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to [pleasure yachts] *recreational vessels*, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or non-descript vessels.

(b) MINIMUM LIABILITY.—If the amount of the vessel owner’s liability determined under section 30505 of this title is insufficient to pay all losses in full, and the portion available to pay claims for personal injury or death is less than \$420 times the tonnage of the vessel, that portion shall be increased to \$420 times the tonnage of the vessel. That portion may be used only to pay claims for personal injury or death.

(c) CALCULATION OF TONNAGE.—Under subsection (b), the tonnage of a self-propelled vessel is the gross tonnage without deduction for engine room, and the tonnage of a sailing vessel is the tonnage for documentation. However, space for the use of seamen is excluded.

(d) CLAIMS ARISING ON DISTINCT OCCASIONS.—Separate limits of liability apply to claims for personal injury or death arising on distinct occasions.

(e) PRIVILEGE OR KNOWLEDGE.—In a claim for personal injury or death, the privity or knowledge of the master or the owner’s superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

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§ 30508. Provisions requiring notice of claim or limiting time for bringing action

(a) APPLICATION.—This section applies only to seagoing vessels, but does not apply to [pleasure yachts] *recreational vessels*, tugs, towboats, towing vessels, tank vessels, fishing vessels, fish tender vessels, canal boats, scows, car floats, barges, lighters, or non-descript vessels.

(b) MINIMUM TIME LIMITS.—The owner, master, manager, or agent of a vessel transporting passengers or property between ports in the United States, or between a port in the United States and a port in a foreign country, may not limit by regulation, contract, or otherwise the period for—

- (1) giving notice of, or filing a claim for, personal injury or death to less than 6 months after the date of the injury or death; or
- (2) bringing a civil action for personal injury or death to less than one year after the date of the injury or death.

(c) EFFECT OF FAILURE TO GIVE NOTICE.—When notice of a claim for personal injury or death is required by a contract, the failure to give the notice is not a bar to recovery if—

- (1) the court finds that the owner, master, or agent of the vessel had knowledge of the injury or death and the owner has not been prejudiced by the failure;
- (2) the court finds there was a satisfactory reason why the notice could not have been given; or
- (3) the owner of the vessel fails to object to the failure to give the notice.

(d) TOLLING OF PERIOD TO GIVE NOTICE.—If a claimant is a minor or mental incompetent, or if a claim is for wrongful death, any period provided by a contract for giving notice of the claim is tolled until the earlier of—

- (1) the date a legal representative is appointed for the minor, incompetent, or decedent’s estate; or
- (2) 3 years after the injury or death.

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CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

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SUBCHAPTER III—MARITIME LIENS

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§ 31343. Recording and discharging notices of claim of maritime lien

(a) Except as provided under subsection (d) of this section, a person claiming a lien on a vessel documented, or for which an application for documentation has been filed, under chapter 121 may record with the Secretary a notice of that person’s lien claim on the vessel. To be recordable, the notice must—

- (1) state the nature of the lien;
- (2) state the date the lien was established;
- (3) state the amount of the lien;

- (4) state the name and address of the person; and
- (5) be signed and acknowledged.

(b)(1) The Secretary shall record a notice complying with subsection (a) of this section if, when the notice is presented to the Secretary for recording, the person having the claim files with the notice a declaration stating the following:

(A) The information in the notice is true and correct to the best of the knowledge, information, and belief of the individual who signed it.

(B) A copy of the notice, as presented for recordation, has been sent to each of the following:

(i) The owner of the vessel.

(ii) Each person that recorded under subsection (a) of this section an unexpired notice of a claim of an undischarged lien on the vessel.

(iii) The mortgagee of each mortgage filed or recorded under section 31321 of this title that is an undischarged mortgage on the vessel.

(2) A declaration under this subsection filed by a person that is not an individual must be signed by the president, member, partner, trustee, or other individual authorized to execute the declaration on behalf of the person.

(c)(1) On full and final discharge of the indebtedness that is the basis for a notice of claim of lien recorded under subsection (b) of this section, the person having the claim shall provide the Secretary with an acknowledged certificate of discharge of the indebtedness. The Secretary shall record the certificate.

(2) The district courts of the United States shall have jurisdiction over a civil action in Admiralty to declare that a vessel is not subject to a lien claimed under subsection (b) of this section, or that the vessel is not subject to the notice of claim of lien, or both, regardless of the amount in controversy or the citizenship of the parties. Venue in such an action shall be in the district where the vessel is found or where the claimant resides or where the notice of claim of lien is recorded. The court may award costs and attorneys fees to the prevailing party, unless the court finds that the position of the other party was substantially justified or other circumstances make an award of costs and attorneys fees unjust. The Secretary shall record any such declaratory order.

(d) A person claiming a lien on a vessel covered by a preferred mortgage under section 31322(d) of this title must record and discharge the lien as provided by the law of the State in which the vessel is titled.

(e)(1) A notice of claim of lien recorded under subsection (b) of this section shall expire 3 years after the date the lien was established, as such date is stated in the notice under subsection (a) of this section.

(2) *On expiration of a notice of claim of lien under paragraph (1), the Secretary shall remove such expired notice.*

(f) This section does not alter in any respect the law pertaining to the establishment of a maritime lien, the remedy provided by such a lien, or the defenses thereto, including any defense under the doctrine of laches.

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SUBTITLE V—MERCHANT MARINE

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PART A—GENERAL

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CHAPTER 503—ADMINISTRATIVE

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§ 50307. Maritime environmental and technical assistance program

(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the [marine transportation] *maritime transportation* system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and nongovernmental entities and facilities.

(b) COMPONENTS.—Under this section, the Secretary of Transportation may—

(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

(A) reducing air emissions, water emissions, or other ship discharges;

(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

(C) controlling aquatic invasive species; and

(2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

(c) COORDINATION.—Coordination under subsection (b)(2) may include—

(1) activities that are associated with the development or approval of validation and testing regimes; and

(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and nongovernmental entities and facilities to carry out the activities authorized under subsection (a).

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PART B—MERCHANT MARINE SERVICE

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**CHAPTER 517—OTHER SUPPORT FOR MERCHANT
MARINE TRAINING**

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§ 51705. Training for use of force against piracy

The Secretary of Transportation, in consultation with the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, shall certify a training curriculum for United States mariners on the use of force against pirates. The curriculum shall include—

- (1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;
- (2) information on current threats and patterns of attack by pirates;
- (3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;
- (4) standard rules for the use of force for self-defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; [46 U.S.C. 8107 note] *46 U.S.C. 8108 note*), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and
- (5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.

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PART C—FINANCIAL ASSISTANCE PROGRAMS

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CHAPTER 541—MISCELLANEOUS

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§ 54101. Assistance for small shipyards

(a) **ESTABLISHMENT OF PROGRAM.**—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

- (1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and
- (2) for maritime training programs to foster technical skills and operational productivity relating to shipbuilding, ship repair, and associated industries.

(b) **AWARDS.**—

- (1) **IN GENERAL.**—In providing assistance under the program, the Administrator shall consider projects that foster—
 - (A) efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and
 - (B) employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries.
- (2) **TIMING OF GRANT NOTICE.**—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded

under this section not more than 15 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(3) **TIMING OF GRANTS.**—The Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

(4) **REUSE OF UNEXPENDED GRANT FUNDS.**—Notwithstanding paragraph (3), amounts awarded as a grant under this section that are not expended by the grantee shall remain available to the Administrator for use for grants under this section.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Assistance provided under this section may be used to—

(A) make capital and related improvements in small shipyards; and

(B) provide training for workers in shipbuilding, ship repair, and associated industries.

(2) **ADMINISTRATIVE COSTS.**—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

(d) **PROHIBITED USES.**—**[Grants awarded]**

(1) **IN GENERAL.**—*Grants awarded* under this section may not be used to construct buildings or other physical facilities or to acquire land.

(2) **BUY AMERICA.**—

(A) **IN GENERAL.**—*Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—*

(i) an unmanufactured article, material, or supply that has been mined or produced in the United States;
or

(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(B) **EXCEPTIONS.**—

(i) IN GENERAL.—*Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if such Administrator determines—*

(I) that the application of those requirements would be inconsistent with the public interest;

(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

(III) that inclusion of a domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee's supplier.

(ii) *FEDERAL REGISTER*.—A determination made by such Administrator under this subparagraph shall be published in the Federal Register.

(C) *DEFINITIONS*.—In this paragraph:

(i) *COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM*.—The term “commercially available off-the-shelf item” means—

(I) any item of supply (including construction material) that is—

(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations; and

(bb) sold in substantial quantities in the commercial marketplace; and

(II) does not include bulk cargo, as that term is defined in section 40102(4) of this title, such as agricultural products and petroleum products.

(ii) *PRODUCT OR MATERIAL*.—The term “product or material” means an article, material, or supply brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

(iii) *UNITED STATES*.—The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(e) *MATCHING REQUIREMENTS; ALLOCATION*.—

(1) *FEDERAL FUNDING*.—Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) *ALLOCATION OF FUNDS*.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

(f) *APPLICATIONS*.—

(1) *IN GENERAL*.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

(2) *MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT*.—Each application submitted under paragraph (1) shall include a comprehensive description of—

(A) the need for the project;

(B) the methodology for implementing the project; and

- (C) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.
- (3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—
- (A) grant funds are used for the purposes for which they were made available;
 - (B) grantees have properly accounted for all expenditures of grant funds; and
 - (C) grant funds not used for such purposes and amounts not obligated or expended are returned.
- (4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—
- (A) sufficient funding is available to meet the matching requirements of subsection (e);
 - (B) the project will be completed without unreasonable delay; and
 - (C) the recipient has authority to carry out the proposed project.
- (g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.
- (h) SMALL SHIPYARD DEFINED.—In this section, the term “small shipyard” means a shipyard facility in one geographic location that does not have more than 1,200 employees.
- (i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2018, 2019, and 2020 to carry out this section \$35,000,000.

§ 54102. Centers of excellence for domestic maritime workforce training and education

- (a) DESIGNATION.—The Secretary of Transportation may designate as a center of excellence for domestic maritime workforce training and education a covered training entity located in a State that borders on the—
- (1) Gulf of Mexico;
 - (2) Atlantic Ocean;
 - (3) Long Island Sound;
 - (4) Pacific Ocean;
 - (5) Great Lakes;
 - (6) Mississippi River System;
 - (7) Arctic; or
 - (8) Gulf of Alaska.
- (b) ASSISTANCE.—The Secretary may enter into a cooperative agreement (as that term is used in section 6305 of title 31) with a center of excellence designated under subsection (a) or subsection (d) to support maritime workforce training and education at the center of excellence, including efforts of the center of excellence to—
- (1) admit additional students;

- (2) recruit and train faculty;
 - (3) expand facilities;
 - (4) create new maritime career pathways; or
 - (5) award students credit for prior experience, including military service.
- (c) DEFINITIONS.—In this section,
- (1) COVERED TRAINING ENTITY.—the term “covered training entity” means an entity that is—
 - (A) a community or technical college; or
 - (B) a maritime training center—
 - (i) operated by, or under the supervision of, a State; and
 - (ii) with a maritime training program in operation on the date of enactment of this section.
 - (2) ARCTIC.—The term “Arctic” has the meaning that term has under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
 - (d) STATE MARITIME ACADEMY.—*The Secretary of Transportation shall designate each State maritime academy, as defined in section 51102(4) of this title, as a center of excellence under this section.*

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PART D—PROMOTIONAL PROGRAMS

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CHAPTER 551—COASTWISE TRADE

Sec.						
55101. Application of coastwise laws.	*	*	*	*	*	*
55123. <i>Installation vessels.</i>	*	*	*	*	*	*

§ 55123. *Installation vessels*

(a) INITIAL DETERMINATION OF COASTWISE QUALIFIED VESSEL.—*No later than 180 days after the date of the enactment of this section, the Secretary of Transportation shall determine whether an installation vessel exists for which a coastwise endorsement has been issued under section 12112.*

(b) APPLICATION.—*If the Secretary of Transportation determines under subsection (a) that no such coastwise qualified vessel exists, then, after the date on which such determination is made, lifting operations between a vessel for which a coastwise endorsement has been issued under section 12112 and an installation vessel for which no such endorsement has been issued is not transportation of merchandise for the purposes of section 55102.*

(c) REQUESTS FOR DETERMINATIONS OF COASTWISE QUALIFIED VESSELS.—

(1) IN GENERAL.—*After the date on which the determination is made under subsection (a), an installation vessel for which a coastwise endorsement has been issued under section 12112, the owner or operator of such installation vessel may seek a new determination from the Secretary of Transportation that an in-*

stallation vessel for which a coastwise endorsement has been issued under section 12112 exists.

(2) *APPLICATION TO NON-QUALIFIED VESSELS.*—If the Secretary of Transportation makes a determination under paragraph (1) that a coastwise qualified vessel exists, then—

(A) the owner or operator of an installation vessel for which no coastwise endorsement has been issued under section 12112 shall seek a determination of the availability of a coastwise qualified vessel under paragraph (3) before using such non-coastwise qualified vessel for the transportation of a platform jacket; and

(B) after the date on which such determination is made, the owner or operator of an installation vessel for which no coastwise endorsement has been issued under section 12112 shall not use such non-coastwise qualified vessel for the transportation of a platform jacket unless the Secretary of Transportation determines a coastwise qualified is not available under paragraph (4).

(3) *CRITERIA FOR DETERMINATION OF AVAILABILITY.*—The Secretary of Transportation shall determine a coastwise qualified vessel is not available if—

(A) the owner or operator of a non-coastwise qualified vessel submits to the Secretary of Transportation an application for the use of a non-coastwise qualified installation vessel for transportation of a platform jacket under this section that includes all relevant information, including engineering details and timing requirements, and such application is submitted not less than 1 year before the date such vessel is required for such use;

(B) the Secretary provides the application made under subparagraph (A) to the owner of each coastwise qualified vessel listed as an installation vessel in the inventory under section 12138(c) and promptly publishes in the Federal Register a notice—

(i) describing the project and the platform jacket involved;

(ii) advising that all relevant information reasonably needed to assess the transportation and installation requirements for the platform jacket will be made available to an interested person on request; and

(iii) requesting that information on the availability of coastwise qualified vessels be submitted within a 45-day period beginning on the date of such publication; and

(C)(i) within such 45-day period no information is submitted to the Secretary from owners or operators of coastwise qualified installation vessels to meet the requirements of the application required under paragraph (A); or

(ii) the owner or operator of a coastwise qualified installation vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise qualified installation vessel available to meet the requirements of the application required under paragraph (A), but the Secretary determines, within 90 days after the notice is first

published, that the coastwise qualified installation vessel is not suitable or reasonably available for the transportation.

(d) **DEFINITIONS.**—*In this section:*

(1) **INSTALLATION VESSEL.**—*The term “installation vessel” means a vessel using a crane suitable for offshore use that—*

(A) is used to install platform jackets;

(B) has a slewing or luffing capability;

(C) has a lifting capacity of at least 1,000 metric tons; and

(D) conducts lifting operations to construct or remove offshore facilities or subsea infrastructure or to install and uninstall component parts or materials from offshore facilities or subsea infrastructure.

(2) **LIFTING OPERATIONS.**—*The term “lifting operations” means the lifting of platform jackets by crane from the time that the lifting activity begins when unloading from a vessel or removing offshore facilities or subsea infrastructure until the time that the lifting activities are terminated for a particular unloading, installation, or removal of offshore facilities or subsea infrastructure.*

(3) **PLATFORM JACKET.**—*The term “platform jacket” has the meaning given such term in section 55108(a).*

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CHAPTER 555—MISCELLANEOUS

Sec.

55501. United States Committee on the Marine Transportation System.

55502. National Maritime Transportation System Advisory Committee.

§ 55501. United States Committee on the Marine Transportation System

(a) **ESTABLISHMENT.**—There is established a United States Committee on the Marine Transportation System (in this section referred to as the “Committee”).

(b) **PURPOSE.**—The Committee shall serve as a Federal inter-agency coordinating committee for the purpose of—

(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their inter-modal connections);

(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Committee shall consist of—

(A) the Secretary of Transportation;

(B) the Secretary of Defense;

(C) the Secretary of Homeland Security;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of State;

(G) the Secretary of the Interior;

- (H) the Secretary of Agriculture;
 - (I) the Attorney General;
 - (J) the Secretary of Labor;
 - (K) the Secretary of Energy;
 - (L) the Administrator of the Environmental Protection Agency;
 - (M) the Chairman of the Federal Maritime Commission;
 - (N) the Chairman of the Joint Chiefs of Staff; and
 - (O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.
- (2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.
- (d) SUPPORT.—
- (1) COORDINATING BOARD.—
 - (A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.
 - (B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.
 - (2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.
 - (3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—
 - (A) provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and
 - (B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.
- (e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
- (1) steps taken to implement actions recommended in the document titled “National Strategy for the Marine Transportation System: A Framework for Action” and dated July 2008;
 - (2) [an assessment of the condition] *a conditions and performance analysis* of the marine transportation system;

(3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;

(4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges[; and];

(5) steps taken to implement actions recommended in previous reports required under this subsection[.]; and

(6) a compendium of the Federal programs engaged in the maritime transportation system.

(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.

§ 55502. National Maritime Transportation System Advisory Committee

(a) ESTABLISHMENT.—*There is established a National Maritime Transportation System Advisory Committee (in this section referred to as the “Committee”).*

(b) FUNCTION.—*The Committee shall advise the Secretary of Transportation on matters relating to the United States maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the United States Merchant Marine.*

(c) MEMBERSHIP.—

(1) IN GENERAL.—*The Committee shall consist of 25 members appointed by the Secretary of Transportation in accordance with this section and section 15109.*

(2) EXPERTISE.—*Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.*

(3) REPRESENTATION.—*Members of the Committee shall be appointed as follows:*

(A) *At least 1 member shall represent the Environmental Protection Agency.*

(B) *At least 1 member shall represent the Department of Commerce.*

(C) *At least 1 member shall represent the Army Corps of Engineers.*

(D) *At least 1 member shall represent the Coast Guard.*

(E) *At least 1 member shall represent Customs and Border Protection.*

(F) *At least 1 member shall represent State and local governmental entities.*

(G) *Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.*

(H) *The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.*

(4) ADMINISTRATION.—*For purposes of section 15109—*

(A) *the Committee shall be treated as a committee established under chapter 151; and*

(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.

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CHAPTER 556—SHORT SEA TRANSPORTATION

Sec.
55601. Short sea transportation program.

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[55603. Interagency coordination.]

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[§ 55603. Interagency coordination

[The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.]

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SUBTITLE VI—CLEARANCE, TONNAGE TAXES, AND DUTIES

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CHAPTER 605—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES

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§ 60504. Reciprocal privileges for recreational vessels

When the President is satisfied that **[yachts]** *recreational vessels* owned by residents of the United States and used only for pleasure are allowed to arrive at, depart from, and cruise in the waters of a foreign port without entering, clearing, or paying any duties or fees (including cruising license fees), the Secretary of Homeland Security may allow **[yachts]** *recreational vessels* from that foreign port used only for pleasure to arrive at and depart from the ports of the United States and to cruise in the waters of the United States without paying any duties or fees. However, the Secretary may require foreign **[yachts]** *recreational vessels* to obtain a license to cruise in the waters of the United States. The license shall be in the form prescribed by the Secretary and contain limitations about length of time, direction, place of cruising and action, and other matters the Secretary considers appropriate. The license shall be issued without cost to the **[yacht]** *recreational vessel*.

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SUBTITLE VII—SECURITY AND DRUG ENFORCEMENT

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CHAPTER 700—PORTS AND WATERWAYS SAFETY

Sec.

[SUBCHAPTER SUBCHAPTER A —VESSEL OPERATIONS]

SUBCHAPTER I—VESSEL OPERATIONS

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70006. *Safety of special activities.*

70007. *Establishment by the Secretary of Homeland Security of anchorage grounds and regulations generally.*

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[SUBCHAPTER SUBCHAPTER B —PORTS AND WATERWAYS SAFETY]

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

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70014. *Aiming a laser pointer at a vessel.*

[SUBCHAPTER SUBCHAPTER C —CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES]

SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

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70021. *Conditions for Entry Into Ports in the United States.*

[SUBCHAPTER SUBCHAPTER D —DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY]

SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

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[SUBCHAPTER SUBCHAPTER E —REGATTAS AND MARINE PARADES]

SUBCHAPTER V—REGATTAS AND MARINE PARADES

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[SUBCHAPTER SUBCHAPTER F —REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES]

SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

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SUBCHAPTER I—VESSEL OPERATIONS

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§ 70003. Port access routes

(a) **AUTHORITY TO DESIGNATE.**—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

(b) **LIMITATION.**—

(1) **IN GENERAL.**—No designation may be made by the Secretary under this section if—

- (A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and
- (B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).
- (2) CONSULTATION REQUIRED.—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.
- (c) CONSIDERATION OF OTHER USES.—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—
- (1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;
- (2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and
- (3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.
- (d) STUDY.—In carrying out the Secretary's responsibilities under subsection (c), the Secretary shall—
- (1) proceed expeditiously to complete any study undertaken; and
- (2) after completion of such a study, promptly—
- (A) issue a notice of proposed rulemaking for the designation contemplated; or
- (B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.
- (e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the Secretary—
- (1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;
- (2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes man-

datory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which **[continues; and]** *continues*;

(4) shall, through appropriate channels—

(A) notify cognizant international organizations of any designation, or adjustment thereof; and

(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas**[.]**; and

(5) shall, unless otherwise authorized by the Secretary, and notwithstanding any other provision of this chapter, require—

(A) a 2-nautical-mile buffer between the parallel outer or seaward boundary of a traffic lane and any offshore structure affixed to the submerged land of the Outer Continental Shelf; and

(B) a 5-nautical-mile buffer between the entry or exit of any traffic separation scheme and any offshore structure.

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§ 70006. Safety of special activities

(a) *IN GENERAL.*—The Secretary may establish a safety zone to address special activities in the exclusive economic zone.

(b) *DEFINITIONS.*—In this section:

(1) The term “safety zone” has the meaning provided in section 165.20 of title 33, Code of Federal Regulations.

(2) The term “special activities” includes—

(A) space activities, including launch and reentry, as those terms are defined in section 50902 of title 51, carried out by United States citizens; and

(B) offshore energy development activities, as described in section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)), on or near a fixed platform.

(3) The term “United States citizen” has the meaning given the term “eligible owners” in section 12103.

(4) The term “fixed platform” means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

§ 70007. Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally

(a) *IN GENERAL.*—The Secretary of Homeland Security is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: Provided, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

(b) *DEFINITION.*—As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

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§ 70014. Aiming a laser pointer at a vessel

(a) *PROHIBITION.*—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

(b) *EXCEPTIONS.*—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(c) *LASER POINTER DEFINED.*—In this section the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

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SUBCHAPTER IV—DEFINITIONS, REGULATIONS,
ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

§ 70031. Definitions

As used in subchapters [A through C] I through III and this subchapter, unless the context otherwise requires:

- (1) The term “marine environment” means—
- (A) the navigable waters of the United States and the land and resources therein and thereunder;
 - (B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;
 - (C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and
 - (D) the recreational, economic, and scenic values of such waters and resources.
- (2) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.
- (3) The term “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

§ 70032. Saint Lawrence Seaway

The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters [A through C] *I through III* and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

§ 70033. Limitation on application to foreign vessels

Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters [A through C] *I through III* and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

- (1) innocent passage through the territorial sea of the United States; or
- (2) transit through the navigable waters of the United States that form a part of an international strait.

§ 70034. Regulations

(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters [A through C] *I through III* and this subchapter.

(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters [A through C] *I through III* and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

- (1) interested Federal departments and agencies;
- (2) officials of State and local governments;
- (3) representatives of the maritime community;

- (4) representatives of port and harbor authorities or associations;
- (5) representatives of environmental groups;
- (6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and
- (7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

§ 70035. Investigatory powers

(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters [A through C] *I through III* and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

§ 70036. Enforcement

(a) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters [A through C] *I through III* or this subchapter or a regulation issued under subchapters [A through C] *I through III* or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Sec-

retary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

(b) CRIMINAL PENALTY.—

(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters [A through C] *I through III* or this subchapter or any regulation issued thereunder commits a class D felony.

(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters [A through C] *I through III* or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters [A, B, or C] *I, II, or III* or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter [A, B, or C] *I, II, or III* or this subchapter or of regulations issued under such subchapter, for cause shown.

(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter [A, B, or C] *I, II, or III* or this subchapter or the regulations issued under such subchapter—

- (1) into the navigable waters of the United States; or
- (2) to any port or place under the jurisdiction of the United States.

(f) WITHHOLDING OF CLEARANCE.—

(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

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CHAPTER 701—PORT SECURITY

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SUBCHAPTER I—GENERAL

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§ 70103. Maritime transportation security plans

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Security Plan for deterring and responding to a transportation security incident.

(2) The National Maritime Transportation Security Plan shall provide for efficient, coordinated, and effective action to deter and minimize damage from a transportation security incident, and shall include the following:

(A) Assignment of duties and responsibilities among Federal departments and agencies and coordination with State and local governmental agencies.

(B) Identification of security resources.

(C) Procedures and techniques to be employed in deterring a national transportation security incident.

(D) Establishment of procedures for the coordination of activities of—

(i) Coast Guard maritime security teams established under this chapter; and

(ii) Federal Maritime Security Coordinators required under this chapter.

(E) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of a transportation security incident and imminent threats of such a security incident to the appropriate State and Federal agencies.

(F) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a transportation security incident, or the substantial threat of such a security incident.

(G) Designation of—

(i) areas for which Area Maritime Transportation Security Plans are required to be prepared under subsection (b); and

(ii) a Coast Guard official who shall be the Federal Maritime Security Coordinator for each such area.

(H) A risk-based system for evaluating the potential for violations of security zones designated by the Secretary on the waters subject to the jurisdiction of the United States.

(I) A recognition of certified systems of intermodal transportation.

(J) A plan for ensuring that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.

(K) A plan to detect, respond to, and recover from cybersecurity risks that may cause transportation security incidents.

(3) The Secretary shall, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Security Plan.

(4) Actions by Federal agencies to deter and minimize damage from a transportation security incident shall, to the greatest extent possible, be in accordance with the National Maritime Transportation Security Plan.

(5) The Secretary shall inform vessel and facility owners or operators of the provisions in the National Transportation Security Plan that the Secretary considers necessary for security purposes.

(b) AREA MARITIME TRANSPORTATION SECURITY PLANS.—(1) The Federal Maritime Security Coordinator designated under subsection (a)(2)(G) for an area shall—

(A) submit to the Secretary an Area Maritime Transportation Security Plan for the area; and

(B) solicit advice from the Area Security Advisory Committee required under this chapter, for the area to assure preplanning of joint deterrence efforts, including appropriate procedures for deterrence of a transportation security incident.

(2) The Area Maritime Transportation Security Plan for an area shall—

(A) when implemented in conjunction with the National Maritime Transportation Security Plan, be adequate to deter a transportation security incident in or near the area to the maximum extent practicable;

(B) describe the area and infrastructure covered by the plan, including the areas of population or special economic, environmental, or national security importance that might be damaged by a transportation security incident;

(C) describe in detail how the plan is integrated with other Area Maritime Transportation Security Plans, and with facility security plans and vessel security plans under this section;

(D) include consultation and coordination with the Department of Defense on matters relating to Department of Defense facilities and vessels;

(E) establish area response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the SAFE Port Act of 2006 (6 U.S.C. 942) and subsection (a) of this section;

(F) include any other information the Secretary requires;

(G) include a salvage response plan—

(i) to identify salvage equipment capable of restoring operational trade capacity; and

(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident;

(H) include a plan for detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and

(I) be updated at least every 5 years by the Federal Maritime Security Coordinator.

(3) The Secretary shall—

(A) review and approve Area Maritime Transportation Security Plans *and updates* under this subsection; and

(B) periodically review previously approved Area Maritime Transportation Security Plans *and updates*.

(4) In security zones designated by the Secretary in each Area Maritime Transportation Security Plan, the Secretary shall consider—

(A) the use of public/private partnerships to enforce security within the security zones, shoreside protection alternatives, and the environmental, public safety, and relative effectiveness of such alternatives; and

(B) technological means of enhancing the security zones of port, territorial waters, and waterways of the United States.

(c) VESSEL AND FACILITY SECURITY PLANS.—(1) Within 6 months after the prescription of interim final regulations on vessel and facility security plans, an owner or operator of a vessel or facility described in paragraph (2) shall prepare and submit to the Secretary a security plan for the vessel or facility, for deterring a transportation security incident to the maximum extent practicable.

(2) The vessels and facilities referred to in paragraph (1)—

(A) except as provided in subparagraph (B), are vessels and facilities that the Secretary believes may be involved in a transportation security incident; and

(B) do not include any vessel or facility owned or operated by the Department of Defense.

(3) A security plan required under this subsection shall—

(A) be consistent with the requirements of the National Maritime Transportation Security Plan and Area Maritime Transportation Security Plans;

(B) identify the qualified individual having full authority to implement security actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to subparagraph (C);

(C) include provisions for—

(i) establishing and maintaining physical security, passenger and cargo security, and personnel security;

(ii) establishing and controlling access to secure areas of the vessel or facility, including access by persons engaged in the surface transportation of intermodal containers in or out of a port facility;

(iii) procedural security policies;

(iv) communications systems;

(v) detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and

(vi) other security systems;

(D) identify, and ensure by contract or other means approved by the Secretary, the availability of security measures necessary to deter to the maximum extent practicable a transportation security incident or a substantial threat of such a security incident;

(E) describe the training, periodic unannounced drills, and security actions of persons on the vessel or at the facility, to be carried out under the plan to deter to the maximum extent practicable a transportation security incident, or a substantial threat of such a security incident;

(F) provide a strategy and timeline for conducting training and periodic unannounced drills;

(G) be updated at least every 5 years;

(H) be resubmitted for approval of each change to the vessel or facility that may substantially affect the security of the vessel or facility; and

(I) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.

(4) The Secretary shall—

(A) promptly review each such plan *or update*;

(B) require amendments to any plan *or update* that does not meet the requirements of this subsection;

(C) approve any plan *or update* that meets the requirements of this subsection; and

(D) subject to the availability of appropriations, periodically, but not less than one time per year, conduct a risk-based, no notice facility inspection to verify the effectiveness of each such facility security plan *or update*.

(5) A vessel or facility for which a plan is required to be submitted under this subsection may not operate after the end of the 12-month period beginning on the date of the prescription of interim final regulations on vessel and facility security plans, unless—

(A) the plan has been approved by the Secretary; and

(B) the vessel or facility is operating in compliance with the plan.

(6) Notwithstanding paragraph (5), the Secretary may authorize a vessel or facility to operate without a security plan approved under this subsection, until not later than 1 year after the date of the submission to the Secretary of a plan for the vessel or facility, if the owner or operator of the vessel or facility certifies that the owner or operator has ensured by contract or other means approved by the Secretary to deter to the maximum extent practicable a transportation security incident or a substantial threat of such a security incident.

(7) The Secretary shall require each owner or operator of a vessel or facility located within or adjacent to waters subject to the jurisdiction of the United States to implement any necessary interim security measures, including cargo security programs, to deter to the maximum extent practicable a transportation security incident until the security plan for that vessel or facility operator is approved.

(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.

(d) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

(A) facility security plans, vessel security plans, and port vulnerability assessments; and

(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive

security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

- (A) to conceal a violation of law, inefficiency, or administrative error;
 - (B) to prevent embarrassment to a person, organization, or agency;
 - (C) to restrain competition; or
 - (D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.
- (e) **ESPECIALLY HAZARDOUS CARGO.**—

(1) **ENFORCEMENT OF SECURITY ZONES.**—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

(2) **RESOURCE DEFICIENCY REPORTING.**—

(A) **IN GENERAL.**—When the Secretary submits the annual budget request for a fiscal year for the department in which the Coast Guard is operating to the Office of Management and Budget, the Secretary shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(i) for the last full fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

(ii) for the last full fiscal year preceding the report, a statement of the number of especially hazardous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(iii) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those especially hazardous cargo shipments for which a security zone is established.

(B) **ESPECIALLY HAZARDOUS CARGO DEFINED.**—In this subsection, the term “especially hazardous cargo” means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(f) **NONDISCLOSURE OF PORT SECURITY PLANS.**—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger termi-

nals authorized under this chapter is not required to be disclosed to the public.

* * * * *

§ 70107. Grants

(a) IN GENERAL.—The Secretary shall establish a grant program for the allocation of funds based on risk to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services and to train [law enforcement personnel] *emergency response providers* under section 70132 of this title. Before awarding a grant under the program, the Secretary shall provide for review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administrator. In administering the grant program, the Secretary shall take into account national economic, energy, and strategic defense concerns based upon the most current risk assessments available.

(b) ELIGIBLE COSTS.—The following costs of funding the correction of Coast Guard identified vulnerabilities in port security and ensuring compliance with Area Maritime Transportation Security Plans and facility security plans are eligible to be funded:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers. Grants awarded under this section may not be used to construct buildings or other physical facilities, except those which are constructed under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—

(A) \$1,000,000 per project; or

(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(4) The cost of conducting vulnerability assessments to evaluate and make recommendations with respect to security.

(5) The cost of conducting exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks.

(6) The cost of establishing or enhancing mechanisms for sharing terrorism threat information and ensuring that the mechanisms are interoperable with Federal, State, and local agencies.

(7) The cost of equipment (including software) required to receive, transmit, handle, and store classified information.

(8) The cost of training [law enforcement personnel—] *emergency response providers*—

(A) to enforce a security zone under section 70132 of this title; or

(B) assist in the enforcement of a security zone.

(c) MATCHING REQUIREMENTS.—

(1) 75-PERCENT FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

(2) EXCEPTIONS.—

(A) SMALL PROJECTS.—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

(C) TRAINING.—There are no matching requirements for grants under subsection (a) to train [law enforcement agency personnel] *emergency response providers* in the enforcement of security zones under section 70132 of this title or in assisting in the enforcement of such security zones.

(d) COORDINATION AND COOPERATION AGREEMENTS.—The Secretary shall ensure that projects paid for, or the costs of which are reimbursed, under this section within any area or port are coordinated with other projects, and may require cooperative agreements among users of the port and port facilities with respect to projects funded under this section.

(e) MULTIPLE-YEAR PROJECTS.—

(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a

grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

(h) REPORTS.—Not later than 180 days after the date of the enactment of the SAFE Port Act, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.

(i) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall require eligible port authorities, facility operators, and State and local agencies required to provide security services, to submit an application, at such time, in such form, and containing such information and assurances as the Secretary may require, and shall include appropriate application, review, and delivery mechanisms.

(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application for payment or reimbursement of eligible costs shall include, at a minimum, the following:

(A) A copy of the applicable Area Maritime Transportation Security Plan or facility security plan.

(B) A comprehensive description of the need for the project, and a statement of the project's relationship to the applicable Area Maritime Transportation Security Plan or facility security plan.

(C) A determination by the Captain of the Port that the security project addresses or corrects Coast Guard identified vulnerabilities in security and ensures compliance with Area Maritime Transportation Security Plans and facility security plans.

(3) PROCEDURAL SAFEGUARDS.—The Secretary shall by regulation establish appropriate accounting, reporting, and review procedures to ensure that amounts paid or reimbursed under this section are used for the purposes for which they were made available, all expenditures are properly accounted for, and amounts not used for such purposes and amounts not obligated or expended are recovered.

(4) PROJECT APPROVAL REQUIRED.—The Secretary may approve an application for the payment or reimbursement of costs under this section only if the Secretary is satisfied that—

(A) the project is consistent with Coast Guard vulnerability assessments and ensures compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) enough money is available to pay the project costs that will not be reimbursed by the United States Government under this section;

(C) the project will be completed without unreasonable delay; and

(D) the recipient has authority to carry out the project as proposed.

(j) AUDITS AND EXAMINATIONS.—A recipient of amounts made available under this section shall keep such records as the Secretary may require, and make them available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the department in which the Coast Guard is operating.

(k) REPORTS ON SECURITY FUNDING AND COMPLIANCE.—

(1) INITIAL REPORT.—Within 6 months after the date of enactment of this Act, the Secretary shall transmit an unclassified report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, that—

(A) includes a funding proposal and rationale to fund the correction of Coast Guard identified vulnerabilities in port security and to help ensure compliance with Area Maritime Transportation Security Plans and facility security plans for fiscal years 2003 through 2008; and

(B) includes projected funding proposals for fiscal years 2003 through 2008 for the following security programs:

(i) The Sea Marshall program.

(ii) The Automated Identification System and a system of polling vessels on entry into United States waters.

(iii) The maritime intelligence requirements in this Act.

(iv) The issuance of transportation security cards required by section 70105.

(v) The program of certifying secure systems of transportation.

(2) OTHER EXPENDITURES.—The Secretary shall, as part of the report required by paragraph (1) report, in coordination with the Commissioner of Customs, on projected expenditures of screening and detection equipment and on cargo security programs over fiscal years 2003 through 2008.

(3) ANNUAL REPORTS.—Annually, beginning 1 year after transmittal of the report required by paragraph (1) until October 1, 2009, the Secretary shall transmit an unclassified annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on progress in achieving compliance with the correction of Coast Guard identified vulnerabilities in port security and compliance with Area Maritime Transportation Security Plans and facility security plans that—

(A) identifies any modifications necessary in funding to ensure the correction of Coast Guard identified vulnerabilities and ensure compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) includes an assessment of progress in implementing the grant program established by subsection (a);

(C) includes any recommendations the Secretary may make to improve these programs; and

(D) with respect to a port selected by the Secretary, describes progress and enhancements of applicable Area Maritime Transportation Security Plans and facility security plans and how the Maritime Transportation Security Act of 2002 has improved security at that port.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$400,000,000 for each of the fiscal years 2007 through 2013 to carry out this section.

(m) INVESTIGATIONS.—

(1) IN GENERAL.—The Secretary shall conduct investigations, fund pilot programs, and award grants, to examine or develop—

(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

(B) equipment to detect accurately explosives, chemical, or biological agents that could be used in a transportation security incident against the United States;

(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including sensors that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential transportation security incidents that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

(F) tools to mitigate the consequences of a transportation security incident on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a transportation security incident;

(G) applications to apply existing technologies from other areas or industries to increase overall port security;

(H) improved container design, including blast-resistant containers; and

(I) methods to improve security and sustainability of port facilities in the event of a maritime transportation security incident, including specialized inspection facilities.

(2) IMPLEMENTATION OF TECHNOLOGY.—

(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Secretary may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

(i) testing of new detection and screening technologies;

(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

(iii) tools for responding to a transportation security incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$35,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

(3) NATIONAL PORT SECURITY CENTERS.—

(A) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements with eligible nonprofit institutions of higher learning to conduct investigations in collaboration with ports and the maritime transportation industry focused on enhancing security of the Nation's ports in accordance with this subsection through National Port Security Centers.

(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, a nonprofit institution of higher learning, or a consortium of such institutions, shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(C) COMPETITIVE SELECTION PROCESS.—The Secretary shall select grant recipients under this paragraph through a competitive process on the basis of the following criteria:

(i) Whether the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the investigations authorized in this paragraph.

(ii) The applicant's capability to provide leadership in making national and regional contributions to the solution of immediate and long-range port and maritime transportation security and risk mitigation problems.

(iii) Whether the applicant can demonstrate that the applicant has an established, nationally recognized program in disciplines that contribute directly to maritime transportation safety and education.

(iv) Whether the applicant's investigations will involve major United States ports on the East Coast, the Gulf Coast, and the West Coast, and Federal agencies and other entities with expertise in port and maritime transportation.

(v) Whether the applicant has a strategic plan for carrying out the proposed investigations under the grant.

(4) ADMINISTRATIVE PROVISIONS.—

(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary shall coordinate with other Federal agencies to ensure the grant will not duplicate work already being conducted with Federal funding.

(B) ACCOUNTING.—The Secretary shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds

provided under paragraph (1) and make them available upon request to the Inspector General of the department in which the Coast Guard is operating and the Secretary for audit and examination.

(5) ANNUAL REVIEW AND REPORT.—The Inspector General of the department in which the Coast Guard is operating shall annually review the programs established under this subsection to ensure that the expenditures and obligations of funds are consistent with the purposes for which they are provided, and report the findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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SUBCHAPTER II—PORT SECURITY ZONES

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§ 70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo

(a) STANDARD.—The Commandant of the Coast Guard shall establish, by regulation, national standards for training and credentialing of ~~law enforcement personnel—~~ *emergency response providers*—

- (1) to enforce a security zone; or
- (2) to assist in the enforcement of a security zone.

(b) TRAINING.—

- (1) The Commandant of the Coast Guard—
 - (A) shall develop and publish a training curriculum for—
 - (i) ~~law enforcement personnel~~ *emergency response providers* to enforce a security zone;
 - (ii) ~~law enforcement personnel~~ *emergency response providers* to enforce or assist in the enforcement of a security zone; and
 - (iii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone; and
 - (B) may—
 - (i) test and deliver such training, the curriculum for which is developed pursuant to subparagraph (A);
 - (ii) enter into an agreement under which a public entity (including a Federal agency) or private entity may test and deliver such training, the curriculum for which has been developed pursuant to subparagraph (A); and
 - (iii) may accept a program, conducted by a public entity (including a Federal agency) or private entity, through which such training is delivered the curriculum for which is developed pursuant to subparagraph (A).

(2) Any Federal agency that provides such training, and any public or private entity that receives moneys, pursuant to sec-

tion 70107(b)(8) of this title, to provide such training, shall provide such training—

(A) to **law enforcement personnel** *emergency response providers* who enforce or assist in the enforcement of a security zone; and

(B) on an availability basis to—

(i) **law enforcement personnel** *emergency response providers* who assist in the enforcement of a security zone; and

(ii) personnel who are employed or retained by a facility or vessel owner or operator to assist in the enforcement of a security zone.

(3) If a Federal agency provides the training, the head of such agency may, notwithstanding any other provision of law, accept payment from any source for such training, and any amount received as payment shall be credited to the appropriation, current at the time of collection, charged with the cost thereof and shall be merged with, and available for, the same purposes of such appropriation.

(4) Notwithstanding any other provision of law, any moneys, awarded by the Department of Homeland Security in the form of awards or grants, may be used by the recipient to pay for training of personnel to assist in the enforcement of security zones and limited access areas.

(c) **CERTIFICATION; TRAINING PARTNERS.**—In developing and delivering training under the training program, the Secretary, in coordination with the Maritime Administrator of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management;

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities; and

(3) certify organizations that offer the curriculum for training and certification.

(d) **DEFINITION.**—*For the purposes of this section, the term “emergency response providers” has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).*

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SUBTITLE VIII—MISCELLANEOUS

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CHAPTER 803—ICE AND DERELICTS

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§ 80301. International agreements

(a) **GENERAL AUTHORITY.**—The President may make agreements with interested maritime countries to—

(1) maintain in the North Atlantic Ocean a service of ice patrol, of study and observation of ice and current conditions, and of assistance to vessels and their crews requiring assistance within the limits of the patrol; "operations and support"

(2) maintain a service of study and observation of ice and current conditions in the waters affecting the set and drift of ice in the North Atlantic Ocean; and

(3) take all practicable steps to ensure the destruction or removal of derelicts in the northern part of the Atlantic Ocean, east of the line drawn from Cape Sable to a point in latitude 34 degrees north, longitude 70 degrees west, if the destruction or removal is necessary.

(b) PAYMENT BETWEEN COUNTRIES.—The President may include in an agreement under subsection (a) a provision for—

(1) payment to the United States Government by other countries for their proportionate share of the expense of maintaining the services; or

(2) contribution by the Government for its proportionate share if the agreement provides for another country to maintain the services.

(c) PAYMENTS.—Payments received pursuant to subsection (b)(1) shall be credited to the appropriation for [operating expenses of the Coast Guard.] *operations and support of the Coast Guard and shall remain available until expended.*

* * * * *

§ 80505. Enforcement

(a) IN GENERAL.—To enforce the Convention, this chapter, and regulations prescribed under this chapter, the Secretary of the department in which the Coast Guard is operating may—

(1) examine, or require to be examined, containers in international transport;

(2) approve designs for containers;

(3) inspect and test containers being manufactured;

(4) issue a detention order removing or excluding a container from service until the container owner satisfies the Secretary that the container meets the standards of the Convention, if the container—

(A) does not have a safety approval plate attached to it;

or

(B) has a safety approval plate attached but there is significant evidence that the container is in a condition that creates an obvious risk to safety;

(5) take other appropriate action, including issuing necessary orders, to remove a container from service or restrict its use if the container is not in compliance with the Convention, this chapter, or regulations prescribed under this chapter, but does not present an obvious risk to safety; and

(6) allow a container found to be unsafe or without a safety approval plate to be moved to another location for repair or other disposition, under restrictions consistent with the intent of the Convention.

(b) PAYMENT OF EXPENSES.—

(1) EXAMINATION.—The owner of a container involved in an action by the Secretary under this section related to an exam-

ination of the container shall pay or reimburse the Secretary for the expenses arising from that action, except for the costs of routine examinations of the container or a safety approval plate.

(2) TESTING, INSPECTION, AND INITIAL APPROVAL.—The owner of a container submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturer of a container that submits a design to the procedure established by the Secretary for testing, inspection, and initial approval, shall pay or reimburse the Secretary for the expenses arising from the testing, inspection, or approval.

(3) CREDIT TO APPROPRIATION.—Amounts received by the Secretary as reimbursement shall be credited to the appropriation for [operating expenses] *operations and support* of the Coast Guard.

(c) PRESUMPTION BASED ON SAFETY APPROVAL PLATE.—A container bearing a safety approval plate authorized by a country that is a party to the Convention is presumed to be in a safe condition unless there is significant evidence that the container is in a condition that creates an obvious risk to safety.

(d) NOTICE OF ORDERS.—

(1) IN GENERAL.—When the Secretary issues a detention or other order under this section, the Secretary promptly shall notify in writing—

(A) the owner of the container;

(B) the owner's agent; or

(C) if the identity of the owner is not apparent from the container or shipping documents, the custodian.

(2) INFORMATION TO INCLUDE.—The notification shall identify the container involved, give the location of the container, and describe the condition or situation giving rise to the order.

(e) DURATION OF ORDERS.—An order issued by the Secretary under this section remains in effect until—

(1) the Secretary declares the container to be in compliance with the standards of the Convention; or

(2) the container is removed permanently from service.

(f) NOTICE OF DEFECTIVE CONTAINER TO COUNTRY ISSUING SAFETY APPROVAL PLATE.—If the Secretary has reason to believe that a container bearing a safety approval plate issued by another country was defective at the time of approval, the Secretary shall notify that country.

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AMERICA'S CUP ACT OF 2011

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SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

- (3) LUNA (United States official number 280133).
- (b) DOCUMENTATION OF LNG TANKERS.—
 - (1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:
 - (A) LNG GEMINI (United States official number 595752).
 - (B) LNG LEO (United States official number 595753).
 - (C) LNG VIRGO (United States official number 595755).
 - (2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).
 - (3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—**【The coastwise endorsement issued】** *No coastwise endorsement shall be issued* under paragraph (1) for a vessel **【shall expire on】** *after* the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.
- (c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

COAST GUARD AUTHORIZATION ACT OF 2016

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TITLE V—CONVEYANCES

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**Subtitle C—Conveyance of Coast Guard
Property at Point Spencer, Alaska**

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SEC. 533. AUTHORITY TO CONVEY LAND IN POINT SPENCER.

- (a) AUTHORITY TO CONVEY TRACTS 1, 3, AND 4.—Within 1 year after the Secretary notifies the Secretary of the Interior that the Coast Guard no longer needs to retain jurisdiction of Tract 1, Tract 3, or Tract 4 and subject to section 534, the Secretary of the Interior shall convey to BSNC or the State, subject to valid existing rights, all right, title, and interest of the United States in and to the surface and subsurface estates of that Tract in accordance with subsection (d).
- (b) AUTHORITY TO CONVEY TRACTS 2 AND 5.—Within 1 year after the date of the enactment of this section and subject to section 534, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest of the United States in and to

the surface and subsurface estates of Tract 2 and Tract 5 in accordance with subsection (d).

(c) **AUTHORITY TO TRANSFER TRACT 6.**—Within one year after the date of the enactment of this Act and subject to sections 534 and 535, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest of the United States in and to the surface and subsurface estates of Tract 6 in accordance with subsection (e).

(d) **ORDER OF OFFER TO CONVEY TRACT 1, 2, 3, 4, OR 5.**—

(1) **DETERMINATION AND OFFER.**—

(A) **TRACT 1, 3, OR 4.**—If the Secretary makes the determination under subsection (a) and subject to section 534, the Secretary of the Interior shall offer Tract 1, Tract 3, or Tract 4 for conveyance to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(B) **TRACT 2 AND 5.**—Subject to section 534, the Secretary of the Interior shall offer Tract 2 and Tract 5 to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) **OFFER TO BSNC.**—

(A) **ACCEPTANCE BY BSNC.**—If BSNC chooses to accept an offer of conveyance of a Tract under paragraph (1), the Secretary of the Interior shall consider **[Tract 6]** *such Tract* as within BSNC's entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) and shall convey such Tract to BSNC.

(B) **DECLINE BY BSNC.**—If BSNC declines to accept an offer of conveyance of a Tract under paragraph (1), the Secretary of the Interior shall offer such Tract for conveyance to the State under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508).

(3) **OFFER TO STATE.**—

(A) **ACCEPTANCE BY STATE.**—If the State chooses to accept an offer of conveyance of a Tract under paragraph (2)(B), the Secretary of the Interior shall consider such Tract as within the State's entitlement under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508) and shall convey such Tract to the State.

(B) **DECLINE BY STATE.**—If the State declines to accept an offer of conveyance of a Tract offered under paragraph (2)(B), such Tract shall be disposed of pursuant to applicable public land laws.

(e) **ORDER OF OFFER TO CONVEY TRACT 6.**—

(1) **OFFER.**—Subject to section 534, the Secretary of the Interior shall offer Tract 6 for conveyance to the State.

(2) **OFFER TO STATE.**—

(A) **ACCEPTANCE BY STATE.**—If the State chooses to accept an offer of conveyance of Tract 6 under paragraph (1), the Secretary of the Interior shall consider Tract 6 as within the State's entitlement under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508) and shall convey Tract 6 to the State.

(B) **DECLINE BY STATE.**—If the State declines to accept an offer of conveyance of Tract 6 under paragraph (1), the Secretary of the Interior shall offer Tract 6 for conveyance to BSNC under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) **OFFER TO BSNC.**—

(A) **ACCEPTANCE BY BSNC.**—

(i) **IN GENERAL.**—Subject to clause (ii), if BSNC chooses to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall consider Tract 6 as within BSNC's entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) and shall convey Tract 6 to BSNC.

(ii) **LEASE BY THE STATE.**—The conveyance of Tract 6 to BSNC shall be subject to BSNC negotiating a lease of Tract 6 to the State at no cost to the State, if the State requests such a lease.

(B) **DECLINE BY BSNC.**—If BSNC declines to accept an offer of conveyance of Tract 6 under paragraph (2)(B), the Secretary of the Interior shall dispose of Tract 6 pursuant to the applicable public land laws.

(f) **REMEDIAL ACTIONS.**—*For purposes of the transfers under this section, the remedial actions required under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) may be completed by the United States Coast Guard after the date of such transfer and a deed entered into for such transfer shall include a clause granting the United States Coast Guard access to the property in any case in which remedial action or corrective action is found to be necessary after the date of such transfer.*

SEC. 534. ENVIRONMENTAL COMPLIANCE, LIABILITY, AND MONITORING.

(a) **ENVIRONMENTAL COMPLIANCE.**—**[Nothing]** *After the date on which the Secretary of the Interior conveys land under section 533 of this Act, nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any applicable environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), with respect to contaminants on such land prior to the date on which the land is conveyed.*

(b) **LIABILITY.**—A person to which a conveyance is made under this subtitle shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance of the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out before such date on the real property conveyed.

(c) **MONITORING OF KNOWN CONTAMINATION.**—

(1) **IN GENERAL.**—To the extent practicable and subject to paragraph (2), any contamination in a Tract to be conveyed to the State or BSNC under this subtitle that—

(A) is identified in writing prior to the conveyance; and

(B) does not pose an immediate or long-term risk to human health or the environment;

may be routinely monitored and managed by the State or BSNC, as applicable, through institutional controls.

(2) INSTITUTIONAL CONTROLS.—Institutional controls may be used if—

(A) the Administrator of the Environmental Protection Agency and the Governor of the State concur that such controls are protective of human health and the environment; and

(B) such controls are carried out in accordance with Federal and State law.

* * * * *

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

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

Sec. 1. Short title; table of contents.

* * * * *

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

* * * * *

Subtitle E—Human Resources Management

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Sec. 846. Rotational cybersecurity research program.

* * * * *

TITLE VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS

* * * * *

Subtitle E—Human Resources Management

* * * * *

SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PROGRAM.

To enhance the Department’s cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

(1) *detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communica-*

tions integration center authorized by section 2209) of Coast Guard Academy graduates and faculty; and

(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

(A) the Agency (including the center);

(B) the Directorate of Science and Technology; or

(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.

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OIL POLLUTION ACT OF 1990

* * * * *

TITLE I—OIL POLLUTION LIABILITY AND COMPENSATION

* * * * *

SEC. 1004. LIMITS ON LIABILITY.

(a) GENERAL RULE.—Except as otherwise provided in this section, the total of the liability of a responsible party under section 1002 and any removal costs incurred by, or on behalf of, the responsible party, with respect to each incident shall not exceed—

(1) for a tank vessel, the greater of—

(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, \$3,000 per gross ton;

(B) with respect to a vessel other than a vessel referred to in subparagraph (A), \$1,900 per gross ton; or

(C)(i) with respect to a vessel greater than 3,000 gross tons that is—

(I) a vessel described in subparagraph (A), \$22,000,000; or

(II) a vessel described in subparagraph (B), \$16,000,000; or

(ii) with respect to a vessel of 3,000 gross tons or less that is—

(I) a vessel described in subparagraph (A), \$6,000,000; or

(II) a vessel described in subparagraph (B), \$4,000,000;

(2) for any other vessel, \$950 per gross ton or \$800,000, whichever is greater;

(3) for an offshore facility except a deepwater port, the total of all removal costs plus \$75,000,000; and

(4) for any onshore facility and a deepwater port, \$350,000,000.

(b) DIVISION OF LIABILITY FOR MOBILE OFFSHORE DRILLING UNITS.—

(1) TREATED FIRST AS TANK VESSEL.—For purposes of determining the responsible party and applying this Act and except

as provided in paragraph (2), a mobile offshore drilling unit which is being used as an offshore facility is deemed to be a tank vessel with respect to the discharge, or the substantial threat of a discharge, of oil on or above the surface of the water.

(2) TREATED AS FACILITY FOR EXCESS LIABILITY.—To the extent that removal costs and damages from any incident described in paragraph (1) exceed the amount for which a responsible party is liable (as that amount may be limited under subsection (a)(1)), the mobile offshore drilling unit is deemed to be an offshore facility. For purposes of applying subsection (a)(3), the amount specified in that subsection shall be reduced by the amount for which the responsible party is liable under paragraph (1).

(c) EXCEPTIONS.—

(1) ACTS OF RESPONSIBLE PARTY.—Subsection (a) does not apply if the incident was proximately caused by—

(A) gross negligence or willful misconduct of, or

(B) the violation of an applicable Federal safety, construction, or operating regulation by, the responsible party, an agent or employee of the responsible party, or a person acting pursuant to a contractual relationship with the responsible party (except where the sole contractual arrangement arises in connection with carriage by a common carrier by rail).

(2) FAILURE OR REFUSAL OF RESPONSIBLE PARTY.—Subsection (a) does not apply if the responsible party fails or refuses—

(A) to report the incident as required by law and the responsible party knows or has reason to know of the incident;

(B) to provide all reasonable cooperation and assistance requested by a responsible official in connection with removal activities; or

(C) without sufficient cause, to comply with an order issued under subsection (c) or (e) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by this Act, or the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.).

(3) OCS FACILITY OR VESSEL.—Notwithstanding the limitations established under subsection (a) and the defenses of section 1003, all removal costs incurred by the United States Government or any State or local official or agency in connection with a discharge or substantial threat of a discharge of oil from any Outer Continental Shelf facility or a vessel carrying oil as cargo from such a facility shall be borne by the owner or operator of such facility or vessel.

(4) CERTAIN TANK VESSELS.—Subsection (a)(1) shall not apply to—

(A) a tank vessel on which the only oil carried as cargo is an animal fat or vegetable oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act; and

(B) a tank vessel that is designated in its certificate of inspection as an oil spill response vessel (as that term is defined in section 2101 of title 46, United States Code) and that is used solely for removal.

(d) ADJUSTING LIMITS OF LIABILITY.—

(1) ONSHORE FACILITIES.—Subject to paragraph (2), the President may establish by regulation, with respect to any class or category of onshore facility, a limit of liability under this section of less than \$350,000,000, but not less than \$8,000,000, taking into account size, storage capacity, oil throughput, proximity to sensitive areas, type of oil handled, history of discharges, and other factors relevant to risks posed by the class or category of facility.

[(2) DEEPWATER PORTS AND ASSOCIATED VESSELS.—

[(A) STUDY.—The Secretary shall conduct a study of the relative operational and environmental risks posed by the transportation of oil by vessel to deepwater ports (as defined in section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)) versus the transportation of oil by vessel to other ports. The study shall include a review and analysis of offshore lightering practices used in connection with that transportation, an analysis of the volume of oil transported by vessel using those practices, and an analysis of the frequency and volume of oil discharges which occur in connection with the use of those practices.

[(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under subparagraph (A).

[(C) RULEMAKING PROCEEDING.—If the Secretary determines, based on the results of the study conducted under subparagraph (A), that the use of deepwater ports in connection with the transportation of oil by vessel results in a lower operational or environmental risk than the use of other ports, the Secretary shall initiate, not later than the 180th day following the date of submission of the report to the Congress under subparagraph (B), a rulemaking proceeding to lower the limits of liability under this section for deepwater ports as the Secretary determines appropriate. The Secretary may establish a limit of liability of less than \$350,000,000, but not less than \$50,000,000, in accordance with paragraph (1).]

(2) DEEPWATER PORTS AND ASSOCIATED VESSELS.—

(A) *IN GENERAL.*—*If the Secretary determines that the design and operation of a deepwater port results in a lower risk of oil pollution than the design and operation of such deepwater ports as existed on the date of the enactment of the Coast Guard Authorization Act of 2019, the Secretary may initiate a rulemaking proceeding to lower the limitation of liability under subsection (a)(4) for such deepwater port and each other deepwater port which achieves such lower risk level through such port's design and operation.*

(B) *RISK DETERMINATION.*—*In determining the risk of oil pollution, the Secretary shall take into account, as applicable—*

(i) the size of the deepwater ports and associated vessels;

(ii) oil storage capacity of the deepwater ports and associated vessels;

(iii) oil handling capacity of the deepwater ports and associated vessels;
 (iv) oil throughput;
 (v) proximity to sensitive areas;
 (vi) type of oil handled;
 (vii) history of oil discharges; and
 (viii) such other factors relevant to the oil pollution risks posed by the class or category of deepwater port and associated vessels as the Secretary determines appropriate.

(C) *LIMIT OF LIABILITY; TRANSPORTATION OF OIL.*—For deepwater ports used in connection with the transportation of oil, the Secretary may establish a limitation of liability under subparagraph (A) of not more than \$350,000,000 and not less than \$50,000,000.

(D) *LIMIT OF LIABILITY; TRANSPORTATION OF NATURAL GAS.*—For deepwater ports used in connection with the transportation of natural gas, the Secretary may establish a limitation of liability under subparagraph (A) of not more than \$350,000,000 and not less than \$1,000,000.

(3) *PERIODIC REPORTS.*—The President shall, within 6 months after the date of the enactment of this Act, and from time to time thereafter, report to the Congress on the desirability of adjusting the limits of liability specified in subsection (a).

(4) *ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.*—The President, by regulations issued not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006 and not less than every 3 years thereafter, shall adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.

* * * * *

SEC. 1012. USES OF THE FUND.

(a) *USES GENERALLY.*—The Fund shall be available to the President for—

(1) the payment of removal costs, including the costs of monitoring removal actions, determined by the President to be consistent with the National Contingency Plan—

(A) by Federal authorities; or

(B) by a Governor or designated State official under subsection (d);

(2) the payment of costs incurred by Federal, State, or Indian tribe trustees in carrying out their functions under section 1006 for assessing natural resource damages and for developing and implementing plans for the restoration, rehabilitation, replacement, or acquisition of the equivalent of damaged resources determined by the President to be consistent with the National Contingency Plan;

(3) the payment of removal costs determined by the President to be consistent with the National Contingency Plan as a result of, and damages resulting from, a discharge, or a substantial threat of a discharge, of oil from a foreign offshore unit;

(4) the payment of claims in accordance with section 1013 for uncompensated removal costs determined by the President to be consistent with the National Contingency Plan or uncompensated damages; *and*

(5) the payment of Federal administrative, operational, and personnel costs and expenses reasonably necessary for and incidental to the implementation, administration, and enforcement of this Act (including, but not limited to, sections 1004(d)(2), 1006(e), 4107, 4110, 4111, 4112, 4117, 5006, 8103, and title VII) and subsections (b), (c), (d), (j), and (l) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by this Act, with respect to prevention, removal, and enforcement related to oil discharges, provided that—

(A) not more than \$25,000,000 in each fiscal year shall be available to the Secretary for **operating expenses** *operations and support* incurred by the Coast Guard;

(B) not more than \$15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;

(C) not more than \$30,000,000 each year through the end of fiscal year 1992 shall be available to establish the National Response System under section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, including the purchase and prepositioning of oil spill removal equipment; and

(D) not more than \$27,250,000 in each fiscal year shall be available to carry out title VII of this Act; and].

[(6) the making of loans pursuant to the program established under section 1013(f).]

(b) **DEFENSE TO LIABILITY FOR FUND.—[The]**

(1) IN GENERAL.—The Fund shall not be available to pay any claim for removal costs or damages to a particular claimant, to the extent that the incident, removal costs, or damages are caused by the gross negligence or willful misconduct of that claimant.

(2) SUBROGATED RIGHTS.—Except for a guarantor claim pursuant to a defense under section 1016(f)(1), Fund compensation of any claim by an insurer or other indemnifier of a responsible party or injured third party is subject to the subrogated rights of that responsible party or injured third party to such compensation.

(c) **OBLIGATION OF FUND BY FEDERAL OFFICIALS.—**The President may promulgate regulations designating one or more Federal officials who may obligate money in accordance with subsection (a).

(d) **ACCESS TO FUND BY STATE OFFICIALS.—**

*(1) IMMEDIATE REMOVAL.—*In accordance with regulations promulgated under this section, the President, upon the request of the Governor of a State or pursuant to an agreement with a State under paragraph (2), may obligate the Fund for payment in an amount not to exceed \$250,000 for removal costs consistent with the National Contingency Plan required

for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.

(2) AGREEMENTS.—

(A) IN GENERAL.—The President shall enter into an agreement with the Governor of any interested State to establish procedures under which the Governor or a designated State official may receive payments from the Fund for removal costs pursuant to paragraph (1).

(B) TERMS.—Agreements under this paragraph—

(i) may include such terms and conditions as may be agreed upon by the President and the Governor of a State;

(ii) shall provide for political subdivisions of the State to receive payments for reasonable removal costs; and

(iii) may authorize advance payments from the Fund to facilitate removal efforts.

(e) REGULATIONS.—The President shall—

(1) not later than 6 months after the date of the enactment of this Act, publish proposed regulations detailing the manner in which the authority to obligate the Fund and to enter into agreements under this subsection shall be exercised; and

(2) not later than 3 months after the close of the comment period for such proposed regulations, promulgate final regulations for that purpose.

(f) RIGHTS OF SUBROGATION.—Payment of any claim or obligation by the Fund under this Act shall be subject to the United States Government acquiring by subrogation all rights of the claimant or State to recover from the responsible party.

(h) PERIOD OF LIMITATIONS FOR CLAIMS.—

(1) REMOVAL COSTS.—No claim may be presented under this title for recovery of removal costs for an incident unless the claim is presented within 6 years after the date of completion of all removal actions for that incident.

(2) DAMAGES.—No claim may be presented under this section for recovery of damages unless the claim is presented within 3 years after the date on which the injury and its connection with the discharge in question were reasonably discoverable with the exercise of due care, or in the case of natural resource damages under section 1002(b)(2)(A), if later, the date of completion of the natural resources damage assessment under section 1006(e).

(3) MINORS AND INCOMPETENTS.—The time limitations contained in this subsection shall not begin to run—

(A) against a minor until the earlier of the date when such minor reaches 18 years of age or the date on which a legal representative is duly appointed for the minor, or

(B) against an incompetent person until the earlier of the date on which such incompetent's incompetency ends or the date on which a legal representative is duly appointed for the incompetent.

(i) LIMITATION ON PAYMENT FOR SAME COSTS.—In any case in which the President has paid an amount from the Fund for any removal costs or damages specified under subsection (a), no other

claim may be paid from the Fund for the same removal costs or damages.

(j) OBLIGATION IN ACCORDANCE WITH PLAN.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts may be obligated from the Fund for the restoration, rehabilitation, replacement, or acquisition of natural resources only in accordance with a plan adopted under section 1006(c).

(2) EXCEPTION.—Paragraph (1) shall not apply in a situation requiring action to avoid irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action.

(k) PREFERENCE FOR PRIVATE PERSONS IN AREA AFFECTED BY DISCHARGE.—

(1) IN GENERAL.—In the expenditure of Federal funds for removal of oil, including for distribution of supplies, construction, and other reasonable and appropriate activities, under a contract or agreement with a private person, preference shall be given, to the extent feasible and practicable, to private persons residing or doing business primarily in the area affected by the discharge of oil.

(2) LIMITATION.—This subsection shall not be considered to restrict the use of Department of Defense resources.

(l) REPORTS.—

(1) IN GENERAL.—Each year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code, the President, through the Secretary of the Department in which the Coast Guard is operating, shall—

(A) provide a report on disbursements for the preceding fiscal year from the Fund, regardless of whether those disbursements were subject to annual appropriations, to—

(i) the Senate Committee on Commerce, Science, and Transportation; and

(ii) the House of Representatives Committee on Transportation and Infrastructure; and

(B) make the report available to the public on the National Pollution Funds Center Internet website.

(2) CONTENTS.—The report shall include—

(A) a list of each incident that—

(i) occurred in the preceding fiscal year; and

(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more;

(B) a list of each incident that—

(i) occurred in the fiscal year preceding the preceding fiscal year; and

(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more; and

(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more.

(3) AGENCY RECORDKEEPING.—Each Federal agency that receives amounts from the Fund shall maintain records describ-

ing the purposes for which such funds were obligated or expended in such detail as the Secretary may require for purposes of the report required under paragraph (1).

SEC. 1013. CLAIMS PROCEDURE.

(a) **PRESENTATION.**—Except as provided in subsection (b), all claims for removal costs or damages shall be presented first to the responsible party or guarantor of the source designated under section 1014(a).

(b) **PRESENTATION TO FUND.**—

(1) **IN GENERAL.**—Claims for removal costs or damages may be presented first to the Fund—

(A) if the President has advertised or otherwise notified claimants in accordance with section 1014(c);

(B) by a responsible party who may assert a claim under section 1008;

(C) by the Governor of a State for removal costs incurred by that State; or

(D) by a United States claimant in a case where a foreign offshore unit has discharged oil causing damage for which the Fund is liable under section 1012(a).

(2) **LIMITATION ON PRESENTING CLAIM.**—No claim of a person against the Fund may be approved or certified during the pendency of an action by the person in court to recover costs which are the subject of the claim.

(c) **ELECTION.**—If a claim is presented in accordance with subsection (a) and—

(1) each person to whom the claim is presented denies all liability for the claim, or

(2) the claim is not settled by any person by payment within 90 days after the date upon which (A) the claim was presented, or (B) advertising was begun pursuant to section 1014(b), whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Fund.

(d) **UNCOMPENSATED DAMAGES.**—If a claim is presented in accordance with this section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, and full and adequate compensation is unavailable, a claim for the uncompensated damages and removal costs may be presented to the Fund.

(e) **PROCEDURE FOR CLAIMS AGAINST FUND.**—The President shall promulgate, and may from time to time amend, regulations for the presentation, filing, processing, settlement, and adjudication of claims under this Act against the Fund.

[(f) **LOAN PROGRAM.**—

[(1) **IN GENERAL.**—The President shall establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

[(2) **ELIGIBILITY FOR LOAN.**—A loan may be made under paragraph (1) only to a fisherman or aquaculture producer that—

[(A) has incurred damages for which claims are authorized under section 1002;

[(B) has made a claim pursuant to this section that is pending; and

[(C) has not received an interim payment under section 1005(a) for the amount of the claim, or part thereof, that is pending.

[(3) TERMS AND CONDITIONS OF LOANS.—A loan awarded under paragraph (1)—

[(A) shall have flexible terms, as determined by the President;

[(B) shall be for a period ending on the later of—

[(i) the date that is 5 years after the date on which the loan is made; or

[(ii) the date on which the fisherman or aquaculture producer receives payment for the claim to which the loan relates under the procedure established by subsections (a) through (e) of this section; and

[(C) shall be at a low interest rate, as determined by the President.]

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MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

* * * * *

TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

* * * * *

SEC. 305. OTHER REQUIREMENTS AND AUTHORITY.

(a) GEAR EVALUATION AND NOTIFICATION OF ENTRY.—

(1) Not later than 18 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries—

(A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section 303(a); and

(B) to which section 302(a)(3) applies and all fishing gear used in such fisheries.

(2) The Secretary shall include with such list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).

(3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.

(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems ap-

appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.

(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.

(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

(b) FISH HABITAT.—(1)(A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

(D) The Secretary shall coordinate with and provide information to other Federal agencies to further the conservation and enhancement of essential fish habitat.

(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

(3) Each Council—

(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substan-

tially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

(4)(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

(c) EMERGENCY ACTIONS AND INTERIM MEASURES.—(1) If the Secretary finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery, he may promulgate emergency or overfishing regulations or interim measures necessary to address the emergency or overfishing, without regard to whether a fishery management plan exists for such fishery.

(2) If a Council finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

(A) the Secretary shall promulgate emergency or overfishing regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by unanimous vote of the members who are voting members, requests the taking of such action; and

(B) the Secretary may promulgate emergency or overfishing regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by less than a unanimous vote, requests the taking of such action.

(3) Any emergency regulation or interim measure which changes any existing fishery management plan or amendment shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation or interim measure promulgated under this subsection—

(A) shall be published in the Federal Register together with the reasons therefor;

(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 186 days, provided the public has had an opportunity to comment on the emergency regulation or interim measure, and, in the case of a Council recommendation for emergency regulations or interim measures, the Council is actively preparing a fishery management plan, plan amendment, or proposed regulations to address the emergency or overfishing on a permanent basis;

(C) that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, *Provided*, That the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and

(D) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations or interim measures promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

(d) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.

(e) EFFECT OF CERTAIN LAWS ON CERTAIN TIME REQUIREMENTS.—The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and Executive Order Numbered 12866, dated September 30, 1993, shall be complied with within the time limitations specified in subsections (a), (b), and (c) of section 304 as they apply to the functions of the Secretary under such provisions.

(f) JUDICIAL REVIEW.—(1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2) shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed within 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable; except that—

(A) section 705 of such title is not applicable, and

(B) the appropriate court shall only set aside any such regulation or action on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including but not limited to actions that establish the date of closure of a fishery to commercial or recreational fishing.

(3)(A) Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 45 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.

(g) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

(1)(A) In accordance with regulations promulgated by the Secretary pursuant to this paragraph, a Council may establish a fishery negotiation panel to assist in the development of specific conservation and management measures for a fishery under its authority. The Secretary may establish a fishery negotiation panel to assist in the development of specific conservation and management measures required for a fishery under section 304(e)(5), for a fishery for which the Secretary has authority under section 304(g), or for any other fishery with the approval of the appropriate Council.

(B) No later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations establishing procedures, developed in cooperation with the Administrative Conference of the United States, for the establishment and operation of fishery negotiation panels. Such procedures shall be comparable to the procedures for negotiated rulemaking established by subchapter III of chapter 5 of title 5, United States Code.

(2) If a negotiation panel submits a report, such report shall specify all the areas where consensus was reached by the panel, including, if appropriate, proposed conservation and management measures, as well as any other information submitted by members of the negotiation panel. Upon receipt, the Secretary shall publish such report in the Federal Register for public comment.

(3) Nothing in this subsection shall be construed to require either a Council or the Secretary, whichever is appropriate, to use all or any portion of a report from a negotiation panel established under this subsection in the development of specific conservation and management measures for the fishery for which the panel was established.

(h) CENTRAL REGISTRY SYSTEM FOR LIMITED ACCESS SYSTEM PERMITS.—

(1) Within 6 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an exclusive central registry system (which may be administered on a regional basis) for limited access system permits established under section 303(b)(6) or other Federal law, including limited access privileges, which shall provide for the registration of title to, and interests in, such permits, as well as for procedures for changes in the registration of title to such permits upon the occurrence of involuntary transfers, judicial or non-judicial foreclosure of interests, enforcement of judgments thereon, and related matters deemed appropriate by the Secretary. Such registry system shall—

(A) provide a mechanism for filing notice of a nonjudicial foreclosure or enforcement of a judgment by which the holder of a senior security interest acquires or conveys ownership of a permit, and in the event of a nonjudicial foreclosure, by which the interests of the holders of junior security interests are released when the permit is transferred;

(B) provide for public access to the information filed under such system, notwithstanding section 402(b); and

(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-Federal entities to administer the central registry system.

(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for Federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of the Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, "security interest" shall include security interests, assignments, liens and other encumbrances of whatever kind.

(5)(A) Notwithstanding section 304(d)(1), the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of—

- (i) administering the central registry system; and
- (ii) administering and implementing this Act in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(i) ALASKA AND WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAMS.—

(1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—

(A) IN GENERAL.—There is established the western Alaska community development quota program in order—

- (i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries

in the Bering Sea and Aleutian Islands Management Area;

(ii) to support economic development in western Alaska;

(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

(iv) to achieve sustainable and diversified local economies in western Alaska.

(B) PROGRAM ALLOCATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

(ii) EXCEPTIONS.—Notwithstanding clause (i)—

(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and

(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a total allocation (directed and nontarget combined) of 10.7 percent.

The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded.

(iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent

that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006. Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision.

(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:

(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

(ii) The villages of Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

(iii) The village of Saint Paul through the Central Bering Sea Fishermen's Association.

(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

(v) The villages of Brevig Mission, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.

(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity's member villages. The board shall include at least one director selected by each such member village.

(ii) **PANEL REPRESENTATIVE.**—The entity shall elect a representative to serve on the panel established by subparagraph (G).

(iii) **OTHER INVESTMENTS.**—The entity may make up to 20 percent of its annual investments in any combination of the following:

(I) For projects that are not fishery-related and that are located in its region.

(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.

(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

(iv) **FISHERY-RELATED INVESTMENTS.**—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

(v) **ANNUAL STATEMENT OF COMPLIANCE.**—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

(vi) **OTHER PANEL REQUIREMENTS.**—The entity shall comply with any other requirements established by the panel under subparagraph (G).

(F) **ENTITY STATUS, LIMITATIONS, AND REGULATION.**—The entity—

(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity's proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

(ii) shall comply with State of Alaska law requiring annual reports to the entity's member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

(iv) is exempt from compliance with any State law requiring approval of financial transactions, commu-

nity development plans, or amendments thereto, except as required by subparagraph (H).

(G) ADMINISTRATIVE PANEL.—

(i) ESTABLISHMENT.—There is established a community development quota program panel.

(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

(iii) FUNCTIONS.—The panel shall—

(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

(II) coordinate and facilitate activities of the entities under the program.

[(iv) UNANIMITY REQUIRED.—The panel may act only by unanimous vote of all 6 members of the panel and may not act if there is a vacancy in the membership of the panel.]

(iv) VOTING REQUIREMENT.—*The panel may act only by the affirmative vote of at least five of its members.*

(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—

(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity's member villages.

(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

(III) Employment, scholarships, and training supported by the entity.

(IV) Achieving of the goals of the entity's community development plan.

(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the

State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

(I) at least 90 percent of the entity's allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity's allocation for each species under subparagraph (C) for all or part of such 10-year period.

(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity's allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term "community development plan" means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

(i) to harvest its share of fishery resources allocated to the program, or

(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.

(2)(A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to provide access to such fishery for western Pacific communities that participate in the program.

(B) To be eligible to participate in the western Pacific community development program, a community shall—

(i) be located within the Western Pacific Regional Fishery Management Area;

(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

(iii) consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region;

(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

(D) For the purposes of this subsection “Western Pacific Regional Fishery Management Area” means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

(E) Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

(3) The Secretary shall deduct from any fees collected from a community development quota program under section 304(d)(2) the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

(4) After the date of enactment of the Sustainable Fisheries Act, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.

(j) WESTERN PACIFIC AND NORTHERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

(2) PROGRAM COMPONENTS.—The program shall—

(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management,

marine science, marine technology, and maritime operations;

(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.

(k) MULTISPECIES GROUND FISH.—

(1) IN GENERAL.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.

(2) CURE.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).

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SECTION 215 OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

[SEC. 215. REDISTRICTING NOTIFICATION REQUIREMENT.

[(The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before—

[(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

[(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.]]

MARITIME TRANSPORTATION SECURITY ACT OF 2002

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**TITLE II—MARITIME POLICY
IMPROVEMENT**

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[SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.

[Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.]

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**TITLE III—COAST GUARD PERSONNEL
AND MARITIME SAFETY**

SEC. 301. SHORT TITLE.

This title may be cited as the “Coast Guard Personnel and Maritime Safety Act of 2002”.

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**Subtitle D—OMNIBUS MARITIME
IMPROVEMENTS**

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[SEC. 343. CARIBBEAN SUPPORT TENDER.

[(a) IN GENERAL.—The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

[(b) MEDICAL AND DENTAL CARE.—(1) The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

[(A) on an outpatient basis without cost; and

[(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care.

Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

[(2) Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.]

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TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the “Omnibus Maritime and Coast Guard Improvements Act of 2002”.

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[SEC. 406. VHF COMMUNICATIONS SERVICES.

[(a) The Secretary of the department in which the Coast Guard is operating may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard.

[(b) Commercial VHF communication equipment placed on real property under the administrative control of the Coast Guard under this section shall not interfere in any manner with any current or future Coast Guard communication equipment.

[(c) Nothing in this section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.]

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COAST GUARD AUTHORIZATION ACT OF 2010

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TITLE II—COAST GUARD

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[SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

[(a) IN GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults and incidents of sexual harassment involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

[(b) CONTENTS.—The report required under subsection (a) shall contain the following:

[(1) The number of sexual assaults and incidents of sexual harassment against members of the Coast Guard, and the number of sexual assaults and incidents of sexual harassment by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

[(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

[(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault and sexual harassment involving members of the Coast Guard concerned.

[(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault and sexual harassment involving members of the Coast Guard concerned.]

TITLE IV—ACQUISITION REFORM**SEC. 401. CHIEF ACQUISITION OFFICER.**

(a) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

“SEC. 56. Chief Acquisition Officer

“(a) IN GENERAL.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual’s primary duty.

“(b) QUALIFICATIONS.—

“(1) The Chief Acquisition Officer and any flag officer serving in the Acquisition Directorate shall be an acquisition professional with a Level III acquisition management certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

“(A) the program executive officer;

“(B) the program manager of a Level 1 or Level 2 acquisition project or program;

“(C) the deputy program manager of a Level 1 or Level 2 acquisition;

“(D) the project manager of a Level 1 or Level 2 acquisition; or

“(E) any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

“(2) The Commandant shall periodically publish a list of the positions designated under paragraph (1).

“(3) In this subsection each of the terms ‘Level 1 acquisition’ and ‘Level 2 acquisition’ has the meaning that term has in chapter 15 of this title.

“(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer include—

“(1) monitoring the performance of acquisition projects and programs on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and subcontract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government’s requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

“(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(8) developing strategies and specific plans for hiring, training, and professional development; and

“(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“56. Chief Acquisition Officer.”.

(c) SELECTION DEADLINE.—As soon as practicable after the date of enactment of this Act, but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition

Officer under section 56 of title 14, United States Code, as amended by this section.

(d) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

[(e) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding Level 1 or Level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.]

* * * * *

SECTION 7 OF THE RIVERS AND HARBORS APPROPRIATIONS ACT OF 1915

【SEC. 7. (a) IN GENERAL.—The Secretary of Homeland Security is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

【(b) DEFINITION.—As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.】

ACT TO PREVENT POLLUTION FROM SHIPS

* * * * *

SEC. 3. (a) This Act shall apply—

(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States;

(4) with respect to regulations prescribed under section 6 of this Act, any port or terminal in the United States; and

(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

(i) the navigable waters or the exclusive economic zone of the United States;

(ii) an emission control area designated pursuant to section 4; or

(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

(i) the navigable waters or the exclusive economic zone of the United States;

(ii) an emission control area designated under section 4; or

(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

(D) to any other ship, to the extent that, and in the same manner as, such ship may be boarded by the Secretary to implement or enforce any other law of the United States or Annex I, II, or V of the Convention, and is in—

(i) the exclusive economic zone of the United States;

(ii) the navigable waters of the United States;

(iii) an emission control area designated under section 4; or

(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.

(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

(A) a ship of the Armed Forces described in paragraph (2);

or

(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

(A) has unique military design, construction, manning, or operating requirements; and

(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

(III) With regard to a submersible, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.

(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with

subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. In the event that there is such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.

(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.

(d) DISCHARGES IN SPECIAL AREAS.—(1) Except as provided in paragraphs (2) and (3), not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention.

(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, without regard to the special area requirements of Regulation 5 of Annex V to the Convention, the following non-plastic, non-floating garbage:

(i) A slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

(ii) Metal and glass that have been shredded and bagged so as to ensure negative buoyancy.

(iii) With regard to a submersible, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.

(B)(i) Garbage described in subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

(ii) Garbage described in clauses (ii) and (iii) of subparagraph (A) may not be discharged within 12 nautical miles of land.

(C) This paragraph applies to any ship that is owned or operated by the Department of the Navy that, as determined by the Secretary of the Navy—

(i) has unique military design, construction, manning, or operating requirements; and

(ii) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

(3)(A) Not later than December 31, 2000, the Secretary of the Navy shall prescribe and publish in the Federal Register standards to ensure that each ship described in subparagraph (B) is, to the maximum extent practicable without impairing the operations or operational capabilities of the ship, operated in a manner that is

consistent with the special area requirements of Regulation 5 of Annex V to the Convention.

(B) Subparagraph (A) applies to surface ships that are owned or operated by the Department of the Navy that the Secretary plans to decommission during the period beginning on January 1, 2001, and ending on December 31, 2005.

(C) At the same time that the Secretary publishes standards under subparagraph (A), the Secretary shall publish in the Federal Register a list of the ships covered by subparagraph (B).

(e) DISCHARGE OF AGRICULTURAL CARGO RESIDUE.—Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.

[(e)] (f) The Secretary or the Administrator, consistent with section 4 of this Act, shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI as they apply under subsection (a) of this section, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol.

[(f)] (g) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with subsection (b) of this section.

(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V to the Convention and subsection (b)(3)(B)(i) of this section with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

(3) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

(A) With regard to a submersible, to discharge buoyant garbage or plastic.

(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

(4) The Secretary of Defense shall publish in the Federal Register:

(A) Beginning on October 1, 1994, and each year thereafter until October 1, 2000, the amount and nature of the discharges

in special areas, not otherwise authorized under Annex V to the Convention, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.

[(g)] (h) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.

[(h)] (i) The heads of Federal departments and agencies shall prescribe standards applicable to ships excluded from this Act by subsection (b)(1) of this section and for which they are responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the MARPOL Protocol.

[(i)] (j) SAVINGS CLAUSE.—Nothing in this section shall be construed to restrict in a manner inconsistent with international law navigational rights and freedoms as defined by United States law, treaty, convention, or customary international law.

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COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

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TITLE III—SHIPPING AND NAVIGATION

* * * * *

[SEC. 304. LNG TANKERS.

[(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to and from the United States on United States flag vessels.

[(b) AMENDMENT TO DEEPWATER PORT ACT.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

[(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag vessels.”.

[(c) PUBLIC NOTICE OF LNG VESSEL’S REGISTRY AND CREW.—

[(1) PLAN SUBMITTED WITH APPLICATION FOR DEEPWATER PORT LICENSE.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended—

[(A) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

[(B) by inserting after subparagraph (J) the following:

[(“K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;”.

[(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.

[(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on the implementation of this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.]

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TITLE IV—MISCELLANEOUS

* * * * *

SEC. 421. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—[Notwithstanding]

(1) *IN GENERAL.*—*Notwithstanding* section 8103(a) of title 46, United States Code, United States purse seine fishing vessels fishing exclusively for highly migratory species in the treaty area under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America, or transiting to or from the treaty area exclusively for such purpose, may engage foreign citizens to meet the manning requirement (except for the master) until the date of expiration of this section if, after timely notice of a vacancy to meet the manning requirement, no United States citizen personnel are readily available to fill such vacancy.

(2) *DEFINITION.*—*In this subsection, the term “treaty area” has the meaning given the term in the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America as in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241).*

(b) LICENSING RESTRICTIONS.—

(1) *IN GENERAL.*—Subsection (a) only applies to a foreign citizen who holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the

position, with respect to requirements for experience, training, and other qualifications.

(2) TREATMENT OF CREDENTIAL.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.

(c) EXPIRATION.—This section expires on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article [12.6 or 12.7] 13.6 of such treaty, as in effect on the date of enactment of the Coast Guard [and Maritime Transportation Act of 2012] *Authorization Act of 2019*.

(d) REPORTS.—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

(A) delivered to American Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.

* * * * *

DEEPWATER PORT ACT OF 1974

* * * * *

PROCEDURE

SEC. 5. (a) The Secretary shall, as soon as practicable after the date of enactment of this Act, and after consultation with other Federal agencies, issue regulations to carry out the purposes and provisions of this Act, in accordance with the provisions of section 553 of title 5, United States Code, without regard to subsection (a) thereof. Such regulations shall pertain to, but need not be limited to, application, issuance, transfer, renewal, suspension, and termination of licenses. Such regulations shall provide for full consultation and cooperation with all other interested Federal agencies and departments and with any potentially affected coastal State, and for consideration of the views of any interested members of the general public. The Secretary is further authorized, consistent with the purposes and provisions of this Act, to amend or rescind any such regulation.

(b) The Secretary, in consultation with the Secretary of the Interior and the Administrator of the National Oceanic and Atmospheric Administration, shall, as soon as practicable after the date of enactment of this Act, prescribe regulations relating to those activities involved in site evaluation and preconstruction testing at potential deepwater port locations that may (1) adversely affect the environment; (2) interfere with authorized uses of the Outer Continental Shelf; or (3) pose a threat to human health and welfare. Such activity may thenceforth not be undertaken except in accordance with regulations prescribed pursuant to this subsection. Such regulations shall be consistent with the purposes of this Act.

(c)(1) Any person making an application under this Act shall submit detailed plans to the Secretary. Within 21 days after the receipt of an application, the Secretary shall determine whether the application appears to contain all of the information required by paragraph (2) hereof. If the Secretary determines that such information appears to be contained in the application, the Secretary shall, no later than 5 days after making such a determination, publish notice of the application and a summary of the plans in the Federal Register. If the Secretary determines that all the required information does not appear to be contained in the application, the Secretary shall notify the applicant and take no further action with respect to the application until such deficiencies have been remedied.

(2) Each application shall include such financial, technical, and other information as the Secretary deems necessary or appropriate. Such information shall include, but need not be limited to—

(A) the name, address, citizenship, telephone number, and the ownership interest in the applicant, of each person having any ownership interest in the applicant of greater than 3 per centum;

(B) to the extent feasible, the name, address, citizenship, and telephone number of any person with whom the applicant has made, or proposes to make, a significant contract for the construction or operation of the deepwater port, and a copy of any such contract;

(C) the name, address, citizenship, and telephone number of each affiliate of the applicant and of any person required to be disclosed pursuant to subparagraphs (A) or (B) of this para-

graph, together with a description of the manner in which such affiliate is associated with the applicant or any person required to be disclosed under subparagraph (A) or (B) of this paragraph;

(D) the proposed location and capacity of the deepwater port, including all components thereof;

(E) the type and design of all components of the deepwater port and any storage facilities associated with the deepwater port;

(F) with respect to construction in phases, a detailed description of each phase, including anticipated dates of completion for each of the specific components thereof;

(G) the location and capacity of existing and proposed storage facilities and pipelines which will store or transport oil transported through the deepwater port, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B), or (C) of this paragraph;

(H) with respect to any existing and proposed refineries which will receive oil transported through the deepwater port, the location and capacity of each such refinery and the anticipated volume of such oil to be refined by each such refinery, to the extent known by the applicant or any person required to be disclosed pursuant to subparagraphs (A), (B), or (C) of this paragraph;

(I) the financial and technical capabilities of the applicant to construct or operate the deepwater port;

(J) other qualifications of the applicant to hold a license under this Act;

(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;

(L) a description of procedures to be used in constructing, operating, and maintaining the deepwater port, including systems of oil spill prevention, containment, and cleanup; and

(M) such other information as may be required by the Secretary to determine the environmental impact of the proposed deepwater port.

(3) Upon written request of any person subject to this subsection, the Secretary may make a determination in writing to exempt such person from any of the informational filing provisions enumerated in this subsection or the regulations implementing this section if the Secretary determines that such information is not necessary to facilitate the Secretary's determinations under section 4 of this Act and that such exemption will not limit public review and evaluation of the deepwater port project.

(d)(1) At the time notice of an application is published pursuant to subsection (c) of this section, the Secretary shall publish a description in the Federal Register of an application area encompassing the deepwater port site proposed by such application and within which construction of the proposed deepwater port would eliminate, at the time such application was submitted, the need for any other deepwater port within that application area.

(2) As used in this section, "application area" means any reasonable geographical area within which a deepwater port may be con-

structed and operated. Such application area shall not exceed a circular zone, the center of which is the principal point of loading and unloading at the port, and the radius of which is the distance from such point to the high water mark of the nearest adjacent coastal State.

(3) the Secretary shall accompany such publication with a call for submission of any other applications for licenses for the ownership, construction, and operation of a deepwater port within the designated application area. Persons intending to file applications for such license shall submit a notice of intent to file an application with the Secretary not later than 60 days after the publication of notice pursuant to subsection (c) of this section and shall submit the completed application no later than 90 days after publication of such notice. The Secretary shall publish notice of any such application received in accordance with subsection (c) of this section. No application for a license for the ownership, construction, and operation of a deepwater port within the designated application area for which a notice of intent to file was received after such 60-day period, or which is received after such 90-day period has elapsed, shall be considered until the application pending with respect to such application area have been denied pursuant to this Act.

(4) This subsection shall not apply to deepwater ports for natural gas.

(e)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chief of Engineers of the United States Army Corps of Engineers, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of any other Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports shall transmit to the Secretary written comments as to their expertise or statutory responsibilities pursuant to this Act or any other Federal law.

(2) An application filed with the Secretary shall constitute an application for all Federal authorizations required for ownership, construction, and operation of a deepwater port. At the time notice of any application is published pursuant to subsection (c) of this section, the Secretary shall forward a copy of such application to those Federal agencies and departments with jurisdiction over any aspect of such ownership, construction, or operation for comment, review, or recommendation as to conditions and for such other action as may be required by law. Each agency or department involved shall review the application and, based upon legal considerations within its area of responsibility, recommend to the Secretary the approval or disapproval of the application not later than 45 days after the last public hearing on a proposed license for a designated application area. In any case in which the agency or department recommends disapproval, it shall set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and shall notify the Secretary how the application may be amended so as to bring it into compliance with the law or regulation involved.

(f) NEPA COMPLIANCE.—For all applications, the Secretary, in cooperation with other involved Federal agencies and departments, shall comply with the National Environmental Policy Act of 1969

(42 U.S.C. 4332). Such compliance shall fulfill the requirement of all Federal agencies in carrying out their responsibilities under the National Environmental Policy Act of 1969 pursuant to this Act.

(g) A license may be issued only after public notice and public hearings in accordance with this subsection. At least one such public hearing shall be held in each adjacent coastal State. Any interested person may present relevant material at any hearing. After hearings in each adjacent coastal State are concluded, if the Secretary determines that there exists one or more specific and material factual issues which may be resolved by a formal evidentiary hearing, at least one adjudicatory hearing shall be held in accordance with the provisions of section 554 of title 5, United States Code, in the District of Columbia. The record developed in any such adjudicatory hearing shall be basis for the Secretary's decision to approve or deny a license. Hearings held pursuant to this subsection shall be consolidated insofar as practicable with hearings held by other agencies. All public hearings on all applications for any designated application area shall be consolidated and shall be concluded not later than 240 days after notice of the initial application has been published pursuant to section 5(c) of this Act.

(h)(1) Each person applying for a license pursuant to this Act shall remit to the Secretary at the time the application is filed a nonrefundable application fee established by regulation by the Secretary. In addition, an applicant shall also reimburse the United States and the appropriate adjacent coastal State for any additional costs incurred in processing an application.

(2) Notwithstanding any other provision of this Act, and unless prohibited by law, an adjacent coastal State may fix reasonable fees for the use of a deepwater port facility, and such State and any other State in which land-based facilities directly related to a deepwater port facility are located may set reasonable fees for the use of such land-based facilities. Fees may be fixed under authority of this paragraph as compensation for any economic cost attributable to the construction and operation of such deepwater port and such land-based facilities, which cannot be recovered under other authority of such State or political subdivision thereof, including, but not limited to, ad valorem taxes, and for environmental and administrative costs attributable to the construction and operation of such deepwater port and such land-based facilities. Fees under this paragraph shall not exceed such economic, environmental, and administrative costs of such State. Such fees shall be subject to the approval of the Secretary. As used in this paragraph, the term "land-based facilities directly related to a deepwater port facility" means the onshore tank farm and pipelines connecting such tank farm to the deepwater port facility.

(3) A licensee shall pay annually in advance the fair market rental value (as determined by the Secretary of the Interior) of the subsoil and seabed of the Outer Continental Shelf of the United States to be utilized by the deepwater port, including the fair market rental value of the right-of-way necessary for the pipeline segment of the port located on such subsoil and seabed.

(i)(1) The Secretary shall approve or deny any application for a designated application area submitted pursuant to this Act not later than 90 days after the last public hearing on a proposed license for that area.

(2) In the event more than one application is submitted for an application area, the Secretary, unless one of the proposed deepwater ports clearly best serves the national interest, shall issue a license according to the following order of priorities:

(A) to an adjacent coastal State (or combination of States), any political subdivision thereof, or agency or instrumentality, including a wholly owned corporation of any such government;

(B) to a person who is neither (i) engaged in producing, refining, or marketing oil, nor (ii) an affiliate of any person who is engaged in producing, refining, or marketing oil or an affiliate of any such affiliate;

(C) to any other person.

(3) In determining whether any one proposed deepwater port clearly best serves the national interest, the Secretary shall consider the following factors:

(A) the degree to which the proposed deepwater ports affect the environment, as determined under criteria established pursuant to section 6 of this Act;

(B) any significant differences between anticipated completion dates for the proposed deepwater ports; and

(C) any differences in costs of construction and operation of the proposed deepwater ports, to the extent that such differential may significantly affect the ultimate cost of oil to the consumer.

(4) The Secretary shall approve or deny any application for a deepwater port for natural gas submitted pursuant to this Act not later than 90 days after the last public hearing on a proposed license. Paragraphs (1), (2), and (3) of this subsection shall not apply to an application for a deepwater port for natural gas.

(j) *LNG TANKERS.*—

(1) *PROGRAM.*—*The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States flag vessels.*

(2) *INFORMATION TO BE PROVIDED.*—*When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.*

* * * * *

PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

* * * * *

SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.

(a) **REVISION OF REGULATIONS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time lim-

its for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) **MINIMUM REQUIREMENTS.**—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than 1 hour following the time of such confirmed discovery;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimate of the amount of the product released, an estimate of the number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 48 hours of the accident or incident, to the extent practicable.

[(c) **UPDATING OF REPORTS.**—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.]

* * * * *

TITLE 54, UNITED STATES CODE

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SUBTITLE III—NATIONAL PRESERVATION PROGRAMS

* * * * *

CHAPTER 3051—HISTORIC LIGHT STATION PRESERVATION

* * * * *

§ 305106. Historic light station sales

(a) **IN GENERAL.**—

(1) **WHEN SALE MAY OCCUR.**—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) **TERMS OF SALE.**—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's **【Operating Expenses】** *Operations and Support* appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's **【Operating Expense】** *Operations and Support* appropriation for that purpose.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012

* * * * *

TITLE VII—MISCELLANEOUS

* * * * *

SEC. 712. BRIDGE PERMITS.

(a) IN GENERAL.—For the purposes of reviewing a permit application pursuant to section 9 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401), the Act of March 23, 1906, popularly known as the Bridge Act of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.), or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), the Secretary of the department in which the Coast Guard is operating may—

(1) accept voluntary services from one or more owners of a bridge; and

(2) accept and credit to Coast Guard **【operating expenses】** *operations and support* any amounts received from one or more owners of a bridge.

(b) EXPEDITED PROCESS.—The Secretary of the department in which the Coast Guard is operating shall complete, on an expeditious basis and using the shortest existing applicable process, determinations on any required approval for issuance of any permits under the jurisdiction of such department related to the construction or alteration of a bridge over the Kill Van Kull consistent with Executive Order No. 13604 (March 22, 2012) and the Administration’s objectives for the project.

* * * * *

SECTION 557 OF THE CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2013

SEC. 557. (a) Notwithstanding Office of Management and Budget Circular A-11, funds made available in fiscal year 2013, or any fiscal year thereafter, under Department of Homeland Security, Coast Guard, “[Acquisition] Procurement, Construction, and Improvements” for—

(1) long lead time materials, components, and designs of a vessel of the Coast Guard shall be immediately available and allotted to make a contract award notwithstanding the availability of funds for production, outfitting, post-delivery activities, and spare or repair parts; and

(2) production of a vessel of the Coast Guard shall be immediately available and allotted to make a contract award notwithstanding the availability of funds for outfitting, post-delivery activities, and spare or repair parts.

(b) The Secretary of Homeland Security shall develop fiscal policy that prescribes Coast Guard budgetary policies, procedures and technical direction necessary to comply with subsection (a) of this section and consistent with the Department of Defense Financial Management Regulation (Volume 2A, Chapter 1 C. Procedures for Full Funding) to include the costs associated with outfitting and post-delivery activities; spare and repair parts; and long lead time materials. The requirement set forth in this section shall not preclude the immediate availability or allotment of funds for fiscal year 2013, pursuant to subsection (a).

(c) In this section—

(1) the term “long lead time items” means components, parts, material, or effort which must be procured in advance of the production award in order to maintain the production schedule;

(2) the term “outfitting” means procurement or installation of onboard repair parts, other secondary items, equipment, and recreation items; precommissioning crew support; general use consumables furnished to the shipbuilder; the fitting out activity to fill a vessel’s initial allowances; and contractor-furnished spares; and

(3) the term “post-delivery activities” means design, planning, Government-furnished material, and related labor for non-production and non-long lead time items contract activities and other work, including certifications, full operational capability activities and other equipment installation; spares, logistics, technical analysis, and support; correction of Government-responsible defects and deficiencies identified during builders

trials, acceptance trials, and testing during the post-delivery period; costs of all work required to correct defects or deficiencies identified during the post-delivery period; and costs of all work required to correct trial card deficiencies on a vessel of a particular class, as well as on subsequent vessels of that class (whether or not delivered) until the corrective action for that cutter class is completed.

**HOWARD COBLE COAST GUARD AND MARITIME
TRANSPORTATION ACT OF 2014**

* * * * *

TITLE II—COAST GUARD

* * * * *

SEC. 214. COAST GUARD FAMILY SUPPORT AND CHILD CARE.

(a) IN GENERAL.—[Omitted—Amends other Act]

(b) TRANSFER OF PROVISIONS.—

(1) IN GENERAL.—

(A) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 514 of title 14, United States Code, is redesignated as section 541 and transferred to appear before section 542 of such title, as added by subsection (a) of this section.

(B) CHILD DEVELOPMENT SERVICES.—Section 515 of title 14, United States Code—

(i) is redesignated as section 552 and transferred to appear after section 551 of such title, as added by subsection (a) of this section; and

(ii) is amended—

(I) in subsection (b)(2)(B) by inserting “and whether a family is participating in an initiative established under section 555(b)” after “family income”;

(II) by striking subsections (c) and (e); and

(III) by redesignating subsection (d) as subsection (c).

(C) DEPENDENT SCHOOL CHILDREN.—Section 657 of title 14, United States Code—

(i) is redesignated as section 544 and transferred to appear after section 543 of such title, as added by subsection (a) of this section; and

(ii) is amended in subsection (a) by striking “Except as otherwise” and all that follows through “the Secretary may” and inserting “The Secretary may”.

(2) CONFORMING AMENDMENTS.—

(A) PART I.—The analysis for part I of title 14, United States Code, is amended by inserting after the item relating to chapter 13 the following:

“14. Coast Guard Family Support and Child Care 531”.

(B) CHAPTER 13.—The analysis for chapter 13 of title 14, United States Code, is amended—

(i) by striking the item relating to section 514; and

(ii) by striking the item relating to section 515.

(C) CHAPTER 14.—The analysis for chapter 14 of title 14, United States Code, as added by subsection (a) of this section, is amended by inserting—

(i) before the item relating to section 542 the following:

“541. Reimbursement for adoption expenses.”;

(ii) after the item relating to section 551 the following:

“552. Child development services.”; and

(iii) after the item relating to section 543 the following:

“544. Dependent school children.”.

(D) CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, is amended by striking the item relating to section 657.

(c) COMMANDANT; GENERAL POWERS.—Section 93(a)(7) of title 14, United States Code, as amended by this Act, is further amended by inserting “, and to eligible spouses as defined under section 542,” after “Coast Guard”.

(d) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the amount of funds appropriated for a fiscal year for [operating expenses] *operations and support* related to Coast Guard child development services should not be less than the amount of the child development center fee receipts estimated to be collected by the Coast Guard during that fiscal year.

(2) CHILD DEVELOPMENT CENTER FEE RECEIPTS DEFINED.—In this subsection, the term “child development center fee receipts” means fees paid by members of the Coast Guard for child care services provided at Coast Guard child development centers.

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COMMUNICATIONS ACT OF 1934

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**TITLE III—SPECIAL PROVISIONS
RELATING TO RADIO**

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**PART II—RADIO EQUIPMENT AND RADIO
OPERATORS ON BOARD SHIP**

* * * * *

SEC. 352. EXCEPTIONS.

(a) The provisions of this part shall not apply to—

(1) A ship of war;

(2) A ship of the United States belonging to and operated by the Government, except a ship of the Maritime Administration of the Department of Transportation, the Inland and Coastwise Waterways Service, or the Panama Canal Company;

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention;

(4) [Yachts] *Recreational vessels, as defined in section 2101(46) of title 46, United States Code*, of less than six hundred gross tons not subject to the radio provisions of the Safety Convention;

(5) Vessels in tow;

(6) A ship navigating solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States;

(7) A ship navigating solely on the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the sixty-third meridian, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on such waters and within such area;

(8) A ship which is navigated during the course of a voyage both on the Great Lakes of North America and in the open sea, during the period while such ship is being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert lock at Montreal in the Province of Quebec, Canada.

(b) Except for nuclear ships, the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio station unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship or class of ships which falls within any of the following descriptions:

(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or, alternatively, do not go more than two hundred nautical miles between two consecutive ports;

(2) Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;

(3) Passenger vessels of less than one hundred gross tons not subject to the radio provisions of the Safety Convention;

(4) Sailing ships.

(c) If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied.

(d) Except for nuclear ships, and except for ships of five thousand gross tons and upward which are subject to the Safety Convention, the Commission may exempt from the requirements, for radio direction finding apparatus, of this part and of the Safety Convention, any ship which falls within the descriptions set forth in paragraphs (1), (2), (3), and (4) of subsection (b) of this section, if it considers that the route on conditions of the voyage or other circumstances are such as to render such apparatus unreasonable or unnecessary.

* * * * *

ACT OF JUNE 21, 1940

* * * * *

EXISTING PROVISIONS OF LAW

【SEC. 12. (a) The first sentence of section 4 of the Act entitled “An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906 (U. S. C., 1934 edition, title 33, sec. 494), and section 18 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 3, 1899 (U. S. C., 1934 edition, title 33, sec. 502), shall be inapplicable with respect to any bridge to which the provisions of this Act are applicable, except to the extent provided in this section.

【(b) Any bridge, the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not completed on such date, and in the case of which no penalties have accrued at the time of the enactment of this Act, shall be constructed, reconstructed, or altered as required by such order, and not in accordance with the provisions of this Act. In the case of any such bridge, however, the Secretary shall apportion the cost of the project between the bridge owner and the United States, and payment of the share of the United States shall be made, in the same manner as if the provisions of this Act applied to such construction, reconstruction, or alteration, subject to the following limitations:

【(1) In case such construction, reconstruction, or alteration has not begun on or before April 1, 1940, such apportionment of cost shall be made only if (A) the construction, reconstruction, or alteration is carried out in accordance with plans and specifications, and pursuant to bids, approved by the Secretary, and (B) the bridge owner has submitted to the Secretary a written guaranty of cost as provided for in section 5.

【(2) The Secretary’s determination as to such apportionment, and as to such plans and specifications and bids, shall be final.

【(3) Such apportionment shall not be made if such construction, reconstruction, or alteration is not completed within the time fixed in such order of the Secretary or within such additional time as the Secretary, for good cause shown, may allow.

【(c) Any bridge (except a bridge to which subsection (b) applies) the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939,

and was not begun before such date, shall be subject to the provisions of this Act as though such order had not been issued, and compliance with the provisions of this Act and with such orders as may be issued thereunder shall be considered to constitute compliance with such order issued prior to July 1, 1939, and with the provisions of law under which it was issued.】

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PRIBILOF ISLANDS TRANSITION ACT

TITLE I—PRIBILOF ISLANDS

* * * * *

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—Notwithstanding paragraph (2) and effective beginning on the date the Secretary publishes the notice of certification required by subsection (b)(5), the Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205(a) of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(5) NOTICE OF CERTIFICATION.—The Secretary shall promptly publish and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate notice that the certification described in paragraph (2) has been made.

(c) REPEALS.—Effective on the date on which the Secretary of Commerce publishes the notice of certification required by subsection (b)(5), the following provisions are repealed:

(1) Subsections (a), (b), (c), and (d) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) NOTIFICATIONS.—

(1) IN GENERAL.—Not later than 30 days after the Secretary makes a determination under subsection (f) that land on St. Paul Island, Alaska, not specified for transfer in the document entitled “Transfer of Property on the Pribilof Islands: Description, Terms and Conditions” or section 522 of the Pribilof Island Transition Completion Act of 2016, or transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of such Act, is in excess of the needs of the Secretary and the Federal Government, the Secretary shall notify the Alaska native village corporation for St. Paul Island of the determination.

(2) ELECTION TO RECEIVE.—Not later than 60 days after the date receipt of the notification of the Secretary under subsection (a), the Alaska native village corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska

native village corporation elects to receive all right, title, and interest in the land or a portion of the land.

(3) TRANSFER.—If the Alaska native village corporation provides notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title and interest in the land or a portion of the land, the Secretary shall transfer all right, title, and interest in the land or portion to the Alaska native village corporation at no cost.

(4) OTHER DISPOSITION.—If the Alaska native village corporation does not provide notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land, the Secretary may dispose of the land in accordance with other applicable law.

(f) DETERMINATION.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection and not less than once every 5 years thereafter, the Secretary shall determine whether property located on St. Paul Island and not transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of the Pribilof Island Transition Completion Act of 2016 or to the Natives of the Pribilof Islands is in excess of the smallest practicable tract enclosing land—

(A) needed by the Secretary for the purposes of carrying out the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

(B) in the case of land withdrawn by the Secretary on behalf of other Federal agencies, needed for carrying out the missions of those agencies for which land was withdrawn; or

(C) actually used by the Federal Government in connection with the administration of any Federal installation on St. Paul Island.

(2) REPORT OF DETERMINATION.—When a determination is made under [subsection (a),] *paragraph (1)*, the Secretary shall report the determination to—

(A) the Committee on Natural Resources of the House of Representatives;

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Alaska native village corporation for St. Paul Island.

(g) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

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FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018

SECTION 1. SHORT TITLE

This Act may be cited as the “Frank LoBiondo Coast Guard Authorization Act of 2018”.

SEC. 2. TABLE OF CONTENTS

The table of contents of this Act is as follows:

Sec. 1. Short title.

* * * * *

TITLE IV—PORTS AND WATERWAYS SAFETY

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[Sec. 408. Port, harbor, and coastal facility security.]

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TITLE IV—PORTS AND WATERWAYS SAFETY

* * * * *

[SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

[(a) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70102a of title 46, United States Code, and transferred so as to appear after section 70102 of that title.

[(b) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70102a of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

[(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

[(c) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by inserting after the item relating to section 70102 the following:

["70102a. Port, harbor, and coastal facility security."]

[(d) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

[(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

[(2) is amended by striking “this Act” and inserting “this chapter”.]

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TITLE V—MARITIME TRANSPORTATION SAFETY

* * * * *

SEC. 514. BACKUP NATIONAL TIMING SYSTEM.

(a) **SHORT TITLE.**—This section may be cited as the “National Timing Resilience and Security Act of 2018”.

(b) **IN GENERAL.**—[Chapter 30] *Chapter 3* of title 49, United States Code, is amended by adding at the end the following:

“SEC. 312. Alternative timing system

“(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Transportation shall provide for the establishment, sustainment, and operation of a land-based, resilient, and reliable alternative timing system—

“(1) to reduce critical dependencies and provide a complement to and backup for the timing component of the Global Positioning System (referred to in this section as ‘GPS’); and

“(2) to ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event that GPS timing signals are corrupted, degraded, unreliable, or otherwise unavailable.

“(b) **ESTABLISHMENT OF REQUIREMENTS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall establish requirements for the procurement of the system required by subsection (a) as a complement to and backup for the timing component of GPS in accordance with the timing requirements study required by section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2595).

“(2) **REQUIREMENTS.**—The Secretary of Transportation shall ensure, to the maximum extent practicable, that the system established under subsection (a) will—

“(A) be wireless;

“(B) be terrestrial;

“(C) provide wide-area coverage;

“(D) be synchronized with coordinated universal time;

“(E) be resilient and extremely difficult to disrupt or degrade;

“(F) be able to penetrate underground and inside buildings;

“(G) be capable of deployment to remote locations;

“(H) be developed, constructed, and operated incorporating applicable private sector expertise;

“(I) work in concert with and complement any other similar positioning, navigation, and timing systems, including enhanced long-range navigation systems and Nationwide Differential GPS systems;

“(J) be available for use by Federal and non-Federal government agencies for public purposes at no net cost to the Federal Government within 10 years of initiation of operation;

“(K) be capable of adaptation and expansion to provide position and navigation capabilities;

“(L) incorporate the recommendations from any GPS back-up demonstration program initiated and completed by the Secretary, in coordination with other Federal agencies, before the date specified in subsection (c)(1); and

“(M) incorporate such other elements as the Secretary considers appropriate.

“(c) IMPLEMENTATION PLAN.—

“(1) PLAN REQUIRED.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

“(A) A plan to develop, construct, and operate the system required by subsection (a).

“(B) A description and assessment of the advantages of a system to provide a follow-on complementary and backup positioning and navigation capability to the timing component of GPS.

“(2) DEADLINE FOR COMMENCEMENT OF OPERATION.—The system required by subsection (a) shall be in operation by not later than 2 years after the date of enactment of the National Timing Resilience and Security Act of 2018.

“(3) MINIMUM DURATION OF OPERATIONAL CAPABILITY.—The system required by subsection (a) shall be designed to be fully operational for not less than 20 years.

“(d) LORAN FACILITIES.—

“(1) IN GENERAL.—If the Secretary of Transportation determines that any LORAN infrastructure, including the underlying real property and any spectrum associated with LORAN, in the possession of the Coast Guard is required by the Department of Transportation for the purpose of establishing the system required by subsection (a), the Commandant shall transfer such property, spectrum, and equipment to the Secretary.

“(2) CERCLA NOT AFFECTED.—This subsection shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the Federal Government facilities described in paragraph (1).

“(e) COOPERATIVE AGREEMENT.—

“(1) IN GENERAL.—The Secretary of Transportation may enter into a cooperative agreement (as that term is described in section 6305 of title 31) with an entity upon such terms and conditions as the Secretary of Transportation determines will fulfill the purpose and requirements of this section and be in the public interest.

“(2) REQUIREMENTS.—The cooperative agreement under paragraph (1) shall, at a minimum, require the Secretary of Transportation to—

“(A) authorize the entity to sell timing and other services to commercial and non-commercial third parties, subject to

any national security requirements determined by the Secretary, in consultation with the Secretary of Defense;

“(B) require the entity to develop, construct, and operate at private expense the backup timing system in accordance with this section;

“(C) allow the entity to make any investments in technologies necessary over the life of such agreement to meet future requirements for advanced timing resilience and technologies;

“(D) require the entity to share 25 percent of the gross proceeds received by the entity from the sale of timing services to third parties with the Secretary for at least 10 years after the date upon which the Secretary enters into the cooperative agreement;

“(E) require the entity—

“(i) to assume all financial risk for the completion and operational capability of the system, after the Secretary provides any LORAN facilities necessary for the system under subsection (d), if required for the alternative timing system; and

“(ii) to furnish performance and payment bonds in connection with the system in a reasonable amount as determined by the Secretary; and

“(F) require the entity to make any investments in technologies necessary over the life of the agreement to meet future requirements for advanced timing resiliency.

“(3) COMPETITION REQUIRED.—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into a cooperative agreement pursuant to this subsection.

“(4) AUTHORIZATION TO PURCHASE SERVICES.—The Secretary may not purchase timing system services from the entity for use by the Department of Transportation or for provision to other Federal and non-Federal governmental agencies until the system achieves operational status, and then only if the necessary funds for such purchases are provided for in subsequent yearly appropriations acts made available to the Secretary for each and every year in which such purchases are made.

“(5) DETERMINATION REQUIREMENT.—The Secretary may not enter into a cooperative agreement under this subsection unless the Secretary determines that the cooperative agreement is in the best financial interest of the Federal Government. The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such determination not later than 30 days after the date of the determination.

“(6) DEFINITION.—In this subsection the term ‘entity’ means a non-Federal entity with the demonstrated technical expertise and requisite administrative and financial resources to meet any terms and conditions established by the Secretary for purposes of this subsection.”

(c) TABLE OF CONTENTS The table of contents for chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“312. Alternative timing system.”

* * * * *

TITLE VIII—MISCELLANEOUS

* * * * *

SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 90 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 90 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) BOUNDARY REVISIONS.— The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) FAILURE TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary [within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice,] *in accordance within subsection (a)(2), the Secretary shall* convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA NOT AFFECTED.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term “Commandant” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRACT.—The term “Tract” means the land (including submerged land) depicted as “PROPOSED PROPERTY EXCHANGE AREA” on the survey titled “PROPOSED PROPERTY EXCHANGE PARCEL” and dated 3/22/17.

* * * * *

SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal [years 2018 and] year 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by this Act, for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter *Mackinaw* to enhance icebreaking capacity on the Great Lakes.

(b) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) and the Consolidated Appropriations Act, 2018 (Public Law 115–141) will be allocated to support the acquisition activities referred to in paragraph (1).

SEC. 821. POLAR ICEBREAKERS.

(a) ENHANCED MAINTENANCE PROGRAM FOR THE *Polar Star*.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall conduct an enhanced maintenance program on Coast Guard Cutter *Polar Star* (WAGB–10) to extend the service life of such vessel until at least December 31, 2025.

(2) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of the [Coast Guard Authorization Act of 2017] *Frank LoBiondo Coast Guard Authorization Act of 2018*, the Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a detailed report describing a

plan to extend the service life of the Coast Guard Cutter *Polar Star* (WAGB-10) until at least December 31, 2025, through an enhanced maintenance program.

(3) CONTENT.—The report required by paragraph (2) shall include the following:

(A) An assessment and discussion of the enhanced maintenance program recommended by the National Academies of Sciences, Engineering, and Medicine’s Committee on Polar Icebreaker Cost Assessment in the letter report “Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation’s Needs”.

(B) An assessment and discussion of the Government Accountability Office’s concerns and recommendations regarding service life extension work on Coast Guard Cutter *Polar Star* (WAGB-10) in the report “Status of the Coast Guard’s Polar Icebreaking Fleet Capability and Recapitalization Plan”.

(C) Based upon a materiel condition assessment of the Coast Guard Cutter *Polar Star* (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the amount needed to be appropriated to complete the enhanced maintenance program.

(D) A plan to ensure the vessel will maintain seasonally operational status during the enhanced maintenance program.

(4) AUTHORIZATION OF APPROPRIATIONS The Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by section 202 of this Act, for the enhanced maintenance program described in the report required by subsection (a).

(b) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012; AMENDMENT.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213), as amended, is further amended as follows:

(1) by striking subsections (a) through (d);

(2) by redesignating subsections (e) through (g) as subsections (a) through (c), respectively;

(3) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (1), by striking “Except as provided in subsection (c), the Commandant” and inserting “The Commandant”;

(B) in paragraph (1) by striking “Polar Sea or”;

(C) in paragraph (2) by striking “either of the vessels” and inserting “the Polar Star or the Polar Sea”; and

(D) in paragraph (3) by striking “either of the vessels” each place it appears and inserting “the Polar Star”.

* * * * *

COMMITTEE CORRESPONDENCE

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMANMIKE ROGERS, ALABAMA
RANKING MEMBER

One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

July 16, 2019

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman DeFazio:

I write to you regarding H.R. 3409, the "Coast Guard Authorization Act of 2019."

H.R. 3409 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3409 and in the *Congressional Record* during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Michael Rogers, Ranking Member
The Honorable Tom Wickham, Parliamentarian



Committee on Transportation and Infrastructure
U.S. House of Representatives

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, #0
Ranking Member

Katherine W. Dedrick, Staff Director

July 17, 2019

Paul J. Sass, Republican Staff Director

The Honorable Bennie G. Thompson
Chairman, Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Building
Washington, D.C. 20515

Dear Chairman Thompson:

Thank you for your letter regarding H.R. 3409, the *Coast Guard Reauthorization Act of 2019*, which was ordered to be reported out of the Committee on Transportation and Infrastructure on June 26, 2019. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that by foregoing a sequential referral on H.R. 3409, the Committee on Homeland Security does not waive any future jurisdictional claims to provisions in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on Homeland Security has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation, and I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of H.R. 3409.

Sincerely,

PETER A. DEFZIO
Chair

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Sam Graves
The Honorable Michael Rogers
Mr. Thomas J. Wickham, Jr., Parliamentarian

