

COAST GUARD AUTHORIZATION ACT OF 2024

MAY 8, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 7659]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 7659) to authorize and amend authorities, programs, and statutes administered by the Coast Guard, having considered the same, reports favorably thereon with an amendment and recommends 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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Coast Guard Authorization Act of 2024”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Commandant defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Shoreside infrastructure and facilities and information technology.
- Sec. 103. Availability of amounts for acquisition of additional vessels and aircraft.
- Sec. 104. Authorization for certain programs and services.
- Sec. 105. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Subtitle A—Organization and Authorities

- Sec. 201. Prohibition on use of lead systems integrators.
- Sec. 202. Minor construction increase.
- Sec. 203. Tsunami evacuation plans.
- Sec. 204. Service life extension programs.
- Sec. 205. Maritime domain awareness in Coast Guard sector for Puerto Rico and Virgin Islands.
- Sec. 206. Public availability of information on monthly drug and migrant interdictions.
- Sec. 207. Report on establishment of unmanned systems capabilities office.
- Sec. 208. Great Lakes icebreaker.
- Sec. 209. Consideration of life-cycle cost estimates for acquisition and procurement.
- Sec. 210. Authorization of certain support for Coast Guard Academy foundations.
- Sec. 211. National Coast Guard Museum.
- Sec. 212. Regular Polar Security Cutter updates.
- Sec. 213. Technology pilot program.
- Sec. 214. Report on condition of Missouri River dayboards.
- Sec. 215. Delegation of ports and waterways safety authorities in St. Lawrence seaway.
- Sec. 216. Study on Coast Guard missions.
- Sec. 217. Additional Pribilof Island transition completion actions.

Subtitle B—Personnel

- Sec. 221. Direct hire authority for civilian faculty at the Coast Guard Academy.
- Sec. 222. Temporary exemption from authorized end strength for Coast Guard enlisted members on active duty.
- Sec. 223. Additional available guidance and considerations for reserve selection boards.
- Sec. 224. Parental leave parity for members of certain reserve components of Coast Guard.
- Sec. 225. Authorization for maternity uniform allowance for officers.
- Sec. 226. Report on GAO recommendations on housing program.

TITLE III—SHIPPING AND NAVIGATION

Subtitle A—Vessel Operations

- Sec. 301. Definitions.
- Sec. 302. Notification.
- Sec. 303. Publication of fines and penalties.

Subtitle B—Merchant Mariner Credentialing

- Sec. 311. Revising merchant mariner deck training requirements.
- Sec. 312. Amendments.
- Sec. 313. Renewal of merchant mariner licenses and documents.
- Sec. 314. Merchant seamen licenses, certificates, and documents; manning of vessels.

Subtitle C—Vessel Safety

- Sec. 321. Grossly negligent operations of a vessel.
- Sec. 322. Administrative procedure for security risks.
- Sec. 323. Requirements for DUKW amphibious passenger vessels.
- Sec. 324. Risk based examination of tank vessels.
- Sec. 325. Ports and waterways safety.
- Sec. 326. Study on Bering Strait vessel traffic projections and emergency response posture at the port of Point Spencer, Alaska.
- Sec. 327. Underwater inspections brief.
- Sec. 328. St. Lucie River railroad bridge.
- Sec. 329. Rulemaking regarding port access routes.
- Sec. 330. Articulated tug-barge manning.

Subtitle D—Other Matters

- Sec. 341. Anchor handling activities.
- Sec. 342. Establishment of National Advisory Committee on Autonomous Maritime Systems.
- Sec. 343. Controlled substance onboard vessels.
- Sec. 344. Nonoperating individual.
- Sec. 345. Information on type approval certificates.
- Sec. 346. Manning and crewing requirements for certain vessels, vehicles, and structures.
- Sec. 347. Classification societies.
- Sec. 348. Authority to establish safety zones for special activities in exclusive economic zone.
- Sec. 349. Fishing vessel and fisherman training safety.
- Sec. 350. Authority over Deepwater Port Act of 1974.
- Sec. 351. National Offshore Safety Advisory Committee composition.
- Sec. 352. Improving Vessel Traffic Service monitoring.
- Sec. 353. Abandoned and derelict vessel removals.
- Sec. 354. Near shore cable laying barge.
- Sec. 355. Anchorages.

TITLE IV—OIL POLLUTION INCIDENT LIABILITY

- Sec. 401. Vessel response plans.
- Sec. 402. Use of marine casualty investigations.
- Sec. 403. Timing of review.
- Sec. 404. Online incident reporting system.

TITLE V—IMPLEMENTATION OF ACCOUNTABILITY AND TRANSPARENCY REVIEW
RECOMMENDATIONS

- Sec. 501. Implementation status of directed actions.
- Sec. 502. Independent review of Coast Guard reforms.
- Sec. 503. Requirement to maintain certain records.
- Sec. 504. Study on Coast Guard Academy oversight.
- Sec. 505. Providing for the transfer of a cadet who is the victim of a sexual assault or related offense.
- Sec. 506. Designation of officers with particular expertise in military justice or healthcare.
- Sec. 507. Direct hire authority for certain personnel of Coast Guard.
- Sec. 508. Safe-to-report policy for Coast Guard.
- Sec. 509. Modification of delivery date of Coast Guard sexual assault report.
- Sec. 510. Higher-level review of board of determination decisions.
- Sec. 511. Review of discharge or dismissal.
- Sec. 512. Convicted sex offender as grounds for denial.
- Sec. 513. Coast Guard Academy room reassignment.

TITLE VI—AMENDMENTS

- Sec. 601. Amendments.

SEC. 2. COMMANDANT DEFINED.

In this Act, the term “Commandant” means the Commandant of the Coast Guard.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) in the matter preceding paragraph (1) by striking “fiscal years 2022 and 2023” and inserting “fiscal years 2025 and 2026”;

- (2) in paragraph (1)—

- (A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

- “(i) \$11,287,500,000 for fiscal year 2025; and

- “(ii) \$11,851,875,000 for fiscal year 2026.”;

- (B) in subparagraph (B) by striking “\$23,456,000” and inserting “\$25,570,000”; and

- (C) in subparagraph (C) by striking “\$24,353,000” and inserting “\$26,848,500”;

- (3) in paragraph (2)(A) by striking clauses (i) and (ii) and inserting the following:

- “(i) \$3,477,600,000 for fiscal year 2025; and

- “(ii) \$3,651,480,000 for fiscal year 2026.”;

- (4) in paragraph (3) by striking subparagraphs (A) and (B) and inserting the following:

- “(A) \$15,415,000 for fiscal year 2025; and

- “(B) \$16,185,750 for fiscal year 2026.”; and

- (5) by striking paragraph (4) and inserting the following:

- “(4) For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for purposes of retired pay, payments under the Retired Serviceman’s Family Protection Plan and the Survivor Benefit Plan, 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, \$1,210,840,000 for fiscal year 2025.”.

SEC. 102. SHORESIDE INFRASTRUCTURE AND FACILITIES AND INFORMATION TECHNOLOGY.

- (a) INFORMATION TECHNOLOGY.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code—

- (1) for fiscal year 2025, \$36,300,000 is authorized to modernize the Coast Guard’s information technology systems, of which \$11,000,000 is authorized to fund the acquisition, development, and implementation of a new credentialing system for the Merchant Mariner credentialing program; and

- (2) for fiscal year 2026, \$36,300,000 is authorized to modernize the Coast Guard’s information technology systems.

- (b) SHORESIDE INFRASTRUCTURE.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code—

- (1) for fiscal year 2025, \$500,000,000 is authorized to fund maintenance, construction, and repairs for Coast Guard shoreside infrastructure, of which—

- (A) \$225,000,000 is authorized for the purposes of improvements to facilities at the United States Coast Guard Training Center Cape May in Cape May, New Jersey;

(B) \$10,000,000 is authorized to fund the creation of an infrastructure development plan for the Coast Guard Academy in New London, Connecticut;

(C) \$50,000,000 is authorized to complete repairs and improvements of Chase Hall at the Coast Guard Academy in New London, Connecticut, including remediation of asbestos, lead, and mold and upgrading the electric outlet availability and storage space in student rooms, and making changes to house not more than 2 Officer Candidates in a room;

(D) \$70,000,000 is authorized for the purposes of planning, designing, and building a floating drydock at the United States Coast Guard Yard in Baltimore, Maryland;

(E) \$40,000,000 is authorized for the purposes of planning, designing, and building a hangar to house, at a minimum, 2 HC-130J Super Hercules aircraft at Air Station Barbers Point in Kapolei, Hawaii; and

(F) \$90,000,000 is authorized to fund waterfront improvements of Coast Guard Base Seattle; and

(2) for fiscal year 2026, \$600,000,000 is authorized to fund maintenance, construction, and repairs for Coast Guard shoreside infrastructure, of which—

(A) \$125,000,000 is authorized for the purposes of improvements to facilities at the United States Coast Guard Training Center Cape May in Cape May, New Jersey;

(B) \$100,000,000 is authorized to execute the infrastructure development plan for the Coast Guard Academy in New London, Connecticut developed in paragraph (1)(C);

(C) \$100,000,000 is authorized for the purposes of planning, designing, and building a floating drydock at the United States Coast Guard Yard in Baltimore, Maryland;

(D) \$40,000,000 is authorized for the purposes of planning, designing, and building a hangar to house at a minimum 2 HC-130J Super Hercules aircraft at Air Station Barbers Point in Kapolei, Hawaii; and

(E) \$90,000,000 is authorized to fund waterfront improvements of Coast Guard Base Seattle.

SEC. 103. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL VESSELS AND AIRCRAFT.

(a) FISCAL YEAR 2025.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code, for fiscal year 2025—

(1) \$138,500,000 is authorized for the acquisition or procurement of 1 missionized HC-130J Super Hercules aircraft; and

(2) \$36,000,000 is authorized for the service life extension program and any necessary upgrades of the 47-foot Motor Life Boat.

(b) FISCAL YEAR 2026.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code, for fiscal year 2026—

(1) \$1,200,000,000 is authorized for the acquisition of a Polar Security Cutter;

(2) \$1,100,000,000 is authorized for the acquisition of 2 Offshore Patrol Cutters;

(3) \$138,500,000 is authorized for the acquisition or procurement of 1 missionized HC-130J Super Hercules aircraft; and

(4) \$153,500,000 is authorized to outfit and assemble 5 MH-60T Jayhawk aircrafts.

SEC. 104. AUTHORIZATION FOR CERTAIN PROGRAMS AND SERVICES.

(a) FISCAL YEAR 2025.—Of the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, for fiscal year 2025—

(1) \$11,978,000 is authorized to fund additional recruiting personnel and offices for the Coast Guard Recruiting Command;

(2) \$9,000,000 is authorized to enhance Coast Guard recruiting capabilities; and

(3) \$25,000,000 is authorized for the implementation of each directed action outlined in enclosure 1 of the memorandum of the Commandant titled “Commandant’s Directed Actions-Accountability and Transparency”, dated November 27, 2023.

(b) FISCAL YEAR 2026.—Of the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, \$35,000,000 is authorized for the implementation of each directed action outlined in enclosure 1 of the memorandum of the Commandant titled “Commandant’s Directed Actions-Accountability and Transparency”, dated November 27, 2023.

SEC. 105. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

- (1) in subsection (a) by striking “fiscal years 2022 and 2023” and inserting “fiscal years 2025 and 2026”; and
- (2) in subsection (b) by striking “fiscal years 2022 and 2023” and inserting “fiscal years 2025 and 2026”.

TITLE II—COAST GUARD

Subtitle A—Organization and Authorities

SEC. 201. PROHIBITION ON USE OF LEAD SYSTEMS INTEGRATORS.

Section 1105 of title 14, United States Code, is amended by adding at the end the following:

“(c) **LEAD SYSTEMS INTEGRATOR DEFINED.**—In this section, the term ‘lead systems integrator’ has the meaning given such term in section 805(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).”.

SEC. 202. MINOR CONSTRUCTION INCREASE.

Section 903(d)(1) of title 14, United States Code, is amended by striking “\$1,500,000” and inserting “\$2,000,000”.

SEC. 203. TSUNAMI EVACUATION PLANS.

(a) TSUNAMI EVACUATION PLANS.—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Federal Emergency Management Agency, shall establish location specific tsunami evacuation plans for each unit and sector of the Coast Guard that has facilities, personnel, or assets located within areas—

(A) designated by the Administrator of the National Oceanic and Atmospheric Administration as high risk or very high risk of a United States tsunami hazard; and

(B) that are located inside a tsunami inundation zone.

(2) **EVACUATION PLANS.**—In establishing the evacuation plans under paragraph (1), the Commandant shall ensure that such plans—

(A) are included in the emergency action plans for each unit or sector located inside of a tsunami inundation zone;

(B) designate an evacuation route to an assembly area located outside of a tsunami inundation zone;

(C) include a map or diagram of all tsunami inundation zone evacuation routes;

(D) include evacuation routes for all Coast Guard personnel and dependents of such personnel living in Coast Guard housing;

(E) are feasible for all servicemembers and dependents of such servicemembers present on Coast Guard property or living in Coast Guard provided housing;

(F) include procedures to begin evacuations once a major seismic event is detected;

(G) include evacuation plans for air and water assets that do not impinge on the safety of human life;

(H) are able to be completely executed within 15 minutes of detection of a seismic event or, if not possible within 15 minutes, within a reasonable timeframe;

(I) are able to be completely executed by servicemembers on foot from any location within the tsunami inundation zone;

(J) are exercised biennially by each unit and sector located in a tsunami inundation zone; and

(K) are evaluated by leadership at each unit and sector located in a tsunami inundation zone annually.

(3) **CONSULTATION.**—In establishing the evacuation plans under paragraph (1), the Commandant shall consult local governments.

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, 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, and provide a briefing to each such Committee on, a report on—

(1) the status of the implementation and feasibility of the plans established under subsection (a)(1);

(2) a risk evaluation and vulnerability assessment of the infrastructure and assets located within tsunami inundation zones;

(3) the need for vertical evacuation structures for units and sectors in which an evacuation of a tsunami inundation zone cannot be completed on foot within 15 minutes of the detection of a seismic event; and

(4) whether the plans established under subsection (a)(1) achieve the purpose to protect human life and ensure the ability for the Coast Guard to provide search and rescue operations following a tsunami event in the area.

(c) DEFINITIONS.—In this section:

(1) SEISMIC EVENT.—The term “seismic event” means an earthquake, volcanic eruption, submarine landslide, coastal rockfall, or other event with the magnitude to cause a tsunami.

(2) TSUNAMI INUNDATION ZONE.—The term “tsunami inundation zone” means an area of inland flooding modeled, predicted, or forecasted as a potential result of a tsunami or seismic event.

(3) VERTICAL EVACUATION STRUCTURE.—The term “vertical evacuation structure” means an elevated structure above the tsunami inundation zone designated as a place of refuge from flood waters.

SEC. 204. SERVICE LIFE EXTENSION PROGRAMS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 1138. Service life extension programs

“(a) IN GENERAL.—Requirements for a Level 1 or Level 2 acquisition project or program under sections 1131 through 1134 shall not apply to an acquisition by the Coast Guard that is a service life extension program.

“(b) SERVICE LIFE EXTENSION PROGRAM DEFINED.—In this section, the term ‘service life extension program’ means a capital investment that is solely intended to extend the service life and address obsolescence of components or systems of a particular capability or asset.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1137 the following:

“1138. Service life extension programs.”.

SEC. 205. MARITIME DOMAIN AWARENESS IN COAST GUARD SECTOR FOR PUERTO RICO AND VIRGIN ISLANDS.

Not later than 180 days after the date of enactment of this Act, 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 containing—

(1) an overview of the maritime domain awareness in the area of responsibility of the Coast Guard sector responsible for Puerto Rico and the United States Virgin Islands, including—

(A) the average volume of known maritime traffic that transited the area during fiscal years 2020 through 2023;

(B) current sensor platforms deployed by such sector to monitor illicit activity occurring at sea in such area;

(C) the number of illicit activity incidents at sea in such area that the sector responded to during fiscal years 2020 through 2023;

(D) an estimate of the volume of traffic engaged in illicit activity at sea in such area and the type and description of any vessels used to carry out illicit activities that such sector responded to during fiscal years 2020 through 2023; and

(E) the maritime domain awareness requirements to effectively meet the mission of such sector;

(2) a description of current actions taken by the Coast Guard to partner with Federal, regional, State, and local entities to meet the maritime domain awareness needs of such area;

(3) a description of any gaps in maritime domain awareness within the area of responsibility of such sector resulting from an inability to meet the enduring maritime domain awareness requirements of the sector or adequately respond to maritime disorder, including illicit drug and migrant activity;

(4) an identification of current technology and assets the Coast Guard has to mitigate the gaps identified in paragraph (3);

(5) an identification of capabilities needed to mitigate such gaps, including any capabilities the Coast Guard currently possesses that can be deployed to the sector;

(6) an identification of technology and assets the Coast Guard does not currently possess and are needed to acquire in order to address such gaps; and

(7) an identification of any financial obstacles that prevent the Coast Guard from deploying existing commercially available sensor technology to address such gaps.

SEC. 206. PUBLIC AVAILABILITY OF INFORMATION ON MONTHLY DRUG AND MIGRANT INTERDICTIONS.

(a) IN GENERAL.—Section 11269 of the Don Young Coast Guard Authorization Act of 2022 (Public Law 117–263) is—

- (1) transferred to appear at the end of subchapter II of chapter 5 of title 14, United States Code;
- (2) redesignated as section 529; and
- (3) amended—
 - (A) by striking the section enumerator and heading and inserting the following:

“§ 529. Public availability of information on monthly drug and migrant interdictions”;

- (B) by striking “Not later than” and inserting the following:
- “(a) IN GENERAL.—Not later than”;
- (C) by inserting “drug and” before “migrant interdictions”; and
- (D) by adding at the end the following:
- “(b) CONTENTS.—In making information about interdictions publicly available under subsection (a), the Commandant shall include a description of the following:
 - “(1) The number of incidents in which drugs were interdicted, the amount and type of drugs interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.
 - “(2) The number of incidents in which migrants were interdicted, the number of migrants interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.”.
- (b) CLERICAL AMENDMENTS.—
 - (1) The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 528 the following:

“529. Public availability of information on monthly drug and migrant interdictions.”.

- (2) The table of sections in section 11001(b) of the Don Young Coast Guard Authorization Act of 2022 (division K of Public Law 117–263) is amended by striking the item relating to section 11269.

SEC. 207. REPORT ON ESTABLISHMENT OF UNMANNED SYSTEMS CAPABILITIES OFFICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, 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 that outlines a plan for establishing an unmanned systems capabilities office within the Coast Guard responsible for the acquisition and development of unmanned system and counter-unmanned system technologies and to expand the capabilities of the Coast Guard with respect to such technologies.

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

- (1) A management strategy for the acquisition, development, and deployment of unmanned system and counter-unmanned system technologies.
- (2) A service-wide coordination strategy to synchronize and integrate efforts across the Coast Guard in order to—
 - (A) support the primary duties of the Coast Guard pursuant to section 102 of title 14, United States Code; and
 - (B) pursue expanded research, development, testing, and evaluation opportunities and funding to expand and accelerate identification and transition of unmanned system and counter-unmanned system technologies.
- (3) The identification of contracting and acquisition authorities needed to expedite the development and deployment of unmanned system and counter-unmanned system technologies.
- (4) A detailed list of commercially available unmanned system and counter-unmanned system technologies with capabilities determined to be useful for the Coast Guard.
- (5) A cross-agency collaboration plan to engage with the Department of Homeland Security, the Department of Defense, and other relevant agencies to identify common requirements and opportunities to partner in acquiring, contracting, and sustaining unmanned system and counter-unmanned system capabilities.

(6) Opportunities to obtain and share unmanned system data from government and commercial sources to improve maritime domain awareness.

(7) The development of a concept of operations for a data ecosystem that supports and integrates unmanned system and counter-unmanned system technologies with key enablers, including enterprise communications networks, data storage and management, artificial intelligence and machine learning tools, and information sharing and dissemination capabilities.

(c) DEFINITIONS.—In this section:

(1) COUNTER-UNMANNED SYSTEM.—The term “counter-unmanned system” means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned system, including a counter-UAS system (as such term is defined in section 44801 of title 49, United States Code).

(2) UNMANNED SYSTEM.—The term “unmanned system” means an unmanned surface, undersea, or aircraft and associated elements (including communication links and the components that control the unmanned system) that are required for the operator to operate the system safely and efficiently, including an unmanned aircraft system (as such term is defined in section 44801 of title 49, United States Code).

SEC. 208. GREAT LAKES ICEBREAKER.

Not later than 30 days after the date of enactment of this Act, 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 strategy detailing how the Coast Guard will complete design and construction of the Great Lakes icebreaker at least as capable as the Coast Guard Cutter Mackinaw (WLBB-30) in not more than 3 years after funding is provided for such icebreaker.

SEC. 209. CONSIDERATION OF LIFE-CYCLE COST ESTIMATES FOR ACQUISITION AND PROCUREMENT.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 14, United States Code, is further amended by adding at the end the following:

“§ 1139. Consideration of life-cycle cost estimates for acquisition and procurement

“In carrying out the acquisition and procurement of vessels and aircraft, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall consider the life-cycle cost estimates of vessels and aircraft, as applicable, during the design and evaluation processes to the maximum extent practicable.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1138 (as added by this Act) the following:

“1139. Consideration of life-cycle cost estimates for acquisition and procurement.”.

SEC. 210. AUTHORIZATION OF CERTAIN SUPPORT FOR COAST GUARD ACADEMY FOUNDATIONS.

(a) IN GENERAL.—Subchapter I of chapter 19 of title 14, United States Code, is amended by adding at the end the following:

“§ 1907. Authorization of certain support for Coast Guard Academy foundations

“(a) AUTHORITY.—Subject to subsection (b) and pursuant to regulations prescribed by the Secretary of the department in which the Coast Guard is operating, the Superintendent of the Coast Guard Academy may authorize a covered foundation to use, on an unreimbursed basis, facilities or equipment of the Coast Guard Academy.

“(b) LIMITATIONS.—Use of facilities or equipment under subsection (a) may be provided only if such use has been reviewed and approved by an attorney of the Coast Guard and only if such use—

“(1) is without any liability of the United States to the covered foundation;

“(2) does not affect the ability of any official or employee of the Coast Guard, or any member of the armed forces, to carry out any responsibility or duty in a fair and objective manner;

“(3) does not compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program;

“(4) does not include the participation of any cadet other than participation in an honor guard at an event of the covered foundation; and

“(5) complies with any applicable ethics regulations.

“(c) BRIEFING.—In any fiscal year during which the Superintendent of the Coast Guard Academy exercises the authority under subsection (a), the Commandant of the Coast Guard 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 not later than the last day of that fiscal year regarding the number of events or activities of a covered foundation supported by such exercise during such fiscal year.

“(d) COVERED FOUNDATION DEFINED.—In this section, the term ‘covered foundation’ means a charitable, educational, or civic nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, that the Secretary concerned determines operates exclusively to support, with respect to a Service Academy, any of the following:

- “(1) Recruiting.
- “(2) Parent or alumni development.
- “(3) Academic, leadership, or character development.
- “(4) Institutional development.
- “(5) Athletics.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is amended by inserting after the item relating to section 1906 the following:

“1907. Authorization of certain support for Coast Guard Academy foundations.”.

SEC. 211. NATIONAL COAST GUARD MUSEUM.

Section 316 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking “The Secretary” and inserting “Except as provided in paragraph (2), the Secretary”; and

(B) in paragraph (2) by striking “engineering and design of a Museum” and inserting “design of a Museum, and engineering, construction administration, and quality assurance services of a Museum”;

(2) by amending subsection (e)(2)(A) to read as follows:

“(A) lease from the Association for Coast Guard operations the Museum and properties owned by the Association adjacent to the railroad tracks to which the property on which the Museum is located are adjacent; and”;

(3) by amending subsection (g) to read as follows:

“(g) SERVICES.—With respect to the services related to the construction, maintenance, and operation of the Museum, the Commandant may—

“(1) solicit and accept services from nonprofit entities, including the Association; and

“(2) enter into contracts or memorandums of agreement with or make grants to the Association to acquire such services.”.

SEC. 212. REGULAR POLAR SECURITY CUTTER UPDATES.

(a) REPORT.—

(1) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, 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 status of acquisition of the first Polar Security Cutter.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a detailed timeline for the acquisition process of the first Polar Security Cutter, including expected milestones and projected commissioning date;

(B) an accounting of the previously appropriated funds spent to date on the Polar Security Cutter Program, updated cost projections for the first Polar Security Cutter, and projections for when additional funds will be required;

(C) potential factors and risks that could further delay or imperil the completion of the first Polar Security Cutter; and

(D) a review of the acquisition of the first Polar Security Cutter to date, including factors that led to substantial cost overruns and delivery delays.

(b) BRIEFINGS.—

(1) PROVISION TO CONGRESS.—Not later than 60 days after the submission of the report under subsection (a), and not less frequently than every 60 days thereafter, the Commandant 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 status of the Polar Security Cutter acquisition process.

(2) TIMELINE.—The briefings under paragraph (1) shall occur after any key milestone in the Polar Security Cutter acquisition process, but not less frequently than every 60 days.

(3) ELEMENTS.—Each briefing under paragraph (1) shall include—

(A) a summary of acquisition progress since the most recent previous briefing conducted pursuant to paragraph (1);

(B) an updated timeline and budget estimate for acquisition and building of pending Polar Security Cutters; and

(C) an explanation of any delays or additional costs incurred in the acquisition progress.

(c) NOTIFICATIONS.—In addition to the briefings required under subsection (b), 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 within 3 business days of any significant change to the scope or funding level of the Polar Security Cutter acquisition strategy of such change.

SEC. 213. TECHNOLOGY PILOT PROGRAM.

Section 319(b)(1) of title 14, United States Code, is amended by striking “2” and inserting “4”.

SEC. 214. REPORT ON CONDITION OF MISSOURI RIVER DAYBOARDS.

(a) PROVISION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, 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 condition of dayboards and the placement of buoys on the Missouri River.

(b) ELEMENTS.—The report under paragraph (1) shall include—

(1) a list of the most recent date on which each dayboard and buoy was serviced by the Coast Guard;

(2) an overview of the plan of the Coast Guard to systematically service each dayboard and buoy on the Missouri River; and

(3) assigned points of contact.

SEC. 215. DELEGATION OF PORTS AND WATERWAYS SAFETY AUTHORITIES IN ST. LAWRENCE SEAWAY.

Section 70032 of title 46, United States Code, is amended to read as follows:

“§ 70032. Saint Lawrence Seaway

“(a) IN GENERAL.—Except as provided in subsection (b), 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 Great Lakes Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters I through III and this subchapter shall be delegated by the Secretary to the Great Lakes Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

“(b) EXCEPTION.—The Secretary of the department in which the Coast Guard is operating, after consultation with the Secretary of Transportation, or the head of an agency to which the Secretary has delegated the authorities in subsection (a), may—

“(1) issue and enforce special orders in accordance with section 70002;

“(2) establish water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel structure, waters, or shore area, as permitted in section 70011(b)(2); and

“(3) take actions for port, harbor, and coastal facility security in accordance with section 70116.”.

SEC. 216. STUDY ON COAST GUARD MISSIONS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commandant shall seek to enter into an agreement with a federally funded research and development center with relevant expertise under which such center shall conduct an assessment of the operational capabilities and ability of the Coast Guard to conduct the primary duties of the Coast Guard under section 102 of title 14, United States Code, and missions under section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468).

(2) ELEMENTS.—In carrying out the assessment required under paragraph (1), the federally funded research and development center selected under such subsection shall, with respect to the primary duties and missions described in paragraph (1), include the following:

(A) An analysis of the extent to which the Coast Guard is able to effectively carry out such duties and missions.

(B) Recommendations for the Coast Guard to more effectively carry out such duties and missions, in light of manpower and asset constraints.

(C) Recommendations of which such duties and missions should be transferred to other departments or eliminated in light of the manpower and asset constraints of the Coast Guard.

- (D) An analysis of the benefits and drawbacks of transferring the Coast Guard or any of the duties and missions of the Coast Guard to other appropriate Federal departments or independent agencies.
- (b) **ASSESSMENT TO COMMANDANT.**—Not later than 1 year after the date on which Commandant enters into an agreement under section (a), the federally funded research and development center selected under such subsection shall submit to the Commandant the assessment required under subsection (a).
- (c) **REPORT TO CONGRESS.**—
 - (1) **IN GENERAL.**—Not later than 90 days after receipt of the assessment under subsection (b), 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 that includes recommendations included in the assessment to strengthen the ability of the Coast Guard to carry out such duties and missions.
 - (2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:
 - (A) The assessment received by the Commandant under subsection (b).
 - (B) For each recommendation included in the such assessment—
 - (i) an assessment by the Commandant of the feasibility and advisability of implementing such recommendation; and
 - (ii) if the Commandant of the Coast Guard considers the implementation of such recommendation feasible and advisable, a description of the actions taken, or to be taken, to implement such recommendation.

SEC. 217. ADDITIONAL PRIBILOF ISLAND TRANSITION COMPLETION ACTIONS.

Section 11221 of the Don Young Coast Guard Authorization Act of 2022 (Public Law 117–263) is amended by adding at the end the following:

“(e) **ADDITIONAL REPORTS ON STATUS OF USE OF FACILITIES AND HELICOPTER BASING.**—Beginning with the first quarterly report required under subsection (a) submitted after the date of enactment of the Coast Guard Authorization Act of 2024, the Secretary shall include in each such report—

“(1) the status of the use of recently renovated Coast Guard housing facilities, food preparation facilities, and maintenance and repair facilities on St. Paul Island, Alaska, including a projected date for full use and occupancy of such facilities in support of Coast Guard missions in the Bering Sea; and

“(2) a detailed plan for the acquisition and construction of a hangar in close proximity to existing St. Paul airport facilities to house 1 or more Coast Guard helicopters for the prosecution of Coast Guard operational missions, including plans for the use of land needed for such hangar.”.

Subtitle B—Personnel

SEC. 221. DIRECT HIRE AUTHORITY FOR CIVILIAN FACULTY AT THE COAST GUARD ACADEMY.

Section 1941 of title 14, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

“(b) The Secretary may, without regard to the appointment requirements of title 5, United States Code, noncompetitively appoint a highly qualified candidate to a faculty position in the excepted service.”.

SEC. 222. TEMPORARY EXEMPTION FROM AUTHORIZED END STRENGTH FOR COAST GUARD ENLISTED MEMBERS ON ACTIVE DUTY.

Notwithstanding section 517 of title 10, United States Code, and until October 1, 2027, the authorized end strength for enlisted members on active duty (other than for training) in the Coast Guard in pay grades E–8 and E–9 may be more than 3.0 percent and 1.25 percent respectively of the number of enlisted members of the Coast Guard who are on active duty other than for training.

SEC. 223. ADDITIONAL AVAILABLE GUIDANCE AND CONSIDERATIONS FOR RESERVE SELECTION BOARDS.

Section 3740(f) of title 14, United States Code, is amended by striking “section 2117” and inserting “sections 2115 and 2117”.

SEC. 224. PARENTAL LEAVE PARITY FOR MEMBERS OF CERTAIN RESERVE COMPONENTS OF COAST GUARD.

(a) **PARENTAL LEAVE.**—

(1) **IN GENERAL.**—Subchapter I of chapter 29 of title 14, United States Code, is amended by adding at the end the following:

“§ 2907. Parental leave for members of certain reserve components of Coast Guard

“(a)(1) Under regulations prescribed by the Secretary, a member of the reserve component of the Coast Guard described in subsection (b) is allowed parental leave for a duration of up to 12 inactive-duty training periods, under section 206 of title 37, during the one-year period beginning after the following events:

“(A) the birth or adoption of a child of the member and to care for such child;

or

“(B) the placement of a minor child with the member for adoption or long-term foster care.

“(2)(A) The Secretary of the department in which the Coast Guard is operating, may authorize leave described under subparagraph (A) to be taken after the one-year period described in subparagraph (A) in the case of a member described in subsection (b) who, except for this subparagraph, would lose unused parental leave at the end of the one-year period described in subparagraph (A) as a result of—

“(i) operational requirements;

“(ii) professional military education obligations; or

“(iii) other circumstances that the Secretary determines reasonable and appropriate.

“(B) The regulations prescribed under clause (i) shall require that any leave authorized to be taken after the one-year period described in subparagraph (A) shall be taken within a reasonable period of time, as determined by the Secretary in which the department is operating, after cessation of the circumstances warranting the extended deadline.

“(b) A member described in this subsection is a member of the Coast Guard who is a member of—

“(1) the selected reserve who is entitled to compensation under section 206 of title 37; or

“(2) the individual ready reserve who is entitled to compensation under section 206 of title 37 when attending or participating in a sufficient number of periods of inactive-duty training during a year to count the year as a qualifying year of creditable service toward eligibility for retired pay.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2906 the following:

“2907. Parental leave for members of certain reserve components of Coast Guard.”.

(b) COMPENSATION.—Section 206(a)(4) of title 37, United States Code, is amended by inserting before the period at the end “or parental leave under section 2907 of title 14”.

SEC. 225. AUTHORIZATION FOR MATERNITY UNIFORM ALLOWANCE FOR OFFICERS.

Section 2708 of title 14, United States Code, is amended by adding at the end the following:

“(c) The Coast Guard may provide a cash allowance in such amount as the Secretary of the department in which the Coast Guard is operating shall determine in regulations to be paid to pregnant officer personnel for the purchase of maternity-related uniform items if such uniform items are not so furnished to the member.”.

SEC. 226. REPORT ON GAO RECOMMENDATIONS ON HOUSING PROGRAM.

Not later than 1 year after the date of enactment of this Act, 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 status of the implementation of the recommendations contained in the report of the Government Accountability Office titled “Coast Guard: Better Feedback Collection and Information Could Enhance Housing Program”, and issued February 5, 2024 (GAO–24–106388).

TITLE III—SHIPPING AND NAVIGATION

Subtitle A—Vessel Operations

SEC. 301. DEFINITIONS.

In this subtitle:

(1) OUTER CONTINENTAL SHELF.—The term “outer Continental Shelf” has the meaning given such term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(2) **RULING LETTER.**—The term “ruling letter” means any ruling letter or headquarters ruling letter relating to the enforcement of chapters 121 and 551 of title 46, United States Code (commonly referred to as the “Jones Act”), issued by the Commissioner of U.S. Customs and Border Protection pursuant to sections 502(a) or 625 of the Tariff Act of 1930 (19 U.S.C. 1502(a) and 1625).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection.

SEC. 302. NOTIFICATION.

(a) **ADVANCE NOTIFICATION REQUIRED.**—Prior to engaging in any activity or operations on the outer Continental Shelf, the operator of a foreign vessel used in such activity or operations shall file with the Secretary a notification describing all activities and operations to be performed on the outer Continental Shelf and an identification of applicable ruling letters issued by the Secretary that have approved the use of a foreign vessel in a substantially similar activity or operation.

(b) **PUBLICATION OF NOTICES.**—

(1) **PUBLICATION.**—The Secretary shall publish a notification under subsection (a) in the Customs Bulletin and Decisions within 14 days of receipt of such notification.

(2) **CONFIDENTIAL INFORMATION.**—The Secretary shall redact any information exempt from disclosure under section 552 of title 5, United States Code, in a notification published under paragraph (1).

SEC. 303. PUBLICATION OF FINES AND PENALTIES.

(a) **IN GENERAL.**—Section 55102 of title 46, United States Code, is amended by adding at the end the following:

“(d) **PUBLICATION OF PENALTY.**—

“(1) **IN GENERAL.**—Not later than 14 days after the issuance of a pre-penalty notice or a penalty, including a settlement, under subsection (c), the Secretary of Homeland Security shall publish such pre-penalty notice or a notification of such penalty in the Customs Bulletin and Decisions to the party impacted by the penalty.

“(2) **CONTENTS.**—A pre-penalty notice or penalty notification published under paragraph (1) shall include—

“(A) the name and the International Maritime Organization identification number of the vessel that is the subject of the penalty;

“(B) the name of the owner of the vessel that is the subject of the penalty;

“(C) the amount of the fine or value of merchandise seized; and

“(D) a summary of the alleged misconduct and justification for imposing a penalty.”

(b) **RULEMAKING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to implement the amendments made by subsection (a), including—

(1) regulations regarding the information to be contained in a penalty notification under section 55102(d) of title 46, United States Code (as amended by such subsection); and

(2) any changes to existing regulations relating to penalties issued by the Secretary.

Subtitle B—Merchant Mariner Credentialing

SEC. 311. REVISING MERCHANT MARINER DECK TRAINING REQUIREMENTS.

(a) **GENERAL DEFINITIONS.**—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (20) through (56) as paragraphs (21) through (57), respectively; and

(2) by inserting after paragraph (19) the following:

“(20) ‘merchant mariner credential’ means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.”

(b) **EXAMINATIONS.**—Section 7116 of title 46, United States Code, is amended by striking subsection (c).

(c) **MERCHANT MARINERS DOCUMENTS.**—

(1) **GENERAL REQUIREMENTS.**—Section 7306 of title 46, United States Code, is amended to read as follows:

“§ 7306. General requirements and classifications for members of deck departments

“(a) IN GENERAL.—The Secretary may issue a merchant mariner credential, to members of the deck department in the following classes:

- “(1) Able Seaman-Unlimited.
- “(2) Able Seaman-Limited.
- “(3) Able Seaman-Special.
- “(4) Able Seaman-Offshore Supply Vessels.
- “(5) Able Seaman-Sail.
- “(6) Able Seaman-Fishing Industry.
- “(7) Ordinary Seaman.

“(b) CLASSIFICATION OF CREDENTIALS.—The Secretary may classify the merchant mariner credential issued under subsection (a) based on—

- “(1) the tonnage and means of propulsion of vessels;
- “(2) the waters on which vessels are to be operated; or
- “(3) other appropriate standards.

“(c) CONSIDERATIONS.—In issuing the credential under subsection (a), the Secretary may consider the following qualifications of the merchant mariner:

- “(1) Age.
- “(2) Character.
- “(3) Habits of life.
- “(4) Experience.
- “(5) Professional qualifications demonstrated by satisfactory completion of applicable examinations or other educational requirements.
- “(6) Physical condition, including sight and hearing.
- “(7) Other requirements established by the Secretary, including career patterns and service appropriate to the particular service, industry, or job functions the individual is engaged.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is amended by striking the item relating to section 7306 and inserting the following:

“7306. General requirements and classifications for members of deck departments.”.

(3) GENERAL REQUIREMENTS FOR MEMBERS OF ENGINE DEPARTMENTS.—Section 7313(b) of title 46, United States Code, is amended by striking “and coal passer”.

(4) TRAINING.—Section 7315 of title 46, United States Code, is amended—

(A) by amending subsection (a) to read as follows:

“(a) Graduation from a nautical school program approved by the Secretary may be substituted for the service requirements under sections 7307–7312 and 7314.”;

(B) in subsection (b)—

- (i) by striking “one-third” and inserting “one-half”; and
- (ii) by striking “7307–7311 of this title” and inserting “7307–7312 and 7314”; and

(C) by striking subsection (c).

(d) REDUCTION OF LENGTHS OF CERTAIN PERIODS OF SERVICE.—

(1) IN GENERAL.—Title 46, United States Code, is amended as follows:

(A) Section 7307 is amended by striking “3 years” and inserting “18 months”.

(B) Section 7308 is amended by striking “18 months” and inserting “12 months”.

(C) Section 7309 is amended by striking “12 months” and inserting “6 months”.

(2) TEMPORARY REDUCTION OF LENGTHS OF CERTAIN PERIODS OF SERVICE.—Section 3534(j) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31) is repealed.

(e) MERCHANT MARINER CREDENTIALS.—Section 7510 of title 46, United States Code, is amended by striking subsection (d).

(f) IMPLEMENTATION.—The Secretary of the department in which the Coast Guard is operating shall implement the amended requirements under subsections (c)(3), (c)(4), and (c)(6) of this section without regard to chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563 (5 U.S.C. 601 note).

SEC. 312. AMENDMENTS.

(a) IN GENERAL.—The heading for subtitle II of title 46, United States Code, is amended by striking “**Seamen**” and inserting “**Seafarer**”.

(b) MERCHANT MARINER CREDENTIALS.—The heading for part E of subtitle II of title 46, United States Code, is amended by striking “merchant seamen licenses, certificates, and documents” and inserting “merchant mariner credentials”.

- (c) ABLE SEAFARERS—UNLIMITED.—
- (1) IN GENERAL.—The section heading for section 7307 of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7307 by striking “seamen” and inserting “seafarers”.
- (d) ABLE SEAMEN—LIMITED.—
- (1) IN GENERAL.—The section heading for section 7308 of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7308 by striking “seamen” and inserting “seafarers”.
- (e) ABLE SEAFARERS—SPECIAL.—
- (1) IN GENERAL.—The section heading for section 7309 of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7309 by striking “seamen” and inserting “seafarers”.
- (f) ABLE SEAFARERS—OFFSHORE SUPPLY VESSELS.—
- (1) IN GENERAL.—The section heading for section 7310 of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7310 by striking “seamen” and inserting “seafarers”.
- (g) ABLE SEAFARERS—SAIL.—
- (1) IN GENERAL.—The section heading for section 7311 of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7311 by striking “seamen” and inserting “seafarers”.
- (h) ABLE SEAMEN—FISHING INDUSTRY.—
- (1) IN GENERAL.—The section heading for section 7311a of title 46, United States Code, is amended by striking “**seamen**” and inserting “**seafarers**”.
- (2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7311a by striking “seamen” and inserting “seafarers”.
- (i) PARTS E AND F.—Parts E and F of subtitle II of title 46, United States Code, is amended—
- (1) by striking “seaman” and inserting “seafarer” each place it appears; and
- (2) by striking “seamen” and inserting “seafarers” each place it appears.
- (j) CLERICAL AMENDMENTS.—(1) The analysis for subtitle II of title 46, United States Code, is amended in the item relating to part E by striking “**MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS**” and inserting “**MERCHANT MARINER CREDENTIALS**”.
- (2) The analysis of subtitles at the beginning of title 46, United States Code, is amended in the item relating to subtitle II by striking “**SEAMEN**” and inserting “**SEAFARER**”.

SEC. 313. 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 active merchant mariner credential issued under this part that is not an extension under subsection (a) or (b), such credential shall begin the day after the expiration of the active credential of the credential holder.”.

SEC. 314. MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS; MANNING OF VESSELS.

(a) CITIZENSHIP OR NONCITIZEN NATIONALITY.—

(1) IN GENERAL.—Section 7102 of title 46, United States Code, is amended—

(A) in the section heading by inserting “**or noncitizen nationality**” after “**Citizenship**”; and

(B) by inserting “or noncitizen nationals (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))” after “citizens”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 71 of title 46, United States Code, is amended by striking the item relating to section 7102 and inserting the following:

“7102. Citizenship or noncitizen nationality.”.

(b) CITIZENSHIP OR NONCITIZEN NATIONALITY NOTATION ON MERCHANT MARINERS' DOCUMENTS.—

(1) IN GENERAL.—Section 7304 of title 46, United States Code, is amended—
(A) in the section heading by inserting “**or noncitizen nationality**” after “**Citizenship**”; and

(B) by inserting “or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))” after “citizen”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is amended by striking the item relating to section 7304 and inserting the following:

“7304. Citizenship or noncitizen nationality notation on merchant mariners' documents.”.

(c) CITIZENSHIP OR NONCITIZEN NATIONALITY.—

(1) IN GENERAL.—Section 8103 of title 46, United States Code, is amended—

(A) in the section heading by inserting “**or noncitizen nationality**” after “**Citizenship**”;

(B) in subsection (a) by inserting “or noncitizen national” after “citizen”;

(C) in subsection (b)—

(i) in paragraph (1)(A)(i) by inserting “or noncitizen national” after “citizen”;

(ii) in paragraph (3) by inserting “or noncitizen nationality” after “citizenship”; and

(iii) in paragraph (3)(C) by inserting “or noncitizen nationals” after “citizens”;

(D) in subsection (c) by inserting “or noncitizen nationals” after “citizens”;

(E) in subsection (d)—

(i) in paragraph (1) by inserting “or noncitizen nationals” after “citizens”; and

(ii) in paragraph (2) by inserting “or noncitizen national” after “citizen” each place it appears;

(F) in subsection (e) by inserting “or noncitizen national” after “citizen” each place it appears;

(G) in subsection (i)(1)(A) by inserting “or noncitizen national” after “citizen”;

(H) in subsection (k)(1)(A) by inserting “or noncitizen national” after “citizen”; and

(I) by adding at the end the following:

“(1) NONCITIZEN NATIONAL DEFINED.—In this section, the term ‘noncitizen national’ means an individual described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408).”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 81 of title 46, United States Code, is amended by striking the item relating to section 8103 and inserting the following:

“8103. Citizenship or noncitizen nationality and Navy Reserve requirements.”.

(d) COMMAND OF DOCUMENTED VESSELS.—Section 12131(a) of title 46, United States Code, is amended by inserting “or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))” after “citizen”.

(e) INVALIDATION OF CERTIFICATES OF DOCUMENTATION.—Section 12135(2) of title 46, United States Code, is amended by inserting “or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))” after “citizen”.

Subtitle C—Vessel Safety

SEC. 321. GROSSLY NEGLIGENT OPERATIONS OF A VESSEL.

Section 2302(b) of title 46, United States Code, is amended to read as follows:

“(b) GROSSLY NEGLIGENT OPERATION.—

“(1) MISDEMEANOR.—A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.

“(2) FELONY.—A person operating a vessel in a grossly negligent manner that results in serious bodily injury, as defined in section 1365(h)(3) of title 18—

“(A) commits a class E felony; and

“(B) may be assessed a civil penalty of not more than \$35,000.”.

SEC. 322. ADMINISTRATIVE PROCEDURE FOR SECURITY RISKS.

(a) **SECURITY RISK.**—Section 7702(d)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively (and by conforming the margins accordingly);

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively (and by conforming the margins accordingly);

(3) by striking “an individual if—” and inserting the following: “an individual—

“(A) if—”;

(4) in subparagraph (A)(ii)(IV), as so redesignated, by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

“(B) if there is probable cause to believe that the individual has violated company policy and is a security risk that poses a threat to other individuals on the vessel.”.

(b) **TECHNICAL AMENDMENT.**—Section 2101(47)(B) of title 46, United States Code (as so redesignated), is amended by striking “; and” and inserting “; or”.

SEC. 323. REQUIREMENTS FOR DUKW AMPHIBIOUS PASSENGER VESSELS.

Section 11502 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended—

(1) in the section header by striking “**DUKW AMPHIBIOUS PASSENGER VESSELS**” and inserting “**COMMERCIAL AMPHIBIOUS SMALL PASSENGER VESSELS**”;

(2) by striking “DUKW amphibious passenger vessel” each place it appears and inserting “commercial amphibious small passenger vessel”;

(3) by striking “DUKW amphibious passenger vessels” each place it appears and inserting “commercial amphibious small passenger vessels”;

(4) in subsection (h)—

(A) by striking “**DEFINITIONS**” and all that follows through “The term ‘appropriate congressional committees’” and inserting “**APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—The term ‘appropriate congressional committees’”; and

(B) by striking paragraph (2); and

(5) by adding at the end the following:

“(i) **APPLICATION.**—This section shall apply to amphibious vessels operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as such term is defined in section 2.38 of title 33, Code of Federal Regulations (as in effect on the date of enactment of the Coast Guard Authorization Act of 2024).”.

SEC. 324. RISK BASED EXAMINATION OF TANK VESSELS.

Section 3714 of title 46, United States Code, is amended—

(1) in subsection (a)(1), by striking “The Secretary” and inserting “Except as provided in subsection (c), the Secretary”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) **RISK-BASED EXAMINATION.**—

“(1) **IN GENERAL.**—With respect to examinations of foreign-flagged vessels to which this chapter applies, the Secretary may adopt a risk-based examination schedule to which such vessels shall be examined and the frequency with which the examinations occur.

“(2) **RESTRICTION.**—The Secretary may not adopt a risk-based examination schedule under paragraph (1) until the Secretary has—

“(A) received and reviewed the study by the National Academies required under section 8254(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283);

“(B) conducted the assessment recommended in the report of the Government Accountability Office submitted under section 8254(a) of such Act;

“(C) concluded through such assessment that a risk-based examination schedule provides not less than the level of safety provided by the annual examinations required under subsection (a)(1); and

“(D) provided the results of such assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

SEC. 325. PORTS AND WATERWAYS SAFETY.

(a) **WATERFRONT SAFETY.**—Section 70011(a) of title 46, United States Code, is amended—

- (1) in paragraph (1) by inserting “, including damage or destruction resulting from cyber incidents, transnational organized crime, or foreign state threats” after “adjacent to such waters”; and
- (2) in paragraph (2) by inserting “or harm resulting from cyber incidents, transnational organized crime, or foreign state threats” after “loss”.
- (b) REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.—Section 70051 of title 46, United States Code, is amended by inserting “or cyber incidents, or transnational organized crime, or foreign state threats,” after “threatened war, or invasion, or insurrection, or subversive activity,”.
- (c) FACILITY VISIT BY STATE SPONSOR OF TERRORISM.—Section 70011(b) of title 46, United States Code, is amended—
 - (1) in paragraph (3) by striking “and” at the end;
 - (2) in paragraph (4) by striking the period at the end and inserting “; and”; and
 - (3) by adding at the end the following:
 - “(5) prohibiting a representative of a government of country that the Secretary of State has determined has repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) from visiting a facility for which a facility security plan is required under section 70103(c).”.

SEC. 326. STUDY ON BERING STRAIT VESSEL TRAFFIC PROJECTIONS AND EMERGENCY RESPONSE POSTURE AT THE PORT OF POINT SPENCER, ALASKA.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine, under which the Marine Board of the Transportation Research Board (in this section referred to as the “Board”) shall conduct a study to—
 - (1) analyze commercial vessel traffic that transits through the Bering Strait and projections for the growth of such traffic during the 10-year period beginning after such date of enactment; and
 - (2) assess the adequacy of emergency response capabilities and infrastructure at the Port of Point Spencer, Alaska, to address navigation safety risks and geographic challenges necessary to conduct emergency maritime response operations in the Arctic environment.
- (b) ELEMENTS.—The study required under subsection (a) shall include the following:
 - (1) An analysis of the volume and types of domestic and international commercial vessel traffic through the Bering Strait and the projected growth of such traffic, including a summary of—
 - (A) the sizes, ages, and flag states of vessels; and
 - (B) the oil and product tankers that are—
 - (i) in transit to or from Russia or China; or
 - (ii) owned or operated by a Russian or Chinese entity.
 - (2) An assessment of the state and adequacy of vessel traffic services and oil spill and emergency response capabilities in the vicinity of the Bering Strait, including its approaches.
 - (3) A risk assessment of the projected growth in commercial vessel traffic in the Bering Strait and higher probability of increased frequency in the number of maritime accidents, including spill events, and the potential impacts to the Arctic maritime environment and Native Alaskan village communities in the vicinity of the Bering Strait.
 - (4) An evaluation of the ability of the Port of Point Spencer, Alaska, to serve as a port of refuge and as a staging, logistics, and operations center to conduct and support maritime emergency and spill response activities.
 - (5) Recommendations for practical actions that can be taken by the Congress, Federal agencies, the State of Alaska, vessel carriers and operators, the marine salvage and emergency response industry, and other relevant stakeholders to mitigate risks, upgrade infrastructure, and improve the posture of the Port of Point Spencer, Alaska, to function as a strategic staging and logistics center for maritime emergency and spill response operations in the Bering Strait region.
- (c) CONSULTATION.—In conducting the study required under subsection (a), the Board shall consult with—
 - (1) the Department of Transportation;
 - (2) the Corps of Engineers;
 - (3) the National Transportation Safety Board;
 - (4) relevant ministries of the government of Canada;
 - (5) the Port Coordination Council for the Port of Point Spencer; and
 - (6) non-government entities with relevant expertise in monitoring and characterizing vessel traffic in the Arctic.

(d) **REPORT.**—Not later than 1 year after initiating the study under subsection (a), the Board 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 containing the findings and recommendations of the study.

(e) **DEFINITIONS.**—In this section:

(1) **ARCTIC.**—The term “Arctic” has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(2) **PORT COORDINATION COUNCIL FOR THE PORT OF POINT SPENCER.**—The term “Port Coordination Council for the Port of Point Spencer” means the Council established under section 541 of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

SEC. 327. UNDERWATER INSPECTIONS BRIEF.

Not later than 30 days after the date of enactment of this Act, the Commandant, or a designated individual, 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 underwater inspection in lieu of drydock program established under section 176.615 of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 328. ST. LUCIE RIVER RAILROAD BRIDGE.

Regarding Docket Number USCG–2022–0222, before adopting a final rule, the Commandant shall conduct an independent boat traffic study at mile 7.4 of the St. Lucie River.

SEC. 329. RULEMAKING REGARDING PORT ACCESS ROUTES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule for the Atlantic Coast Port Route Access Study for which an Advanced Notice of Proposed Rulemaking titled “Shipping Safety Fairways Along the Atlantic Coast” was issued on June 19, 2020.

SEC. 330. ARTICULATED TUG-BARGE MANNING.

Section 11508 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended to read as follows:

“SEC. 11508. ARTICULATED TUG-BARGE MANNING.

“(a) **IN GENERAL.**—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, or any other provision of law or regulation, an Officer in Charge, Marine Inspection may authorize a covered vessel—

“(1) when engaged on a domestic voyage of more than 600 miles, to be manned with a minimum number of 2 licensed engineers in the engine department; and

“(2) when engaged on a voyage of less than 600 miles, to be manned with a minimum number of 1 licensed engineer in the engine department.

“(b) **COVERED VESSEL DEFINED.**—In this section, the term ‘covered vessel’ means a towing vessel issued a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations, which—

“(1) forms part of an articulated tug-barge unit; and

“(2) is either—

“(A) equipped with engineering control and monitoring systems of a type accepted by a recognized classification society for a periodically unmanned machinery space notation or accepted by the Commandant for a periodically unattended machinery space endorsement; or

“(B) is a vessel that, prior to July 19, 2022, was issued a minimum safe manning document or certificate of inspection that authorized equivalent or less manning levels.”.

Subtitle D—Other Matters

SEC. 341. ANCHOR HANDLING ACTIVITIES.

Section 12111(d) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting “or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities” after “drilling unit”; and

(B) in subparagraph (B) by inserting “or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities” after “drilling unit”; and

(2) by adding at the end the following:

“(3) ENERGY PRODUCTION OR TRANSMISSION FACILITY DEFINED.—In this subsection, the term ‘energy production or transmission facility’ means a floating offshore facility that is—

“(A) not a vessel;

“(B) securely and substantially moored to the seabed, but not by driven pile anchors; and

“(C) equipped with wind turbines which are used for the generation and transmission of non-mineral energy resources.”.

SEC. 342. ESTABLISHMENT OF NATIONAL ADVISORY COMMITTEE ON AUTONOMOUS MARITIME SYSTEMS.

(a) IN GENERAL.—Chapter 151 of title 46, United States Code, is amended by adding at the end the following:

“§ 15110. Establishment of National Advisory Committee on Autonomous Maritime Systems

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

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the regulation and use of Autonomous Systems within the territorial waters of the United States.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 9 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.—Each of the following groups shall be represented by at least 1 member on the Committee:

“(A) Marine safety or security entities.

“(B) Vessel design and construction entities.

“(C) Entities engaged in the production or research of unmanned vehicles, including drones, autonomous or semi-autonomous vehicles, or any other product or service integral to the provision, maintenance, or management of such products or services.

“(D) Port districts, authorities, or terminal operators.

“(E) Vessel operators.

“(F) National labor unions representing merchant mariners.

“(G) Maritime pilots.

“(H) Commercial space transportation operators.

“(I) Academic institutions.”.

(b) CLERICAL AMENDMENTS.—The analysis for chapter 151 of title 46, United States Code, is amended by adding at the end the following:

“15110. Establishment of National Advisory Committee on Autonomous Maritime Systems.”.

(c) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish the Committee under section 15110 of title 46, United States Code (as added by this section).

SEC. 343. CONTROLLED SUBSTANCE ONBOARD VESSELS.

Section 70503(a) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking “While on board a covered vessel, an individual” and inserting “An individual”;

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

“(1) manufacture or distribute, possess with intent to manufacture or distribute, or place or cause to be placed with intent to manufacture or distribute a controlled substance on board a covered vessel;” and

(3) in paragraph (2) by inserting “aboard a covered vessel” after “Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a))”.

SEC. 344. NONOPERATING INDIVIDUAL.

Section 8313(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116– 283) is amended by striking “2025” and inserting “2027”.

SEC. 345. INFORMATION ON TYPE APPROVAL CERTIFICATES.

(a) IN GENERAL.—Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by adding at the end the following:

“SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFICATES.

“The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or any territory of the United States, provide all data possessed by the Coast Guard pertaining to challenge water quality characteristics, challenge water biological organism concentrations, post-treatment water quality characteristics, and post-treatment biological organism concentrations data for a ballast water management system with a type approval certificate approved by the Coast Guard pursuant to subpart 162.060 of title 46, Code of Federal Regulations.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting after the item relating to section 903 the following:

“Sec. 904. Information on type approval certificates.”.

SEC. 346. MANNING AND CREWING REQUIREMENTS FOR CERTAIN VESSELS, VEHICLES, AND STRUCTURES.

(a) AUTHORIZATION OF LIMITED EXEMPTIONS FROM MANNING AND CREW REQUIREMENT.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:

“§ 8109. Exemptions from manning and crew requirements

“(a) IN GENERAL.—The Secretary may provide an exemption described in subsection (b) to the owner or operator of a covered facility if each individual who is manning or crewing the covered facility is—

“(1) a citizen of the United States;

“(2) an alien lawfully admitted to the United States for permanent residence;

or

“(3) a citizen of the nation under the laws of which the vessel is documented.

“(b) REQUIREMENTS FOR ELIGIBILITY FOR EXEMPTION.—An exemption under this subsection is an exemption from the regulations established pursuant to section 302(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)(3)).

“(c) LIMITATIONS.—An exemption under this section—

“(1) shall provide that the number of individuals manning or crewing the covered facility who are described in paragraphs (2) and (3) of subsection (a) may not exceed two and one-half times the number of individuals required to man or crew the covered facility under the laws of the nation under the laws of which the covered facility is documented; and

“(2) shall be effective for not more than 12 months, but may be renewed by application to and approval by the Secretary.

“(d) APPLICATION.—To be eligible for an exemption or a renewal of an exemption under this section, the owner or operator of a covered facility shall apply to the Secretary with an application that includes a sworn statement by the applicant of all information required for the issuance of the exemption.

“(e) REVOCATION.—

“(1) IN GENERAL.—The Secretary—

“(A) may revoke an exemption for a covered facility under this section if the Secretary determines that information provided in the application for the exemption was false or incomplete, or is no longer true or complete; and

“(B) shall immediately revoke such an exemption if the Secretary determines that the covered facility, in the effective period of the exemption, was manned or crewed in a manner not authorized by the exemption.

“(2) NOTICE REQUIRED.—The Secretary shall provide notice of a determination under subparagraph (A) or (B) of paragraph (1) to the owner or operator of the covered facility.

“(f) REVIEW OF COMPLIANCE.—The Secretary shall periodically, but not less than once annually, inspect each covered facility that operates under an exemption under this section to verify the owner or operator of the covered facility's compliance with the exemption. During an inspection under this subsection, the Secretary shall require all crew members serving under the exemption to hold a valid transportation security card issued under section 70105.

“(g) PENALTY.—In addition to revocation under subsection (e), the Secretary may impose on the owner or operator of a covered facility a civil penalty of \$10,000 per day for each day the covered facility—

“(1) is manned or crewed in violation of an exemption under this subsection;

or

“(2) operated under an exemption under this subsection that the Secretary determines was not validly obtained.

“(h) NOTIFICATION OF SECRETARY OF STATE.—The Secretary shall notify the Secretary of State of each exemption issued under this section, including the effective period of the exemption.

“(i) DEFINITIONS.—In this section:

“(1) COVERED FACILITY.—The term ‘covered facility’ means any vessel, rig, platform, or other vehicle or structure, over 50 percent of which is owned by citizens of a foreign nation or with respect to which the citizens of a foreign nation have the right effectively to control, except to the extent and to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation, policy, or practice, a national manning requirement for equipment engaged in the exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas.

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

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing information on each letter of nonapplicability of section 8109 of title 46, United States Code, with respect to a covered facility that was issued by the Secretary during the preceding year.

(2) CONTENTS.—The report under paragraph (1) shall include, for each covered facility—

- (A) the name and International Maritime Organization number;
- (B) the nation in which the covered facility is documented;
- (C) the nationality of owner or owners; and
- (D) for any covered facility that was previously issued a letter of nonapplicability in a prior year, any changes in the information described in subparagraphs (A) through (C).

(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that specify the documentary and other requirements for the issuance of an exemption under the amendment made by this section.

(d) EXISTING EXEMPTIONS.—

(1) EFFECT OF AMENDMENTS; TERMINATION.—Each exemption under section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) issued before the date of the enactment of this Act—

- (A) shall not be affected by the amendments made by this section during the 120-day period beginning on the date of the enactment of this Act; and
- (B) shall not be effective after such period.

(2) NOTIFICATION OF HOLDERS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall notify all persons that hold such an exemption that it will expire as provided in paragraph (1).

(e) CLERICAL AMENDMENT.—The analysis for chapter 81 of the title 46, United States Code, is amended by adding at the end the following:

“8109. Exemptions from manning and crew requirements.”.

SEC. 347. CLASSIFICATION SOCIETIES.

Section 3316(d) of title 46, United States Code, is amended—

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

“(i) the government of the foreign country in which the foreign society is headquartered—

- “(I) delegates that authority to the American Bureau of Shipping; or
- “(II) does not delegate that authority to any classification society; or”;

(2) by adding at the end the following:

“(5) CLARIFICATION ON AUTHORITY.—Nothing in this subsection authorizes the Secretary to make a delegation under paragraph (2) to a classification society from the People’s Republic of China.”.

SEC. 348. AUTHORITY TO ESTABLISH SAFETY ZONES FOR SPECIAL ACTIVITIES IN EXCLUSIVE ECONOMIC ZONE.

(a) REPEAL.—Section 8343 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is repealed.

(b) SPECIAL ACTIVITIES IN EXCLUSIVE ECONOMIC ZONE.—Subchapter I of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“§ 70008. Special activities in exclusive economic zone

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may establish safety zones to address special activities in the exclusive economic zone.

“(b) DEFINITIONS.—In this section:

“(1) SAFETY ZONE.—The term ‘safety zone’—

“(A) means a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels; and

“(B) may be stationary and described by fixed limits or may be described as a zone around a vessel in motion.

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

“(A) space activities, including launch and reentry (as such 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 fixed platforms (as such term is defined in section 2281(d) of title 18).

“(3) UNITED STATES CITIZEN.—The term ‘United States citizen’ has the meaning given the term ‘eligible owners’ in section 12103 of title 46, United States Code.”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, is amended by inserting after the item relating to section 70007 the following:

“70008. Special activities in exclusive economic zone.”.

SEC. 349. FISHING VESSEL AND FISHERMAN TRAINING SAFETY.

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

(1) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A)(ii) by striking “; and” and inserting a semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) to conduct safety and prevention training that addresses behavioral and physical health risks, to include substance use disorder and worker fatigue, facing fishing vessel operators and crewmembers; and”;

(B) in paragraph (2)—

(i) by striking “, in consultation with and based on criteria established by the Commandant of the Coast Guard”; and

(ii) by striking “subsection on a competitive basis” and inserting the following: “subsection—

“(A) on a competitive basis; and

“(B) based on criteria developed in consultation with the Commandant of the Coast Guard”; and

(C) in paragraph (4) by striking “\$3,000,000 for fiscal year 2023” and inserting “to the Secretary of Health and Human Services \$6,000,000 for each of fiscal years 2025 and 2026”; and

(2) in subsection (j)—

(A) in paragraph (1) by inserting “, and understanding and mitigating behavioral and physical health risks, to include substance use disorder and worker fatigue, facing members of the commercial fishing industry” after “weather detection”;

(B) in paragraph (2)—

(i) by striking “, in consultation with and based on criteria established by the Commandant of the Coast Guard,”; and

(ii) by striking “subsection on a competitive basis” and inserting the following: “subsection—

“(A) on a competitive basis; and

“(B) based on criteria developed in consultation with the Commandant of the Coast Guard”; and

(C) in paragraph (4) by striking “\$3,000,000 for fiscal year 2023” and inserting “to the Secretary of Health and Human Services \$6,000,000 for each of fiscal years 2025 and 2026”.

SEC. 350. AUTHORITY OVER DEEPWATER PORT ACT OF 1974.

(a) IN GENERAL.—Section 5(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(a)) is amended by striking the first sentence and inserting “Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)), the Secretary shall have the authority to issue regulations to carry out the purposes and provi-

sions of this Act, in accordance with the provisions of section 553 of title 5, United States Code, without regard to subsection (a) thereof.”.

(b) **AFFIRMING THE AUTHORITY OF SECRETARY OF TRANSPORTATION OVER ENVIRONMENTAL REVIEWS.**—Section 5(f) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(f)) is amended to read as follows:

“(f) **COMPLIANCE.**—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)), 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. 4321 et seq.) and act as the lead agency under section 4336a of title 42, United States Code, for all applications under this Act. 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 chapter.”.

(c) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Commandant shall transfer the authorities provided to the Coast Guard in part 148 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), except as provided in paragraph (2), to the Secretary of Transportation.

(2) **RETENTION OF AUTHORITY.**—The Commandant shall retain responsibility for authorities pertaining to design, construction, equipment, and operation of deepwater ports and navigational safety.

(3) **UPDATES TO AUTHORITY.**—As soon as practicable after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to reflect the updates to authorities prescribed by this subsection.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section, or the amendments made by this section, may be construed to limit the authorities of other governmental agencies previously delegated authorities of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.).

(e) **APPLICATIONS.**—Nothing in this section shall apply to any application submitted before the date of enactment of this Act.

SEC. 351. NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE COMPOSITION.

Section 15106(c) of title 46, United States Code, is amended—

(1) in paragraph (1) by striking “15 members” and inserting “17 members”; and

(2) in paragraph (3) by adding at the end the following:

“(L) 2 members shall represent entities engaged in non-mineral energy activities on the Outer Continental Shelf.”.

SEC. 352. IMPROVING VESSEL TRAFFIC SERVICE MONITORING.

(a) **PROXIMITY OF ANCHORAGES TO PIPELINES.**—

(1) **IMPLEMENTATION OF RESTRUCTURING PLAN.**—Not later than 1 year after the date of enactment of this Act, the Commandant shall implement the November 2021 proposed plan of the Vessel Traffic Service Los Angeles-Long Beach for restructuring the Federal anchorages in San Pedro Bay described on page 54 of the Report of the National Transportation Safety Board titled “Anchor Strike of Underwater Pipeline and Eventual Crude Oil Release” and issued January 2, 2024.

(2) **STUDY.**—The Secretary of the department in which the Coast Guard is operating shall conduct a study to identify any anchorage grounds other than the San Pedro Bay Federal anchorages in which the distance between the center of an approved anchorage ground and a pipeline is less than 1 mile.

(3) **REPORT.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, 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 results of the study required under paragraph (2).

(B) **CONTENTS.**—The report under subparagraph (A) shall include—

- (i) a list of the anchorage grounds described under paragraph (2);
- (ii) whether it is possible to move each such anchorage ground to provide a minimum distance of 1 mile; and
- (iii) a recommendation of whether to move any such anchorage ground and explanation for the recommendation.

(b) **PROXIMITY TO PIPELINE ALERTS.**—

(1) **AUDIBLE AND VISUAL ALARMS.**—The Commandant shall consult with the providers of vessel monitoring systems to add to the monitoring systems for vessel traffic services audible and visual alarms that alert the watchstander when an anchored vessel is encroaching on a pipeline.

(2) NOTIFICATION PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Commandant shall develop procedures for all vessel traffic services to notify pipeline and utility operators following potential incursions on submerged pipelines within the vessel traffic service area of responsibility.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually 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 implementation of paragraphs (1) and (2).

SEC. 353. ABANDONED AND DERELICT VESSEL REMOVALS.

(a) IN GENERAL.—Chapter 47 of title 46, United States Code, is amended—

- (1) in the chapter heading by striking “**BARGES**” and inserting “**VESSELS**”;
- (2) by inserting before section 4701 the following:

“SUBCHAPTER I—BARGES”; AND

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

“SUBCHAPTER II—NON-BARGE VESSELS

“§ 4710. Definitions

“In this subchapter:

“(1) ABANDON.—The term ‘abandon’ means to moor, strand, wreck, sink, or leave a covered vessel unattended for longer than 45 days.

“(2) COVERED VESSEL.—The term ‘covered vessel’ means a vessel that is not a barge to which subchapter I applies.

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“§ 4711. Abandonment of vessels prohibited

“(a) IN GENERAL.—An owner or operator of a covered vessel may not abandon such vessel on the navigable waters of the United States.

“(b) DETERMINATION OF ABANDONMENT.—

“(1) NOTIFICATION.—

“(A) IN GENERAL.—With respect to a covered vessel that appears to be abandoned, the Commandant of the Coast Guard shall—

“(i) attempt to identify the owner using the vessel registration number, hull identification number, or any other information that can be reasonably inferred or gathered; and

“(ii) notify such owner—

“(I) of the penalty described in subsection (c); and

“(II) that the vessel will be removed at the expense of the owner if the Commandant determines that the vessel is abandoned and the owner does not remove or account for the vessel.

“(B) FORM.—The Commandant shall provide the notice required under subparagraph (A)—

“(i) if the owner can be identified, via certified mail or other appropriate forms determined by the Commandant; or

“(ii) if the owner cannot be identified, via an announcement in a local publication and on a website maintained by the Coast Guard.

“(2) DETERMINATION.—The Commandant shall make a determination not earlier than 45 days after the date on which the Commandant provides the notification required under paragraph (1) of whether a covered vessel described in such paragraph is abandoned.

“(c) PENALTY.—

“(1) IN GENERAL.—The Commandant may assess a civil penalty of not more than \$500 against an owner or operator of a covered vessel determined to be abandoned under subsection (b) for a violation of subsection (a).

“(2) LIABILITY IN REM.—The owner or operator of a covered vessel shall also be liable in rem for a penalty imposed under paragraph (1).

“(d) VESSELS NOT ABANDONED.—The Commandant may not determine that a covered vessel is abandoned under this section if—

“(1) such vessel is located at a federally approved or State approved mooring area;

“(2) such vessel is located on private property with the permission of the owner of such property;

“(3) the owner or operator of such vessel provides a notification to the Commandant that—

- “(A) indicates the location of the vessel;
- “(B) indicates that the vessel is not abandoned; and
- “(C) contains documentation proving that the vessel is allowed to be in such location; or
- “(4) the Commandant determines that such an abandonment determination would not be in the public interest.

“§ 4712. Inventory of abandoned vessels

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Commandant, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and relevant State agencies, shall establish and maintain a national inventory of covered vessels that are abandoned.

“(b) CONTENTS.—The inventory established and maintained under subsection (a) shall include data on each vessel, including geographic information system data related to the location of each such vessel.

“(c) PUBLICATION.—The Commandant shall make the inventory established under subsection (a) publicly available on a website of the Coast Guard.

“(d) REPORTING OF POTENTIALLY ABANDONED VESSELS.—In carrying out this section, the Commandant shall develop a process by which—

“(1) a State, Indian Tribe, or person may report a covered vessel that may be abandoned to the Commandant for potential inclusion in the inventory established under subsection (a); and

“(2) the Commandant shall review any such report and add such vessel to the inventory if the Commandant determines that the reported vessel is abandoned pursuant to section 4711.”

(b) RULEMAKING.—The Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of the Army, acting through the Chief of Engineers, and the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall issue regulations with respect to the procedures for determining that a vessel is abandoned for the purposes of subchapter II of chapter 47 of title 46, United States Code (as added by this section).

(c) CONFORMING AMENDMENTS.—Chapter 47 of title 46, United States Code, is amended—

(1) in section 4701—

(A) in the matter preceding paragraph (1) by striking “chapter” and inserting “subchapter”; and

(B) in paragraph (2) by striking “chapter” and inserting “subchapter”;

(2) in section 4703 by striking “chapter” and inserting “subchapter”;

(3) in section 4704 by striking “chapter” each place it appears and inserting “subchapter”; and

(4) in section 4705 by striking “chapter” and inserting “subchapter”.

(d) CLERICAL AMENDMENTS.—The analysis for chapter 47 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 4701 the following:

“SUBCHAPTER I—BARGES”; AND

(2) by adding at the end the following:

“SUBCHAPTER II—VESSELS

“4710. Definitions.

“4711. Abandonment of vessels prohibited.

“4712. Inventory of abandoned vessels.”.

SEC. 354. NEAR SHORE CABLE LAYING BARGE.

(a) IN GENERAL.—Until the date that is 2 years after the date of enactment of this Act, and notwithstanding subsection (b), the Secretary of the department in which the Coast Guard is operating may not enforce citizenship requirements under section 8103 of title 46, United States Code, or the credentialing requirements under section 8701 of title 46, United States Code, with respect to a covered individual.

(b) TRAINING.—Until the date that is 2 years after the date of enactment of this Act, the Commandant shall ensure that operators of near shore cable lay vertical trenching injector equipment on barges on which covered individuals serve—

(1) develop processes and requirements for conducting certification and training such individuals; and

(2) certify and train a sufficient cadre of qualified individuals.

(c) DEFINITIONS.—In this section:

(1) COVERED INDIVIDUAL.—The term “covered individual” means an individual, including near shore cable lay vertical trenching injector operators or near shore cable laying vertical trenching injector support personnel, who is—

(A) engaged on board a barge for the purpose of operating specialized equipment, including a vertical trenching injector, necessary to lay near shore power cable in support of non-mineral energy exploration, development, and production; and

(B) not—

(i) included in the complement of licensed individuals to be stated in the certificate of inspection issued under chapter 33 of title 46, United States Code, to be necessary by the Certificate of Inspection or to ensure the safe navigation of such vessel; or

(ii) a member of the steward's department on such a barge.

(2) **QUALIFIED INDIVIDUAL.**—The term “qualified individual” means an individual qualified to—

(A) serve on a vessel documented under chapter 121 of the title 46, United States Code, under section 8103 of such title;

(B) receive a merchant mariner credential under section 8701 of title 46, United States Code; and

(C) available to operate and support the operation of specialized near shore cable lay vertical trenching injectors on United States-documented barges in support of United States offshore non-mineral energy exploration, development, and production.

SEC. 355. ANCHORAGES.

Section 8437 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) **PROHIBITION.**—The Commandant shall prohibit any vessel anchoring on the reach of the Hudson River described in subsection (a) unless such anchoring is within any anchorage established before January 1, 2021.”.

TITLE IV—OIL POLLUTION INCIDENT LIABILITY

SEC. 401. VESSEL RESPONSE PLANS.

(a) **IN GENERAL.**—Section 311(j)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(6)) is amended to read as follows:

“(6) **EQUIPMENT REQUIREMENTS, VERIFICATION, AND INSPECTION.**—

“(A) **IN GENERAL.**—The President may require—

“(i) periodic inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges;

“(ii) periodic inspection of vessels, salvage and marine firefighting equipment, and other major equipment used to respond to marine casualties or prevent discharges;

“(iii) periodic verification of capabilities to appropriately, and in a timely manner, respond to a marine casualty, a worst case discharge, or a substantial threat of a discharge, including—

“(I) drills, with or without prior notice;

“(II) review of contracts and relevant third-party agreements;

“(III) testing of equipment;

“(IV) review of training; and

“(V) other evaluations of response capabilities, as determined appropriate by the President; and

“(iv) vessels operating on navigable waters and carrying oil or a hazardous substance in bulk as cargo, and nontank vessels carrying oil of any kind as fuel for main propulsion, to carry appropriate removal equipment that employs the best technology economically feasible and that is compatible with the safe operation of the vessel.

“(B) **MARINE CASUALTY.**—In this paragraph, the term ‘marine casualty’ means a marine casualty that is required to be reported pursuant to section 6101 of title 46, United States Code.”.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of 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 state of marine firefighting authorities, jurisdiction, plan review,

and other considerations with respect to vessel fires at waterfront facilities and within the navigable waters of the United States up to 3 nautical miles from the shoreline.

(2) CONTENTS.—In carrying out paragraph (1), the Comptroller General shall—

(A) examine factors that affect Federal and non-Federal collaboration aimed at reducing vessel and waterfront facility fire risk to local communities;

(B) focus on the prevalence and frequency of vessel fires described in paragraph (1); and

(C) make recommendations for preparedness, responses to, training for, and other items for consideration.

SEC. 402. USE OF MARINE CASUALTY INVESTIGATIONS.

Section 6308 of title 46, United States Code, is amended—

(1) in subsection (a) by striking “initiated” and inserting “conducted”; and

(2) by adding at the end the following:

“(e) For purposes of this section, an administrative proceeding conducted by the United States includes proceedings under section 7701 and claims adjudicated under section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713).”.

SEC. 403. TIMING OF REVIEW.

Section 1017 of the Oil Pollution Act of 1990 (33 U.S.C. 2717) is amended by adding at the end the following:

“(g) TIMING OF REVIEW.—Before the date of completion of a removal action, no person may bring an action under this Act, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), or chapter 7 of title 5, United States Code, challenging any decision relating to such removal action that is made by an on-scene coordinator appointed under the National Contingency Plan.”.

SEC. 404. ONLINE INCIDENT REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the National Response Center shall—

(1) develop an online capacity through a web-based application to receive a notification of an oil discharge or release of a hazardous substance; and

(2) allow any such notification to the National Response Center that is required under Federal law or regulation to be made online using the application.

(b) USE OF APPLICATION.—In carrying out subsection (a), the National Response Center may not require the notification of an oil discharge or release of a hazardous substance to be made using the application developed under such subsection.

TITLE V—IMPLEMENTATION OF ACCOUNTABILITY AND TRANSPARENCY REVIEW RECOMMENDATIONS

SEC. 501. IMPLEMENTATION STATUS OF DIRECTED ACTIONS.

(a) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§ 5116. Implementation status of directed actions

“(a) IN GENERAL.—Not later than March 1, 2025, and not later than March 1 of each of the 3 subsequent 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 a report on the status of the implementation of each directed action outlined in enclosure 1 of the memorandum of the Commandant titled ‘Commandant’s Directed Actions—Accountability and Transparency’, dated November 27, 2023.

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

“(1) The status of the implementation of each directed action from enclosure 1 of the memorandum titled ‘Commandant’s Directed Actions—Accountability and Transparency’ dated November 27, 2023.

“(2) A plan and timeline for the next steps to be taken to complete outstanding directed actions in enclosure 1 of the memorandum titled ‘Commandant’s Directed Actions—Accountability and Transparency’ dated November 27, 2023, including identifying the individual the Commandant has selected to ensure the successful completion of each directed action.

“(3) Metrics to determine the effectiveness of each directed action in such enclosure.

“(4) Any additional actions the Commandant is taking to mitigate instances of sexual assault and sexual harassment within the Coast Guard.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“5116. Implementation status of directed actions.”.

SEC. 502. INDEPENDENT REVIEW OF COAST GUARD REFORMS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall 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 efforts of the Coast Guard to mitigate cases of sexual assault and sexual harassment within the service.

(2) ELEMENTS.—The report required under paragraph (1) shall—

(A) evaluate—

(i) the efforts of the Commandant to implement the directed actions from enclosure 1 of the memorandum titled “Commandant’s Directed Actions—Accountability and Transparency” dated November 27, 2023;

(ii) whether the Commandant met the reporting requirements under section 5112 of title 14, United States Code; and

(iii) the effectiveness of the actions of the Coast Guard, including efforts outside of the actions described in the memorandum titled “Commandant’s Directed Actions—Accountability and Transparency” dated November 27, 2023, to mitigate instances of sexual assault and sexual harassment and improve the enforcement relating to such instances within the Coast Guard, and how the Coast Guard is overcoming challenges in implementing such actions.

(B) make recommendations to the Commandant for improvements to the efforts of the service to mitigate instances of sexual assault and sexual harassment and improve the enforcement relating to such instances within the Coast Guard; and

(C) make recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate to mitigate instances of sexual assault and sexual harassment in the Coast Guard and improve the enforcement relating to such instances within the Coast Guard, including proposed changes to any legislative authorities.

(b) REPORT BY COMMANDANT.—Not later than 90 days after the date on which the Comptroller General completes all actions under subsection (a), 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 that includes the following:

(1) A plan for Coast Guard implementation, including interim milestones and timeframes, of any recommendation made by the Comptroller General under subsection (a)(2)(B) with which the Commandant concurs.

(2) With respect to any recommendation made under subsection (a)(2)(B) with which the Commandant does not concur, an explanation of the reasons why the Commandant does not concur.

SEC. 503. REQUIREMENT TO MAINTAIN CERTAIN RECORDS.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§ 955. Requirement to maintain certain records

“(a) IN GENERAL.—The Commandant shall maintain all work product related to final action documenting a disposition decision on an investigation by the Coast Guard Investigative Service or other law enforcement entity investigating a Coast Guard member accused of misconduct for not less than 7 years from date of the disposition decision.

“(b) FINAL ACTION MEMO.—Upon a final action documenting a disposition decision described in subsection (a), the convening authority or final decision making authority, as applicable, shall sign a final action memo that includes the following:

“(1) A reference section listing the materials reviewed in making a disposition decision.

“(2) The Coast Guard Investigative Service report of investigation listed as either a reference or an enclosure.

“(3) The prosecution memo, signed by the convening authority or the final decision making authority, listed and included as an enclosure.

“(4) The completed Coast Guard Investigative Service report of adjudication listed and included as an enclosure.

“(5) The disposition decision.

“(c) WORK PRODUCT.—In this section, the term ‘work product’ includes—

“(1) a prosecution memo;

“(2) emails, notes, and other correspondence related to a disposition decision; and

“(3) the content described in paragraphs (1) through (5) of subsection (b).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“955. Requirement to maintain certain records.”.

SEC. 504. STUDY ON COAST GUARD ACADEMY OVERSIGHT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Commandant, in consultation with relevant stakeholders, shall conduct a study on the governance of the Coast Guard Academy, including examining the roles, responsibilities, authorities, advisory functions, and membership qualifications and expertise of the Board of Visitors and Board of Trustees of such Academy.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, 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 written report that contains—

(1) the results of the study required under subsection (a); and

(2) recommendations to improve governance at the Coast Guard Academy.

SEC. 505. PROVIDING FOR THE TRANSFER OF A CADET WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.

Section 1902 of title 14, United States Code, is amended by adding at the end the following:

“(f) CONSIDERATION OF REQUEST FOR TRANSFER OF CADET WHO IS THE VICTIM OF SEXUAL ASSAULT OR RELATED OFFENSE.—

“(1) IN GENERAL.—The Commandant shall provide for timely consideration of and action on a request submitted by a cadet appointed to the Coast Guard Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of title 10 (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to a Service Academy or to enroll in a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education.

“(2) RULEMAKING.—The Commandant shall prescribe regulations to carry out this subsection that—

“(A) ensure that any cadet who has been appointed to the Coast Guard Academy is informed of the right to request a transfer pursuant to this subsection, and that any formal request submitted by a cadet is processed as expeditiously as practicable for review and action by the Superintendent;

“(B) direct the Superintendent of the Coast Guard Academy, in coordination with the Superintendent of the Service Academy to which the cadet requests to transfer—

“(i) to act on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

“(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

“(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the Service Academy concerned as expeditiously as possible; and

“(C) direct the Superintendent of the Coast Guard Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers’ Training Corps program at the institution of higher education to which the cadet requests to transfer—

“(i) to act on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;

“(ii) subject to the cadet’s acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

“(iii) to take all necessary and appropriate action to effectuate the cadet’s enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers’ Training Corps program as expeditiously as possible.

“(3) DENIAL OF TRANSFER REQUEST.—If the Superintendent of the Coast Guard Academy denies a request for transfer under this subsection, the cadet may request review of the denial by the Secretary of the Department in which the Coast Guard is operating, who shall act on such request not later than 72 hours after receipt of the formal request for review.

“(4) CONFIDENTIALITY OF RECORDS.—The Secretary of the Department in which the Coast Guard is operating shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

“(5) APPOINTMENT TO SERVICE ACADEMY.—A cadet who transfers under this subsection may retain the cadet’s appointment to the Coast Guard Academy or may be appointed to the Service Academy to which the cadet transfers without regard to the limitations and requirements described in sections 7442, 8454, and 9442 of title 10.

“(6) APPOINTMENT UPON GRADUATION.—

“(A) PREFERENCE.—A cadet who transfers under this subsection to a Service Academy, is entitled, before graduating from such Academy, to state the preference of the cadet for appointment, upon graduation, as a commissioned officer in the Coast Guard.

“(B) MANNER OF APPOINTMENT.—Upon graduation, a cadet described in subparagraph (A) is entitled to be accepted for appointment as a permanent commissioned officer in the Regular Coast Guard in the same manner as graduates of the Coast Guard Academy as described in section 2101.

“(7) COMMISSION INTO COAST GUARD.—A cadet who transfers under this subsection to a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education is entitled upon graduation from the Senior Reserve Officers’ Training program to commission into the Coast Guard as described in section 3738a.

“(8) SERVICE ACADEMY DEFINED.—In this subsection, the term ‘Service Academy’ has the meaning given such term in section 347 of title 10.”

SEC. 506. DESIGNATION OF OFFICERS WITH PARTICULAR EXPERTISE IN MILITARY JUSTICE OR HEALTHCARE.

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

“§ 2132. Designation of officers with particular expertise in military justice or healthcare

“(a) SECRETARY DESIGNATION.—The Secretary may designate a limited number of officers of the Coast Guard as having particular expertise in—

“(1) military justice; or

“(2) healthcare.

“(b) PROMOTION AND GRADE.—An individual designated under this section—

“(1) shall not be included on the active duty promotion list;

“(2) shall be promoted under section 2126; and

“(3) may not be promoted to a grade higher than captain.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2131 the following:

“2132. Designation of officers with particular expertise in military justice or healthcare.”

(c) CONFORMING AMENDMENTS.—

(1) Section 2102(a) of title 14, United States Code, is amended, in the second sentence, by striking “and officers of the permanent commissioned teaching staff of the Coast Guard Academy” and inserting “officers of the permanent commissioned teaching staff of the Coast Guard Academy, and officers designated by the Secretary pursuant to section 2132”.

(2) Subsection (e) of section 2103 of title 14, United States Code, is amended to read as follows:

“(e) SECRETARY TO PRESCRIBE NUMBERS FOR CERTAIN OFFICERS.—The Secretary shall prescribe the number of officers authorized to be serving on active duty in each grade of—

“(1) the permanent commissioned teaching staff of the Coast Guard Academy;

“(2) the officers designated by the Secretary pursuant to section 2132; and

“(3) the officers of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components.”

(3) Section 2126 of title 14, United States Code, is amended, in the second sentence, by inserting “and as to officers designated by the Secretary pursuant to section 2132” after “reserve components”.

(4) Section 3736(a) of title 14, United States Code, is amended—

(A) in the first sentence by striking “promotion list and the” and inserting “promotion list, officers designated by the Secretary pursuant to section 2132, and the officers on the”; and

(B) in the second sentence by striking “promotion list or the” and inserting “promotion list, officers designated by the Secretary pursuant to section 2132, or the officers on the”.

SEC. 507. DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL OF COAST GUARD.

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

“§ 2517. Direct hire authority for certain personnel of Coast Guard

“(a) IN GENERAL.—The Commandant may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5 (other than section 3303 and 3328 of such chapter), qualified candidates to any non-clinical specialist intended to engage in the integrated primary prevention of harmful behaviors, including suicide, sexual assault, harassment, domestic abuse, and child abuse and qualified candidates to any criminal investigative law enforcement position of the Coast Guard Criminal Investigative Service intended to engage in the primary response to such harmful behaviors.

“(b) SUNSET.—Effective on September 30, 2034, the authority provided under subsection (a) shall cease.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is amended by inserting after the item related to section 2516 the following: “2517. Direct hire authority for certain personnel of United States Coast Guard.”.

SEC. 508. SAFE-TO-REPORT POLICY FOR COAST GUARD.

(a) IN GENERAL.—Subchapter I of chapter 19 of title 14, United States Code, is further amended by adding at the end the following:

“§ 1908. Safe-to-report policy for Coast Guard

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretaries of the military departments, issue such regulations as are necessary to establish the safe-to-report policy described in subsection (b) that applies with respect to all members of the Coast Guard (including members of the reserve and auxiliary components of the Coast Guard) and cadets at the Coast Guard Academy.

“(b) SAFE-TO-REPORT POLICY.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Coast Guard who is the alleged victim or reporting witness of a sexual assault.

“(c) MITIGATING AND AGGRAVATING CIRCUMSTANCES.—In issuing regulations under subsection (a), the Secretary shall specify mitigating circumstances that decrease the gravity of minor collateral misconduct or the impact of such misconduct on good order and discipline and aggravating circumstances that increase the gravity of minor collateral misconduct or the impact of such misconduct on good order and discipline for purposes of the safe-to-report policy.

“(d) TRACKING OF COLLATERAL MISCONDUCT INCIDENTS.—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to anonymously track incidents of minor collateral misconduct that are subject to the safe-to-report policy established under such regulations.

“(e) MINOR COLLATERAL MISCONDUCT DEFINED.—In this section, the term ‘minor collateral misconduct’ means any minor misconduct that is punishable under chapter 47 of title 10 that—

“(1) is committed close in time to or during a sexual assault and directly related to the incident that formed the basis of the sexual assault allegation;

“(2) is discovered as a direct result of the report of sexual assault or the ensuing investigation into such sexual assault; and

“(3) does not involve aggravating circumstances (as specified in the regulations issued under subsection (a)) that increase the gravity of the minor misconduct or the impact of such misconduct on good order and discipline.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is further amended by inserting after the item relating to section 1907 (as added by this Act) the following:

“1908. Safe-to-report policy for Coast Guard.”.

SEC. 509. MODIFICATION OF DELIVERY DATE OF COAST GUARD SEXUAL ASSAULT REPORT.

Section 5112(a) of title 14, United States Code, is amended by striking “January 15” and inserting “March 1”.

SEC. 510. HIGHER-LEVEL REVIEW OF BOARD OF DETERMINATION DECISIONS.

(a) IN GENERAL.—Section 2158 of title 14, United States Code, is amended—

(1) in the first sentence by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) HIGHER-LEVEL REVIEW OF SEXUAL ASSAULT CASES.—

“(1) IN GENERAL.—If a board convened under this section determines that the officer should be retained when the officer’s record indicates that the officer has committed a sexual assault offense, the board shall forward the record of the proceedings and recommendation of the board for higher-level review, in accordance with regulations prescribed by the Secretary.

“(2) AUTHORITY.—The official exercising higher-level review shall have authority to forward the case for consideration by a Board of Inquiry in accordance with section 2159.

“(c) SEXUAL ASSAULT OFFENSE DEFINED.—In this section, the term ‘sexual assault offense’ means a violation of section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice) or attempt to commit an offense specified under section 920 or 920b as punishable under section 880 of such title (article 80 of the Uniform Code of Military Justice).”.

SEC. 511. REVIEW OF DISCHARGE OR DISMISSAL.

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

“§ 2518. Review of discharge or dismissal

“(a) DOWNGRADE.—

“(1) IN GENERAL.—In addition to the requirements of section 1553 of title 10, a board of review for a former member of the Coast Guard established pursuant to such section may, upon a motion of the board and subject to review by the Secretary of the department in which the Coast Guard is operating, downgrade an honorable discharge or dismissal to a general (under honorable conditions) discharge or dismissal upon a finding that a former member of the Coast Guard, while serving on active duty as a member of the armed forces, committed sexual assault or sexual harassment in violation of section 920, 920b, or 934 of this title (article 120, 120b, or 134 of the Uniform Code of Military Justice).

“(2) EVIDENCE.—Any downgrade under paragraph (1) shall be supported by clear and convincing evidence.

“(3) LIMITATION.—The review board under paragraph (1) may not downgrade a discharge or dismissal of a former member of the Coast Guard if the same action described in paragraph (1) was considered prior to separation from active duty by an administrative board in determining the characterization of discharge as otherwise provided by law and in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating.

“(b) PROCEDURAL RIGHTS.—

“(1) IN GENERAL.—A review by a board established under section 1553 of title 10 shall be based on the records of the armed forces concerned and such other evidence as may be presented to the board.

“(2) EVIDENCE BY WITNESS.—A witness may present evidence to the board in person or by affidavit.

“(3) APPEARANCE BEFORE BOARD.—A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.

“(4) NOTIFICATION.—A former member of the Coast Guard who is subject to a downgrade in discharge characterization review under subsection (b)(3) shall be notified in writing of such proceedings, afforded the right to obtain copies of records and documents relevant to the proceedings, and the right to appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 25 of title 14, United States Code, is further amended by inserting after the item relating to section 2517 (as added by this Act) the following:

“2518. Review of discharge or dismissal.”.

SEC. 512. CONVICTED SEX OFFENDER AS GROUNDS FOR DENIAL.

Section 7511(a) of title 46, United States Code, is amended—

- (1) in paragraph (1) by striking “or”;
- (2) in paragraph (2) by striking “State, local, or Tribal law” and inserting “Federal, State, local, or Tribal law”;
- (3) by redesignating paragraph (2) as paragraph (3); and
- (4) by inserting after paragraph (1) the following:
“(2) section 920 or 920b of title 10 (article 120 and 120b of the Uniform Code of Military Justice); or”.

SEC. 513. COAST GUARD ACADEMY ROOM REASSIGNMENT.

Section 1902 of title 14, United States Code, is further amended by adding at the end the following:

“(g) ROOM REASSIGNMENT.—Coast Guard Academy Cadets may request room reassignment if experiencing discomfort due to Coast Guard Academy rooming assignments.”

TITLE VI—AMENDMENTS

SEC. 601. AMENDMENTS.

(a) PROHIBITION ON ENTRY AND OPERATION.—Section 70022(b)(1) of title 46, United States Code, is amended by striking “Federal Register” and inserting “the Federal Register”.

(b) PORT, HARBOR, AND COASTAL FACILITY SECURITY.—Section 70116(b) of title 46, United States Code, is amended—

- (1) in paragraph (1) by striking “terrorism cyber” and inserting “terrorism, cyber”; and
- (2) in paragraph (2) by inserting a comma after “acts of terrorism”.

(c) ENFORCEMENT BY STATE AND LOCAL OFFICERS.—Section 70118(a) of title 46, United States Code, is amended—

- (1) by striking “section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191)” and inserting “section 70051”; and
- (2) by striking “section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))” and inserting “section 70116(b)”.

(d) CHAPTER 701 DEFINITIONS.—Section 70131(2) of title 46, United States Code, is amended—

- (1) by striking “section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191)” and inserting “section 70051”; and
- (2) by striking “section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))” and inserting “section 70116(b)”.

(e) NOTICE OF ARRIVAL REQUIREMENTS FOR VESSELS ON THE OUTER CONTINENTAL SHELF.—

(1) PREPARATORY CONFORMING AMENDMENT.—Section 70001 of title 46, United States Code, is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively.

(2) TRANSFER OF PROVISION.—Section 704 of the Coast Guard and Maritime Transportation Act 2012 (Public Law 112–213; 46 U.S.C. 70001 note) is—

- (A) amended by striking “of title 46, United States Code,”;
- (B) transferred to appear after 70001(k) of title 46, United States Code; and
- (C) redesignated as subsection (l).

(f) TITLE 46.—Title 46, United States Code, is amended as follows:

- (1) Section 2101(2) is amended by striking “section 1” and inserting “section 101”.
- (2) Section 2116(b)(1)(D) is amended by striking “section 93(c)” and inserting “section 504(c)”.
- (3) In the analysis for subtitle VII by striking the period after “70001” in the item relating to chapter 700.
- (4) In the analysis for chapter 700 by striking the item relating to section 70006 and inserting the following:

“70006. Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.”.

(5) In the heading for subchapter IV in the analysis for chapter 700 by inserting a comma after “DEFINITIONS”.

(6) In the heading for subchapter VI in the analysis for chapter 700 by striking “OF THE UNITED” and inserting “OF UNITED”.

(7) Section 70052(e)(1) is amended by striking “section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)” and inserting “section 60105”.

(g) OIL POLLUTION ACT OF 1990.—The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended as follows:

(1) Section 1001(32)(G) (33 U.S.C. 2701(32)(G)) is amended by striking “pipeline” and all that follows through “offshore facility” and inserting “pipeline, offshore facility”.

(2) Section 1016 (33 U.S.C. 2716) is amended—

(A) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(B) in subsection (e)(1)(B), as redesignated by subparagraph (A), by striking “subsection (e)” and inserting “subsection (d)”.

(3) Section 1012(b)(2) (33 U.S.C. 2712(b)(2)) is amended by striking “section 1016(f)(1)” and inserting “section 1016(e)(1)”.

(4) Section 1005(b)(5)(B) (33 U.S.C. 2705(b)(5)(B)) is amended by striking “section 1016(g)” and inserting “section 1016(f)”.

(5) Section 1018(c) (33 U.S.C. 2718(c)) is amended by striking “the Act of March 3, 1851 (46 U.S.C. 183 et seq.)” and inserting “chapter 305 of title 46, United States Code”.

(6) Section 7001(h)(1) (33 U.S.C. 2761(h)(1)) is amended by striking “subsection (c)(4)” and inserting “subsection (e)(4)”.

PURPOSE OF LEGISLATION

The purpose of H.R. 7659, as amended, is to authorize and amend authorities, programs, and statutes administered by the Coast Guard.

BACKGROUND AND NEED FOR LEGISLATION

The purpose of H.R. 7659, as amended, is to authorize \$14.8 billion in funding for the United States Coast Guard (Coast Guard or Service) in fiscal year (FY) 2025 and \$15.5 billion in FY 2026, including \$3.47 billion in FY 2025 and \$3.65 billion in FY 2026 to fund the Coast Guard’s major acquisition and capital investment efforts. The measure supports Coast Guard efforts to address recruiting and manpower challenges, including providing improvements to the Coast Guard’s training center in Cape May, New Jersey and its Academy in New London, Connecticut. The bill also authorizes \$36.3 million for each of FYs 2025 and 2026 to modernize the Coast Guard’s information technology (IT) infrastructure, including the acquisition, development, and implementation of a credentialing system for the Merchant Mariner credentialing program. In FY 2025 it authorizes \$138.5 million for one missionized HC-130J aircraft and \$36 million for the service life extension program of the 47-foot Motor Life boat while in FY 2026 it authorizes \$1.2 billion for the acquisition of a Polar Security Cutter, \$1.1 billion for two Offshore Patrol Cutters, \$138.5 million for one missionized HC-130J aircraft, and \$153.5 million for five MH-60T Jayhawk aircraft. The bill also authorizes \$25 million in FY 2025 and \$35 million in FY 2026 to implement the Coast Guard Commandant’s directed actions related to the Accountability and Transparency Review. The bill reauthorizes the end-of-year strength of 44,500 active-duty personnel. The bill makes reforms to Coast Guard authorities and laws governing maritime commerce and navigation. It improves vessel safety, clarifies authorities for emerging technologies, and improves regulatory processes. It also includes provisions to implement the Commandant’s Directed Actions related to H.R. 7557, the *Coast Guard Protection and Accountability Act of 2024*, which strengthens protections for members of the Coast Guard from sexual assault and harassment and increases transparency within the Service.

Coast Guard

The 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).¹ 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).²

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 on, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure the safety of life and property at sea; to carry out domestic and international icebreaking activities; and, as one of the six armed forces of the United States, to maintain defense readiness and operate as a specialized service in the Navy upon the declaration of war or when the President directs.³ The Coast Guard is composed of approximately 42,000 active-duty military members, 7,000 reservists, and 8,700 civilian employees.⁴

In FY 2023, the Coast Guard responded to 14,900 search and rescue cases, saving approximately 5,800 lives. Additionally, the Coast Guard conducted more than 2,100 small vessel boardings in or around critical infrastructure and key resources at ports, waterways, and coasts, maintained approximately 44,700 aids to navigation, and detained 267 suspected smugglers carrying a total of 212,000 pounds of cocaine.⁵

H.R. 7659, as amended, authorizes the Coast Guard for the next two years at fiscally responsible levels to continue carrying out these critical missions, with support to revitalize afloat and air assets, and targeted funding to improve the Coast Guard's crumbling shoreside infrastructure and facilities.

Investments in the Coast Guard

The Coast Guard has endured chronic undercapitalization for many years. The Coast Guard estimates that there is a \$1 billion deferred shore facility maintenance backlog, while the Government Accountability Office (GAO) approximated that number at \$2.6 billion in February 2019, which is likely higher today.⁶ As of 2018, the deferred maintenance backlog included more than 5,600 projects, while the recapitalization and new construction backlog included 125 projects.⁷ GAO's analysis of Coast Guard data found that as of November 2018, there were hundreds of recapitalization projects without cost estimates—representing a majority of recapitalization projects.⁸ Without adequate funding, excessive deteriora-

¹UNITED STATES COAST GUARD, *History Timeline*, available at <https://www.history.uscg.mil/home/history-program/>.

²*Id.*

³14 U.S.C. § 102.

⁴UNITED STATES COAST GUARD, *Biographies*, available at <https://www.uscg.mil/Biographies/Display/Article/3048180/admiral-linda-l-fagan/>.

⁵UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FISCAL YEAR 2025 BUDGET IN BRIEF at 48, available at https://www.dhs.gov/sites/default/files/2024-03/2024_0311_fy_2025_budget_in_brief.pdf.

⁶GAO, GAO-19-711T, COAST GUARD SHORE INFRASTRUCTURE: ACTIONS NEEDED TO BETTER MANAGE ASSETS AND REDUCE RISKS AND COSTS (2019), available at <https://www.gao.gov/assets/gao-19-711t.pdf>.

⁷*Id.*

⁸*Id.*

tion of these facilities jeopardizes Coast Guard mission readiness and operational capability.

H.R. 7659, as amended, begins to chip away at the excessive infrastructure backlog by authorizing \$500 million for FY 2025 and \$600 million for FY 2026 to improve Coast Guard shoreside infrastructure, the minimum number the Coast Guard has estimated would be necessary to prevent further growth of the backlog. Included in that amount, the bill authorizes \$225 million for FY 2025 and \$125 million for FY 2026 for improvements to United States Coast Guard Training Center Cape May in Cape May, New Jersey, \$10 million for FY 2025 to fund the creation of an infrastructure development plan for the Coast Guard Academy in New London, Connecticut, and \$100 million in FY 2026 to execute the plan, and \$50 million in FY 2025 to complete repairs and improvements to Chase Hall at the Coast Guard Academy. For each of FYs 2025 and 2026 it also authorizes \$40 million for the planning, designing, and building of a HC-130J Hangar at Air Station Barbers Point in Kapolei, Hawaii and \$90 million for waterfront improvements of Coast Guard Base Seattle. It authorizes \$70 million for FY 2025 and \$100 million for FY 2026 to fund the planning, design, and building of a floating drydock at Coast Guard Yard in Baltimore, Maryland. For over a century, Coast Guard vessels have been built, repaired, and renovated in the Yard, which provides a unique capability to support the Coast Guard and the National fleet, including the National Oceanic and Atmospheric Administration (NOAA), the Navy, the Army, and other Government agencies.

The Committee has significant concerns about the Coast Guard's ability to effectively carry out its major acquisition programs. For FY 2026, H.R. 7659, as amended, authorizes \$1.1 billion for a Polar Security Cutter (PSC) and \$1.1 billion for two Offshore Patrol Cutters. The Committee notes that the Coast Guard represented unrealistic cost estimates for the PSC program from the start, and the program has been subject to repeated and significant delays and cost overruns. The first PSC may not be operational before the end of this decade, threatening the ability of the United States to project sovereignty, and placing our Nation's capabilities far behind even non-Arctic states like China. H.R. 7659, as amended, seeks to strengthen the Committee's oversight over the Coast Guard's modernization through requiring consideration of life-cycle cost estimates for acquisition and procurement, and requiring additional reports on the Great Lakes icebreaker and regular PSC updates. The Committee urges the Coast Guard to be proactive and transparent as the Service seeks to advance its major acquisition programs.

The Committee also recognizes the need for the Coast Guard to update its aging fleet of air assets. For FY 2025, the bill authorizes \$138.5 million for one missionized HC-130J aircraft. For FY 2026, it authorizes \$138.5 million for one missionized HC-130J aircraft and \$153.5 million for five MH-60T Jayhawk aircraft. While the Committee continues to have concerns with the suitability of the MH-60 airframe for certain Coast Guard missions, the Committee appreciates the need to phase out MH-65 dolphin helicopters, which are no longer being produced and suffer from a scarcity of parts. The Committee will continue to closely monitor the transition as it moves forward.

The Coast Guard is currently authorized an active-duty end-strength of 44,500,⁹ but is operating with a deficit of approximately 4,800 members across its workforce,¹⁰ nearly 3,000 of which are enlisted personnel.¹¹ In FY 2023, the Coast Guard sought a total of 59,854 personnel positions to carry out its statutory missions.¹² Despite increased mission demands, the Coast Guard has faced limited growth in its ranks and faces a personnel deficit. By 2025, the Coast Guard is expected to fall short by several hundred officers and nearly 6,000 enlisted members.¹³ The Committee supports the Service's efforts to strengthen its recruiting capabilities to meet mission demands.

The Service is confronting a landscape where the pool of eligible candidates for military service is shrinking. According to the Department of Defense, only 23 percent of Americans ages 17 to 24 are qualified to serve without a waiver.¹⁴ Physical fitness concerns, criminal history, and prescription and illegal drug-related issues are the primary disqualifiers for many individuals.¹⁵ Moreover, just nine percent of those eligible to serve have an interest in doing so.¹⁶ Compounding these challenges is the current 3.8 percent unemployment rate.¹⁷ To address these challenges, H.R. 7659, as amended, authorizes for FY 2025 \$11.98 million to fund additional recruiting personnel and offices for the Coast Guard Recruiting Command and \$9 million to enhance Coast Guard recruiting capabilities. Additionally, to promote retention and ensure accountability and transparency from senior leaders, the bill authorizes \$25 million in FY 2025 and another \$35 million in FY 2026 to implement the Coast Guard Commandant's directed actions related to the Accountability and Transparency Review.

Maritime Transportation

The maritime transportation system (MTS) is a key contributor to commerce and is therefore essential to the economic health and prosperity of the United States. The past few years has demonstrated the fragility of not only the United States supply chain, but the supply chain worldwide. Today, the maritime supply chain faces additional threats from violent Houthi attacks, targeting numerous civilian and military vessels, which have caused several of the largest shipping companies to halt or limit transits through the Red Sea and Suez Canal, which traditionally facilitated the flow of

⁹ 14 U.S.C. § 4904.

¹⁰ DEPT OF HOMELAND SECURITY, U.S. COAST GUARD BUDGET OVERVIEW FISCAL YEAR 2024 CONGRESSIONAL JUSTIFICATION (2023), available at https://www.uscg.mil/Portals/0/documents/budget/2024/Coast_Guard_FY2024_Congressional_Justification.pdf.

¹¹ UNITED STATES COAST GUARD, *Senior Coast Guard Leadership*, (last accessed on Apr. 25, 2023) available at <https://www.uscg.mil/seniorleadership/#:~:text=Top%20service%20official%2C%20responsible%20for,and%2031%2C000%20civilian%20auxiliary%20volunteers>.

¹² UNITED STATES COAST GUARD, REPORT TO CONGRESS, MANPOWER REQUIREMENTS PLAN, (on file with Comm.).

¹³ UNITED STATES COAST GUARD, BRIEFING TO CONGRESS, COAST GUARD RECRUITING & RETENTION, (on file with Comm.).

¹⁴ Molly Boigon & Courtney Kube, *Every branch of the military is struggling to make its 2022 recruiting goals, officials say*, NBC NEWS, (June 27, 2022), available at <https://www.nbcnews.com/news/military/every-branch-us-military-struggling-meet-2022-recruiting-goals-official-rna35078>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ U.S. BUREAU OF LABOR STATISTICS, LABOR FORCE STATISTICS FROM THE CURRENT POPULATION SURVEY, U.S. BUREAU OF LABOR STATISTICS, available at <https://www.bls.gov/cps/>.

twenty percent of container shipping.¹⁸ The impact on global shipping has been further amplified by a simultaneous drought that has caused water levels in the Panama Canal, which facilitates five percent of the world's seaborne trade, to hit historic lows.¹⁹ The lower water level has forced authorities to restrict access and limit the number of ships using the canal, and in some cases, ships are required to carry less cargo to minimize draft.²⁰ Modernizing the operations of the MTS is more important than ever in the wake of a myriad of threats to the supply chain. The Committee is committed to supporting the MTS and growing our shipbuilding industry.

H.R. 7659, as amended, contains provisions to boost the pool of qualified United States mariners by reducing bureaucratic delays and barriers to Americans seeking a seagoing career. It seeks to make permanent reductions to the lengths of certain periods of service initiated in the *National Defense Authorization Act for Fiscal Year 2024*.²¹ The Coast Guard is responsible for issuing Merchant Mariner Credentials.²² The IT infrastructure for the Coast Guard's Merchant Mariner Licensing and Documentation System was established in the early 1990s and has significant limitations. The system is used to issue approximately 200,000 merchant mariner credentials to mariners serving on United States vessels.²³ H.R. 7659, as amended, authorizes \$11 million to upgrade and modernize the credentialing system. Additionally, the legislation amends the requirements for certain merchant mariner credentials to consider advances in technology and training, aligns Coast Guard requirements with international requirements, and enables American Nationals born in American Samoa to be eligible for merchant mariner credentials. H.R. 7659, as amended also seeks to promote vessel safety by expanding requirements for DUKW amphibious passenger vessels and expanding risk-based examinations to all tank vessels.

Implementation of Accountability and Transparency Review Recommendations

H.R. 7659, as amended, strengthens protections for members of the Coast Guard from sexual assault and harassment and increases transparency within the Service. Operation Fouled Anchor was a Coast Guard investigation initiated in 2014 that revealed incidents of rape, assault, and other misconduct at the Coast Guard Academy (Academy) occurring from 1990 until 2006.²⁴ The report uncovered a repeated pattern of mishandling cases and not holding perpetrators accountable, in part driven by efforts to protect the

¹⁸ Peter Eavis and Keith Bradsher, *Red Sea Attacks Leave Shipping Companies with Difficult Choices*, N.Y. TIMES, (Jan. 6, 2024), available at <https://www.nytimes.com/2024/01/06/business/red-sea-shipping-houthi.html>.

¹⁹ Mie Hoehris Dahl, *The Panama Canal is Running Dry*, FOREIGN POLICY, (Jan. 15, 2024), available at <https://foreignpolicy.com/2024/01/15/panama-suez-canal-global-shipping-crisis-climate-change-drought/> [hereinafter Panama Canal Running Dry].

²⁰ *Id.*

²¹ *The National Defense Authorization Act for Fiscal Year 2024*, Pub. L. No. 118–31.

²² 46 U.S.C. § 7302.

²³ UNITED STATES COAST GUARD, FY 2024 UNFUNDED PRIORITIES LIST, REPORT TO CONGRESS (Mar. 13, 2023), available at https://www.uscg.mil/Portals/0/documents/budget/2024/Unfunded_Priorities_List_FY2024.pdf.

²⁴ UNITED STATES COAST GUARD, “FOULED ANCHOR” INVESTIGATION—FINAL REPORT (Jan. 31, 2020), available at https://www.uscg.mil/Portals/0/documents/FOULED_ANCHOR_INVESTIGATION_FINAL_REPORT_AND_ENCLOSURE-508Compliant.pdf.

reputation of the Academy.²⁵ Furthermore, the Committee's investigation revealed broken processes that failed to properly track decision making with regards to prosecutorial decisions. Despite the Committee's demonstrated interest in curbing sexual assault and sexual harassment, the Coast Guard chose to withhold the report from Congress. Even worse, the decision to bury the report resulted in a failure to implement the recommendations from Operation Fouled Anchor. After the report became public, the Service undertook an Accountability and Transparency Review (ATR), which included recommendations to prevent and better respond to future sexual assault and sexual harassment incidents.²⁶ On November 27, 2023, the Coast Guard released the ATR, along with the Commandant's Directed Actions, which seek to mitigate instances of harassment, assault, and other mistreatment.²⁷

H.R. 7659, as amended, provides additional authorities to the Coast Guard required to implement the Commandant's Directed Actions, and provides much needed transparency and accountability as the actions are implemented. To ensure that the Coast Guard follows through on its intentions, the legislation directs the Service to provide an annual report to Congress for the next three years outlining the implementation efforts of the Commandant of the Coast Guard's directed actions, a plan to implement any measures not yet implemented, metrics to determine effectiveness of the actions, and any additional actions the Coast Guard is taking to mitigate instances of sexual assault and sexual harassment within its ranks. The legislation also directs an independent GAO study to ensure the actions are carried out. To increase transparency and accountability, it requires the Coast Guard to maintain deliberative documents for seven years. H.R. 7659, as amended, also directs a study on governance at the Academy and oversight, provides for the transfer of a cadet who is the victim of sexual assault to another military service academy, allows a limited number of Officers to be designated as having particular expertise in military justice and health care professions and to compete separately for promotion, facilitates direct hiring authority for integrative primary prevention workforce, and prohibits disciplinary action against victims or witnesses of sexual assault for minor collateral misconduct. It also provides for a secondary higher-level review of recommendations to retain officers convicted of sexual assault and allows a board of review to downgrade a characterization of service to a general discharge if the member was found to have committed sexual assault or harassment while on active duty.

Other Matters

H.R. 7659, as amended, directs the Coast Guard to issue its final rule for the Atlantic Coast Port Route Access Study (ACPARS) not later than 180 days after enactment. The Coast Guard commenced the ACPARS in 2011, and the final report was issued on March 14,

²⁵ *Id.*

²⁶ UNITED STATES COAST GUARD, COMMANDANT'S DIRECTED ACTIONS—ACCOUNTABILITY AND TRANSPARENCY (Nov. 27, 2023), *available at* <https://media.defense.gov/2023/Nov/30/2003349064/-1/-1/0/CCGS%20DIRECTED%20ACTIONS%20-%20ACCOUNTABILITY%20AND%20TRANSPARENCY%20W%20ENCL.508-COMPLIANT.PDF>.

²⁷ *Id.*

2016.²⁸ More than eight years later, and thirteen years after the study was first commenced, the rulemaking to implement the findings of the study is still in progress, calling into question the Service's ability to fulfill its responsibilities to designate access routes to facilitate safe maritime navigation, as required by law.²⁹ The Committee has significant concerns about the length of time the Coast Guard has taken to implement the recommendations of the ACPARS, and mandated monthly briefings on the Service's rulemaking process as part of the Don Young Coast Guard Authorization Act of 2022.³⁰ The Committee expects the Coast Guard to commit to the timeline mandated by this Act.

As the Coast Guard faces unprecedented manpower and resource limitations, H.R. 7659, as amended, seeks to improve personnel conditions to promote retention and attract the best qualified applicants while simultaneously exploring how these shortages affect its mission effectiveness. Among other things, it provides direct hire authority for civilian faculty at the Coast Guard Academy, temporarily exempts senior enlisted members from end strength limitations, provides parental leave parity for reservists, and authorizes maternity uniform allowances for officers. Additionally, it authorizes a Federally funded research and development center assessment on the operational capabilities and missions of the Coast Guard, specifically the extent to which it can effectively carry out its missions, recommendations to improve effectiveness, recommendations to transfer duties or missions to other departments given asset constraints, and an analysis of transferring the Coast Guard to another Federal department or independent agency.

As autonomous systems become more common place in the maritime domain, H.R. 7659, as amended, directs the Coast Guard to report to Congress on its efforts to establish an unmanned systems capabilities office. Additionally, the legislation establishes a National Autonomous Maritime Systems Advisory Committee within the Coast Guard, comprised of various stakeholders and experts that will be positioned to advise the Coast Guard on matters relating to the regulations and use of autonomous systems within the territorial waters of the United States. It also encourages the Coast Guard to continue its involvement in a technology pilot program and double the number of small boats with autonomous control and additional appropriate sensors. The Committee encourages the Coast Guard to utilize these resources as the Service works to keep pace with a changing technological landscape.

H.R. 7659, as amended, also seeks to clarify authorities and improve monitoring of safety at sea. It clearly provides authority to establish safety zones for special activities in the exclusive economic zone, making permanent a previously successful pilot program for space activities and activities on the outer continental shelf. It incorporates recommendations from the National Transportation and Safety Board in the wake of the 2021 pipeline oil spill in San Pedro Bay, improving vessel traffic service monitoring.

²⁸Port Access Route Study: The Atlantic Coast From Maine to Florida, 82 Fed. Reg. 16510 (April 5, 2017) (codified at 33 C.F.R. pt. 167).

²⁹46 U.S.C. § 70003.

³⁰*James M. Inhofe National Defense Authorization Act for Fiscal Year 2023*, Pub. L. No. 117–263.

It also clarifies authorities to remove abandoned and derelict vessels at sea.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearings were used to develop or consider H.R. 7659—

(1) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on April 18, 2023, to examine the President's FY 2024 Budget Request for the Coast Guard. The Subcommittee received testimony from ADM Linda L. Fagan, Commandant, United States Coast Guard, Department of Homeland Security; Master Chief Heath B. Jones, Master Chief Petty Officer of the Coast Guard, United States Coast Guard, Department of Homeland Security.

(2) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on May 11, 2023, to receive testimony on the shortage of the U.S. maritime workforce and recruitment and retention challenges in the United States Coast Guard. The Subcommittee received testimony from VADM Paul Thomas, Deputy Commandant for Mission Support, United States Coast Guard, Department of Homeland Security; Rear Admiral Ann Phillips, Administrator, United States Maritime Administration, Department of Transportation; Ms. Heather MacLeod, Director, Homeland Security and Justice, United States Government Accountability Office; Dr. Beth Asch, Senior economist, RAND Corporation.

(3) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on June 22, 2023, to review the National Academy of Sciences Report titled "The Coast Guard's Next Decade: An Assessment of Emerging Challenges and Statutory Needs." The Subcommittee received testimony from VADM Steve Poulin, Vice Commandant, United States Coast Guard, Department of Homeland Security; Dr. Cary Coglianese, Chair, National Academy of Sciences Report "The Coast Guard's Next Decade: An Assessment of Emerging Challenges and Statutory Needs"; Ms. Heather MacLeod, Director, Homeland Security and Justice, United States Government Accountability Office.

(4) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on July 27, 2023, to receive testimony on the recapitalization efforts of the Coast Guard, focusing on its efforts to modernize surface assets, air assets, shoreside infrastructure, and information technology. The Subcommittee received testimony from VADM Paul Thomas, Deputy Commandant for Mission Support, United States Coast Guard, Department of Homeland Security; Ms. Marie Mak, Director, Contracting and National Security, United States Government Accountability Office.

(5) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on September 19, 2023, to examine commercial and United States Coast Guard uses of automated and experimental technologies in the maritime industry and the regulatory changes necessary to assure their safe use. The Subcommittee received testimony from Rear Admiral Wayne Arguin, Assistant Commandant for Prevention Policy, United States Coast Guard, Department of Homeland Security; Rear Admiral Todd Wiemers, Assistant Commandant for Capability, United States Coast Guard,

Department of Homeland Security; Mr. Sean Pribyl, Committee Member, Committee on Coast Guard Maritime Domain Awareness, National Academy of Sciences Report “Leveraging Unmanned Systems for Coast Guard Missions”; Mr. Michael Johnson, Chief Executive Officer, Sea Machines Robotics Inc.; Mr. Patrick Lahey, Co-Founder and Chief Executive Officer, Triton Submarines; Mr. T. Christian Spain, Vice President of Government Relations, American Maritime Officers.

(6) The Subcommittee on Coast Guard and Maritime Transportation held a hearing on March 6, 2024, to receive testimony on the implementation of recommendations of the Accountability and Transparency Review that was conducted after “Operation Fouled Anchor,” the Service’s investigation into sexual assault and sexual harassment at the United States Coast Guard Academy and efforts to reduce manpower shortages within the United States Coast Guard. The Subcommittee received testimony from VADM Paul Thomas, Deputy Commandant for Mission Support, United States Coast Guard, Department of Homeland Security; Ms. Heather MacLeod, Director, Homeland Security and Justice, United States Government Accountability Office.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 7659, the “*The Coast Guard Authorization Act of 2024*”, was introduced in the United States House of Representatives on March 13, 2024, by Mr. Graves of Missouri, with Mr. Larsen, Mr. Webster, and Mr. Carbajal as original cosponsors, and was referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 7659 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. 7659 on March 20, 2024.

The Committee considered H.R. 7659 on March 20, 2024, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by a recorded vote of 53 yeas and 3 nays.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 7659, as amended, offered by Mr. Graves of Missouri; was AGREED TO by voice vote.

A Manager’s Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Graves of Missouri (Graves of Missouri 001); Page 5, line 19, strike “\$1,147,244,000” and insert “\$1,461,427,000”. Page 32, strike line 18 and all that follows through page 34, line 3 (and redesignate accordingly). Page 35, line 12, strike “Cost Guard” and insert “Coast Guard”. At the end of subtitle A of title II of the bill, add the following: SEC. 217. ADDITIONAL PRIBILOF ISLAND TRANSITION COMPLETION ACTIONS. Section 11221 of the Don Young Coast Guard Authorization Act of 2022 (Public Law 117–263) is amended by adding at the end the following: “(e) ADDITIONAL REPORTS ON STATUS OF USE OF FACILITIES AND HELICOPTER BASING.—Beginning with the first quarterly report required under subsection (a) submitted after the date of enactment of the Coast Guard Authorization Act of 2024, the Secretary shall include in each such report—

“(1) the status of the use of recently renovated Coast Guard housing facilities, food preparation facilities, and maintenance and repair facilities on St. Paul Island, Alaska, including a projected date for full use and occupancy of such facilities in support of Coast Guard missions in the Bering Sea; and “(2) a detailed plan for the acquisition and construction of a hangar in close proximity to existing St. Paul airport facilities to house 1 or more Coast Guard helicopters for the prosecution of Coast Guard operational missions, including plans for the use of land needed for such hangar.”. Page 40, strike line 21 and all that follows through page 41, line 17 (and redesignate accordingly). Page 66, after line 19, insert the following: SEC. 330. ARTICULATED TUG-BARGE MANNING. Section 11508 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended to read as follows: “SEC. 11508. ARTICULATED TUG-BARGE MANNING. “(a) IN GENERAL.—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, or any other provision of law or regulation, an Officer in Charge, Marine Inspection may authorize a covered vessel—“(1) when engaged on a domestic voyage of more than 600 miles, to be manned with a minimum number of 2 licensed engineers in the engine department; and “(2) when engaged on a voyage of less than 600 miles, to be manned with a minimum number of 1 licensed engineer in the engine department. “(b) COVERED VESSEL DEFINED.—In this section, the term ‘covered vessel’ means a towing vessel issued a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations, which—“(1) forms part of an articulated tug-barge unit; and “(2) is either—“(A) equipped with engineering control and monitoring systems of a type accepted by a recognized classification society for a periodically unmanned machinery space notation or accepted by the Commandant for a periodically unattended machinery space endorsement; or “(B) is a vessel that, prior to July 19, 2022, was issued a minimum safe manning document or certificate of inspection that authorized equivalent or less manning levels.”. Page 67, line 23, strike “renewable energy” and insert “non-mineral energy resources”. Page 82, line 23, strike “sole”. Page 84, line 3, insert “design, construction, equipment, and operation of deepwater ports and” after “pertaining to”. Page 90, line 19, strike “or”. Page 91, line 2, strike the period and insert “; or”. Page 91, after line 2, insert the following: “(4) the Commandant determines that such an abandonment determination would not be in the public interest. Page 93, after line 5, insert the following: SEC. 354. NEAR SHORE CABLE LAYING BARGE. (a) IN GENERAL.—Until the date that is 2 years after the date of enactment of this Act, and notwithstanding subsection (b), the Secretary of the department in which the Coast Guard is operating may not enforce citizenship requirements under section 8103 of title 46, United States Code, or the credentialing requirements under section 8701 of title 46, United States Code, with respect to a covered individual. (b) TRAINING.—Until the date that is 2 years after the date of enactment of this Act, the Commandant shall ensure that operators of near shore cable lay vertical trenching injector equipment on barges on which covered individuals serve: (1) develop processes and requirements for conducting certification and training such individuals; and (2) certify and train a

sufficient cadre of qualified individuals. (c) DEFINITIONS.—In this section: (1) COVERED INDIVIDUAL.—The term “covered individual” means an individual, including near shore cable lay vertical trenching injector operators or near shore cable laying vertical trenching injector support personnel, who is—(A) engaged on board a barge for the purpose of operating specialized equipment, including a vertical trenching injector, necessary to lay near shore power cable in support of non-mineral energy exploration, development, and production; and (B) not (i) included in the complement of licensed individuals to be stated in the certificate of inspection issued under chapter 33 of title 46, United States Code, to be necessary by the Certificate of Inspection or to ensure the safe navigation of such vessel; or (ii) a member of the steward’s department on such a barge. (2) QUALIFIED INDIVIDUAL.—The term “qualified individual” means an individual qualified to—(A) serve on a vessel documented under chapter 121 of the title 46, United States Code, under section 8103 of such title; (B) receive a merchant mariner credential under section 8701 of title 46, United States Code; and (C) available to operate and support the operation of specialized near shore cable lay vertical trenching injectors on United States documented barges in support of United States offshore non-mineral energy exploration, development, and production. SEC. 355. ANCHORAGES. Section 8437 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended—(1) by striking subsections (d) and (e); (2) by redesignating subsection (c) as subsection (d); and (3) by inserting after subsection (b) the following: “(c) PROHIBITION.—The Commandant shall prohibit any vessel anchoring on the reach of the Hudson River described in subsection (a) unless such anchoring is within any anchorage established before January 1, 2021.” Page 119, after line 4, insert the following: SEC. 512. CONVICTED SEX OFFENDER AS GROUNDS FOR DENIAL. Section 7511(a) of title 46, United States Code, is amended—(1) in paragraph (1) by striking “or”; (2) in paragraph (2) by striking “State, local, or Tribal law” and inserting “Federal, State, local, or Tribal law”; (3) by redesignating paragraph (2) as paragraph (3); and (4) by inserting after paragraph (1) the following: “(2) section 920 or 920b of title 10 (article 120 and 120b of the Uniform Code of Military Justice); or”. SEC. 513. COAST GUARD ACADEMY ROOM REASSIGNMENT. Section 1902 of title 14, United States Code, is further amended by adding at the end the following: “(g) ROOM REASSIGNMENT.—Coast Guard Academy Cadets may request room reassignment if experiencing discomfort due to Coast Guard Academy rooming assignments.”; was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Garamendi of California (Garamendi 176): At the end of subtitle D of title III, add the following: SEC. 354. TRANSPORTATION REQUIREMENTS FOR CERTAIN EXPORTS SPONSORED BY THE SECRETARY OF AGRICULTURE. Section 55314 of title 46, United States Code, is amended—(1) in subsection (b)—(A) in paragraph (1) by inserting “titles I, II, or III of” after “carried out under”; (B) in paragraph (4) by striking “agricultural commodities or their products” and inserting “agricultural products”; (C) in paragraph (5) by striking “agricultural commod-

ities or their products” and inserting “agricultural products”; (D) in paragraph (6) by striking “agricultural commodities or their products” and inserting “agricultural products”; (E) in paragraph (7) by striking “agricultural commodities” and inserting “agricultural products”; (F) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (9), respectively; and (G) by inserting after paragraph (3) the following: “(4) carried out under the Food for Progress Act of 1985 (7 U.S.C. 1736o); “(5) carried out under the McGovern-Dole International Food for Education and Child Nutrition Program under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1);”; and (2) by adding at the end the following: “(d) SUBMISSION TO CONGRESS.—At least once each fiscal year, the Secretary of Agriculture or the Administrator of the United States Agency for International Development, as applicable, shall submit to the appropriate congressional committees, in writing, a notice of any waiver of the requirements of this section and the reasons for granting such waiver. “(e) AGRICULTURAL PRODUCT DEFINED.—In this section, the term ‘agricultural product’ means any food product, including an agricultural commodity (as such term is defined in section 402 of the Food for Peace Act (7 U.S.C. 1732(2))), specialty crop (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note)), or processed food product, exported from the United States.”.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Perry of Pennsylvania (Perry 434): At the end of subtitle D of title III of the bill, add the following: SEC.

VESSELS TRANSPORTING LIQUEFIED NATURAL GAS. (a) GENERAL ELIGIBILITY REQUIREMENTS.—Section 12103 of title 46, United States Code, is amended by adding at the end the following: “(d) EXCEPTION FOR VESSELS TRANSPORTING LIQUEFIED NATURAL GAS.—“(1) IN GENERAL.—Notwithstanding subsection (a), a certificate of documentation may be issued under this chapter for any vessel transporting methane, refrigerated liquid, commonly known as liquefied natural gas. “(2) CERTAIN VESSELS EXCLUDED.—Paragraph (1) shall not apply to—“(A) a vessel that is owned, in whole or in part, by—“(i) a Chinese, Iranian, or Russian national; or “(ii) the Government of—“(I) the People’s Republic of China; “(II) Iran; or “(III) the Russian Federation; “(B) a Chinese-flagged, Iranian-flagged, or Russian-flagged vessel; or “(C) a vessel for which any crewmember is a Chinese, Iranian, or Russian national.”. (b) COASTWISE ENDORSEMENT.—Section 12112(a)(2)(B) of title 46, United States Code, is amended—(1) in clause (ii) by striking “or” at the end; (2) in clause (iii) by striking “and” at the end and inserting “or”; and (3) by adding at the end the following: “(iv) transports methane, refrigerated liquid, commonly known as liquefied natural gas; and”; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Ms. Scholten of Michigan (Scholten 026): Page 42, after line 4, insert the following: SEC. 228. COAST GUARD PAY; CONTINUATION. (a) 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; and “(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. “(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 the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose. “(3) The termination of availability of appropriations for the Department of Defense. “(4) The date that is 2 weeks after the beginning of the Coast Guard-specific funding lapse. “(d) RATE FOR OPERATIONS; APPLICABILITY TO APPROPRIATIONS ACTS.—Appropriations made pursuant to this section shall be at a rate for operations and to the extent and 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 such terms are defined by the Office of Personnel Management. “(2) QUALIFIED CONTRACT EM-

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.”. (b) **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.”.; was **WITHDRAWN**.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Perry of Pennsylvania (Perry 435): Strike section 346 of the bill.; was **WITHDRAWN**.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Garamendi of California (Garamendi 178): Page 93, after line 5, insert the following: **SEC. 354. COLLECTION AND DISPOSAL OF COVERED VESSELS.** (a) **IN GENERAL.**—The collection and disposal of a covered vessel under the direction of an on-scene coordinator appointed under the National Contingency Plan under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) shall be deemed to be a removal action under such section for purposes of section 9509 of the Internal Revenue Code of 1986. (b) **NO EFFECT ON LIABILITY.**—A deeming under subsection (a) shall have no effect on the liability of a responsible party under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702). (c) **COVERED VESSEL DEFINED.**—In this section, the term “covered vessel” means a vessel—(1) that is determined to be abandoned pursuant to section 4711 of title 46, United States Code; and (2) for which there is no removal authority under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)).; was **WITHDRAWN**.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 7659, offered by Mr. Perry of Pennsylvania (Perry 437 Revision 1): **SEC. 353. PROHIBITION ON ACTION PURSUANT TO CERTAIN EXECUTIVE ORDERS.** The Commandant may not take any action pursuant to the following Executive Orders: (1) Executive Order 13990 (86 Fed. Reg. 7037; relating to Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis), (2) Executive Order 14008 (86 Fed. Reg. 7619; relating to Tackling the Climate Crisis at Home and Abroad), (3) Executive Order 14030 (86 Fed. Reg. 27967; relating to Climate-Related Financial Risk), (4) Executive Order 14057 (86 Fed. Reg. 70935; relating to Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability), (5) Executive Order 14082 (87 Fed. Reg. 56861; relating to Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022), and (6) Executive Order 14096 (88 Fed. Reg. 25251; relating to revitalizing our Nation’s commitment to environmental justice).; was **NOT AGREED TO** by a roll call vote of 22 Yeas and 34 Nays (Roll Call No. 45).

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.

The following votes were taken:

Passage of H.R. 7659, as amended.

Vote: 46.

On passage: H.R. 7659, as amended.

Yea 53, Nay 3.

Member	Vote	Member	Vote
Mr. Graves of MO	Y	Mr. Larsen of WA	Y
Mr. Crawford	Y	<i>Ms. Norton</i>	Y
Mr. Webster of FL	Y	Mrs. Napolitano	Y
Mr. Massie .....	.....	Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	Y	Mr. Johnson of GA	Y
Mr. Graves of LA	Y	Mr. Carson	Y
Mr. Rouzer	Y	Ms. Titus	Y
Mr. Bost .....	.....	Mr. Huffman	Y
Mr. LaMalfa	Y	Ms. Brownley	Y
Mr. Westerman	Y	Ms. Wilson of FL .....	.....
Mr. Mast	Y	Mr. Payne .....	.....
<i>Mrs. González-Colón</i> .....	.....	Mr. DeSaulnier	Y
Mr. Stauber	Y	Mr. Carbajal	Y
Mr. Burchett	N	Mr. Stanton .....	.....
Mr. Johnson of SD .....	.....	Mr. Allred	Y
Mr. Van Drew	Y	Ms. Davids of KS	Y
Mr. Nehls .....	.....	Mr. García of IL	Y
Mr. Mann	Y	Mr. Pappas	Y
Mr. Owens	Y	Mr. Moulton	Y
Mr. Yakym	Y	Mr. Auchincloss	N
Mrs. Chavez-DeRemer	Y	Ms. Strickland	Y
Mr. Kean of NJ	Y	Mr. Carter of LA	Y
Mr. D'Esposito	Y	Mr. Ryan	Y
Mr. Burlison	Y	Mrs. Peltola	Y
Mr. James	Y	Mr. Menendez	Y
Mr. Van Orden	Y	Ms. Hoyle of OR	Y
Mr. Williams of NY	Y	Mrs. Sykes	Y
Mr. Molinaro	Y	Ms. Scholten	Y
Mr. Collins	Y	Mrs. Foushee	Y
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL	Y		
Ms. Maloy	Y		

Vote on Amendment No. 437, Rev. 1, an amendment to the ANS to H.R. 7659, offered by Mr. Perry of Pennsylvania.

Vote: 45.

On: Amendment No. 437, REV1, an Amendment to the ANS to H.R. 7659, offered by Mr. Perry of Pennsylvania.

Yea 22, Nay 34.

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	N
Mr. Crawford	Y	<i>Ms. Norton</i>	N
Mr. Webster of FL	N	Mrs. Napolitano	N
Mr. Massie .....	.....	Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Graves of LA	N	Mr. Carson	N
Mr. Rouzer	Y	Ms. Titus	N
Mr. Bost .....	.....	Mr. Huffman	N
Mr. LaMalfa	Y	Ms. Brownley	N
Mr. Westerman	Y	Ms. Wilson of FL .....	.....
Mr. Mast	Y	Mr. Payne .....	.....

Member	Vote	Member	Vote
Mrs. González-Colón		Mr. DeSaulnier	N
Mr. Stauber	Y	Mr. Carbajal	N
Mr. Burchett	Y	Mr. Stanton	
Mr. Johnson of SD		Mr. Allred	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls		Mr. Garcia of IL	N
Mr. Mann	Y	Mr. Pappas	N
Mr. Owens	Y	Mr. Moulton	N
Mr. Yakym	Y	Mr. Auchincloss	N
Mrs. Chavez-DeRemer	N	Ms. Strickland	N
Mr. Kean of NJ	N	Mr. Carter of LA	N
Mr. D'Esposito	Y	Mr. Ryan	N
Mr. Burlison	Y	Mrs. Peltola	N
Mr. James	N	Mr. Menendez	N
Mr. Van Orden	Y	Ms. Hoyle of OR	N
Mr. Williams of NY	Y	Mrs. Sykes	N
Mr. Molinaro	Y	Ms. Scholten	N
Mr. Collins	Y	Mrs. Foushee	N
Mr. Ezell	Y		
Mr. Duarte	N		
Mr. Bean of FL	Y		
Ms. Maloy	Y		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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 in support of its 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. 7659, 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 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.

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. 7659 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

Section 5(b) of the *Federal Advisory Committee Act* requires the report of any Committee establishing, or authorizing the establishment of any advisory committee, to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The Committee finds that issues related to use and regulations of autonomous maritime systems poses sufficiently new and distinct questions for the Coast Guard that the creation of the *National Advisory Committee on Autonomous Maritime Systems* is merited instead of the expansion of the mandate of any existing advisory committee.

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

Section 1. Short title; Table of Contents

This section provides that the Act may be cited as the “Coast Guard Authorization Act of 2024.” The section also provides the table of contents for the bill.

Section 2. Commandant defined

This section defines “Commandant” as the Commandant of the Coast Guard in this Act.

Title I—Authorization of Appropriations

Section 101. Authorizations of appropriations

This section amends Section 4902 of title 14, United States Code, to authorize appropriations of \$14.8 billion for fiscal year 2025 and \$15.5 billion for fiscal year 2026 for the United States Coast Guard (Coast Guard or Service).

Section 102. Shoreside infrastructure and facilities and information technology

This section authorizes \$36.3 million for each of fiscal years 2025 and 2026 to modernize the Coast Guard’s information technology (IT) infrastructure, \$500 million for fiscal year 2025 and \$600 million for fiscal year 2026 to fund the acquisition, construction, rebuilding, or improvement of Coast Guard shoreside infrastructure facilities. Within the IT amount, the section authorizes \$11 million to fund the acquisition, development, and implementation of a credentialing system for the Merchant Mariner credentialing program. Within the shoreside infrastructure facilities amount, the section authorizes \$225 million for fiscal year 2025 and \$125 million for fiscal year 2026 for improvements to United States Coast Guard Training Center Cape May in Cape May, New Jersey, \$10 million for fiscal year 2025 to fund the creation of an infrastructure development plan for the Coast Guard Academy in New London, Connecticut, and \$100 million in fiscal year 2026 to execute the plan, and \$50 million in fiscal year 2025 to complete repairs and improvements to Chase Hall at the Coast Guard Academy. It also authorizes \$70 million for fiscal year 2025 and \$100 million for fiscal year 2026 to fund the planning, design, and building of a floating drydock at Coast Guard Yard in Baltimore, Maryland, and \$40 million for each of fiscal years 2025 and 2026 for the planning, designing, and building of a HC–130J Hangar at Air Station Barbers Point in Kapolei, Hawaii, and \$90 million for each of fiscal years 2025 and 2026 for waterfront improvements of Coast Guard Base Seattle.

Section 103. Availability of amounts for acquisition of additional vessels and aircraft

This section authorizes for fiscal year 2025 \$138.5 million for one missionized HC–130J aircraft and \$36 million for the service life extension program of the 47-foot Motor Life Boat. For fiscal year

2026, it authorizes \$1.2 billion for the acquisition of a Polar Security Cutter, \$1.1 billion for two Offshore Patrol Cutters, \$138.5 million for one missionized HC-130J aircraft, and \$153.5 million for five MH-60T Jayhawk aircraft.

Section 104. Authorization for certain programs and services

This section authorizes for fiscal year 2025 \$11.98 million to fund additional recruiting personnel and offices for the Coast Guard recruiting Command, \$9 million to enhance Coast Guard recruiting capabilities, and \$25 million to implement the Coast Guard Commandant's directed actions related to the Accountability and Transparency Review. For fiscal year 2026 it authorizes \$35 million to implement the Coast Guard Commandant's directed actions related to the Accountability and Transparency Review.

Section 105. Authorized levels of military strength and training

This section authorizes 44,500 active-duty personnel for the Coast Guard for each of fiscal years 2025 and 2026, and for recruit and special training 2,500 student years, for flight training 165 student years, for professional training 385 student years and for officer acquisition 1,200 student years.

Title II—Coast Guard

Subtitle A—Organization and Authorities

Section 201. Prohibition on the use of lead systems integrators

This section defines the term “lead systems integrators” as such term is defined in the *National Defense Authorization Act for Fiscal Year 2006*.

Section 202. Minor construction increase

This section increases the threshold for minor construction and improvements for Coast Guard assets that can be funded with operating funds to \$2 million.

Section 203. Tsunami evacuation plans

This section directs the Coast Guard to establish tsunami evacuation plans for units and sectors located within areas at high or very high risk of a tsunami.

Section 204. Service life extension programs

This section provides the Coast Guard additional flexibility regarding service life extension programs for Coast Guard cutters.

Section 205. Maritime domain awareness in Coast Guard sector for Puerto Rico and Virgin Islands

This section directs the Coast Guard to provide 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 issues concerning maritime domain awareness in the area of responsibility of the Coast Guard sector for Puerto Rico and the United States Virgin Islands.

Section 206. Public availability of information on monthly drug and migrant interdictions

This section directs the Coast Guard to make information on the interdiction and quantity of drugs and number of migrants interdicted publicly available.

Section 207. Report on establishment of unmanned systems capabilities office

This section directs the Coast Guard to 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 its efforts to establish an unmanned systems capabilities office.

Section 208. Great Lakes Icebreaker

This section directs the Coast Guard to submit a strategy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the acquisition of the Great Lakes Icebreaker.

Section 209. Consideration of life-cycle cost estimates for acquisition and procurement

This section requires consideration of life-cycle cost estimates for acquisition and procurement of vessels and aircraft. Conforms the Service's acquisition policy with Maritime Administration (MARAD) acquisition policy changes passed in *National Defense Authorization Act for Fiscal Year 2024* (FY 24 NDAA) (P.L. 118–31).

Section 210. Authorization of certain support for Coast Guard Academy foundations

This section allows the Coast Guard Academy to provide facilities and equipment support and endorsement to charitable foundations that support the Academy. The section mirrors authorities provided to other military service academies.

Section 211. National Coast Guard Museum

This section allows the Coast Guard to lease the National Coast Guard Museum and other properties owned by the National Coast Guard Museum Association adjacent to the Museum. This section also allows the Coast Guard to solicit and accept services from non-profit entities and enter into contracts, memorandums of agreement with, or make grants to the Association to acquire such services.

Section 212. Regular Polar Security Cutter updates

This section requires regular reports 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 progress of its Polar Security Cutter acquisition program and directs the Coast Guard to provide timely briefings and notifications to Congress when there are significant changes in the Polar Security Cutter Acquisition process.

Section 213. Technology pilot program

This section amends section 14 U.S.C. 319(b)(1) to increase the number of Coast Guard Small Boats involved in a pilot project to retrofit existing vessels with autonomous control and computer vision technology from two to four.

Section 214. Report on condition of Missouri River dayboards

This section requires a one-time 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 condition of Missouri river dayboards and the placement of buoys.

Section 215. Delegation of Ports and Waterways Safety authorities in St. Lawrence Seaway

This section delegates Coast Guard authority to the Great Lakes Saint Lawrence Seaway Development Corporation and allows the Coast Guard to issue and enforce special orders, safety zones, and take actions for security. It also aligns the implementing regulations, resources, enforcement, and authorities under the *Ports and Waterways Safety Act* between the Coast Guard and Great Lakes Saint Lawrence Seaway Development Corporation.

Section 216. Study on Coast Guard missions

This section directs the Coast Guard to enter into an agreement with a Federally funded research and development center to examine Coast Guard mission effectiveness in light of asset and manpower shortages and provide recommendations to address readiness gaps.

Section 217. Additional Pribilof Island transition completion actions

This section requires the Secretary of the Department in which the Coast Guard is operating to provide quarterly updates 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 status of Coast Guard's efforts to establish a forward operating base in St. Paul, Alaska.

Subtitle B—Personnel

Section 221. Direct hire authority for civilian faculty at the Coast Guard Academy

This section allows the United States Coast Guard Academy to hire civilian professors directly.

Section 222. Temporary exemption from authorized end strength for Coast Guard enlisted members on active duty

This section provides an exemption until 2026 from the 3.0 percent and 1.25 percent threshold under current law for Coast Guard active-duty members in the paygrades E-8 and E-9. This provision is necessary due to the decrease in overall enlisted strength, which places the Coast Guard in jeopardy of exceeding these percentage caps.

Section 223. Additional available guidance and considerations for Reserve Selection Boards

This section allows Coast Guard Reserve Selection Boards to consider the specialty of the Officer, in a similar way to that already undertaking by Active-duty boards, per 14 U.S.C. 2115. This ensures that the Coast Guard reserve has senior officers with proficiency in specific specialized skills.

Section 224. Parental leave parity for certain reserve components of Coast Guard

This section provides parity with the United States Department of Defense (DoD) services for parental leave for reservists as passed in Section 601 of the FY 24 NDAA.

Section 225. Authorization for maternity uniform allowance for officers

This section allows for a limited supplemental cash allowance for pregnant officers to purchase maternity and properly sized uniforms.

Section 226. Report on GAO recommendations on Housing Program

This section requires that the Commandant submit a report on the status of the implementation of a 2024 Government Accountability Office (GAO) report on the Coast Guard's Housing Program.

Title III—Shipping and Navigation

Subtitle A—Vessel Operations

Section 301. Definitions

This section provides technical definitions related to requirements for certain vessel operators.

Section 302. Notification

This section clarifies notification requirements for certain vessel operators.

Section 303. Publication of fines and penalties

This section requests that penalties or pre-penalties be published in the Customs Bulletin and Decisions within 14 days of being issued. It also outlines the contents of the notification published and orders the Secretary of Homeland Security to issue regulations within 90 days to implement this.

Subtitle B—Merchant Mariner Credentialing

Section 311. Revising merchant mariner deck training requirements

This section amends the requirements for certain merchant mariner credentials to consider advances in technology and training, and to align Coast Guard requirements with international requirements. It makes the reductions of lengths of certain periods of service passed in the FY 24 NDAA permanent.

Section 312. Amendments

This section changes the term “seamen” to “seafarer” in Chapter 73 of title 46 to conform with common usage of the term.

Section 313. Renewal of merchant mariner licenses and documents

This section clarifies that renewals to existing merchant mariner credentials begin the day after the expiration of the existing credential.

Section 314. Merchant seamen licenses, certificates, and documents; manning of vessels

This section would enable American Samoans who meet the definition of a United States National to be eligible for merchant mariner credentials.

Subtitle C—Vessel Safety

Section 321. Grossly negligent operations of a vessel

This section would make the grossly negligent operation of the vessel that results in serious bodily injury a Class E felony.

Section 322. Administrative procedure for security risks

This section provides technical corrections to the requirements to hold a merchant mariner credential.

Section 323. Requirements for DUKW amphibious passenger vessels

This section amends the definition of vessels covered under section 11502 of P.L. 117–263.

Section 324. Risk based examinations of tank vessels

This section expands the authority of the Commandant to waive annual inspection requirements and substitute a risk-based inspection system for all tank vessels.

Section 325. Ports and waterways safety

This section conforms port safety provisions to port security changes made in the maritime title of the *FAA Reauthorization Act of 2018* (P.L. 115–254).

Section 326. Study on Bering Strait vessel traffic projections and emergency response posture at the Port of Point Spencer, Alaska

This section directs a National Academies of Science study on the current volume of commercial traffic that transits through the Bering Strait and projections for traffic growth over the next decade. The report would also assess the adequacy of emergency response capabilities and infrastructure at the Port of Point Spencer, Alaska, to address future navigation safety risks and geographic challenges necessary to conduct emergency maritime response operations in the Arctic environment.

Section 327. Underwater inspections brief

This section directs the Coast Guard to provide a brief on the Service’s underwater inspection, in lieu of drydock program, within 30 days of enactment.

Section 328. St. Lucie River Railroad Bridge

This section directs the Coast Guard to conduct an independent boat traffic study at the St. Lucie River Railroad Bridge before adopting a final deviation.

Section 329. Rulemaking regarding port access routes

This section directs the Coast Guard to issue its final rule for the Atlantic Coast Port Route Access Study with 180 days of enactment of the bill.

Section 330. Articulated tug-barge manning

This section clarifies the policy with regard to watchstanding levels aboard articulated tug-barge units for certificates of inspection.

Subtitle D—Other Matters

Section 341. Anchor handling activities

This section clarifies requirements for certain vessels engaged in supporting offshore activities.

Section 342. Establishment of National Advisory Committee on Autonomous Maritime Systems

This section establishes a National Autonomous Maritime Systems Advisory Committee within the Coast Guard.

Section 343. Controlled substance onboard vessels

This section clarifies that under section 70503(a) of title 46, U.S.C., it is a prohibited act to place or cause to be placed a controlled substance on a vessel.

Section 344. Nonoperating individual

This section extends through 2027 the current moratorium on enforcement of violations of the requirement that workers on certain vessels, unless specifically exempted in law, have a merchant mariner credential even if those workers are not involved in the operation of the vessel. This extension allows workers not involved in the operation of the vessel to work on such vessel without having a merchant mariner credential.

Section 345. Information on type approval certificates

This section requires the Coast Guard to provide certain ballast water data to states upon their request.

Section 346. Manning and crewing requirements for certain vessels, vehicles, and structures

This section clarifies manning and crewing requirements for certain maritime operators.

Section 347. Classification societies

This section amends current law to allow the delegation of authority to inspect mobile offshore drilling units (MODUs) working on the United States Outer Continental Shelf to certain foreign classification societies even if the home Nation of such societies do not allow delegate inspection authority for MODUs operating the water of the home Nation.

Section 348. Authority to establish safety zones for special activities in the exclusive economic zone

This section provides the Coast Guard with authority to establish safety zones for special activities with the Exclusive Economic Zone (EEZ). It was updated to place this authority in a new section 70008, of title 46, United States Code.

Section 349. Fishing vessel and fisherman training safety

This section makes behavioral and physical health risk training, including substance abuse and worker fatigue, a permissible use of the Fishing Safety Training Grants and Fishing Safety Research Grants programs and authorizes the appropriation of grant funding for both programs for fiscal years 2025 and 2026 directly to the Secretary of Health and Human Services.

Section 350. Authority over the Deepwater Port Act of 1974

This section requires the Department of Transportation to conduct the processing of Deepwater Port Act (DWPA) permits received after the date of enactment and ends the Coast Guard's role in processing DWPA permits that are received after the date of enactment of the Act.

Section 351. National Offshore Safety Advisory Committee composition

This section adds two members to the Committee who represent the non-mineral industry since the NDAA for fiscal year 2021 amended the *Outer Continental Shelf Lands Act (OCSLA)* to include non-mineral energy resources and this committee advises on safety issues related to the Outer Continental Shelf.

Section 352. Improving vessel traffic service monitoring

This section implements recommendations from a National Transportation Safety Board report looking into the anchor strike of the underwater pipeline in San Pedro Bay, California, in 2021. The provision seeks to increase the distance between an anchorage and pipeline to avoid incursions and improve the vessel traffic service monitoring by adding audio and visual alarms for proximity alerts.

Section 353. Abandoned and derelict vessel removals

This section expands the existing prohibition on abandonment to non-barge vessels and requires the Coast Guard to keep a National inventory of any abandoned non-barge vessels.

Section 354. Near shore cable laying barge

This section delays the credentialing requirements under 46 U.S.C. section 8701 to facilitate the training of United States workers in near shore cable laying operations.

Section 355. Anchorages

This section clarifies the intent of a provision in the *Elijah J. Cummings Coast Guard Authorization Act of 2020* by prohibiting additional anchorages on a section of the Hudson River.

Title IV—Oil Pollution Incident Liability

Section 401. Vessel response plans

This section amends certain Coast Guard requirements for vessel response plans. The section also requires a GAO report on the state of maritime firefighting authorities, jurisdiction and plan review, including factors that impact Federal and non-Federal cooperation.

Section 402. Use of marine casualty investigations

This section would clarify that the Coast Guard can use Marine Casualty Investigation Reports when adjudicating claims under the *Oil Pollution Act*.

Section 403. Timing of review

This section clarifies the timing of legal challenges against a Federal On-Scene Coordinator's response decisions during an oil spill emergency.

Section 404. Online incident reporting system

This section directs the Coast Guard's National Response Center to develop an online capacity to receive a notification of an oil discharge or release of a hazardous substance and allow any notification to the National Response Center that is required under Federal law or regulation to be submitted through the application.

Title V—Implementation of Accountability and Transparency Review Recommendations

Section 501. Implementation status of directed actions

This section directs the Coast Guard to provide an annual report to Congress for the next three years outlining the implementation efforts of the Commandant of the Coast Guard's directed actions, a plan to implement any measures not yet implemented, metrics to determine effectiveness of the actions, and any additional actions the Coast Guard is taking to mitigate instances of sexual assault and sexual harassment within its ranks.

Section 502. Independent review of Coast Guard reforms

This section directs the GAO to report to Congress on the Coast Guard's implementation efforts of the Commandant's directed actions, the effectiveness of those efforts, and any additional measures the Coast Guard should implement.

Section 503. Requirement to maintain certain records

This section requires the Coast Guard to maintain deliberative documents related to prosecution decisions for not less than seven years. It requires any final action memo and prosecution memo be signed, and that a record that details who made the prosecutorial determination and what documents that person reviewed while making the decision must be maintained.

Section 504. Study on Coast Guard Academy oversight

This section directs the Coast Guard to conduct a study on governance at the Coast Guard Academy and provide recommenda-

tions to Congress within a year of enactment to improve governance at the Academy.

Section 505. Providing for the transfer of a cadet who is the victim of a sexual assault or related offense

This section provides for the transfer of a cadet at the Coast Guard Academy who is the victim of a sexual assault to another military service academy. The section specifies that cadets who transfer to another military service academy can elect to accept an appointment as a permanent commissioned officer in the Coast Guard in the same way other Coast Guard Academy graduates commission. This section mirrors comparable provisions that apply to cadets at other military service academies.

Section 506. Designation of officers with particular expertise in military justice or health care

This section provides authority to the Coast Guard to designate a limited number of Officers of the Coast Guard as having particular expertise in military justice and health care professions and not subject to promotion under the Active-Duty Promotion List. The provision would allow lawyers and health care professionals to compete amongst other Coast Guard lawyers and health care professionals for promotion rather than the entire Active-Duty Promotion List.

Section 507. Direct hire authority for certain personnel of Coast Guard

This section provides for the direct hire authority of the integrative primary prevention workforce and civilian faculty members at the Coast Guard Academy. This provision sunsets on September 30, 2034.

Section 508. Safe-to-report policy for Coast Guard

This section provides safe-to-report language regarding reports of sexual assault at the Coast Guard Academy. It mirrors similar protections available to cadets at other military service academies.

Section 509. Modification of delivery date of Coast Guard sexual assault report

This section modifies the due date of the Coast Guard's annual report on sexual assault and harassment report to align with the due date with the annual Department of Defense Annual Report on Sexual Assault in the Military (DoD Report).

Section 510. Higher-level review of board of determination decisions

The section provides for a secondary review if a review board determines that an officer convicted of sexual assault should be retained within the Coast Guard.

Section 511. Review of discharge or dismissal

This section allows a board of review to downgrade an honorable discharge or dismissal to a general discharge or dismissal upon finding that a former member who, while serving on active duty as a member of the armed forces, committed sexual assault or sexual harassment.

Section 512. Convicted sex offender as grounds for denial

This section allows denial of a license, certificate of registry, or merchant mariner's document to an individual who has been convicted of rape, sexual assault, and rape or sexual assault of a child under the Uniform Code of Military Justice.

Section 513. Coast Guard Academy room reassignment

This section allows Coast Guard Academy cadets to request room reassignments if they experience discomfort.

Title VI—Amendments

Section 601. Amendments

This section contains technical and conforming amendments related to authorities in title 46, United States Code.

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, existing law in which no change is proposed is shown in roman):

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 italics, and existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

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**SUBTITLE I—ESTABLISHMENT, POWERS,
DUTIES, AND ADMINISTRATION**

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CHAPTER 3—COMPOSITION AND ORGANIZATION

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§ 316. National Coast Guard Museum

(a) **ESTABLISHMENT.**—The Commandant may establish, accept, operate, maintain and support the Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut.

(b) **USE OF FUNDS.**—

(1) **[The Secretary]** *Except as provided in paragraph (2), the Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.*

(2) Subject to the availability of appropriations, the Secretary may expend funds appropriated to the Coast Guard on the ~~the [engineering and design of a Museum]~~ *design of a Museum, and engineering, construction administration, and quality assurance services of a Museum.*

(3) The priority for the use of funds appropriated to the Coast Guard shall be to preserve, protect, and display historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

(c) FUNDING PLAN.—Not later than 2 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and at least 90 days before the date on which the Commandant accepts the Museum under subsection (f), the Commandant 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 plan for constructing, operating, and maintaining such Museum, including—

(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction;

(3) an explanation of any environmental remediation issues related to the land associated with the Museum; and

(4) a certification by a third party entity qualified to undertake such a certification process that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

(d) CONSTRUCTION.—

(1) The Association may construct the Museum described in subsection (a).

(2) The Museum shall be designed and constructed in compliance with the International Building Code 2018, and construction performed on Federal land under this section shall be exempt from State and local requirements for building or demolition permits.

(e) AGREEMENTS.—Under such terms and conditions as the Commandant considers appropriate, notwithstanding section 504, and until the Commandant accepts the Museum under subsection (f), the Commandant may—

(1) license Federal land to the Association for the purpose of constructing the Museum described in subsection (a); and

(2) ~~[(A) at a nominal charge, lease the Museum from the Association for activities and operations related to the Museum; and] (A) lease from the Association for Coast Guard operations the Museum and properties owned by the Association adjacent to the railroad tracks to which the property on which the Museum is located are adjacent; and~~

(B) authorize the Association to generate revenue from the use of the Museum.

(f) ACCEPTANCE.—Not earlier than 90 days after the Commandant submits the plan under subsection (c), the Commandant

shall accept the Museum from the Association and all right, title, and interest in and to the Museum shall vest in the United States when—

(1) the Association demonstrates, in a manner acceptable to the Commandant, that the Museum meets the design and construction requirements of subsection (d); and

(2) all financial obligations of the Association incident to the National Coast Guard Museum have been satisfied.

[(g) SERVICES.—The Commandant may solicit from the Association and accept services from nonprofit entities, including services related to activities for construction of the Museum.]

(g) SERVICES.—*With respect to the services related to the construction, maintenance, and operation of the Museum, the Commandant may—*

(1) solicit and accept services from nonprofit entities, including the Association; and

(2) enter into contracts or memorandums of agreement with or make grants to the Association to acquire such services.

(h) AUTHORITY.—The Commandant may not establish a Museum except as set forth in this section.

(i) DEFINITIONS.—In this section:

(1) MUSEUM.—The term “Museum” means the National Coast Guard Museum.

(2) ASSOCIATION.—The term “Association” means the National Coast Guard Museum Association.

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§ 319. Unmanned system program and autonomous control and computer vision technology project

(a) UNMANNED SYSTEM PROGRAM.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish, under the control of the Commandant, an unmanned system program for the use by the Coast Guard of land-based, cutter-based, and aircraft-based unmanned systems for the purpose of increasing effectiveness and efficiency of mission execution.

(b) AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.—

(1) IN GENERAL.—The Commandant shall conduct a project to retrofit [2] 4 or more existing Coast Guard small boats deployed at operational units with—

(A) commercially available autonomous control and computer vision technology; and

(B) such sensors and methods of communication as are necessary to control, and technology to assist in conducting, search and rescue, surveillance, and interdiction missions.

(2) DATA COLLECTION.—As part of the project required under paragraph (1), the Commandant shall collect and evaluate field-collected operational data from the retrofit described in such paragraph to inform future requirements.

(3) BRIEFING.—Not later than 180 days after the date on which the project required under paragraph (1) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of

Representatives a briefing on the project that includes an evaluation of the data collected from the project.

(c) UNMANNED SYSTEM DEFINED.—In this section, the term “unmanned system” means—

- (1) an unmanned aircraft system (as such term is defined in section 44801 of title 49);
- (2) an unmanned marine surface system; and
- (3) an unmanned marine subsurface system.

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CHAPTER 5—FUNCTIONS AND POWERS

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Sec.

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SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

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529. *Public availability of information on monthly drug and migrant interdictions.*

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SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

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§529. Public availability of information on monthly drug and migrant interdiction

(a) *IN GENERAL.*—Not later than the 15th day of each month, the Commandant shall make available to the public on the website of the Coast Guard the number of drug and migrant interdictions carried out by the Coast Guard during the preceding month.

(b) *CONTENTS.*—In making information about interdictions publicly available under subsection (a), the Commandant shall include a description of the following:

(1) *The number of incidents in which drugs were interdicted, the amount and type of drugs interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.*

(2) *The number of incidents in which migrants were interdicted, the number of migrants interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.*

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CHAPTER 9—ADMINISTRATION

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Sec.

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SUBCHAPTER II—MISCELLANEOUS

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955. *Requirement to maintain certain records.*

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 procurement, construction, and improvement of facilities and for research and development 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 operations and support of the Coast Guard not more than ~~[\$1,500,000]~~ \$2,000,000 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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SUBCHAPTER II—MISCELLANEOUS

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§ 955. Requirement to maintain certain records

(a) IN GENERAL.—*The Commandant shall maintain all work product related to final action documenting a disposition decision on an investigation by the Coast Guard Investigative Service or other law enforcement entity investigating a Coast Guard member accused of misconduct for not less than 7 years from date of the disposition decision.*

(b) FINAL ACTION MEMO.—*Upon a final action documenting a disposition decision described in subsection (a), the convening authority or final decision making authority, as applicable, shall sign a final action memo that includes the following:*

(1) *A reference section listing the materials reviewed in making a disposition decision.*

(2) *The Coast Guard Investigative Service report of investigation listed as either a reference or an enclosure.*

(3) *The prosecution memo, signed by the convening authority or the final decision making authority, listed and included as an enclosure.*

(4) *The completed Coast Guard Investigative Service report of adjudication listed and included as an enclosure.*

(5) *The disposition decision.*

(c) **WORK PRODUCT.**—*In this section, the term “work product” includes—*

(1) *a prosecution memo;*

(2) *emails, notes, and other correspondence related to a disposition decision; and*

(3) *the content described in paragraphs (1) through (5) of subsection (b).*

CHAPTER 11—ACQUISITIONS

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Sec.

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SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

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1138. *Service life extension programs.*

1139. *Consideration of life-cycle cost estimates for acquisition and procurement.*

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SUBCHAPTER I—GENERAL PROVISIONS

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§ 1105. Prohibition on use of lead systems integrators

(a) **IN GENERAL.**—

(1) **USE OF LEAD SYSTEMS INTEGRATOR.**—The Commandant may not use a private sector entity as a lead systems integrator.

(2) **FULL AND OPEN COMPETITION.**—The Commandant shall use full and open competition for any acquisition contract unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(3) **NO EFFECT ON SMALL BUSINESS ACT.**—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) **LIMITATION ON FINANCIAL INTEREST IN SUBCONTRACTORS.**—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

(2) the procurement was awarded by an entity performing lead systems integrator functions or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the entity performing lead systems integrator functions or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(c) *LEAD SYSTEMS INTEGRATOR DEFINED.*—In this section, the term “lead systems integrator” has the meaning given such term in section 805(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

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SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

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§ 1138. Service life extension programs

(a) *IN GENERAL.*—Requirements for a Level 1 or Level 2 acquisition project or program under sections 1131 through 1134 shall not apply to an acquisition by the Coast Guard that is a service life extension program.

(b) *SERVICE LIFE EXTENSION PROGRAM DEFINED.*—In this section, the term “service life extension program” means a capital investment that is solely intended to extend the service life and address obsolescence of components or systems of a particular capability or asset.

§ 1139. Consideration of life-cycle cost estimates for acquisition and procurement

In carrying out the acquisition and procurement of vessels and aircraft, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall consider the life-cycle cost estimates of vessels and aircraft, as applicable, during the design and evaluation processes to the maximum extent practicable.

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SUBTITLE II—PERSONNEL

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CHAPTER 19—COAST GUARD ACADEMY

SUBCHAPTER I—ADMINISTRATION

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Sec.

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1907. Authorization of certain support for Coast Guard Academy foundations.
1908. Safe-to-report policy for Coast Guard.

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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 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 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.

(f) CONSIDERATION OF REQUEST FOR TRANSFER OF CADET WHO IS THE VICTIM OF SEXUAL ASSAULT OR RELATED OFFENSE.—

(1) IN GENERAL.—*The Commandant shall provide for timely consideration of and action on a request submitted by a cadet appointed to the Coast Guard Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of title 10 (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to a Service Academy or to enroll in a Senior Reserve Officers' Training Corps program affiliated with another institution of higher education.*

(2) RULEMAKING.—*The Commandant shall prescribe regulations to carry out this subsection that—*

(A) *ensure that any cadet who has been appointed to the Coast Guard Academy is informed of the right to request a transfer pursuant to this subsection, and that any formal request submitted by a cadet is processed as expeditiously as practicable for review and action by the Superintendent;*

(B) *direct the Superintendent of the Coast Guard Academy, in coordination with the Superintendent of the Service Academy to which the cadet requests to transfer—*

(i) *to act on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;*

(ii) *to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and*

(iii) *upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the Service Academy concerned as expeditiously as possible; and*

(C) *direct the Superintendent of the Coast Guard Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers' Training Corps program at the institution of higher education to which the cadet requests to transfer—*

(i) *to act on a request for transfer under this subsection not later than 72 hours after receiving the formal request from the cadet;*

(ii) *subject to the cadet's acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer*

unless there are exceptional circumstances that require denial of the request; and

(iii) to take all necessary and appropriate action to effectuate the cadet's enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers' Training Corps program as expeditiously as possible.

(3) DENIAL OF TRANSFER REQUEST.—If the Superintendent of the Coast Guard Academy denies a request for transfer under this subsection, the cadet may request review of the denial by the Secretary of the Department in which the Coast Guard is operating, who shall act on such request not later than 72 hours after receipt of the formal request for review.

(4) CONFIDENTIALITY OF RECORDS.—The Secretary of the Department in which the Coast Guard is operating shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

(5) APPOINTMENT TO SERVICE ACADEMY.—A cadet who transfers under this subsection may retain the cadet's appointment to the Coast Guard Academy or may be appointed to the Service Academy to which the cadet transfers without regard to the limitations and requirements described in sections 7442, 8454, and 9442 of title 10.

(6) APPOINTMENT UPON GRADUATION.—

(A) PREFERENCE.—A cadet who transfers under this subsection to a Service Academy, is entitled, before graduating from such Academy, to state the preference of the cadet for appointment, upon graduation, as a commissioned officer in the Coast Guard.

(B) MANNER OF APPOINTMENT.—Upon graduation, a cadet described in subparagraph (A) is entitled to be accepted for appointment as a permanent commissioned officer in the Regular Coast Guard in the same manner as graduates of the Coast Guard Academy as described in section 2101.

(7) COMMISSION INTO COAST GUARD.—A cadet who transfers under this subsection to a Senior Reserve Officers' Training Corps program affiliated with another institution of higher education is entitled upon graduation from the Senior Reserve Officers' Training program to commission into the Coast Guard as described in section 3738a.

(8) SERVICE ACADEMY DEFINED.—In this subsection, the term "Service Academy" has the meaning given such term in section 347 of title 10.

(g) ROOM REASSIGNMENT.—Coast Guard Academy Cadets may request room reassignment if experiencing discomfort due to Coast Guard Academy rooming assignments.

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§1907. Authorization of certain support for Coast Guard Academy foundations

(a) AUTHORITY.—Subject to subsection (b) and pursuant to regulations prescribed by the Secretary of the department in which the

Coast Guard is operating, the Superintendent of the Coast Guard Academy may authorize a covered foundation to use, on an unreimbursed basis, facilities or equipment of the Coast Guard Academy.

(b) LIMITATIONS.—Use of facilities or equipment under subsection (a) may be provided only if such use has been reviewed and approved by an attorney of the Coast Guard and only if such use—

(1) is without any liability of the United States to the covered foundation;

(2) does not affect the ability of any official or employee of the Coast Guard, or any member of the armed forces, to carry out any responsibility or duty in a fair and objective manner;

(3) does not compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program;

(4) does not include the participation of any cadet other than participation in an honor guard at an event of the covered foundation; and

(5) complies with any applicable ethics regulations.

(c) BRIEFING.—In any fiscal year during which the Superintendent of the Coast Guard Academy exercises the authority under subsection (a), the Commandant of the Coast Guard 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 not later than the last day of that fiscal year regarding the number of events or activities of a covered foundation supported by such exercise during such fiscal year.

(d) COVERED FOUNDATION DEFINED.—In this section, the term “covered foundation” means a charitable, educational, or civic non-profit organization under section 501(c)(3) of the Internal Revenue Code of 1986, that the Secretary concerned determines operates exclusively to support, with respect to a Service Academy, any of the following:

(1) Recruiting.

(2) Parent or alumni development.

(3) Academic, leadership, or character development.

(4) Institutional development.

(5) Athletics.

§ 1908. Safe-to-report policy for Coast Guard

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretaries of the military departments, issue such regulations as are necessary to establish the safe-to-report policy described in subsection (b) that applies with respect to all members of the Coast Guard (including members of the reserve and auxiliary components of the Coast Guard) and cadets at the Coast Guard Academy.

(b) SAFE-TO-REPORT POLICY.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the Coast Guard who is the alleged victim or reporting witness of a sexual assault.

(c) MITIGATING AND AGGRAVATING CIRCUMSTANCES.—In issuing regulations under subsection (a), the Secretary shall specify mitigating circumstances that decrease the gravity of minor collateral misconduct or the impact of such misconduct on good order and dis-

cipline and aggravating circumstances that increase the gravity of minor collateral misconduct or the impact of such misconduct on good order and discipline for purposes of the safe-to-report policy.

(d) *TRACKING OF COLLATERAL MISCONDUCT INCIDENTS.*—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to anonymously track incidents of minor collateral misconduct that are subject to the safe-to-report policy established under such regulations.

(e) *MINOR COLLATERAL MISCONDUCT DEFINED.*—In this section, the term “minor collateral misconduct” means any minor misconduct that is punishable under chapter 47 of title 10 that—

(1) is committed close in time to or during a sexual assault and directly related to the incident that formed the basis of the sexual assault allegation;

(2) is discovered as a direct result of the report of sexual assault or the ensuing investigation into such sexual assault; and

(3) does not involve aggravating circumstances (as specified in the regulations issued under subsection (a)) that increase the gravity of the minor misconduct or the impact of such misconduct on good order and discipline.

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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 Secretary may, without regard to the appointment requirements of title 5, United States Code, noncompetitively appoint a highly qualified candidate to a faculty position in the excepted service.*

[(b)] (c) The compensation of 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.

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2132. *Designation of officers with particular expertise in military justice or healthcare.*

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SUBCHAPTER I—APPOINTMENT AND PROMOTION

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§ 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~~ *officers of the permanent commissioned teaching staff of the Coast Guard Academy, and officers designated by the Secretary pursuant to section 2132* 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) 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.—

(1) IN GENERAL.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed—

(A) 7,100 in fiscal year 2022;

(B) 7,200 in fiscal year 2023;

(C) 7,300 in fiscal year 2024; and

(D) 7,400 in fiscal year 2025 and each subsequent fiscal year.

(2) TEMPORARY INCREASE.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under such paragraph by up to 4 percent for not more than 60 days after the date of the commissioning of a Coast Guard Academy class.

(3) NOTIFICATION.—Not later than 30 days after exceeding the total number of commissioned officers permitted under paragraphs (1) and (2), and each 30 days thereafter until the total number of commissioned officers no longer exceeds the number of such officers permitted under paragraphs (1) and (2), 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 of the number of officers on the active duty promotion list on the last day of the preceding 30-day period.

(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 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.]

(e) SECRETARY TO PRESCRIBE NUMBERS FOR CERTAIN OFFICERS.—The Secretary shall prescribe the number of officers authorized to be serving on active duty in each grade of—

(1) the permanent commissioned teaching staff of the Coast Guard Academy;

(2) the officers designated by the Secretary pursuant to section 2132; and

(3) *the officers of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components.*

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§ 2126. Promotion of officers not included on active duty promotion list

Officers who are not included on the active duty promotion list may be promoted under regulations to be prescribed by the Secretary. These regulations shall, as to officers serving in connection with organizing, administering, recruiting, instructing, or training the reserve components *and as to officers designated by the Secretary pursuant to section 2132*, provide as nearly as practicable, that such officers will be selected and promoted in the same manner and will be afforded equal opportunity for promotion as officers of the corresponding grade on the active duty promotion list.

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§ 2132. Designation of officers with particular expertise in military justice or healthcare

(a) *SECRETARY DESIGNATION.*—*The Secretary may designate a limited number of officers of the Coast Guard as having particular expertise in—*

- (1) *military justice; or*
- (2) *healthcare.*

(b) *PROMOTION AND GRADE.*—*An individual designated under this section—*

- (1) *shall not be included on the active duty promotion list;*
- (2) *shall be promoted under section 2126; and*
- (3) *may not be promoted to a grade higher than captain.*

SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

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§ 2158. Review of records of officers

[The Secretary] (a) *IN GENERAL.*—*The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether he shall be required to show cause for his retention on active duty—*

- (1) *because his performance of duty has fallen below the standards prescribed by the Secretary, or*
- (2) *because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.*

(b) *HIGHER-LEVEL REVIEW OF SEXUAL ASSAULT CASES.*—

- (1) *IN GENERAL.*—*If a board convened under this section determines that the officer should be retained when the officer's record indicates that the officer has committed a sexual assault offense, the board shall forward the record of the proceedings and recommendation of the board for higher-level review, in accordance with regulations prescribed by the Secretary.*

(2) *AUTHORITY.*—The official exercising higher-level review shall have authority to forward the case for consideration by a Board of Inquiry in accordance with section 2159.

(c) *SEXUAL ASSAULT OFFENSE DEFINED.*—In this section, the term “sexual assault offense” means a violation of section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice) or attempt to commit an offense specified under section 920 or 920b as punishable under section 880 of such title (article 80 of the Uniform Code of Military Justice).

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CHAPTER 25—PERSONNEL; GENERAL PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

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Sec.

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2517. *Direct hire authority for certain personnel of United States Coast Guard.*
 2518. *Review of discharge or dismissal.*

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SUBCHAPTER I—GENERAL PROVISIONS

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§2517. *Direct hire authority for certain personnel of Coast Guard*

(a) *IN GENERAL.*—The Commandant may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5 (other than section 3303 and 3328 of such chapter), qualified candidates to any non-clinical specialist intended to engage in the integrated primary prevention of harmful behaviors, including suicide, sexual assault, harassment, domestic abuse, and child abuse and qualified candidates to any criminal investigative law enforcement position of the Coast Guard Criminal Investigative Service intended to engage in the primary response to such harmful behaviors.

(b) *SUNSET.*—Effective on September 30, 2034, the authority provided under subsection (a) shall cease.

§2518. *Review of discharge or dismissal*

(a) *DOWNGRADE.*—

(1) *IN GENERAL.*—In addition to the requirements of section 1553 of title 10, a board of review for a former member of the Coast Guard established pursuant to such section may, upon a motion of the board and subject to review by the Secretary of the department in which the Coast Guard is operating, downgrade an honorable discharge or dismissal to a general (under honorable conditions) discharge or dismissal upon a finding that a former member of the Coast Guard, while serving on active duty as a member of the armed forces, committed sexual assault or sexual harassment in violation of section 920, 920b, or 934 of this title (article 120, 120b, or 134 of the Uniform Code of Military Justice).

(2) *EVIDENCE.*—Any downgrade under paragraph (1) shall be supported by clear and convincing evidence.

(3) *LIMITATION.*—The review board under paragraph (1) may not downgrade a discharge or dismissal of a former member of the Coast Guard if the same action described in paragraph (1) was considered prior to separation from active duty by an administrative board in determining the characterization of discharge as otherwise provided by law and in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating.

(b) *PROCEDURAL RIGHTS.*—

(1) *IN GENERAL.*—A review by a board established under section 1553 of title 10 shall be based on the records of the armed forces concerned and such other evidence as may be presented to the board.

(2) *EVIDENCE BY WITNESS.*—A witness may present evidence to the board in person or by affidavit.

(3) *APPEARANCE BEFORE BOARD.*—A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.

(4) *NOTIFICATION.*—A former member of the Coast Guard who is subject to a downgrade in discharge characterization review under subsection (b)(3) shall be notified in writing of such proceedings, afforded the right to obtain copies of records and documents relevant to the proceedings, and the right to appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.

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CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

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SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

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§ 2708. Clothing for officers and enlisted personnel

(a) The Coast Guard may purchase uniforms, accouterments, and related equipment for sale to officer personnel and cadets of the Coast Guard.

(b) The Coast Guard may purchase uniform clothing for sale to enlisted personnel of the Coast Guard. The actual cost of the clothing thus sold to enlisted personnel may be withheld from their pay.

(c) The Coast Guard may provide a cash allowance in such amount as the Secretary of the department in which the Coast Guard is operating shall determine in regulations to be paid to pregnant officer personnel for the purchase of maternity-related uniform items if such uniform items are not so furnished to the member.

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CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

SUBCHAPTER I—COAST GUARD FAMILIES

Sec.

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2907. *Parental leave for members of certain reserve components of Coast Guard.*

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SUBCHAPTER I—COAST GUARD FAMILIES

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§2907. Parental leave for members of certain reserve components of Coast Guard

(a)(1) *Under regulations prescribed by the Secretary, a member of the reserve component of the Coast Guard described in subsection (b) is allowed parental leave for a duration of up to 12 inactive-duty training periods, under section 206 of title 37, during the one-year period beginning after the following events:*

(A) *the birth or adoption of a child of the member and to care for such child; or*

(B) *the placement of a minor child with the member for adoption or long-term foster care.*

(2)(A) *The Secretary of the department in which the Coast Guard is operating, may authorize leave described under subparagraph (A) to be taken after the one-year period described in subparagraph (A) in the case of a member described in subsection (b) who, except for this subparagraph, would lose unused parental leave at the end of the one-year period described in subparagraph (A) as a result of—*

(i) *operational requirements;*

(ii) *professional military education obligations; or*

(iii) *other circumstances that the Secretary determines reasonable and appropriate.*

(B) *The regulations prescribed under clause (i) shall require that any leave authorized to be taken after the one-year period described in subparagraph (A) shall be taken within a reasonable period of time, as determined by the Secretary in which the department is operating, after cessation of the circumstances warranting the extended deadline.*

(b) *A member described in this subsection is a member of the Coast Guard who is a member of—*

(1) *the selected reserve who is entitled to compensation under section 206 of title 37; or*

(2) *the individual ready reserve who is entitled to compensation under section 206 of title 37 when attending or participating in a sufficient number of periods of inactive-duty training during a year to count the year as a qualifying year of creditable service toward eligibility for retired pay.*

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SUBTITLE III—COAST GUARD RESERVE AND AUXILIARY

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CHAPTER 37—COAST GUARD RESERVE

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SUBCHAPTER II—PERSONNEL

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§ 3736. Precedence

(a) Reserve officers rank and take precedence in their respective grades among themselves and with officers of the same grade on the active duty ~~promotion list and the~~ *promotion list, officers designated by the Secretary pursuant to section 2132, and the officers on the permanent commissioned teaching staff* in accordance with their dates of rank. When Reserve officers and officers on the active duty ~~promotion list or the~~ *promotion list, officers designated by the Secretary pursuant to section 2132, or the officers on the permanent commissioned teaching staff* have the same date of rank in a grade, they take precedence as determined by the Secretary.

(b) Notwithstanding any other law, a Reserve officer shall not lose precedence when transferred to or from the active duty promotion list, nor shall that officer's date of rank be changed due to the transfer.

(c) A Reserve officer shall, when on the active duty promotion list, be promoted in the same manner as any other officer on the active duty promotion list regardless of the length of active duty service of the Reserve officer.

(d) Notwithstanding any other law, a Reserve officer shall not lose precedence by reason of promotion to the grade of rear admiral or rear admiral (lower half), if the promotion is determined in accordance with a running mate system.

(e) The Secretary shall adjust the date of rank of a Reserve officer so that no changes of precedence occur.

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§ 3740. Promotion; recommendations of selection boards

(a) Except as otherwise provided by law, a Reserve officer shall only be promoted pursuant to the recommendation of a selection board.

(b) The Secretary shall convene selection boards from time to time to recommend Reserve officers for promotion to the next higher grade. A board may be convened to consider officers in one or more grades.

(c) A selection board shall, from among the names of those eligible Reserve officers submitted to it, recommend for promotion to the next higher grade:

(1) those officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified; and

(2) those officers serving in the grade of ensign whom it considers to be fully qualified.

(d)(1) Before convening a selection board to recommend Reserve officers for promotion, the Secretary shall establish a promotion zone for officers serving in each grade to be considered by the board. The Secretary shall determine the number of officers in the promotion zone for officers serving in any grade from among officers who are eligible for promotion in that grade.

(2)(A) Before convening a selection board to recommend Reserve officers for promotion to a grade (other than the grade of lieutenant (junior grade)), the Secretary shall determine the maximum number of officers in that grade that the board may recommend for promotion.

(B) The Secretary shall make the determination under subparagraph (A) of the maximum number that may be recommended with a view to having in an active status a sufficient number of Reserve officers in each grade to meet the needs of the Coast Guard for Reserve officers in an active status.

(C) In order to make the determination under subparagraph (B), the Secretary shall determine the following:

(i) The number of positions needed to accomplish mission objectives that require officers in the grade to which the board will recommend officers for promotion.

(ii) The estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted.

(iii) The number of officers authorized by the Secretary to serve in an active status in the grade under consideration.

(iv) Any statutory limitation on the number of officers in any grade authorized to be in an active status.

(3)(A) The Secretary may, when the needs of the Coast Guard require, authorize the consideration of officers in a grade above lieutenant (junior grade) for promotion to the next higher grade from below the promotion zone.

(B) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion, except that the Secretary may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary determines that the needs of the Coast Guard so require. If the maximum number determined under this subparagraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

(C) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under paragraph (2).

(e) The law and regulations relating to the selection for promotion of a commissioned officer of the Regular Coast Guard to the grades of rear admiral (lower half) and rear admiral apply to a Reserve officer, except that to be eligible for consideration for promotion to the grade of rear admiral (lower half) an officer shall have completed at least ten years commissioned service, of which the last five years shall have been served in the Coast Guard Reserve.

(f) The provisions of [section 2117] *sections 2115 and 2117* of this title apply to boards convened under this section. The Secretary shall determine the procedure to be used by a selection board.

(g) The report of a selection board shall be submitted to the Secretary for review and transmission to the President for approval. When an officer recommended by a board for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

(h) The recommendations of a selection board, as approved by the President, constitute a list of selectees from which the promotions of Reserve officers shall be made. An officer on a list of selectees remains thereon until promoted unless removed by the President under section 3749 of this title. If an existing list of selectees has not been exhausted by the time a later list has been approved, all officers remaining on the older list shall be tendered appointments prior to those on the later list.

(i) A Reserve officer whose name is on a list of selectees for promotion shall, unless that officer's promotion is lawfully withheld, be tendered an appointment in the next higher grade on the date a vacancy occurs, or as soon thereafter as practicable in the grade to which the officer was selected for promotion or, if promotion was determined in accordance with a running mate system, at the same time, or as soon thereafter as practicable, as that officer's running mate is tendered a similar appointment.

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SUBTITLE IV—COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS

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CHAPTER 49—AUTHORIZATIONS

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§ 4902. Authorizations of appropriations

Funds are authorized to be appropriated for [fiscal years 2022 and 2023] *fiscal years 2025 and 2026* for necessary expenses of the Coast Guard as follows:

(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for—

[(i) \$10,000,000,000 for fiscal year 2022; and

[(ii) \$10,750,000,000 for fiscal year 2023.]

(i) *\$11,287,500,000 for fiscal year 2025; and*

(ii) *\$11,851,875,000 for fiscal year 2026.*

(B) Of the amount authorized under subparagraph (A)(i), [\$23,456,000] *\$25,570,000* shall be for environmental compliance and restoration.

(C) Of the amount authorized under subparagraph (A)(ii), [\$24,353,000] *\$26,848,500* shall be for environmental compliance and restoration.

(2)(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—

[(i) \$3,312,114,000 for fiscal year 2022; and

[(ii) \$3,477,600,000 for fiscal year 2023.]

- (i) \$3,477,600,000 for fiscal year 2025; and
- (ii) \$3,651,480,000 for fiscal year 2026.

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

- (i) \$20,400,000 for fiscal year 2022; and
- (ii) \$20,808,000 for fiscal year 2023.

(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—

[(A) \$7,476,000 for fiscal year 2022; and

[(B) \$14,681,084 for fiscal year 2023.]

(A) \$15,415,000 for fiscal year 2025; and

(B) \$16,185,750 for fiscal year 2026.

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

[(A) \$240,577,000 for fiscal year 2022; and

[(B) \$252,887,000 for fiscal year 2023.]

(4) *For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for purposes of retired pay, payments under the Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan, 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, \$1,210,840,000 for fiscal year 2025.*

* * * * *

§ 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 44,500 for each of [fiscal years 2022 and 2023] *fiscal years 2025 and 2026*.

(b) **MILITARY TRAINING STUDENT LOADS.**—The Coast Guard is authorized average military training student loads for each of [fiscal years 2022 and 2023] *fiscal years 2025 and 2026* 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, 385 student years.
- (4) For officer acquisition, 1,200 student years.

* * * * *

CHAPTER 51—REPORTS

Sec.

* * * * *

5116. *Implementation status of directed actions.*

* * * * *

§5112. Sexual assault and sexual harassment in the Coast Guard

(a) *IN GENERAL.*—Not later than **January 15** *March 1* 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.

* * * * *

§5116. Implementation status of directed actions

(a) *IN GENERAL.*—Not later than *March 1, 2025, and not later than March 1 of each of the 3 subsequent 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 a report on the status of the implementation of each directed action outlined in enclosure 1 of the memorandum of the Commandant titled “Commandant’s Directed Actions—Accountability and Transparency”, dated November 27, 2023.

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

(1) *The status of the implementation of each directed action from enclosure 1 of the memorandum titled “Commandant’s Directed Actions—Accountability and Transparency” dated November 27, 2023.*

(2) *A plan and timeline for the next steps to be taken to complete outstanding directed actions in enclosure 1 of the memorandum titled “Commandant’s Directed Actions—Accountability and Transparency” dated November 27, 2023, including identifying the individual the Commandant has selected to ensure the successful completion of each directed action.*

(3) *Metrics to determine the effectiveness of each directed action in such enclosure.*

(4) *Any additional actions the Commandant is taking to mitigate instances of sexual assault and sexual harassment within the Coast Guard.*

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DON YOUNG COAST GUARD AUTHORIZATION ACT OF 2022

* * * * *

DIVISION K—DON YOUNG COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 11001. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This division may be cited as the “Don Young Coast Guard Authorization Act of 2022”.

(b) *TABLE OF CONTENTS.*—The table of contents for this division is as follows:

Sec. 11001. Short title; table of contents.

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Subtitle G—Miscellaneous Provisions

* * * * *

[Sec. 11269. Public availability of information on monthly migrant interdictions.]

* * * * *

TITLE CXII—COAST GUARD

* * * * *

Subtitle C—Arctic

* * * * *

SEC. 11221. PRIBILOF ISLAND TRANSITION COMPLETION ACTIONS.

(a) *ACTUAL USE AND OCCUPANCY REPORTS.*—Not later than 90 days after enactment of this Act, and quarterly thereafter, the Secretary shall submit to the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the degree to which Coast Guard personnel and equipment are deployed to St. Paul Island, Alaska, in actual occupancy of the facilities, as required under section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120); and

(2) the status of the activities described in subsections (c) and (d) until such activities have been completed.

(b) AIRCRAFT HANGER.—The Secretary may—

(1) enter into a lease for a hangar to house deployed Coast Guard aircraft if such hangar was previously under lease by the Coast Guard for purposes of housing such aircraft; and

(2) enter into an agreement with the lessor of such a hangar in which the Secretary may carry out repairs necessary to support the deployment of such aircraft and the cost of such repairs may be offset under the terms of the lease.

(c) FUEL TANK.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Commandant shall notify the Alaska Native Village Corporation for St. Paul Island, Alaska of the availability of any fuel tank—

(A) which is located on property on St. Paul Island, Alaska, which is leased by the Coast Guard for the purpose of housing such a fuel tank; and

(B) for which the Commandant has determined that the Coast Guard no longer has an operational need.

(2) TRANSFER.—If not later than 30 days after a notification under subsection (a), the Alaska Native Village Corporation for St. Paul Island, Alaska requests that the ownership of the tank be transferred to such corporation then the Commandant shall—

(A) after conducting any necessary environmental remediation pursuant to the lease referred to in paragraph

(1)(A), transfer ownership of such fuel tank to such corporation; and

(B) upon the date of such transfer, terminate the lease referred to in paragraph (1)(A).

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit any rights of the Alaska Native Village Corporation for St. Paul to receive conveyance of all or part of the lands and improvements related to Tract 43 under the same terms and conditions as prescribed in section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120).

(e) *ADDITIONAL REPORTS ON STATUS OF USE OF FACILITIES AND HELICOPTER BASING.*—Beginning with the first quarterly report required under subsection (a) submitted after the date of enactment of the Coast Guard Authorization Act of 2024, the Secretary shall include in each such report—

(1) the status of the use of recently renovated Coast Guard housing facilities, food preparation facilities, and maintenance and repair facilities on St. Paul Island, Alaska, including a projected date for full use and occupancy of such facilities in support of Coast Guard missions in the Bering Sea; and

(2) *a detailed plan for the acquisition and construction of a hangar in close proximity to existing St. Paul airport facilities to house 1 or more Coast Guard helicopters for the prosecution of Coast Guard operational missions, including plans for the use of land needed for such hangar.*

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Subtitle G—Miscellaneous Provisions

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[SEC. 11269. PUBLIC AVAILABILITY OF INFORMATION ON MONTHLY DRUG AND MIGRANT INTERDICTION.

[Not later than the 15th day of each month, the Commandant shall make available to the public on the website of the Coast Guard the number of migrant interdictions carried out by the Coast Guard during the preceding month.]

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TITLE 46, UNITED STATES CODE

Subtitle	Sec.
I. GENERAL	101
II. VESSELS AND [SEAMEN] <i>SEAFARER</i>	2101
* * * * *	

SUBTITLE II—VESSELS AND [SEAMEN] *SEAFARER*

* * * * *

PART E—[MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS] *MERCHANT MARINER CREDENTIALS*

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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] *section 101* 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 certain 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) “merchant mariner credential” means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.

[(20)] (21) “mobile offshore drilling unit” means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

[(21)] (22) “motor vessel” means a vessel propelled by machinery other than steam.

[(22)] (23) “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)] (24) “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.

[(24)] (25) “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)] (26) “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)] (27) “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)] (28) “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)] (29) “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)] (30) “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)] (31) “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)] (32) “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)] (33) “product carrier” means a tanker engaged in the trade of carrying oil except crude oil.

[(33)] (34) “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)] (35) “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)] (36) “recreational vessel manufacturer” means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.

[(36)] (37) “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)] (38) "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)] (39) "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)] (40) "sailing school student" means an individual who is on board a sailing school vessel to receive sailing instruction.

[(40)] (41) "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 measured 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)] (42)(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)] (43) “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)] (44) “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)] (45) “Secretary” means the Secretary of the department in which the Coast Guard is operating.

[(45)] (46) “sexual assault” means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under State, local, or Tribal law.

[(46)] (47) “sexual harassment” means—

(A) conduct that—

(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature if any—

(I) submission to such conduct is made either explicitly or implicitly a term or condition of employment, pay, career, benefits, or entitlements of the individual;

(II) submission to, or rejection, of such conduct by an individual is used as a basis for decisions affecting that individual’s job, pay, career, benefits, or entitlements;

(III) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive work environment; or

(IV) conduct may have been by an individual’s supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive;

(B) any use or condonation associated with first-hand or personal knowledge, by any individual in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, benefits, entitlements, or employment of a subordinate[; and]; or

(C) any intentional or repeated unwelcome verbal comment or gesture of a sexual nature towards or about an individual by the individual’s supervisor, a supervisor in another area, a coworker, or another credentialed mariner.

[(47)] (48) “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.

[(48)] (49) “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.

[(49)] (50) “submersible vessel” means a vessel that is capable of operating below the surface of the water.

[(50)] (51) “tanker” means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

[(51)] (52) “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.

[(52)] (53) “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.

[(53)] (54) “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.

[(54)] (55) "uninspected vessel" means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

[(55)] (56) "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.

[(56)] (57) "wing-in-ground craft" means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.

* * * * *

§ 2116. Marine safety strategy, goals, and performance assessments

(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The 5-year strategy shall include the issuance of a plan and schedule for achieving the following goals:

- (1) Reducing the number and rates of marine casualties.
- (2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.
- (3) Identifying and targeting enforcement efforts at high-risk vessels and operators.
- (4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) 5-YEAR STRATEGY AND PLAN.—

(1) MEASURABLE GOALS.—The 5-year strategy and plan shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

(A) To increase the number of safety examinations on all high-risk vessels.

(B) To eliminate the backlog of marine safety-related rulemakings.

(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in [section 93(c)] section 504(c) of title 14.

(2) RESOURCE NEEDS.—The 5-year strategy and plan shall include estimates of—

(A) the funds and staff resources needed to accomplish each activity included in the strategy and plan; and

(B) the staff skills and training needed for timely and effective accomplishment of each goal.

(c) **SUBMISSION WITH THE PRESIDENT'S BUDGET.**—Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary shall submit to Congress the strategy and plan not later than 60 days following the transmission of the President's budget submission under section 1105 of title 31.

(d) **ACHIEVEMENT OF GOALS.**—

(1) **PROGRESS ASSESSMENT.**—In conjunction with the submission of the 5-year strategy and plan, the Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant's assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

(2) **PERIODIC BRIEFINGS.**—The Secretary shall periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and plan under subsection (a) for the period covered by the briefing;

(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b), including—

(i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and

(ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plan under subsection (a); and

(C) recommendations on how to improve performance of the program.

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CHAPTER 23—OPERATION OF VESSELS GENERALLY

* * * * *

§ 2302. Penalties for negligent operations and interfering with safe operation

(a) A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb, or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.

[(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.]

(b) *GROSSLY NEGLIGENT OPERATION.*—

(1) *MISDEMEANOR.*—A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person commits a class A misdemeanor.

(2) *FELONY.*—A person operating a vessel in a grossly negligent manner that results in serious bodily injury, as defined in section 1365(h)(3) of title 18—

(A) commits a class E felony; and

(B) may be assessed a civil penalty of not more than \$35,000.

(c) An individual who is under the influence of alcohol, or a dangerous drug in violation of a law of the United States when operating a vessel, as determined under standards prescribed by the Secretary by regulation—

(1) is liable to the United States Government for a civil penalty of not more than \$5,000; or

(2) commits a class A misdemeanor.

(d) For a penalty imposed under this section, the vessel also is liable in rem unless the vessel is—

(1) owned by a State or a political subdivision of a State;

(2) operated principally for governmental purposes; and

(3) identified clearly as a vessel of that State or subdivision.

(e)(1) A vessel may not transport Government-impelled cargoes if—

(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

(3) As used in this subsection, the term “Government-impelled cargo” means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.

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PART B—INSPECTION AND REGULATION OF VESSELS

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CHAPTER 33—INSPECTION GENERALLY

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§ 3316. Classification societies

(a) Each department, agency, and instrumentality of the United States Government shall recognize the American Bureau of Shipping as its agent in classifying vessels owned by the Government and in matters related to classification, as long as the Bureau is maintained as an organization having no capital stock and paying no dividends. The Secretary and the Secretary of Transportation each shall appoint one representative (except when the Secretary is the Secretary of Transportation, in which case the Secretary shall appoint both representatives) who shall represent the Government on the executive committee of the Bureau. The Bureau shall agree that the representatives shall be accepted by it as active members of the committee. The representatives shall serve without compensation, except for necessary traveling expenses.

(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

(A) review and approve plans required for issuing a certificate of inspection required by this part;

(B) conduct inspections and examinations; and

(C) issue a certificate of inspection required by this part and other related documents.

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country;

(B) if the foreign classification society has offices and maintains records in the United States; and

(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.

(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States un-

less the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).

(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

(B) the person has an adequate program to—

(i) develop and implement safety standards for vessels surveyed by the person;

(ii) make the safety records of the person available to the Secretary in an electronic format;

(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.

(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

(B) conduct inspections and examinations.

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

(A) the foreign society has offices and maintains records in the United States;

(B) [(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or] *(i) the government of the foreign country in which the foreign society is headquartered—*

(I) delegates that authority to the American Bureau of Shipping; or

(II) does not delegate that authority to any classification society; or

(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1); and

(C) the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.

(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(4) For purposes of this subsection—

(A) the term “offshore facility” means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

(B) the term “United States offshore facility” means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).

(5) *CLARIFICATION ON AUTHORITY.—Nothing in this subsection authorizes the Secretary to make a delegation under paragraph (2) to a classification society from the People’s Republic of China.*

(e) The Secretary shall revoke a delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for a state sponsor of terrorism.

(f)(1) Upon request of an owner or operator of an offshore supply vessel, the Secretary shall delegate the authorities set forth in paragraph (1) of subsection (b) with respect to such vessel to a classification society to which a delegation is authorized under that paragraph. A delegation by the Secretary under this subsection shall be used for any vessel inspection and examination function carried out by the Secretary, including the issuance of certificates of inspection and all other related documents.

(2) If the Secretary determines that a certificate of inspection or related document issued under authority delegated under paragraph (1) of this subsection with respect to a vessel has reduced the operational safety of that vessel, the Secretary may terminate the certificate or document, respectively.

(3) Not later than 2 years after the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, and for each year of the subsequent 2-year period, the Secretary 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 report describing—

(A) the number of vessels for which a delegation was made under paragraph (1);

(B) any savings in personnel and operational costs incurred by the Coast Guard that resulted from the delegations; and

(C) based on measurable marine casualty and other data, any impacts of the delegations on the operational safety of vessels for which the delegations were made, and on the crew on those vessels.

(g)(1) There shall be within the Coast Guard an office that conducts comprehensive and targeted oversight of all recognized organizations that act on behalf of the Coast Guard.

(2) The staff of the office shall include subject matter experts, including inspectors, investigators, and auditors, who possess the capability and authority to audit all aspects of such recognized organizations.

(3) In this subsection the term “recognized organization” has the meaning given that term in section 2.45–1 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Hamm Alert Maritime Safety Act of 2018.

(h) In this section, the term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

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CHAPTER 37—CARRIAGE OF LIQUID BULK DANGEROUS CARGOES

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§ 3714. Inspection and examination

(a)(1) **[The Secretary]** *Except as provided in subsection (c), the Secretary* shall have each vessel to which this chapter applies inspected or examined at least once each year.

(2) Each of those vessels that is more than 10 years of age shall undergo a special and detailed inspection of structural strength and hull integrity as specified by the Secretary.

(3) The Secretary may make contracts for conducting inspections or examinations in the United States and in foreign countries. An inspector conducting an inspection or examination under contract may not issue a certificate of inspection or a certificate of compliance, but the inspector may issue a temporary certificate.

(4) The Secretary shall prescribe by regulation reasonable fees for an inspection or examination conducted under this section out-

side the United States, or which, when involving a foreign vessel, is conducted under a contract authorized by paragraph (3) of this subsection. The owner, charterer, or managing operator of a vessel inspected or examined by the Secretary is liable for the fees. Amounts received as fees shall be deposited in the Treasury.

(5) The Secretary may allow provisional entry of a vessel to conduct an inspection or examination under this chapter.

(b) Each vessel to which this chapter applies shall have on board those documents the Secretary considers necessary for inspection and enforcement, including documents listing—

(1) the type, grade, and approximate quantities of cargo on board;

(2) the shipper and consignee of the cargo;

(3) the places of origin and destination of the vessel; and

(4) the name of an agent in the United States authorized to accept service of legal process.

(c) *RISK-BASED EXAMINATION.*—

(1) *IN GENERAL.*—*With respect to examinations of foreign-flagged vessels to which this chapter applies, the Secretary may adopt a risk-based examination schedule to which such vessels shall be examined and the frequency with which the examinations occur.*

(2) *RESTRICTION.*—*The Secretary may not adopt a risk-based examination schedule under paragraph (1) until the Secretary has—*

(A) *received and reviewed the study by the National Academies required under section 8254(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283);*

(B) *conducted the assessment recommended in the report of the Government Accountability Office submitted under section 8254(a) of such Act;*

(C) *concluded through such assessment that a risk-based examination schedule provides not less than the level of safety provided by the annual examinations required under subsection (a)(1); and*

(D) *provided the results of such assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.*

[(c)] (d) Each vessel to which this chapter applies that operates in the United States shall have a person designated as authorized to accept service of legal process for the vessel.

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CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

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§ 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 es-

tablishing 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 vessels described in subsection (b) if—

- (A) requested by an owner or operator; or
- (B) the vessel is—
 - (i) at least 50 feet overall in length;
 - (ii) built before July 1, 2013; and
 - (iii) 25 years of age or older; 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) *to conduct safety and prevention training that addresses behavioral and physical health risks, to include substance use disorder and worker fatigue, facing fishing vessel operators and crewmembers; and*

[(B)] (C) 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] subsection—

(A) on a competitive basis; and

(B) based on criteria developed in consultation with the Commandant of the Coast Guard.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

(4) There is authorized to be appropriated **[\$3,000,000 for fiscal year 2023]** *to the Secretary of Health and Human Services \$6,000,000 for each of fiscal years 2025 and 2026* 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, *and understanding and mitigating behavioral and physical health risks, to include substance use disorder and worker fatigue, facing members of the commercial fishing industry.*

(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] *subsection—*

(A) on a competitive basis; and

(B) based on criteria developed in consultation with the Commandant of the Coast Guard.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

(4) There is authorized to be appropriated **[\$3,000,000 for fiscal year 2023]** *to the Secretary of Health and Human Services \$6,000,000 for each of fiscal years 2025 and 2026* 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.

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CHAPTER 47—[BARGES] VESSELS

Sec.

SUBCHAPTER I—BARGES

4701. Definitions.

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SUBCHAPTER II—VESSELS

4710. Definitions.

4711. Abandonment of vessels prohibited.

4712. Inventory of abandoned vessels.

SUBCHAPTER I—BARGES

§ 4701. Definitions

In this [chapter] *subchapter—*

(1) “abandon” means to moor, strand, wreck, sink, or leave a barge 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 unattended for longer than forty-five days.

(2) “barge removal contractor” means a person that enters into a contract with the United States to remove an abandoned barge under this [chapter] *subchapter*.

(3) “navigable waters of the United States” means waters of the United States, including the territorial sea.

(4) “removal” or “remove” means relocation, sale, scrapping, or other method of disposal.

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§ 4703. Penalty for unlawful abandonment of barge

Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than \$1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which a penalty is assessed under this [chapter] *subchapter* is liable in rem for the penalty.

§ 4704. Removal of abandoned barges

(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures:

(A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail—

(i) that if the barge is not removed it will be removed at the owner’s or operator’s expense; and

(ii) of the penalty under section 4703.

(B) If the identity of the owner or operator cannot be determined, the Secretary shall publish an announcement in—

(i) a notice to mariners; and

(ii) an official journal of the county in which the barge is located

that if the barge is not removed it will be removed at the owner’s or operator’s expense.

(2) The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned barge under this [chapter] *subchapter*.

(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this [chapter] *subchapter*.

(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

§ 4705. Liability of barge removal contractors

(a) A barge removal contractor and its subcontractor are not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this [chapter] subchapter.

(b) Subsection (a) does not apply—

(1) with respect to personal injury or wrongful death; or

(2) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.

SUBCHAPTER II—NON-BARGE VESSELS

§ 4710. Definitions

In this subchapter:

(1) **ABANDON.**—*The term “abandon” means to moor, strand, wreck, sink, or leave a covered vessel unattended for longer than 45 days.*

(2) **COVERED VESSEL.**—*The term “covered vessel” means a vessel that is not a barge to which subchapter I applies.*

(3) **INDIAN TRIBE.**—*The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).*

§ 4711. Abandonment of vessels prohibited

(a) **IN GENERAL.**—*An owner or operator of a covered vessel may not abandon such vessel on the navigable waters of the United States.*

(b) **DETERMINATION OF ABANDONMENT.**—

(1) **NOTIFICATION.**—

(A) **IN GENERAL.**—*With respect to a covered vessel that appears to be abandoned, the Commandant of the Coast Guard shall—*

(i) attempt to identify the owner using the vessel registration number, hull identification number, or any other information that can be reasonably inferred or gathered; and

(ii) notify such owner—

(I) of the penalty described in subsection (c); and

(II) that the vessel will be removed at the expense of the owner if the Commandant determines that the vessel is abandoned and the owner does not remove or account for the vessel.

(B) **FORM.**—*The Commandant shall provide the notice required under subparagraph (A)—*

(i) if the owner can be identified, via certified mail or other appropriate forms determined by the Commandant; or

(ii) if the owner cannot be identified, via an announcement in a local publication and on a website maintained by the Coast Guard.

(2) *DETERMINATION.*—The Commandant shall make a determination not earlier than 45 days after the date on which the Commandant provides the notification required under paragraph (1) of whether a covered vessel described in such paragraph is abandoned.

(c) *PENALTY.*—

(1) *IN GENERAL.*—The Commandant may assess a civil penalty of not more than \$500 against an owner or operator of a covered vessel determined to be abandoned under subsection (b) for a violation of subsection (a).

(2) *LIABILITY IN REM.*—The owner or operator of a covered vessel shall also be liable in rem for a penalty imposed under paragraph (1).

(d) *VESSELS NOT ABANDONED.*—The Commandant may not determine that a covered vessel is abandoned under this section if—

(1) such vessel is located at a federally approved or State approved mooring area;

(2) such vessel is located on private property with the permission of the owner of such property;

(3) the owner or operator of such vessel provides a notification to the Commandant that—

(A) indicates the location of the vessel;

(B) indicates that the vessel is not abandoned; and

(C) contains documentation proving that the vessel is allowed to be in such location; or

(4) the Commandant determines that such an abandonment determination would not be in the public interest.

§4712. Inventory of abandoned vessels

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this section, the Commandant, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and relevant State agencies, shall establish and maintain a national inventory of covered vessels that are abandoned.

(b) *CONTENTS.*—The inventory established and maintained under subsection (a) shall include data on each vessel, including geographic information system data related to the location of each such vessel.

(c) *PUBLICATION.*—The Commandant shall make the inventory established under subsection (a) publicly available on a website of the Coast Guard.

(d) *REPORTING OF POTENTIALLY ABANDONED VESSELS.*—In carrying out this section, the Commandant shall develop a process by which—

(1) a State, Indian Tribe, or person may report a covered vessel that may be abandoned to the Commandant for potential inclusion in the inventory established under subsection (a); and

(2) the Commandant shall review any such report and add such vessel to the inventory if the Commandant determines that the reported vessel is abandoned pursuant to section 4711.

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PART D—MARINE CASUALTIES

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CHAPTER 63—INVESTIGATING MARINE CASUALTIES

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§ 6308. Information barred in legal proceedings

(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding **[initiated]** *conducted* by the United States.

(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6301 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.

(c) Nothing in this section prohibits the United States from calling the employee or member as an expert witness to testify on its behalf. Further, nothing in this section prohibits the employee or member from being called as a fact witness in any case in which the United States is a party. If the employee or member is called as an expert or fact witness, the applicable Federal Rules of Civil Procedure govern discovery. If the employee or member is called as a witness, the report of a marine casualty investigation conducted under section 6301 of this title shall not be admissible, as provided in subsections (a) and (b), and shall not be considered the report of an expert under the Federal Rules of Civil Procedure.

(d) The information referred to in subsections (a), (b), and (c) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions and statements.

(e) *For purposes of this section, an administrative proceeding conducted by the United States includes proceedings under section 7701 and claims adjudicated under section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713).*

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PART E—[MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS] *MER- CHANT MARINER CREDENTIALS*

* * * * *

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.

* * * * *

[7102. Citizenship.]

7102. Citizenship or noncitizen nationality.

* * * * *

§ 7102. Citizenship or noncitizen nationality

Licenses and certificates of registry for individuals on documented vessels may be issued only to citizens *or noncitizen nationals* (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408)) of the United States.

* * * * *

§ 7116. Examinations for merchant mariner credentials

(a) REQUIREMENT FOR SAMPLE EXAMS.—The Secretary shall develop a sample merchant mariner credential examination and outline of merchant mariner examination topics on an annual basis.

(b) PUBLIC AVAILABILITY.—Each sample examination and outline of topics developed under subsection (a) shall be readily available to the public.

[(c) MERCHANT MARINER CREDENTIAL DEFINED.—In this section, the term “merchant mariner credential” has the meaning that term has in section 7510.]

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CHAPTER 73—MERCHANT MARINERS’ DOCUMENTS

Sec.

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[7304. Citizenship notation on merchant mariners’ documents.]

7304. Citizenship or noncitizen nationality notation on merchant mariners’ documents.

* * * * *

[7306. General requirements and classifications for able seamen.]

7306. General requirements and classifications for members of deck departments.

7307. Able [seamen] *seafarers*—unlimited.

7308. Able [seamen] *seafarers*—limited.

7309. Able [seamen] *seafarers*—special.

7310. Able [seamen] *seafarers*—offshore supply vessels.

7311. Able [seamen] *seafarers*—sail.

7311a. Able [seamen] *seafarers*—fishing industry.

* * * * *

§ 7301. General

(a) In this chapter—

(1) “service on deck” means service in the deck department in work related to the work usually performed on board vessels by able [seamen] *seafarers* and may include service on fishing, fish processing, fish tender vessels and on public vessels of the United States;

(2) 360 days is equal to one year’s service; and

(3) a day is equal to 8 hours of labor or duty.

(b) The Secretary may prescribe regulations to carry out this chapter.

* * * * *

§ 7304. Citizenship or noncitizen nationality notation on merchant mariners' documents

An individual applying for a merchant mariner's document shall provide satisfactory proof that the individual is a citizen or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408)) of the United States before that notation is made on the document.

* * * * *

[§ 7306. General requirements and classifications for able seamen

[(a) To qualify for an endorsement as able seaman authorized by this section, an applicant must provide satisfactory proof that the applicant—

[(1) is at least 18 years of age;

[(2) has the service required by the applicable section of this part;

[(3) is qualified professionally as demonstrated by an applicable examination or educational requirements; and

[(4) is qualified as to sight, hearing, and physical condition to perform the seaman's duties.

[(b) The classifications authorized for endorsement as able seaman are the following:

[(1) able seaman—unlimited.

[(2) able seaman—limited.

[(3) able seaman—special.

[(4) able seaman—offshore supply vessels.

[(5) able seaman—sail.

[(6) able seaman—fishing industry.]

§ 7306. General requirements and classifications for members of deck departments

(a) *IN GENERAL.*—The Secretary may issue a merchant mariner credential, to members of the deck department in the following classes:

(1) *Able Seaman-Unlimited.*

(2) *Able Seaman-Limited.*

(3) *Able Seaman-Special.*

(4) *Able Seaman-Offshore Supply Vessels.*

(5) *Able Seaman-Sail.*

(6) *Able Seaman-Fishing Industry.*

(7) *Ordinary Seaman.*

(b) *CLASSIFICATION OF CREDENTIALS.*—The Secretary may classify the merchant mariner credential issued under subsection (a) based on—

(1) *the tonnage and means of propulsion of vessels;*

(2) *the waters on which vessels are to be operated; or*

(3) *other appropriate standards.*

(c) *CONSIDERATIONS.*—*In issuing the credential under subsection (a), the Secretary may consider the following qualifications of the merchant mariner:*

- (1) *Age.*
- (2) *Character.*
- (3) *Habits of life.*
- (4) *Experience.*
- (5) *Professional qualifications demonstrated by satisfactory completion of applicable examinations or other educational requirements.*
- (6) *Physical condition, including sight and hearing.*
- (7) *Other requirements established by the Secretary, including career patterns and service appropriate to the particular service, industry, or job functions the individual is engaged.*

§ 7307. Able [seamen] seafarers—unlimited

The required service for the endorsement of able [seaman] seafarer—unlimited, qualified for unlimited service on a vessel on any waters, is at least [3 years] *18 months'* service on deck on board vessels operating at sea or on the Great Lakes.

§ 7308. Able [seamen] seafarers—limited

The required service for the endorsement of able [seaman] seafarer—limited, qualified for limited service on a vessel on any waters, is at least [18 months] *12 months'* service on deck on board vessels 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 operating on the oceans or navigable waters of the United States (including the Great Lakes).

§ 7309. Able [seamen] seafarers—special

The required service for the endorsement of able [seaman] seafarer—special, qualified for special service on a vessel on any waters, is at least [12 months] *6 months'* service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

§ 7310. Able [seamen] seafarers—offshore supply vessels

For service on a vessel of less than 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 engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, an individual may be rated as able [seaman] seafarer—offshore supply vessels if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

§ 7311. Able [seamen] seafarers—sail

For service on a sailing school vessel on any waters, an individual may be rated as able [seaman] seafarer—sail if the individual has at least 6 months' service on deck on sailing school vessels, oceanographic research vessels powered primarily by sail, or

equivalent sailing vessels operating on the oceans or navigable waters of the United States (including the Great Lakes).

§ 7311a. Able [seamen] seafarers—fishing industry

For service on a fish processing vessel, an individual may be rated as able [seaman] *seafarer*—fishing industry if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

§ 7312. Scale of employment

(a) Individuals qualified as able [seamen] *seafarers*—unlimited under section 7307 of this title may constitute all of the able [seamen] *seafarers* required on a vessel.

(b) Individuals qualified as able [seamen] *seafarers*—limited under section 7308 of this title may constitute all of the able [seamen] *seafarers* required on a 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 or on a vessel operating on the Great Lakes and the Saint Lawrence River as far east as Sept Iles. Individuals qualified as able [seamen] *seafarers*—limited may constitute not more than 50 percent of the number of able [seamen] *seafarers* required on board other vessels.

(c) Individuals qualified as able [seamen] *seafarers*—special under section 7309 of this title may constitute—

(1) all of the able [seamen] *seafarers* required on a vessel of not more than 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 or on a seagoing barge or towing vessel; and

(2) not more than 50 percent of the number of able [seamen] *seafarers* required on board other vessels.

(d) Individuals qualified as able [seamen] *seafarers*—offshore supply vessel under section 7310 of this title may constitute all of the able [seamen] *seafarers* required on board a vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources. Individuals qualified as able [seamen] *seafarers*—limited under section 7308 of this title may constitute all of the able [seamen] *seafarers* required on board a vessel of at least 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(e) When the service of able [seamen] *seafarers*—limited or able [seamen] *seafarers*—special is authorized for only a part of the required number of able [seamen] *seafarers* on board a vessel, the combined percentage of those individuals so qualified may not be greater than 50 percent of the required number.

(f) Individuals qualified as able [seamen] *seafarers*—fishing industry under section 7311a of this title may constitute—

(1) all of the able [seamen] *seafarers* required on a fish processing vessel entered into service before January 1, 1988, and of more than 1,600 gross tons but 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; and

(2) all of the able [seamen] *seafarers* required on a fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products but 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.

§ 7313. General requirements for members of engine departments

(a) Classes of endorsement as qualified members of the engine department on vessels 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 vessels operating on rivers or lakes (except the Great Lakes)) may be prescribed by regulation.

(b) The ratings of wiper [and coal passer] are entry ratings and are not ratings as qualified members of the engine department.

(c) An applicant for an endorsement as qualified member of the engine department must provide satisfactory proof that the applicant—

(1) has the service required by section 7314 of this title;

(2) is qualified professionally as demonstrated by an applicable examination; and

(3) is qualified as to sight, hearing, and physical condition to perform the member's duties.

* * * * *

§ 7315. Training

[(a) Graduation from a nautical school vessel approved under law and regulation may be substituted for the service requirements under section 7307 or 7314 of this title.]

(a) *Graduation from a nautical school program approved by the Secretary may be substituted for the service requirements under sections 7307–7312 and 7314.*

(b) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than [one-third] *one-half* of the required service on deck at sea under sections [7307–7311 of this title] *7307–7312 and 7314.*

[(c) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-half of the required service at sea under section 7314 of this title.]

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CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

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§ 7502. Records

(a) The Secretary shall maintain records, including electronic records, on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a ~~seaman~~ *seafarer* on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.

* * * * *

§ 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]** *seafarers* or a specifically identified group of **[seamen]** *seafarers*.

(d) **RENEWAL.**—*With respect to any renewal of an active merchant mariner credential issued under this part that is not an extension under subsection (a) or (b), such credential shall begin the day after the expiration of the active credential of the credential holder.*

* * * * *

§ 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 mariner licensing.
- (9) CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 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 mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.]

§ 7511. Convicted sex offender as grounds for denial

(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; [or]

(2) *section 920 or 920b of title 10 (article 120 and 120b of the Uniform Code of Military Justice); or*

[(2)] (3) a substantially similar offense under [State, local, or Tribal law] *Federal, State, local, or Tribal law*.

(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner’s document authorized to be issued under this part may be denied to an individual who within 5 years before applying for the license, certificate, or document, has been convicted of a sexual offense prohibited under subsection (b) of section 2244 of title 18, or a substantially similar offense under State, local, or Tribal law.

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CHAPTER 77—SUSPENSION AND REVOCATION

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§ 7702. Administrative procedure

(a) Sections 551–559 of title 5 apply to each hearing under this chapter about suspending or revoking a license, certificate of registry, or merchant mariner’s document.

(b) The individual whose license, certificate of registry, or merchant mariner’s document has been suspended or revoked under this chapter may appeal, within 30 days, the suspension or revocation to the Secretary.

(c)(1) The Secretary shall request a holder of a license, certificate of registry, or merchant mariner’s document to make available to the Secretary, under section 30305(b)(7) of title 49, all information contained in the National Driver Register related to an offense described in section 205(a)(3)(A) or (B) of that Act committed by the individual.

(2) The Secretary shall require the testing of the holder of a license, certificate of registry, or merchant mariner’s document for use of alcohol and dangerous drugs in violation of law or Federal regulation. The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.

(d)(1) The Secretary may temporarily, for not more than 45 days, suspend and take possession of the license, certificate of registry, or merchant mariner’s document held by [an individual if—] *an individual—*

(A) *if—*

[(A)] (i) that individual performs a safety sensitive function on a vessel, as determined by the Secretary; and

[(B)] (ii) there is probable cause to believe that the individual—

[(i)] (I) has, while acting under the authority of that license, certificate, or document, performed the safety sensitive function in violation of law or Federal regulation regarding use of alcohol or a dangerous drug;

[(ii)] (II) has been convicted of an offense that would prevent the issuance or renewal of the license, certificate, or document;

[(iii)] (III) within the 3-year period preceding the initiation of a suspension proceeding, has been convicted of an offense described in section 30304(a)(3)(A) or (B) of title 49; or

[(iv)] (IV) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment[.]; or

(B) if there is probable cause to believe that the individual has violated company policy and is a security risk that poses a threat to other individuals on the vessel.

(2) If a license, certificate, or document is temporarily suspended under this section, an expedited hearing under subsection (a) of this section shall be held within 30 days after the temporary suspension.

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PART F—MANNING OF VESSELS

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CHAPTER 81—GENERAL

Sec.
8101. Complement of inspected vessels.

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[8103. Citizenship and Navy Reserve requirements.]

8103. *Citizenship or noncitizen nationality and Navy Reserve requirements.*

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8109. *Exemptions from manning and crew requirements.*

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§ 8103. Citizenship or noncitizen nationality and Navy Reserve requirements

(a) Except as otherwise provided in this title, only a citizen or noncitizen national 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] seafarer must be—

(i) a citizen or noncitizen national 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】** *seafarers* 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;
 - (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 *or noncitizen nationality* 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】** *seafarers* who are citizens *or noncitizen nationals* 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】** *seafarers* of the vessel must be citizens *or noncitizen nationals* 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 *or noncitizen nationals* of the United States.
- (2) An individual not required by this subsection to be a citizen *or noncitizen national* of the United States may be engaged only if the individual has a declaration of intention to become a citizen *or noncitizen national* 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 *or noncitizen national* of the United States can be obtained, an individual not a citizen *or noncitizen national* 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 Great Lakes St. 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】** *seafarer* 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 *or noncitizen national* 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】** *seafarers* 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.—This section does not apply to an individual who is a riding gang member.

(k) CREW REQUIREMENTS FOR LARGE PASSENGER VESSELS.—

(1) CITIZENSHIP AND NATIONALITY.—Each unlicensed **【seaman】** *seafarer* on a large passenger vessel shall be—

(A) a citizen *or noncitizen national* 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.—Not more than 25 percent of the unlicensed **【seamen】** *seafarers* 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.—

(A) QUALIFICATIONS.—An unlicensed **【seaman】** *seafarer* 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】** *seafarer* and from databases available to the public with respect to the **【seaman】** *seafarer*;

(II) that consisted of a search of all information reasonably available to the owner or managing operator in the seaman's country of citizenship and any other country in which the **【seaman】** *seafarer* 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】** *seafarer* 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】** *seafarer* 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 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 mariner’s document, as prescribed under regulations promulgated by the Secretary, if the **【seaman】** *seafarer* possesses—

(I) an unexpired passport issued by the government of the country of which the **【seaman】** *seafarer* is a citizen or subject; and

(II) an unexpired visa issued to the **【seaman】** *seafarer*, as described in paragraph (1)(C);

(iii) shall, if eligible, be issued a 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.

(I) NONCITIZEN NATIONAL DEFINED.—In this section, the term “noncitizen national” means an individual described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408).

§ 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 operations) 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, 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, 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. 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) 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) 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** *seafarers* 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 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]** *seafarer* 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.

* * * * *

§ 8106. Riding gangs

(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

(1) ensure that—

(A) subject to subsection (d), each riding gang member 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 nonimmigrant 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 member is kept on the vessel and available for inspection by the Secretary; and

(C) each riding gang member is identified on the vessel’s crew list;

(2) ensure that—

(A) the owner or managing operator attests in a certificate that the background of each riding gang member 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;

- (B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member's country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;
- (C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and
- (D) the information derived from any such background check is made available to the Secretary upon request;
- (3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;
- (4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;
- (5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—
 - (A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;
 - (B) whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under section 7704; or
 - (C) who otherwise constitutes a threat to the safety of the vessel;
- (6) ensure and certify to the Secretary that the sum of—
 - (A) the number of riding gang members on board a freight vessel, and
 - (B) the number of individuals in addition to crew permitted under section 3304,
 does not exceed 12;
- (7) ensure that every riding gang member 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] *seafarers* protection and relief provided under United States law; and
- (8) ensure that each riding gang member—
 - (A) is supervised by an individual who holds a license issued under chapter 71; and
 - (B) only performs work in conjunction with individuals who hold merchant mariners documents issued under chapter 73 and who are part of the vessel's crew.
- (b) PERMITTED WORK.—Subject to subsection (f), a riding gang member on board a vessel to which subsection (a) applies who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—
 - (1) work in preparation of a vessel entering a shipyard located outside of the United States;

(2) completion of the residual repairs after departing a shipyard located outside of the United States; or

(3) technical in-voyage repairs, in excess of any repairs that can be performed by the vessel's crew, in order to advance the vessel's useful life without having to actually enter a shipyard.

(c) WORKDAY LIMIT.—

(1) IN GENERAL.—The maximum number of days in any calendar year that the owner or operator of a vessel to which subsection (a) applies may employ on board riding gang members who are neither United States citizens nor aliens lawfully admitted to the United States for permanent residence for work on board that vessel is 60 days. If the vessel is at sea on the 60th day, each riding gang member shall be discharged from the vessel at the next port of call reached by the vessel after the date on which the 60-workday limit is reached.

(2) CALCULATION.—For the purpose of calculating the 60-workday limit under this subsection, each day worked by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limitation.

(d) EXCEPTIONS FOR WARRANTY WORK.—

(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed exclusively to perform, and who performs only, work that is—

(A) customarily performed by original equipment manufacturers' technical representatives;

(B) required by a manufacturer's warranty on specific machinery and equipment; or

(C) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.

(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.

(e) 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.

(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—

(1) IN GENERAL.—The owner or operator of a vessel to which subsection (a) applies may not employ a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8103(b)(3)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.

(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than \$10,000 for each day during which the violation continues.

(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall be \$100,000.

(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

(5) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

* * * * *

§ 8109. Exemptions from manning and crew requirements

(a) *IN GENERAL.*—The Secretary may provide an exemption described in subsection (b) to the owner or operator of a covered facility if each individual who is manning or crewing the covered facility is—

- (1) a citizen of the United States;
- (2) an alien lawfully admitted to the United States for permanent residence; or
- (3) a citizen of the nation under the laws of which the vessel is documented.

(b) *REQUIREMENTS FOR ELIGIBILITY FOR EXEMPTION.*—An exemption under this subsection is an exemption from the regulations established pursuant to section 302(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)(3)).

(c) *LIMITATIONS.*—An exemption under this section—

- (1) shall provide that the number of individuals manning or crewing the covered facility who are described in paragraphs (2) and (3) of subsection (a) may not exceed two and one-half times the number of individuals required to man or crew the covered facility under the laws of the nation under the laws of which the covered facility is documented; and
- (2) shall be effective for not more than 12 months, but may be renewed by application to and approval by the Secretary.

(d) *APPLICATION.*—To be eligible for an exemption or a renewal of an exemption under this section, the owner or operator of a covered facility shall apply to the Secretary with an application that includes a sworn statement by the applicant of all information required for the issuance of the exemption.

(e) *REVOCATION.*—

(1) *IN GENERAL.*—The Secretary—

(A) may revoke an exemption for a covered facility under this section if the Secretary determines that information provided in the application for the exemption was false or incomplete, or is no longer true or complete; and

(B) shall immediately revoke such an exemption if the Secretary determines that the covered facility, in the effective period of the exemption, was manned or crewed in a manner not authorized by the exemption.

(2) *NOTICE REQUIRED.*—The Secretary shall provides notice of a determination under subparagraph (A) or (B) of paragraph (1) to the owner or operator of the covered facility.

(f) *REVIEW OF COMPLIANCE.*—The Secretary shall periodically, but not less than once annually, inspect each covered facility that operates under an exemption under this section to verify the owner or operator of the covered facility's compliance with the exemption. During an inspection under this subsection, the Secretary shall require all crew members serving under the exemption to hold a valid transportation security card issued under section 70105.

(g) *PENALTY.*—In addition to revocation under subsection (e), the Secretary may impose on the owner or operator of a covered facility a civil penalty of \$10,000 per day for each day the covered facility—

(1) is manned or crewed in violation of an exemption under this subsection; or

(2) operated under an exemption under this subsection that the Secretary determines was not validly obtained.

(h) *NOTIFICATION OF SECRETARY OF STATE.*—The Secretary shall notify the Secretary of State of each exemption issued under this section, including the effective period of the exemption.

(i) *DEFINITIONS.*—In this section:

(1) *COVERED FACILITY.*—The term “covered facility” means any vessel, rig, platform, or other vehicle or structure, over 50 percent of which is owned by citizens of a foreign nation or with respect to which the citizens of a foreign nation have the right effectively to control, except to the extent and to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation, policy, or practice, a national manning requirement for equipment engaged in the exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas.

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

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PART H—IDENTIFICATION OF VESSELS

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CHAPTER 121—DOCUMENTATION OF VESSELS

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SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

§ 12111. Registry endorsement

(a) *REQUIREMENTS.*—A registry endorsement may be issued for a vessel that satisfies the requirements of section 12103 of this title.

(b) *AUTHORIZED ACTIVITY.*—A vessel for which a registry endorsement is issued may engage in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) *CERTAIN VESSELS OWNED BY TRUSTS.*—

(1) NONAPPLICATION OF BENEFICIARY CITIZENSHIP REQUIREMENT.—For the issuance of a certificate of documentation with only a registry endorsement, the beneficiaries of a trust are not required to be citizens of the United States if the trust qualifies under paragraph (2) and the vessel is subject to a charter to a citizen of the United States.

(2) REQUIREMENTS FOR TRUST TO QUALIFY.—

(A) IN GENERAL.—Subject to subparagraph (B), a trust qualifies under this paragraph with respect to a vessel only if—

- (i) each trustee is a citizen of the United States; and
- (ii) the application for documentation of the vessel includes the affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person that is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States.

(B) AUTHORITY OF NON-CITIZENS.—If any person that is not a citizen of the United States has authority to direct or participate in directing a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee for a trust without cause, either directly or indirectly through the control of another person, the trust is not qualified under this paragraph unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee.

(C) OWNERSHIP BY NON-CITIZENS.—Subparagraphs (A) and (B) do not prohibit a person that is not a citizen of the United States from holding more than 25 percent of the beneficial interest in a trust.

(3) CITIZENSHIP OF PERSON CHARTERING VESSEL.—If a person chartering a vessel from a trust that qualifies under paragraph (2) is a citizen of the United States under section 50501 of this title, the vessel is deemed to be owned by a citizen of the United States for purposes of that section and related laws, except chapter 531 of this title.

(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—
(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities that is located over the outer Continental Shelf (as defined in

section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); or

(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit *or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities* located over the outer Continental Shelf that is not attached to the seabed.

(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.

(3) *ENERGY PRODUCTION OR TRANSMISSION FACILITY DEFINED.*—*In this subsection, the term “energy production or transmission facility” means a floating offshore facility that is—*

(A) not a vessel;

(B) securely and substantially moored to the seabed, but not by driven pile anchors; and

(C) equipped with wind turbines which are used for the generation and transmission of non-mineral energy resources.

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SUBCHAPTER III—MISCELLANEOUS

§ 12131. Command of documented vessels

(a) IN GENERAL.—Except as provided in subsection (b), a documented vessel may be placed under the command only of a citizen *or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))* of the United States.

(b) EXCEPTIONS.—Subsection (a) does not apply to—

(1) a vessel with only a recreational endorsement; or

(2) an unmanned barge operating outside of the territorial waters of the United States.

* * * * *

§ 12135. Invalidation of certificates of documentation

A certificate of documentation or an endorsement on the certificate is invalid if the vessel for which it is issued—

(1) no longer meets the requirements of this chapter and regulations prescribed under this chapter applicable to the certificate or endorsement; or

(2) is placed under the command of an individual not a citizen *or noncitizen national (as such term is described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408))* of the United States in violation of section 12131 of this title.

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PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

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CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

Sec.

15101. National Chemical Transportation Safety Advisory Committee.

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15110. *Establishment of National Advisory Committee on Autonomous Maritime Systems.*

* * * * *

§ 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** *17 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 operations.

(D) 1 member shall represent entities engaged in the construction of offshore facilities.

(E) 1 member shall represent entities providing diving services to the offshore industry.

(F) 1 member shall represent entities providing safety and training services to the offshore industry.

(G) 1 member shall represent entities 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 industry.

(I) 1 member shall represent national environmental entities and entities providing environmental protection, compliance, or response services to the offshore industry.

(J) 1 member shall represent 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).

(L) 2 members shall represent entities engaged in non-mineral energy activities on the Outer Continental Shelf.

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§15110. Establishment of National Advisory Committee on Autonomous Maritime Systems

(a) *ESTABLISHMENT.*—There is established a National Advisory Committee on Autonomous Maritime Systems (in this section referred to as the “Committee”).

(b) *FUNCTION.*—The Committee shall advise the Secretary on matters relating to the regulation and use of Autonomous Systems within the territorial waters of the United States.

(c) *MEMBERSHIP.*—

(1) *IN GENERAL.*—The Committee shall consist of 9 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.*—Each of the following groups shall be represented by at least 1 member on the Committee:

(A) Marine safety or security entities.

(B) Vessel design and construction entities.

(C) Entities engaged in the production or research of unmanned vehicles, including drones, autonomous or semi-autonomous vehicles, or any other product or service integral to the provision, maintenance, or management of such products or services.

(D) Port districts, authorities, or terminal operators.

(E) Vessel operators.

(F) National labor unions representing merchant mariners.

(G) Maritime pilots.

(H) Commercial space transportation operators.

(I) Academic institutions.

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SUBTITLE V—MERCHANT MARINE

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PART D—PROMOTIONAL PROGRAMS

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CHAPTER 551—COASTWISE TRADE

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§ 55102. Transportation of merchandise

(a) **DEFINITION.**—In this section, the term “merchandise” includes—

- (1) merchandise owned by the United States Government, a State, or a subdivision of a State; and
- (2) valueless material.

(b) **REQUIREMENTS.**—Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not provide any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port, unless the vessel—

- (1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and
- (2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(c) **PENALTY.**—Merchandise transported in violation of subsection (b) is liable to seizure by and forfeiture to the Government. Alternatively, an amount equal to the value of the merchandise (as determined by the Secretary of Homeland Security) or the actual cost of the transportation, whichever is greater, may be recovered from any person transporting the merchandise or causing the merchandise to be transported.

(d) **PUBLICATION OF PENALTY.**—

(1) **IN GENERAL.**—*Not later than 14 days after the issuance of a pre-penalty notice or a penalty, including a settlement, under subsection (c), the Secretary of Homeland Security shall publish such pre-penalty notice or a notification of such penalty in the Customs Bulletin and Decisions to the party impacted by the penalty.*

(2) **CONTENTS.**—*A pre-penalty notice or penalty notification published under paragraph (1) shall include—*

- (A) *the name and the International Maritime Organization identification number of the vessel that is the subject of the penalty;*
- (B) *the name of the owner of the vessel that is the subject of the penalty;*
- (C) *the amount of the fine or value of merchandise seized; and*
- (D) *a summary of the alleged misconduct and justification for imposing a penalty.*

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SUBTITLE VII—SECURITY AND DRUG ENFORCEMENT

700 Ports and Waterways Safety[70001.] 70001

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CHAPTER 700—PORTS AND WATERWAYS SAFETY

SUBCHAPTER I—VESSEL OPERATIONS

Sec.

70001. Vessel traffic services.

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70006. Establishment by the Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.】

70006. *Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.*

70007. Anchorage grounds.

70008. *Special activities in exclusive economic zone.*

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SUBCHAPTER SUBCHAPTER IV—DEFINITIONSSUBCHAPTER, SUBCHAPTER REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

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SUBCHAPTER SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS 【SUBCHAPTER OF THE UNITED】SUBCHAPTER SUBCHAPTER OF UNITED SUBCHAPTER STATES

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SUBCHAPTER I—VESSEL OPERATIONS

§ 70001. Vessel traffic services

(a) IN GENERAL.—Subject to the requirements of section 70004, the Secretary—

(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

(3) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety, except that the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

(A) specifying times of entry, movement, or departure;

- (B) establishing vessel traffic routing schemes;
- (C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and
- (D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

(b) NATIONAL POLICY.—

(1) ESTABLISHMENT AND UPDATE OF NATIONAL POLICY.—

(A) ESTABLISHMENT OF POLICY.—Not later than one year after the date of enactment of this section, the Secretary shall establish a national policy which is inclusive of local variances permitted under subsection (c), to be applied to all vessel traffic service centers and publish such policy in the Federal Register.

(B) UPDATE.—The Secretary shall periodically update the national policy established under subparagraph (A) and shall publish such update in the Federal Register or on a publicly available website.

(2) ELEMENTS.—The national policy established and updated under paragraph (1) shall include, at a minimum, the following:

(A) Standardization of titles, roles, and responsibilities for all personnel assigned, working, or employed in a vessel traffic service center.

(B) Standardization of organizational structure within vessel traffic service centers, to include supervisory and reporting chain and processes.

(C) Establishment of directives for the application of authority provided to each vessel traffic service center, specifically with respect to directing or controlling vessel movement when such action is justified in the interest of safety.

(D) Establishment of thresholds and measures for monitoring, informing, recommending, and directing vessel traffic.

(E) Establishment of national procedures and protocols for vessel traffic management.

(F) Standardization of training for all vessel traffic service directors, operators, and watchstanders.

(G) Establishment of certification and competency evaluation for all vessel traffic service directors, operators, and watchstanders.

(H) Establishment of standard operating language when communicating with vessel traffic users.

(I) Establishment of data collection, storage, management, archiving, and dissemination policies and procedures for vessel incidents and near-miss incidents.

(c) LOCAL VARIANCES.—

(1) DEVELOPMENT.—In this section, the Secretary may provide for such local variances as the Secretary considers appropriate to account for the unique vessel traffic, waterway characteristics, and any additional factors that are appropriate to enhance navigational safety in any area where vessel traffic services are provided.

(2) REVIEW AND APPROVAL BY SECRETARY.—The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy established and updated under subsection (b) to account for variances from that national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate.

(3) REVIEW AND IMPLEMENTATION.—Not later than 180 days after receiving regional policies under paragraph (2)—

(A) the Secretary shall review such regional policies; and

(B) the Captain of the port concerned shall implement the policies that the Secretary approves.

(4) MAINTENANCE.—The Secretary shall maintain a central depository for all local variances approved under this section.

(d) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

(2) INTERNATIONAL COORDINATION.—With respect to vessel traffic service areas that cross international boundaries, the Secretary may enter into bilateral or cooperative agreements with international partners to jointly carry out the functions under subsection (a)(1) and to jointly manage such areas to collect, share, assess, and analyze information in the possession or control of the international partner.

(3) LIMITATION.—

(A) INHERENTLY GOVERNMENTAL FUNCTION.—A non-governmental entity may not under this subsection carry out an inherently governmental function.

(B) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—In this paragraph, the term “inherently governmental function” means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents.

(e) PERFORMANCE EVALUATION.—

(1) IN GENERAL.—The Secretary shall develop and implement a standard method for evaluating the performance of vessel traffic service centers.

(2) ELEMENTS.—The standard method developed and implemented under paragraph (1) shall include, at a minimum, analysis and collection of data with respect to the following within a vessel traffic service area covered by each vessel traffic service center:

(A) Volume of vessel traffic, categorized by type of vessel.

(B) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

(C) Data on near-miss incidents.

(D) Data on marine casualties.

(E) Application by vessel traffic operators of traffic management authority during near-miss incidents and marine casualties.

(F) Other additional methods as the Secretary considers appropriate.

(3) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, 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 evaluation conducted under paragraph (1) of the performance of vessel traffic service centers, including—

(A) recommendations to improve safety and performance; and

(B) data regarding marine casualties and near-miss incidents that have occurred during the period covered by the report.

(f) RISK ASSESSMENT PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a continuous risk assessment program to evaluate and mitigate safety risks for each vessel traffic service area to improve safety and reduce the risks of oil and hazardous material discharge in navigable waters.

(2) METHOD FOR ASSESSMENT.—The Secretary, in coordination with stakeholders and the public, shall develop a standard method for conducting risk assessments under paragraph (1) that includes the collection and management of all information necessary to identify and analyze potential hazardous navigational trends within a vessel traffic service area.

(3) INFORMATION TO BE ASSESSED.—

(A) IN GENERAL.—The Secretary shall ensure that a risk assessment conducted under paragraph (1) includes an assessment of the following:

(i) Volume of vessel traffic, categorized by type of vessel.

(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

(iii) Data on near-miss events incidents.

(iv) Data on marine casualties.

(v) Geographic locations for near-miss events incidents and marine casualties, including latitude and longitude.

(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

(B) INFORMATION STORAGE AND MANAGEMENT POLICIES.—The Secretary shall retain all information collected under subparagraph (A) and ensure policies and procedures are in place to standardize the format in which that information is retained to facilitate statistical analysis of that information to calculate within a vessel traffic service area, at a minimum, the incident rate, intervention rate, and casualty prevention rate.

(4) PUBLIC AVAILABILITY.—

(A) ASSESSMENTS AND INFORMATION.—In accordance with section 552 of title 5, the Secretary shall make any risk assessments conducted under paragraph (1) and any information collected under paragraph (3)(A) available to the public.

(B) INFORMATION IN POSSESSION OR CONTROL OF INTERNATIONAL PARTNERS.—The Secretary shall endeavor to coordinate with international partners as described in subsection (d)(2) to enter into agreements to make information collected, shared, and analyzed under that paragraph available to the public.

(C) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near-miss incidents.

(g) VESSEL TRAFFIC SERVICE TRAINING.—

(1) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a comprehensive nationwide training program for all vessel traffic service directors, operators, and watchstanders.

(B) ELEMENTS.—The comprehensive nationwide training program under subparagraph (A) and any variances to that program under subsection (c) shall include, at a minimum, the following:

(i) Realistic vessel traffic scenarios to the maximum extent practicable that integrate—

(I) the national policy developed under subsection (b);

(II) international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.);

(III) inland navigation rules under part 83 of title 33, Code of Federal Regulations;

(IV) the application of vessel traffic authority;
and

(V) communication with vessel traffic service users.

(ii) Proficiency training with respect to use, interpretation, and integration of available data on vessel traffic service display systems such as radar, and vessel automatic identification system feeds.

(iii) Practical application of—

(I) the international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.); and

(II) the inland navigation rules under part 83 of title 33, Code of Federal Regulations.

(iv) Proficiency training with respect to the operation of radio communications equipment and any other applicable systems necessary to execute vessel traffic service authorities.

(v) Incorporation of the Standard Marine Communication Phrases adopted by the International Maritime Organization by resolution on April 4, 2000, as amended and consolidated, or any successor resolution.

(vi) Incorporation to the maximum extent possible of guidance and recommendations contained in vessel traffic services operator training, vessel traffic services supervisor training, or other relevant training set forth by the International Association of Marine Aids to Navigation and Lighthouse Authorities.

(vii) A minimum number of hours of training for an individual to complete before the individual is qualified to fill a vessel traffic services position without supervision.

(viii) Local area geographic and operational familiarization.

(ix) Such additional components as the Secretary considers appropriate.

(2) STANDARD COMPETENCY QUALIFICATION PROCESS.—

(A) IN GENERAL.—The Secretary shall develop a standard competency qualification process to be applied to all personnel assigned, employed, or working in a vessel traffic service center.

(B) APPLICATION OF PROCESS.—The competency qualification process developed under subparagraph (A) shall include measurable thresholds for determining proficiency.

(3) INTERNATIONAL AND INLAND NAVIGATION RULES TEST.—

(A) IN GENERAL.—All personnel assigned, employed, or working in a vessel traffic service center with responsibilities that include communicating, interacting, or directing vessels within a vessel traffic service area, as determined under the national policy developed under subsection (b), shall be required to pass a United States international and inland navigation rules test developed by the Secretary.

(B) ELEMENTS OF TEST.—The Secretary shall determine the content and passing standard for the rules test developed under subparagraph (A).

(C) TESTING FREQUENCY.—The Secretary shall establish a frequency, not to exceed once every 5 years, for personnel described in subparagraph (A) to be required to pass the rules test developed under such subparagraph.

(h) RESEARCH ON VESSEL TRAFFIC.—

(1) VESSEL COMMUNICATION.—The Secretary shall conduct research, in consultation with subject matter experts identified by the Secretary, to develop more effective procedures for monitoring vessel communications on radio frequencies to identify and address unsafe situations in a vessel traffic service area. The Secretary shall consider data collected under subparagraph (A) of subsection (f)(3).

(2) PROFESSIONAL MARINER REPRESENTATION.—

(A) IN GENERAL.—The Secretary shall conduct research, in consultation with local stakeholders and subject matter experts identified by the Secretary, to evaluate and determine the feasibility, costs and benefits of representation by professional mariners on the vessel traffic service watchfloor at each vessel traffic service center.

(B) IMPLEMENTATION.—The Secretary shall implement representation by professional mariners on the vessel traffic service watchfloor at those vessel traffic service centers for which it is determined feasible and beneficial pursuant to research conducted under subparagraph (A).

(i) INCLUSION OF IDENTIFICATION SYSTEM ON CERTAIN VESSELS.—

(1) IN GENERAL.—The National Navigation Safety Advisory Committee shall advise and provide recommendations to the Secretary on matters relating to the practicability, economic costs, regulatory burden, and navigational impact of outfitting vessels lacking independent means of propulsion that carry flammable, combustible, or hazardous liquid cargo with vessel automatic identification systems.

(2) REGULATIONS.—Based on the evaluation under paragraph (1), the Secretary shall prescribe such regulations as the Secretary considers appropriate to establish requirements relating to the outfitting of vessels described in such subparagraph with vessel automatic identification systems.

(j) PERIODIC REVIEW OF VESSEL TRAFFIC SERVICE NEEDS.—

(1) IN GENERAL.—Based on the performance evaluation conducted under subsection (e) and the risk assessment conducted under subsection (f), the Secretary shall periodically review vessel traffic service areas to determine—

(A) if there are any additional vessel traffic service needs in those areas; and

(B) if a vessel traffic service area should be moved or modified.

(2) INFORMATION TO BE ASSESSED.—

(A) IN GENERAL.—The Secretary shall ensure that a review conducted under paragraph (1) includes an assessment of the following:

(i) Volume of vessel traffic, categorized by type of vessel.

(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

(iii) Data on near miss incidents.

(iv) Data on marine casualties.

(v) Geographic locations for near-miss incidents and marine casualties, including latitude and longitude.

(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

(3) **STAKEHOLDER INPUT.**—In conducting the periodic reviews under paragraph (1), the Secretary shall seek input from port and waterway stakeholders to identify areas of increased vessel conflicts or marine casualties that could benefit from the use of routing measures or vessel traffic service special areas to improve safety, port security, and environmental protection.

(4) **DISCLOSURE.**—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents.

(k) **LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.**—

(1) **COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.**—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service Center, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

(2) **NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.**—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

(l) **NOTICE OF ARRIVAL.**—*The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 unless the vessel arrives from a foreign port or place.*

[(1)] (m) **EXISTING AUTHORITY.**—Nothing in this section shall be construed to alter the existing authorities of the Secretary to enhance navigation, vessel safety, marine environmental protection, and to ensure safety and preservation of life and property at sea.

[(m)] (n) **DEFINITIONS.**—In this section:

(1) HAZARDOUS LIQUID CARGO.—The term “hazardous liquid cargo” has the meaning given that term in regulations prescribed under section 5103 of title 49.

(2) MARINE CASUALTY.—The term “marine casualty” has the meaning given that term in regulations prescribed under section 6101(a).

(3) VESSEL TRAFFIC SERVICE AREA.—The term “vessel traffic service area” means an area specified in subpart C of part 161 of title 33, Code of Federal Regulations, or any successor regulation.

(4) VESSEL TRAFFIC SERVICE CENTER.—The term “vessel traffic service center” means a center for the provision of vessel traffic services in a vessel traffic service area.

(5) NEAR MISS INCIDENT.—The term “near miss incident” means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, resulting in the substantial threat of a marine casualty.

(6) DE-IDENTIFIED.—The term “de-identified” means the process by which all information that is likely to establish the identity of the specific persons or entities noted in the reports, data, or other information is removed from the reports, data, or other information.

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§ 70008. Special activities in exclusive economic zone

(a) *IN GENERAL.*—The Secretary of the department in which the Coast Guard is operating may establish safety zones to address special activities in the exclusive economic zone.

(b) *DEFINITIONS.*—In this section:

(1) *SAFETY ZONE.*—The term “safety zone”—

(A) means a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels; and

(B) may be stationary and described by fixed limits or may be described as a zone around a vessel in motion.

(2) *SPECIAL ACTIVITIES.*—The term “special activities” includes—

(A) space activities, including launch and reentry (as such 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 fixed platforms (as such term is defined in section 2281(d) of title 18).

(3) *UNITED STATES CITIZEN.*—The term “United States citizen” has the meaning given the term “eligible owners” in section 12103 of title 46, United States Code.

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

§ 70011. Waterfront safety

(a) *IN GENERAL.*—The Secretary may take such action as is necessary to—

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters, *including damage or destruction resulting from cyber incidents, transnational organized crime, or foreign state threats*; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss or *harm resulting from cyber incidents, transnational organized crime, or foreign state threats*.

(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; **[and]**

(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section**[.]**; and

(5) *prohibiting a representative of a government of a country that the Secretary of State has determined has repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) from visiting a facility for which a facility security plan is required under section 70103(c).*

(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

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SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

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§ 70022. Prohibition on entry and operation

(a) PROHIBITION.—

(1) IN GENERAL.—Except as otherwise provided in this section, no vessel described in subsection (b) may enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States.

(2) LIMITATIONS ON APPLICATION.—

(A) IN GENERAL.—The prohibition under paragraph (1) shall not apply with respect to—

(i) a vessel described in subsection (b)(1), if the Secretary of State determines that—

(I) the vessel is owned or operated by or on behalf of a country the government of which the Secretary of State determines is closely cooperating with the United States with respect to implementing the applicable United Nations Security Council resolutions (as such term is defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016); or

(II) it is in the national security interest not to apply the prohibition to such vessel; or

(ii) a vessel described in subsection (b)(2), if the Secretary of State determines that the vessel is no longer registered as described in that subsection.

(B) NOTICE.—Not later than 15 days after making a determination under subparagraph (A), the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate written notice of the determination and the basis upon which the determination was made.

(C) PUBLICATION.—The Secretary of State shall publish a notice in the Federal Register of each determination made under subparagraph (A).

(b) VESSELS DESCRIBED.—A vessel referred to in subsection (a) is a foreign vessel for which a notice of arrival is required to be filed under section 70001(a)(5), and that—

(1) is on the most recent list of vessels published in [Federal Register] *the Federal Register* under subsection (c)(2); or

(2) more than 180 days after the publication of such list, is knowingly registered, pursuant to the 1958 Convention on the High Seas entered into force on September 30, 1962, by a government the agents or instrumentalities of which are maintaining a registration of a vessel that is included on such list.

(c) INFORMATION AND PUBLICATION.—The Secretary of the department in which the Coast Guard is operating, with the concurrence of the Secretary of State, shall—

(1) maintain timely information on the registrations of all foreign vessels over 300 gross tons that are known to be—

(A) owned or operated by or on behalf of the Government of North Korea or a North Korean person;

(B) owned or operated by or on behalf of any country in which a sea port is located, the operator of which the President has identified in the most recent report submitted under section 205(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016; or

(C) owned or operated by or on behalf of any country identified by the President as a country that has not complied with the applicable United Nations Security Council resolutions (as such term is defined in section 3 of such Act); and

(2) periodically publish in the Federal Register a list of the vessels described in paragraph (1).

(d) NOTIFICATION OF GOVERNMENTS.—

(1) IN GENERAL.—The Secretary of State shall notify each government, the agents or instrumentalities of which are maintaining a registration of a foreign vessel that is included on a list published under subsection (c)(2), not later than 30 days after such publication, that all vessels registered under such government's authority are subject to subsection (a).

(2) ADDITIONAL NOTIFICATION.—In the case of a government that continues to maintain a registration for a vessel that is included on such list after receiving an initial notification under paragraph (1), the Secretary shall issue an additional notification to such government not later than 120 days after the publication of a list under subsection (c)(2).

(e) NOTIFICATION OF VESSELS.—Upon receiving a notice of arrival under section 70001(a)(5) from a vessel described in subsection (b), the Secretary of the department in which the Coast Guard is operating shall notify the master of such vessel that the vessel may not enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, unless—

(1) the Secretary of State has made a determination under subsection (a)(2); or

(2) the Secretary of the department in which the Coast Guard is operating allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

(f) PROVISIONAL ENTRY OR CARGO TRANSFER.—Notwithstanding any other provision of this section, the Secretary of the department in which the Coast Guard is operating may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.

(g) RIGHT OF INNOCENT PASSAGE AND RIGHT OF TRANSIT PASSAGE.—This section shall not be construed as authority to restrict the right of innocent passage or the right of transit passage as recognized under international law.

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SUBCHAPTER IV—DEFINITIONS, REGULATIONS,
ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

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【§ 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 Great Lakes St. Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters I through III and this subchapter shall be delegated by the Secretary to the Great Lakes St. Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.】

§ 70032. Saint Lawrence Seaway

(a) *IN GENERAL.*—Except as provided in subsection (b), 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 Great Lakes Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters I through III and this subchapter shall be delegated by the Secretary to the Great Lakes Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

(b) *EXCEPTION.*—The Secretary of the department in which the Coast Guard is operating, after consultation with the Secretary of Transportation, or the head of an agency to which the Secretary has delegated the authorities in subsection (a), may—

- (1) issue and enforce special orders in accordance with section 70002;
- (2) establish water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel structure, waters, or shore area, as permitted in section 70011(b)(2); and
- (3) take actions for port, harbor, and coastal facility security in accordance with section 70116.

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**SUBCHAPTER VI—REGULATION OF VESSELS IN
TERRITORIAL WATERS OF UNITED STATES**

§ 70051. Regulation of anchorage and movement of vessels during national emergency

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to, or arriving off the coast of, the United States presents urgent circumstances requiring an immediate Federal response, the Secretary of the department in which the Coast Guard is operating may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Whenever the President finds that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or *cyber incidents*, or *transnational organized crime*, or *foreign state threats*, or of dis-

turbances or threatened disturbances of the international relations of the United States, the President is authorized to institute such measures and issue such rules and regulations—

(a) to govern the anchorage and movement of any foreign-flag vessels in the territorial waters of the United States, to inspect such vessels at any time, to place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of rights and obligations of the United States, may take for such purposes full possession and control of such vessels and remove therefrom the officers and crew thereof, and all other persons not especially authorized by him to go or remain on board thereof;

(b) to safeguard against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, vessels, harbors, ports, and waterfront facilities in the United States and all territory and water, continental or insular, subject to the jurisdiction of the United States.

The President may delegate the authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating. Any appropriation available to any of the Executive Departments shall be available to carry out the provisions of this subchapter.

§ 70052. Seizure and forfeiture of vessel; fine and imprisonment

(a) IN GENERAL.—If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this subchapter, or obstructs or interferes with the exercise of any power conferred by this subchapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000.

(b) APPLICATION TO OTHERS.—If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this subchapter, or knowingly obstructs or interferes with the exercise of any power conferred by this subchapter, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000.

(c) CIVIL PENALTY.—A person violating this subchapter, or a regulation prescribed under this subchapter, shall be liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(d) IN REM LIABILITY.—Any vessel that is used in violation of this subchapter, or of any regulation issued under this subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

(e) WITHHOLDING OF CLEARANCE.—

(1) IN GENERAL.—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under this section, the Secretary of the department in which the Coast Guard is operating may, with respect to such vessel, refuse or revoke any clearance required by [section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)] *section 60105*.

(2) CLEARANCE UPON FILING OF BOND OR OTHER SURETY.—The Secretary of the department in which the Coast Guard is operating may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.

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CHAPTER 701—PORT SECURITY

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SUBCHAPTER I—GENERAL

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§ 70116. Port, harbor, and coastal facility security

(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism, cyber incidents, transnational organized crime, and foreign state threats against—

(1) an individual, vessel, or public or commercial structure, that is—

(A) subject to the jurisdiction of the United States; and
(B) located within or adjacent to the marine environment; or

(2) a vessel of the United States or an individual on board that vessel.

(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of [terrorism cyber] *terrorism, cyber* incidents, transnational organized crime, and foreign state threats;

(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism, cyber incidents, transnational organized crime, and foreign state threats; and

(3) dispatch properly trained and qualified, armed (as needed), Coast Guard personnel on vessels and public or commercial structures on or adjacent to waters subject to United States jurisdiction to deter or respond to acts of terrorism, cyber incidents, transnational organized crime, foreign state

threats, or transportation security incidents, as defined in section 70101 of title 46, United States Code.

(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70033, 70035, and 70036. When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.

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§ 70118. Enforcement by State and local officers

(a) IN GENERAL.—Any State or local government law enforcement officer who has authority to enforce State criminal laws may make an arrest for violation of a security zone regulation prescribed under [section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191)] *section 70051* or security or safety zone regulation under [section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))] *section 70116(b)* or a safety zone regulation prescribed under section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(d)) by a Coast Guard official authorized by law to prescribe such regulations, if—

(1) such violation is a felony; and

(2) the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.

(b) OTHER POWERS NOT AFFECTED.—The provisions of this section are in addition to any power conferred by law to such officers. This section shall not be construed as a limitation of any power conferred by law to such officers, or any other officer of the United States or any State. This section does not grant to such officers any powers not authorized by the law of the State in which those officers are employed.

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SUBCHAPTER II—PORT SECURITY ZONES

§ 70131. Definitions

In this subchapter:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means an agency of a State, a political subdivision of a State, or a Federally recognized tribe that is authorized by law to supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(2) SECURITY ZONE.—The term “security zone” means a security zone, established by the Commandant of the Coast Guard or the Commandant’s designee pursuant to [section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191)] *section 70051* or [section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))] *section 70116(b)*, for a vessel carrying especially hazardous cargo when such vessel—

(A) enters, or operates within, the internal waters of the United States and the territorial sea of the United States;
or

(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial sea of the United States or the internal waters of the United States.

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CHAPTER 705—MARITIME DRUG LAW ENFORCEMENT

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§ 70503. Prohibited acts

(a) PROHIBITIONS.—[While on board a covered vessel, an individual] *An individual* may not knowingly or intentionally—

[(1) manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance;]

(1) *manufacture or distribute, possess with intent to manufacture or distribute, or place or cause to be placed with intent to manufacture or distribute a controlled substance on board a covered vessel;*

(2) destroy (including jettisoning any item or scuttling, burning, or hastily cleaning a vessel), or attempt or conspire to destroy, property that is subject to forfeiture under section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)) *aboard a covered vessel*; or

(3) conceal, or attempt or conspire to conceal, more than \$100,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, or compartment of or aboard the covered vessel if that vessel is outfitted for smuggling.

(b) EXTENSION BEYOND TERRITORIAL JURISDICTION.—Subsection (a) applies even though the act is committed outside the territorial jurisdiction of the United States.

(c) NONAPPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) does not apply to—

(A) a common or contract carrier or an employee of the carrier who possesses or distributes a controlled substance in the lawful and usual course of the carrier's business; or

(B) a public vessel of the United States or an individual on board the vessel who possesses or distributes a controlled substance in the lawful course of the individual's duties.

(2) ENTERED IN MANIFEST.—Paragraph (1) applies only if the controlled substance is part of the cargo entered in the vessel's manifest and is intended to be imported lawfully into the country of destination for scientific, medical, or other lawful purposes.

(d) BURDEN OF PROOF.—The United States Government is not required to negative a defense provided by subsection (c) in a complaint, information, indictment, or other pleading or in a trial or other proceeding. The burden of going forward with the evidence supporting the defense is on the person claiming its benefit.

(e) COVERED VESSEL DEFINED.—In this section the term "covered vessel" means—

(1) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

(2) any other vessel if the individual is a citizen of the United States or a resident alien of the United States.

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TITLE 37, UNITED STATES CODE

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CHAPTER 3—BASIC PAY

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§ 206. Reserves; members of National Guard: inactive-duty training

(a) Under regulations prescribed by the Secretary concerned, and to the extent provided for by appropriations, a member of the National Guard or a member of a reserve component of a uniformed service who is not entitled to basic pay under section 204 of this title, is entitled to compensation, at the rate of $\frac{1}{30}$ of the basic pay authorized for a member of a uniformed service of a corresponding grade entitled to basic pay—

(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe;

(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing—

(i) active duty; or

(ii) inactive-duty training;

(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member); or

(C) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(4) for each of six days for each period during which the member is on maternity leave or parental leave under section 2907 of title 14.

(b) The regulations prescribed under subsection (a) for each uniformed service, the National Guard, and each of the classes of organization of the reserve components within each uniformed service, may be different. The Secretary concerned shall, for the National Guard and each of the classes of organization within each uniformed service, prescribe—

(1) minimum standards that must be met before an assembly for drill or other equivalent period of training, instruction, duty, or appropriate duties may be credited for pay purposes, and those standards may require the presence for duty of officers and enlisted members in numbers equal to or more than a minimum number or percentage of the unit strength for a specified period of time with participation in a prescribed kind of training;

(2) the maximum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties, that may be counted for pay purposes in each fiscal year or in lesser periods of time; and

(3) the minimum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties that must be completed in stated periods of time before the members of units or organizations can qualify for pay.

(c) A person enlisted in the inactive National Guard is not entitled to pay under this section.

(d)(1) Except as provided in paragraph (2), this section does not authorize compensation for work or study performed by a member of a reserve component or by a member of the National Guard while not in Federal service in connection with correspondence courses of a uniformed service.

(2) A member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.

(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

(A) any work or study performed on or after September 7, 1962, unless that work or study is specifically covered by the exception in paragraph (2); and

(B) any claim based on that work or study arising after that date.

(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.

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**SECTION 3534 OF THE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2024**

SEC. 3534. MARITIME WORKFORCE WORKING GROUP.

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Maritime Administrator, in consultation with the National Merchant Marine Personnel Advisory Committee, the National Offshore Safety Advisory Committee, the National Towing Safety Advisory Committee, and the Committee on the Marine Transportation System, shall convene a working group to examine and assess the size of the pool of mariners with covered credentials necessary to support the United States flag fleet.

(b) **MEMBERSHIP.**—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall consist of—

- (1) the Maritime Administrator, who shall serve as chairperson of the working group;
- (2) the Superintendent of the United States Merchant Marine Academy;
- (3) the Commandant of the Coast Guard;
- (4) the Commander of the United States Transportation Command;
- (5) the Secretary of the Navy; and
- (6) at least one representative from each of—
 - (A) the State maritime academies;
 - (B) the owners and operators of United States-flagged vessels engaged in offshore oil and gas exploration, development, and production;
 - (C) the owners and operators of United States-flagged vessels engaged in inland river transportation;
 - (D) the owners and operators of United States-flagged vessels engaged in inland river transportation;
 - (E) a nonprofit labor organization representing a class of licensed or unlicensed engine department mariners who are employed on vessels operating in the United States flag fleet;
 - (F) a nonprofit labor organization representing a class of licensed or unlicensed mariners who are employed on vessels operating in the United States flag fleet;
 - (G) the owners of vessels operating in the United States flag fleet, or their private contracting parties, that are primarily operating in international transportation;
 - (H) Centers of Excellence for Maritime Training designated under section 51706 of title 46, United States Code; and
 - (I) private maritime training providers.

(c) **NO QUORUM REQUIREMENT.**—The Maritime Administrator may convene the working group virtually and without all members present.

(d) **RESPONSIBILITIES.**—The working group shall carry out the following responsibilities:

- (1) Reviewing the report required by section 3525(b), and the study required by section 3545(a), of the James Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263), if available.

(2) Identifying the number of mariners with covered credentials in each of the following categories:

(A) All such mariners.

(B) Such mariners who have a valid Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels that are subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

(C) Such mariners who are participating in a Federal program that supports the United States merchant marine and the United States flag fleet.

(D) Such mariners who are available to crew the United States flag fleet and the surge sealift fleet in times of a national emergency.

(E) Such mariners who are full-time.

(F) Such mariners who are merchant mariner credentialed officers in the United States Navy Reserve.

(G) Such licensed and unlicensed mariners—

(i) required to maintain, mobilize, and operate the entire Ready Reserve Force for periods of 30 days, 90 days, 180 days, and one year including separate totals for merchant mariners employed to maintain the Ready Reserve Force in a reduced operating status; and

(ii) required to submit documentation of sea service to the National Maritime Center, including such mariners that have acquired sea service during the prior year and such mariners that have not acquired sea service during the prior year.

(3) Evaluating potential gaps or surpluses of credentialed merchant mariners, by rating and qualification, required to maintain, mobilize, and operate the Ready Reserve Force for periods of 30 days, 90 days, 180 days, and one year and the potential impacts such mobilization and operation will have on the commercial maritime industry's capability to operate during such periods.

(4) Identifying a list of all actively operating documented vessels of at least 500 gross registered tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104, of such title, with the tonnage of each such vessel.

(5) Assessing the effect on the United States merchant marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States merchant marine.

(6) Assessing the effectiveness of marketing and outreach efforts, including recruitment and retention strategy and methods of publicizing opportunities, for new mariner accession into the maritime industry.

(7) Assessing the accessibility of Coast Guard Merchant Mariner Licensing and Documentation System data for mariners

with covered credentials, the maritime industry, and the Maritime Administration for the purposes of evaluating the pool of mariners with covered credentials.

(8) Assessing the impediments to the credentialing of United States merchant mariners, including training capacity, credentialing system delays, costs to merchant mariners, statutory or regulatory requirements, and other factors.

(9) Making recommendations to—

(A) enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, the Navy, and the Bureau of Transportation Statistics, for use by the Maritime Administration in evaluating the pool of mariners with covered credentials;

(B) close any gaps identified in the evaluation described in paragraph (3), including specific policy, legislative change proposals, and funding requests; and

(C) improve United States merchant mariner recruitment and retention.

(e) PROVISION OF INFORMATION.—All members of the working group convened under subsection (a) shall provide to the Maritime Administrator, in a timely manner and in a suitable format agreed to by members, any information that is needed to carry out the responsibilities under subsection (d).

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the findings and conclusions of the working group gathered in the course of performing the responsibilities under subsection (d). Such report shall include each of the following:

(1) The number of mariners with covered credentials identified for each category described in subparagraphs (A) through (G) of subsection (d)(2).

(2) The results of the evaluation under subsection (d)(3).

(3) The list identified under subsection (d)(4).

(4) The results of the assessments conducted under paragraphs (5) and (8) of subsection (d).

(5) The recommendations made under paragraphs (5) and (9) of subsection (d).

(6) Such other information as the working group determines appropriate.

(g) CLASSIFIED ANNEX.—The report required under this section shall be submitted in unclassified form, but shall include a classified annex including the results from subsection (d)(2)(G) and subsection (d)(3).

(h) DEFINITIONS.—In this section:

(1) The term “covered credential” means any credential issued under part E of subtitle II of title 46, United States Code.

(2) The term “documented vessel” has the meaning given the term in section 106 of title 46, United States Code.

(3) The term “Ready Reserve Force” has the meaning given the term in chapter 571 of title 46, United States Code.

(i) SUNSET.—The Maritime Administrator shall disband the working group upon the submission of the report required under subsection (f).

[(j) TEMPORARY REDUCTION OF LENGTHS OF CERTAIN PERIODS OF SERVICE.—For the 3-year period beginning on the date of enactment of this Act—

[(1) section 7307 of title 46, United States Code, shall be applied by substituting “18 months” for “3 years”;

[(2) section 7308 of such title shall be applied by substituting “12 months” for “18 months”; and

[(3) section 7309 of such title shall be applied by substituting “6 months” for “12 months”.]

(k) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE TRAINING AND EDUCATION.—Section 51706 of title 46, United States Code, is amended—

(1) in subsection (a)—

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

“(1) IN GENERAL The Secretary”;

(B) by inserting “, after consultation with the Coast Guard,” after “Transportation”;

(C) by inserting “, for a 5-year period,” after “designate”; and

(D) by adding at the end the following:

“(2) WITHDRAWAL OF DESIGNATION The Secretary of Transportation may withdraw a designation as a center of excellence for domestic maritime workforce training and education of a covered training entity upon discovery of adverse information, including discovery of information that the covered training entity has engaged in fraudulent or unlawful activities, or has been subjected to disciplinary or adverse administrative action by Federal, State, or other regulatory bodies.”;

(2) in subsection (b), by adding at the end the following:

“(5) ELIGIBLE USES OF GRANT FUNDS A center of excellence receiving a grant under this subsection shall—

“(A) carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry workforce; and

“(B) provide training to upgrade the skills of the United States maritime industry workforce, including training to acquire covered requirements as well as technical skills training for jobs in the United States maritime industry.”; and

(3) in subsection (c)(1)—

(A) in subparagraph (B)(v), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) has—

“(i) not been subject to a disciplinary or adverse administrative action by Federal, State, or other regulatory bodies;

“(ii) no unresolved nonconformities from administrative audits by regulatory bodies; and

“(iii) not been subject to any adverse criminal action by a Federal, State, or local law enforcement authority.”.

**JAMES M. INHOFE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2023**

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**DIVISION K—DON YOUNG COAST
GUARD AUTHORIZATION ACT OF 2022**

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TITLE CXV—MARITIME

Subtitle A—Vessel Safety

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**SEC. 11502. REQUIREMENTS FOR [DUKW AMPHIBIOUS PASSENGER
VESSELS] *COMMERCIAL AMPHIBIOUS SMALL PASSENGER
VESSELS*.**

(a) **RULEMAKING REQUIRED.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Commandant shall initiate a rulemaking to establish additional safety standards for [DUKW amphibious passenger vessels] *commercial amphibious small passenger vessels*.

(2) **DEADLINE FOR REGULATIONS.**—The regulations issued under paragraph (1) shall take effect not later than 18 months after the Commandant promulgates a final rule pursuant to such paragraph.

(b) **REQUIREMENTS.**—The regulations required under subsection (a) shall include the following:

(1) A requirement that operators of [DUKW amphibious passenger vessels] *commercial amphibious small passenger vessels* provide reserve buoyancy for such vessels through passive means, including watertight compartmentalization, built-in flotation, or such other means as determined appropriate by the Commandant, in order to ensure that such vessels remain afloat and upright in the event of flooding, including when carrying a full complement of passengers and crew.

(2) An identification, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, of limiting environmental conditions, such as weather, in which [DUKW amphibious passenger vessels] *commercial amphibious small passenger vessels* may safely operate and a requirement that such limiting conditions be described in the certificate of in-

spection of each **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel*.

(3) Requirements that an operator of a **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel*—

(A) proceed to the nearest harbor or safe refuge in any case in which a watch or warning is issued for wind speeds exceeding the wind speed equivalent used to certify the stability of such **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel*; and

(B) maintain and monitor a weather monitor radio receiver at the operator station of the vessel that is automatically activated by the warning alarm device of the National Weather Service.

(4) A requirement that—

(A) operators of **[DUKW amphibious passenger vessels]** *commercial amphibious small passenger vessels* inform passengers that seat belts may not be worn during waterborne operations;

(B) before the commencement of waterborne operations, a crew member shall visually check that the seatbelt of each passenger is unbuckled; and

(C) operators or crew maintain a log recording the actions described in subparagraphs (A) and (B).

(5) A requirement for annual training for operators and crew of **[DUKW amphibious passenger vessels]** *commercial amphibious small passenger vessels*, including—

(A) training for personal flotation and seat belt requirements, verifying the integrity of the vessel at the onset of each waterborne departure, identification of weather hazards, and use of National Weather Service resources prior to operation; and

(B) training for crew to respond to emergency situations, including flooding, engine compartment fires, man-overboard situations, and in water emergency egress procedures.

(c) **CONSIDERATION.**—In issuing the regulations required under subsection (a), the Commandant shall consider whether personal flotation devices should be required for the duration of the waterborne transit of a **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel*.

(d) **WAIVER.**—The Commandant may waive the reserve buoyancy requirements described in subsection (b)(1) for a **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel* if the Commandant certifies in writing, using the best available science, to the appropriate congressional committees that such requirement is not practicable or technically or practically achievable for such vessel.

(e) **NOTICE TO PASSENGERS.**—A **[DUKW amphibious passenger vessel]** *commercial amphibious small passenger vessel* that receives a waiver under subsection (d) shall provide a prominently displayed notice on its website, ticket counter, and each ticket for passengers that the vessel is exempt from meeting Coast Guard safety compliance standards concerning reserve buoyancy.

(f) INTERIM REQUIREMENTS.—Prior to issuing final regulations pursuant to subsection (a) and not later than 180 days after the date of enactment of this Act, the Commandant shall require that operators of **DUKW amphibious passenger vessels** *commercial amphibious small passenger vessels* implement the following requirements:

(1) Remove the canopies and any window coverings of such vessels for waterborne operations, or install in such vessels a canopy that does not restrict horizontal or vertical escape by passengers in the event of flooding or sinking.

(2) If a canopy and window coverings are removed from any such vessel pursuant to paragraph (1), require that all passengers wear a personal flotation device approved by the Coast Guard before the onset of waterborne operations of such vessel.

(3) Reengineer such vessels to permanently close all unnecessary access plugs and reduce all through-hull penetrations to the minimum number and size necessary for operation.

(4) Install in such vessels independently powered electric bilge pumps that are capable of dewatering such vessels at the volume of the largest remaining penetration in order to supplement an operable Higgins pump or a dewatering pump of equivalent or greater capacity.

(5) Install in such vessels not fewer than 4 independently powered bilge alarms.

(6) Conduct an in-water inspection of any such vessel after each time a through-hull penetration of such vessel has been removed or uncovered.

(7) Verify through an in-water inspection the watertight integrity of any such vessel at the outset of each waterborne departure of such vessel.

(8) Install underwater LED lights that activate automatically in an emergency.

(9) Otherwise comply with any other provisions of relevant Coast Guard guidance or instructions in the inspection, configuration, and operation of such vessels.

(g) IMPLEMENTATION.—The Commandant shall implement the interim requirements under subsection (f) without regard to chapters 5 and 6 of title 5, United States Code, and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note).

(h) **DEFINITIONS.**—**APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—**[In this section:]**

[(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—]The term “appropriate congressional committees” means the Committee Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

[(2) DUKW AMPHIBIOUS PASSENGER VESSEL.—]The term “DUKW amphibious passenger vessel” means a vessel that uses, modifies, or is derived from the GMC DUKW-353 design, and which is operating as a small passenger vessel in waters subject to the jurisdiction of the United States, as defined in section 2.38 of title 33, Code of Federal Regulations (or a successor regulation).**]**

(i) APPLICATION.—*This section shall apply to amphibious vessels operating as a small passenger vessel in waters subject to the juris-*

diction of the United States, as such term is defined in section 2.38 of title 33, Code of Federal Regulations (as in effect on the date of enactment of the Coast Guard Authorization Act of 2024).

* * * * *

[SEC. 11508. ARTICULATED TUG-BARGE MANNING.

[(a) *IN GENERAL.*—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, the Secretary shall authorize an Officer in Charge, Marine Inspection to issue an amended certificate of inspection that does not require engine room watch setting to inspected towing vessels certificated prior to July 19, 2022, forming part of an articulated tug-barge unit, provided that such vessels are equipped with engineering control and monitoring systems of a type accepted for no engine room watch setting under a previously approved minimum safe manning document or certificate of inspection for articulated tug-barge units.

[(b) *DEFINITIONS.*—In this section:

[(1) *CERTIFICATE OF INSPECTION.*—The term “certificate of inspection” means a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations.

[(2) *INSPECTED TOWING VESSEL.*—The term “inspected towing vessel” means a vessel issued a certificate of inspection.]

SEC. 11508. ARTICULATED TUG-BARGE MANNING.

(a) *IN GENERAL.*—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, or any other provision of law or regulation, an Officer in Charge, Marine Inspection may authorize a covered vessel—

(1) *when engaged on a domestic voyage of more than 600 miles, to be manned with a minimum number of 2 licensed engineers in the engine department; and*

(2) *when engaged on a voyage of less than 600 miles, to be manned with a minimum number of 1 licensed engineer in the engine department.*

(b) *COVERED VESSEL DEFINED.*—In this section, the term “covered vessel” means a towing vessel issued a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations, which—

(1) *forms part of an articulated tug-barge unit; and*

(2) *is either—*

(A) *equipped with engineering control and monitoring systems of a type accepted by a recognized classification society for a periodically unmanned machinery space notation or accepted by the Commandant for a periodically unattended machinery space endorsement; or*

(B) *is a vessel that, prior to July 19, 2022, was issued a minimum safe manning document or certificate of inspection that authorized equivalent or less manning levels.*

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**WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2021**

* * * * *

**DIVISION G—ELIJAH E. CUMMINGS
COAST GUARD AUTHORIZATION ACT
OF 2020**

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TITLE LVXXXIII—MARITIME

* * * * *

Subtitle B—Shipping

* * * * *

SEC. 8313. NON-OPERATING INDIVIDUAL.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall not enforce section 8701 of title 46, United States Code, with respect to the following:

(1) A vessel with respect to individuals, other than crew members required by the Certificate of Inspection or to ensure the safe navigation of the vessel and not a member of the steward's department, engaged on board for the sole purpose of carrying out spill response activities, salvage, marine firefighting, or commercial diving business or functions from or on any vessel, including marine firefighters, spill response personnel, salvage personnel, and commercial divers and diving support personnel.

(2) An offshore supply vessel, an industrial vessel (as such term is defined in section 90.10-16 of title 46, Code of Federal Regulations), or other similarly engaged vessel with respect to persons engaged in the business of the ship on board the vessel—

(A) for—

(i) supporting or executing the industrial business or function of the vessel;

(ii) brief periods to conduct surveys or investigations, assess crew competence, conduct vessel trials, provide extraordinary security resources, or similar tasks not traditionally performed by the vessel crew; or

(iii) performing maintenance tasks on equipment under warranty, or on equipment not owned by the vessel owner, or maintenance beyond the capability of the vessel crew to perform; and

(B) not the master or crew members required by the certificate of inspection and not a member of the steward's department.

(b) **SUNSET.**—The prohibition in subsection (a) shall terminate on January 1, **[2025]** 2027.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Commandant 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 detailing recommendations to ensure that personnel working on a vessel who perform work or operate equipment on such vessel not related to the operation of the vessel itself undergo a background check and the appropriate training necessary to ensure personnel safety and the safety of the vessel's crew.

(2) CONTENTS.—The report required under paragraph (1) shall include, at a minimum, a discussion of—

(A) options and recommendations for ensuring that the individuals covered by subsection (a) are appropriately screened to mitigate security and safety risks, including to detect substance abuse;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and relevant stakeholders regarding the development of processes and requirements for conducting background checks and ensuring such individuals receive basic safety familiarization and basic safety training approved by the Coast Guard;

(C) any identified legislative changes necessary to implement effective training and screening requirements for individuals covered by subsection (a); and

(D) the timeline and milestones for implementing such requirements.

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Subtitle D—Ports

* * * * *

[SEC. 8343. SAFETY OF SPECIAL ACTIVITIES.

[(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 2-year pilot program to establish and implement a process to—

[(1) establish safety zones to address special activities in the exclusive economic zone;

[(2) account for the number of safety zones established for special activities;

[(3) differentiate whether an applicant who requests a safety zone for such activities is—

[(A) an individual;

[(B) an organization; or

[(C) a government entity; and

[(4) account for Coast Guard resources utilized to enforce safety zones established for special activities, including—

[(A) the number of Coast Guard or Coast Guard Auxiliary vessels used; and

[(B) the number of Coast Guard or Coast Guard Auxiliary patrol hours required.

[(b) BRIEFING.—Not later than 180 days after the expiration of the 2-year pilot program, 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 regarding—

[(1) the process required under subsection (a); and

[(2) whether the authority to establish safety zones to address special activities in the exclusive economic zone should be extended or made permanent in the interest of safety.

[(c) DEFINITIONS.—In this section:

[(1) SAFETY ZONE.—The term “safety zone” has the meaning given such term in section 165.20 of title 33, Code of Federal Regulations.

[(2) SPECIAL ACTIVITIES.—The term “special activities” includes—

[(A) space activities, including launch and reentry, as such terms are defined in section 50902 of title 51, United States Code, 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) UNITED STATES CITIZEN.—The term “United States citizen” has the meaning given the term “eligible owners” in section 12103 of title 46, United States Code.

[(4) FIXED PLATFORM.—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.]

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TITLE LVXXXIV—MISCELLANEOUS

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Subtitle D—Other Matters

* * * * *

SEC. 8437. ANCHORAGES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall suspend the establishment of new 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.

(b) RESTRICTION.—The Commandant may not establish or expand any anchorage grounds 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 anchorage grounds.

(c) PROHIBITION.—*The Commandant shall prohibit any vessel anchoring on the reach of the Hudson River described in subsection (a) unless such anchoring is within any anchorage established before January 1, 2021.*

[(c)] (d) SAVINGS CLAUSE.—Nothing in this section—

(1) prevents the master or pilot of a vessel operating on the reach of the Hudson River described in subsection (a) from tak-

ing actions necessary to maintain the safety of the vessel or to prevent the loss of life or property; or

(2) shall be construed as limiting the authority of the Secretary of the department in which the Coast Guard is operating to exercise authority over the movement of a vessel under section 70002 of title 46, United States Code, or any other applicable laws or regulations governing the safe navigation of a vessel.

[(d) STUDY.—The Commandant of the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee, shall conduct a study of the Hudson River north of Tarrytown, New York to examine—

[(1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits;

[(2) the risks and benefits of historic practices for commercial vessels anchoring; and

[(3) the risks and benefits of establishing anchorage grounds on the Hudson River.

[(e) REPORT.—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 containing the findings, conclusions, and recommendations from the study required under subsection (d).]

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FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018

* * * * *

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

* * * * *

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

* * * * *

Sec. 901. Short title.

Sec. 902. Purposes; findings.

Sec. 903. Standards for discharges incidental to normal operation of vessels.

Sec. 904. Information on type approval certificates.

* * * * *

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

* * * * *

SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFICATES.

The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or any territory of the United States, provide all data possessed by the Coast Guard pertaining to challenge water quality characteristics, challenge water biological orga-

nism concentrations, post-treatment water quality characteristics, and post-treatment biological organism concentrations data for a ballast water management system with a type approval certificate approved by the Coast Guard pursuant to subpart 162.060 of title 46, Code of Federal Regulations.

* * * * *

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.] *Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)), the Secretary shall have the authority to 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) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Each person that submits to the Secretary an application shall include in the application a detailed plan that contains all information required under paragraph (2).

(B) ACTION BY SECRETARY.—Not later than 21 days after the date of receipt of an application, the Secretary shall—

(i) determine whether the application contains all information required under paragraph (2); and

(ii)(I) if the Secretary determines that such information is contained in the application, not later than 5

days after making the determination, publish in the Federal Register—

- (aa) a notice of the application; and
- (bb) a summary of the plans; or
- (II) if the Secretary determines that all required information is not contained in the application—
 - (aa) notify the applicant of the applicable deficiencies; and
 - (bb) take no further action with respect to the application until those deficiencies have been remedied.

(C) APPLICABILITY.—On publication of a notice relating to an application under subparagraph (B)(ii)(I), the Secretary shall be subject to subsection (f).

(2) INCLUSIONS.—Each application shall include such financial, technical, and other information as the Secretary determines to be necessary or appropriate, including—

(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), 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);

(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);

(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);

(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 constructed 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 Envi-

ronmental 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.]

(f) COMPLIANCE.—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)), 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. 4321 et seq.) and act as the lead agency under section 4336a of title 42, United States Code, for all applications under this Act. 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 chapter.

(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 subsection (c).

(h) FEES.—

(1) REQUIREMENT.—

(A) IN GENERAL.—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.

(B) REIMBURSEMENT.—In addition to a fee under subparagraph (A), an applicant shall also reimburse the United States and the appropriate adjacent coastal State for any additional costs incurred in processing an application.

(2) USAGE FEES.—

(A) DEFINITION OF DIRECTLY RELATED LAND-BASED FACILITY.—In this paragraph, the term “directly related land-based facility”, with respect to a deepwater port facility, means an onshore tank farm and any pipelines connecting the tank farm to the deepwater port facility.

(B) AUTHORIZATION.—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.

(C) TREATMENT.—A fee may be established pursuant to this paragraph as compensation for any economic cost attributable to the construction and operation of the applicable deepwater port and the applicable land-based facilities, which cannot be recovered under other authority of the applicable 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 the applicable deepwater port and the applicable land-based facilities.

(D) AMOUNT.—The amount of a fee established under this paragraph shall not exceed the applicable economic, environmental, and administrative costs of the applicable State.

(E) APPROVAL.—A fee established under this paragraph shall be subject to the approval of the Secretary.

(3) RENTAL PAYMENT.—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) First, 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) Second, 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) Third, 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.

(B) National security, including an assessment of the implications for the national security of the United States or an allied country (as that term is defined in section 2350f(d)(1) of title 10, United States Code) of the United States.

(C) Any significant differences between anticipated completion dates for the proposed deepwater ports.

(D) 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) APPLICATIONS FOR DEEPWATER PORTS FOR NATURAL GAS.—

(A) DEADLINE FOR DETERMINATION.—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.

(B) EFFECT OF FAILURE TO DETERMINE.—If the Secretary fails to approve or deny an application for a deepwater port for natural gas by the applicable deadline under subparagraph (A), the reporting requirements under paragraphs (1), (2), and (3) shall not apply to the application.

(j) LNG TANKERS.—

(1) PROGRAM.—The Secretary 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.

(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.

(k) TRANSPARENCY IN ISSUANCE OF LICENSES AND PERMITS.—

(1) DEFINITION OF APPLICABLE DEADLINE.—In this subsection, the term “applicable deadline”, with respect to an applicant,

means the deadline or date applicable to the applicant under any of the following:

- (A) Section 4(c)(6).
- (B) Section 4(d)(3).
- (C) Subsection (c)(1)(B) (including clause (ii)(I) of that subsection).
- (D) Subsection (d)(3).
- (E) Paragraph (1) or (2) of subsection (e).
- (F) Subsection (g).
- (G) Paragraph (1) or (4)(A) of subsection (i).

(2) **SUSPENSIONS AND DELAYS.**—If the Secretary suspends or delays an applicable deadline, the Secretary shall submit to the applicant, and publish in the Federal Register, a written statement—

- (A) describing the reasons for the suspension or delay;
- (B) describing and requesting any information necessary to issue the applicable license or permit and the status of applicable license or permit application at the lead agency and any cooperating agencies; and
- (C) identifying the applicable deadline with respect to the statement.

(3) **APPLICANT RIGHTS TO TECHNICAL ASSISTANCE.**—

(A) **IN GENERAL.**—An applicant that receives a statement under paragraph (2) may submit to the Secretary a request for a meeting with appropriate personnel of the Department of Transportation and representatives of each cooperating Federal agency, as appropriate, determined by the Secretary to be relevant with respect to the application, including such officials as are appropriate, who shall provide technical assistance, status, process, and timeline updates and additional information as necessary.

(B) **TIMING.**—A meeting requested under clause (i) shall be held not later than 30 days after the date on which the Secretary receives the request under that clause.

(4) **REQUIREMENTS.**—On receipt of a request under paragraph (3)(A), and not less frequently than once every 30 days thereafter until the date on which the application process is no longer suspended or delayed, the Secretary shall submit a notice of the delay, including a description of the time elapsed since the applicable deadline and the nature and circumstances of the applicable suspension or delay, 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) **BRIEFING.**—If the Secretary suspends or delays an applicable deadline, not later than 120 days after that applicable deadline, and not less frequently than once every 120 days thereafter until the date on which the application process is no longer suspended or delayed, the Secretary (or a designee of the Secretary) shall provide a briefing regarding the time elapsed since the applicable deadline and the nature and circumstances of the applicable suspension or delay 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.

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FEDERAL WATER POLLUTION CONTROL ACT

* * * * *

TITLE III—STANDARDS AND ENFORCEMENT

* * * * *

OIL AND HAZARDOUS SUBSTANCE LIABILITY

SEC. 311. (a) For the purpose of this section, the term—

(1) “oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) “discharge” includes, but is not limited to, any spill, leaking, pumping, pouring, emitting, emptying or dumping, but excludes (A) discharges in compliance with a permit under section 402 of this Act, (B) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of this Act, and subject to a condition in such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of this Act, which are caused by events occurring within the scope of relevant operating or treatment systems, and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section;

(3) “vessel” means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) “public vessel” means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) “United States” means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) “owner or operator” means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) “person” includes an individual, firm, corporation, association, and a partnership;

(8) “remove” or “removal” refers to containment and removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary

to prevent, minimize, or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) “contiguous zone” means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) “onshore facility” means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) “offshore facility” means any facility of any kind located in, on, or under, any of the navigable waters of the United States, any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel, and, for the purposes of applying subsections (b), (c), (e), and (o), any foreign offshore unit (as defined in section 1001 of the Oil Pollution Act) or any other facility located seaward of the exclusive economic zone;

(12) “act of God” means an act occasioned by an unanticipated grave natural disaster;

(13) “barrel” means 42 United States gallons at 60 degrees Fahrenheit;

(14) “hazardous substance” means any substance designated pursuant to subsection (b)(2) of this section;

(15) “inland oil barge” means a non-self-propelled vessel carrying oil in bulk as cargo and certificated to operate only in the inland waters of the United States, while operating in such waters;

(16) “inland waters of the United States” means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside such baseline which are a part of the Gulf Intracoastal Waterway;

(17) “otherwise subject to the jurisdiction of the United States” means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided for by international agreement to which the United States is a party;

(18) “Area Committee” means an Area Committee established under subsection (j);

(19) “Area Contingency Plan” means an Area Contingency Plan prepared under subsection (j);

(20) “Coast Guard District Response Group” means a Coast Guard District Response Group established under subsection (j);

(21) “Federal On-Scene Coordinator” means a Federal On-Scene Coordinator designated in the National Contingency Plan;

(22) “National Contingency Plan” means the National Contingency Plan prepared and published under subsection (d);

(23) “National Response Unit” means the National Response Unit established under subsection (j);

(24) “worst case discharge” means—

(A) in the case of a vessel, a discharge in adverse weather conditions of its entire cargo; and

- (B) in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions;
- (25) “removal costs” means—
- (A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and
 - (B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat;
- (26) “nontank vessel” means a self-propelled vessel that—
- (A) is at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;
 - (B) is not a tank vessel;
 - (C) carries oil of any kind as fuel for main propulsion; and
 - (D) operates on the navigable waters of the United States, as defined in section 2101(23) of that title;
- (27) the term “best available science” means science that—
- (A) maximizes the quality, objectivity, and integrity of information, including statistical information;
 - (B) uses peer-reviewed and publicly available data; and
 - (C) clearly documents and communicates risks and uncertainties in the scientific basis for such projects;
- (28) the term “Chairperson” means the Chairperson of the Council;
- (29) the term “coastal political subdivision” means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;
- (30) the term “Comprehensive Plan” means the comprehensive plan developed by the Council pursuant to subsection (t);
- (31) the term “Council” means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);
- (32) the term “Deepwater Horizon oil spill” means the blow-out and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;
- (33) the term “Gulf Coast region” means—
- (A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), except that, in this section, the term “coastal zones” includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government)) that border the Gulf of Mexico;
 - (B) any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and
 - (C) all Federal waters in the Gulf of Mexico;
- (34) the term “Gulf Coast State” means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and

(35) the term “Trust Fund” means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).

(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

(B) The Administrator shall within 18 months after the date of enactment of this paragraph, conduct a study and report to the Congress on methods, mechanisms, and procedures to create incentives to achieve a higher standard of care in all aspects of the management and movement of hazardous substances on the part of owners, operators, or persons in charge of onshore facilities, offshore facilities, or vessels. The Administrator shall include in such study (1) limits of liability, (2) liability for third party damages, (3) penalties and fees, (4) spill prevention plans, (5) current practices in the insurance and banking industries, and (6) whether the penalty enacted in subclause (bb) of clause (iii) of subparagraph (B) of subsection (b)(2) of section 311 of Public Law 92–500 should be enacted.

(3) The discharge of oil or hazardous substances (i) into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or (ii) in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), in such quantities as may be harmful as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Manage-

ment Act of 1976), where permitted under the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(4) The President shall by regulation determine for the purposes of this section those quantities of oil and any hazardous substances the discharge of which may be harmful to the public health or welfare or the environment of the United States, including but not limited to fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (3) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. The Federal agency shall immediately notify the appropriate State agency of any State which is, or may reasonably be expected to be, affected by the discharge of oil or a hazardous substance. Any such person (A) in charge of a vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(i) of this subsection, or (B) in charge of a vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(ii) of this subsection and who is otherwise subject to the jurisdiction of the United States at the time of the discharge, or (C) in charge of an onshore facility or an offshore facility, who fails to notify immediately such agency of such discharge shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both. Notification received pursuant to this paragraph shall not be used against any such natural person in any criminal case, except a prosecution for perjury or for giving a false statement.

(6) ADMINISTRATIVE PENALTIES.—

(A) VIOLATIONS.—Any owner, operator, or person in charge of any vessel, onshore facility, or offshore facility—

(i) from which oil or a hazardous substance is discharged in violation of paragraph (3), or

(ii) who fails or refuses to comply with any regulation issued under subsection (j) to which that owner, operator, or person in charge is subject,

may be assessed a class I or class II civil penalty by the Secretary of the department in which the Coast Guard is operating, the Secretary of Transportation, or the Administrator.

(B) CLASSES OF PENALTIES.—

(i) CLASS I.—The amount of a class I civil penalty under subparagraph (A) may not exceed \$10,000 per violation, except that the maximum amount of any class I civil penalty under this subparagraph shall not exceed \$25,000. Before assessing a civil penalty under this clause, the Administrator or Secretary, as the case may be, shall give to the person to be assessed

such penalty written notice of the Administrator's or Secretary's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(ii) CLASS II.—The amount of a class II civil penalty under subparagraph (A) may not exceed \$10,000 per day for each day during which the violation continues; except that the maximum amount of any class II civil penalty under this subparagraph shall not exceed \$125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code. The Administrator and Secretary may issue rules for discovery procedures for hearings under this paragraph.

(C) RIGHTS OF INTERESTED PERSONS.—

(i) PUBLIC NOTICE.—Before issuing an order assessing a class II civil penalty under this paragraph the Administrator or Secretary, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of such order.

(ii) PRESENTATION OF EVIDENCE.—Any person who comments on a proposed assessment of a class II civil penalty under this paragraph shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and to present evidence.

(iii) RIGHTS OF INTERESTED PERSONS TO A HEARING.—If no hearing is held under subparagraph (B) before issuance of an order assessing a class II civil penalty under this paragraph, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subparagraph (B)(ii). If the Administrator or Secretary denies a hearing under this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(D) FINALITY OF ORDER.—An order assessing a class II civil penalty under this paragraph shall become final 30

days after its issuance unless a petition for judicial review is filed under subparagraph (G) or a hearing is requested under subparagraph (C)(iii). If such a hearing is denied, such order shall become final 30 days after such denial.

(E) EFFECT OF ORDER.—Action taken by the Administrator or Secretary, as the case may be, under this paragraph shall not affect or limit the Administrator's or Secretary's authority to enforce any provision of this Act; except that any violation—

(i) with respect to which the Administrator or Secretary has commenced and is diligently prosecuting an action to assess a class II civil penalty under this paragraph, or

(ii) for which the Administrator or Secretary has issued a final order assessing a class II civil penalty not subject to further judicial review and the violator has paid a penalty assessed under this paragraph, shall not be the subject of a civil penalty action under section 309(d), 309(g), or 505 of this Act or under paragraph (7).

(F) EFFECT OF ACTION ON COMPLIANCE.—No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this Act.

(G) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subparagraph (C) may obtain review of such assessment—

(i) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred, or

(ii) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(H) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

(i) after the assessment has become final, or

(ii) after a court in an action brought under subparagraph (G) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(I) SUBPOENAS.—The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this paragraph. In case of contumacy or refusal to obey a subpoena issued pursuant to this subparagraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(7) CIVIL PENALTY ACTION.—

(A) DISCHARGE, GENERALLY.—Any person who is the owner, operator, or person in charge of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (3), shall be subject to a civil penalty in an amount up to \$25,000 per day of violation or an amount up to \$1,000 per barrel of oil or unit of reportable quantity of hazardous substances discharged.

(B) FAILURE TO REMOVE OR COMPLY.—Any person described in subparagraph (A) who, without sufficient cause—

(i) fails to properly carry out removal of the discharge under an order of the President pursuant to subsection (c); or

(ii) fails to comply with an order pursuant to subsection (e)(1)(B);

shall be subject to a civil penalty in an amount up to \$25,000 per day of violation or an amount up to 3 times

the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure.

(C) FAILURE TO COMPLY WITH REGULATION.—Any person who fails or refuses to comply with any regulation issued under subsection (j) shall be subject to a civil penalty in an amount up to \$25,000 per day of violation.

(D) GROSS NEGLIGENCE.—In any case in which a violation of paragraph (3) was the result of gross negligence or willful misconduct of a person described in subparagraph (A), the person shall be subject to a civil penalty of not less than \$100,000, and not more than \$3,000 per barrel of oil or unit of reportable quantity of hazardous substance discharged.

(E) JURISDICTION.—An action to impose a civil penalty under this paragraph may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business, and such court shall have jurisdiction to assess such penalty.

(F) LIMITATION.—A person is not liable for a civil penalty under this paragraph for a discharge if the person has been assessed a civil penalty under paragraph (6) for the discharge.

(8) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under paragraphs (6) and (7), the Administrator, Secretary, or the court, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit to the violator, if any, resulting from the violation, the degree of culpability involved, any other penalty for the same incident, any history of prior violations, the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge, the economic impact of the penalty on the violator, and any other matters as justice may require.

(9) MITIGATION OF DAMAGE.—In addition to establishing a penalty for the discharge of oil or a hazardous substance, the Administrator or the Secretary of the department in which the Coast Guard is operating may act to mitigate the damage to the public health or welfare caused by such discharge. The cost of such mitigation shall be deemed a cost incurred under subsection (c) of this section for the removal of such substance by the United States Government.

(10) RECOVERY OF REMOVAL COSTS.—Any costs of removal incurred in connection with a discharge excluded by subsection (a)(2)(C) of this section shall be recoverable from the owner or operator of the source of the discharge in an action brought under section 309(b) of this Act.

(11) LIMITATION.—Civil penalties shall not be assessed under both this section and section 309 for the same discharge.

(12) WITHHOLDING CLEARANCE.—If any owner, operator, or person in charge of a vessel is liable for a civil penalty under this subsection, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a civil penalty under this subsection, the Secretary of the Treasury, upon the request of the Secretary of the department in which the Coast Guard is oper-

ating or the Administrator, shall with respect to such vessel refuse or revoke—

(A) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);

(B) a permit to proceed under section 4367 of the Revised Statutes of the United States (46 U.S.C. App. 313); and

(C) a permit to depart required under section 443 of the Tariff Act of 1930 (19 U.S.C. 1443);

as applicable. Clearance or a permit refused or revoked under this paragraph may be granted upon the filing of a bond or other surety satisfactory to the Secretary of the department in which the Coast Guard is operating or the Administrator.

(c) FEDERAL REMOVAL AUTHORITY.—

(1) GENERAL REMOVAL REQUIREMENT.—(A) The President shall, in accordance with the National Contingency Plan and any appropriate Area Contingency Plan, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance—

- (i) into or on the navigable waters;
- (ii) on the adjoining shorelines to the navigable waters;
- (iii) into or on the waters of the exclusive economic zone;

or

(iv) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

(B) In carrying out this paragraph, the President may—

- (i) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- (ii) direct or monitor all Federal, State, and private actions to remove a discharge; and
- (iii) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

(2) DISCHARGE POSING SUBSTANTIAL THREAT TO PUBLIC HEALTH OR WELFARE.—(A) If a discharge, or a substantial threat of a discharge, of oil or a hazardous substance from a vessel, offshore facility, or onshore facility is of such a size or character as to be a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the President shall direct all Federal, State, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

(B) In carrying out this paragraph, the President may, without regard to any other provision of law governing contracting procedures or employment of personnel by the Federal Government—

- (i) remove or arrange for the removal of the discharge, or mitigate or prevent the substantial threat of the discharge; and

(ii) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

(3) ACTIONS IN ACCORDANCE WITH NATIONAL CONTINGENCY PLAN.—(A) Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the National Contingency Plan or as directed by the President.

(B) An owner or operator participating in efforts under this subsection shall act in accordance with the National Contingency Plan and the applicable response plan required under subsection (j), or as directed by the President, except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects.

(C) In any case in which the President or the Federal On-Scene Coordinator authorizes a deviation from the salvor as part of a deviation under subparagraph (B) from the applicable response plan required under subsection (j), 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 describing the deviation and the reasons for such deviation not less than 3 days after such deviation is authorized.

(4) EXEMPTION FROM LIABILITY.—(A) A person is not liable for removal costs or damages which result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the President relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.

(B) Subparagraph (A) does not apply—

- (i) to a responsible party;
- (ii) to a response under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);
- (iii) with respect to personal injury or wrongful death; or
- (iv) if the person is grossly negligent or engages in willful misconduct.

(C) A responsible party is liable for any removal costs and damages that another person is relieved of under subparagraph (A).

(5) OBLIGATION AND LIABILITY OF OWNER OR OPERATOR NOT AFFECTED.—Nothing in this subsection affects—

(A) the obligation of an owner or operator to respond immediately to a discharge, or the threat of a discharge, of oil; or

(B) the liability of a responsible party under the Oil Pollution Act of 1990.

(6) RESPONSIBLE PARTY DEFINED.—For purposes of this subsection, the term “responsible party” has the meaning given that term under section 1001 of the Oil Pollution Act of 1990.

(d) NATIONAL CONTINGENCY PLAN.—

(1) PREPARATION BY PRESIDENT.—The President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances pursuant to this section.

(2) CONTENTS.—The National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal of oil and hazardous substances, and shall include, but not be limited to, the following:

(A) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities including, but not limited to, water pollution control and conservation and trusteeship of natural resources (including conservation of fish and wildlife).

(B) Identification, procurement, maintenance, and storage of equipment and supplies.

(C) Establishment or designation of Coast Guard strike teams, consisting of—

(i) personnel who shall be trained, prepared, and available to provide necessary services to carry out the National Contingency Plan;

(ii) adequate oil and hazardous substance pollution control equipment and material; and

(iii) a detailed oil and hazardous substance pollution and prevention plan, including measures to protect fisheries and wildlife.

(D) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of discharges of oil and hazardous substances and imminent threats of such discharges to the appropriate State and Federal agencies.

(E) Establishment of a national center to provide coordination and direction for operations in carrying out the Plan.

(F) Procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances.

(G) A schedule, prepared in cooperation with the States, identifying—

(i) dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the Plan,

(ii) the waters in which such dispersants, other chemicals, and other spill mitigating devices and substances may be used, and

(iii) the quantities of such dispersant, other chemicals, or other spill mitigating device or substance which can be used safely in such waters,

which schedule shall provide in the case of any dispersant, chemical, spill mitigating device or substance, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants, other chemicals, and other spill mitigating devices and substances which may be used, the waters in

which they may be used, and the quantities which can be used safely in such waters.

(H) A system whereby the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and such State or States may be reimbursed in accordance with the Oil Pollution Act of 1990, in the case of any discharge of oil from a vessel or facility, for the reasonable costs incurred for that removal, from the Oil Spill Liability Trust Fund.

(I) Establishment of criteria and procedures to ensure immediate and effective Federal identification of, and response to, a discharge, or the threat of a discharge, that results in a substantial threat to the public health or welfare of the United States, as required under subsection (c)(2).

(J) Establishment of procedures and standards for removing a worst case discharge of oil, and for mitigating or preventing a substantial threat of such a discharge.

(K) Designation of the Federal official who shall be the Federal On-Scene Coordinator for each area for which an Area Contingency Plan is required to be prepared under subsection (j).

(L) Establishment of procedures for the coordination of activities of—

- (i) Coast Guard strike teams established under subparagraph (C);
- (ii) Federal On-Scene Coordinators designated under subparagraph (K);
- (iii) District Response Groups established under subsection (j); and
- (iv) Area Committees established under subsection (j).

(M) A fish and wildlife response plan, developed in consultation with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other interested parties (including State fish and wildlife conservation officials), for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by a discharge.

(3) REVISIONS AND AMENDMENTS.—The President may, from time to time, as the President deems advisable, revise or otherwise amend the National Contingency Plan.

(4) ACTIONS IN ACCORDANCE WITH NATIONAL CONTINGENCY PLAN.—After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(e) CIVIL ENFORCEMENT.—

(1) ORDERS PROTECTING PUBLIC HEALTH.—In addition to any action taken by a State or local government, when the President determines that there may be an imminent and substantial threat to the public health or welfare of the United States,

including fish, shellfish, and wildlife, public and private property, shorelines, beaches, habitat, and other living and non-living natural resources under the jurisdiction or control of the United States, because of an actual or threatened discharge of oil or a hazardous substance from a vessel or facility in violation of subsection (b), the President may—

(A) require the Attorney General to secure any relief from any person, including the owner or operator of the vessel or facility, as may be necessary to abate such endangerment; or

(B) after notice to the affected State, take any other action under this section, including issuing administrative orders, that may be necessary to protect the public health and welfare.

(2) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall have jurisdiction to grant any relief under this subsection that the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed, in the case of an inland oil barge \$125 per gross ton of such barge, or \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000), whichever is greater, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed \$50,000,000, except that where the United States can show that such discharge

was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Administrator is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications, of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or hazardous substance in violation of subsection (b)(3) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed \$50,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(4) The costs of removal of oil or a hazardous substance for which the owner or operator of a vessel or onshore or offshore facility is liable under subsection (f) of this section shall include any costs or expenses incurred by the Federal Government or any State government in the restoration or replacement of natural resources damaged or destroyed as a result of a discharge of oil or a hazardous substance in violation of subsection (b) of this section.

(5) The President, or the authorized representative of any State, shall act on behalf of the public as trustee of the natural resources to recover for the costs of replacing or restoring such resources. Sums recovered shall be used to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government, or the State government.

(g) Where the owner or operator of a vessel (other than an inland oil barge) carrying oil or hazardous substances as cargo or an onshore or offshore facility which handles or stores oil or hazardous substances in bulk, from which oil or a hazardous substance is discharged in violation of subsection (b) of this section, alleges that such discharge was caused solely by an act or omission of a third party, such owner or operator shall pay to the United States Government the actual costs incurred under subsection (c) for removal

of such oil or substance and shall be entitled by subrogation to all rights of the United States Government to recover such costs from such third party under this subsection. In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b)(3) of this section, the liability of such third party under this subsection shall not exceed, in the case of an inland oil barge \$125 per gross ton of such barge, \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000), whichever is greater. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b)(3) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) The United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

(i) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Claims Court, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Govern-

ment, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

(j) NATIONAL RESPONSE SYSTEM.—

(1) IN GENERAL.—Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

(2) NATIONAL RESPONSE UNIT.—The Secretary of the department in which the Coast Guard is operating shall establish a National Response Unit at Elizabeth City, North Carolina. The Secretary, acting through the National Response Unit—

(A) shall compile and maintain a comprehensive computer list of spill removal resources, personnel, and equipment that is available worldwide and within the areas designated by the President pursuant to paragraph (4), and of information regarding previous spills, including data from universities, research institutions, State governments, and other nations, as appropriate, which shall be disseminated as appropriate to response groups and area committees, and which shall be available to Federal and State agencies and the public;

(B) shall provide technical assistance, equipment, and other resources requested by a Federal On-Scene Coordinator;

(C) shall coordinate use of private and public personnel and equipment to remove a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President pursuant to paragraph (4);

(D) may provide technical assistance in the preparation of Area Contingency Plans required under paragraph (4);

(E) shall administer Coast Guard strike teams established under the National Contingency Plan;

(F) shall maintain on file all Area Contingency Plans approved by the President under this subsection; and

(G) shall review each of those plans that affects its responsibilities under this subsection.

(3) COAST GUARD DISTRICT RESPONSE GROUPS.—(A) The Secretary of the department in which the Coast Guard is oper-

ating shall establish in each Coast Guard district a Coast Guard District Response Group.

(B) Each Coast Guard District Response Group shall consist of—

- (i) the Coast Guard personnel and equipment, including firefighting equipment, of each port within the district;
 - (ii) additional prepositioned equipment; and
 - (iii) a district response advisory staff.
- (C) Coast Guard district response groups—
- (i) shall provide technical assistance, equipment, and other resources when required by a Federal On-Scene Coordinator;
 - (ii) shall maintain all Coast Guard response equipment within its district;
 - (iii) may provide technical assistance in the preparation of Area Contingency Plans required under paragraph (4); and
 - (iv) shall review each of those plans that affect its area of geographic responsibility.

(4) AREA COMMITTEES AND AREA CONTINGENCY PLANS.—(A) There is established for each area designated by the President an Area Committee comprised of members appointed by the President from qualified—

- (i) personnel of Federal, State, and local agencies; and
- (ii) members of federally recognized Indian tribes, where applicable.

(B) Each Area Committee, under the direction of the Federal On-Scene Coordinator for its area, shall—

- (i) prepare for its area the Area Contingency Plan required under subparagraph (C);
- (ii) work with State, local, and tribal officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife, including advance planning with respect to the closing and reopening of fishing areas following a discharge; and
- (iii) work with State, local, and tribal officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

(C) Each Area Committee shall prepare and submit to the President for approval an Area Contingency Plan for its area. The Area Contingency Plan shall—

- (i) when implemented in conjunction with the National Contingency Plan, be adequate to remove a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or on-shore facility operating in or near the area;
- (ii) describe the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;
- (iii) describe in detail the responsibilities of an owner or operator and of Federal, State, and local agencies in re-

moving a discharge, and in mitigating or preventing a substantial threat of a discharge;

(iv) list the equipment (including firefighting equipment), dispersants or other mitigating substances and devices, and personnel available to an owner or operator, Federal, State, and local agencies, and tribal governments, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge;

(v) compile a list of local scientists, both inside and outside Federal Government service, with expertise in the environmental effects of spills of the types of oil typically transported in the area, who may be contacted to provide information or, where appropriate, participate in meetings of the scientific support team convened in response to a spill, and describe the procedures to be followed for obtaining an expedited decision regarding the use of dispersants;

(vi) describe in detail how the plan is integrated into other Area Contingency Plans and vessel, offshore facility, and onshore facility response plans approved under this subsection, and into operating procedures of the National Response Unit;

(vii) include a framework for advance planning and decisionmaking with respect to the closing and reopening of fishing areas following a discharge, including protocols and standards for the closing and reopening of fishing areas;

(viii) include any other information the President requires; and

(ix) be updated periodically by the Area Committee.

(D) The President shall—

(i) review and approve Area Contingency Plans under this paragraph; and

(ii) periodically review Area Contingency Plans so approved.

(5) TANK VESSEL, NONTANK VESSEL, AND FACILITY RESPONSE PLANS.—(A)(i) The President shall issue regulations which require an owner or operator of a tank vessel or facility described in subparagraph (C) to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance.

(ii) The President shall also issue regulations which require an owner or operator of a nontank vessel to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.

(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a nontank vessel, or a facility described in subparagraph (C) that transfers noxious liquid substances in bulk to or from a vessel to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance that is not designated as a hazardous substance or regulated as oil

in any other law or regulation. For purposes of this paragraph, the term “noxious liquid substance” has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

(C) The tank vessels, nontank vessels, and facilities referred to in subparagraphs (A) and (B) are the following:

- (i) A tank vessel, as defined under section 2101 of title 46, United States Code.
- (ii) A nontank vessel.
- (iii) An offshore facility.
- (iv) An onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone.

(D) A response plan required under this paragraph shall—

- (i) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;
- (ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);
- (iii) identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- (iv) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to mitigate or prevent the discharge, or the substantial threat of a discharge;
- (v) be updated periodically; and
- (vi) be resubmitted for approval of each significant change.

(E) With respect to any response plan submitted under this paragraph for an onshore facility that, because of its location, could reasonably be expected to cause significant and substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines or the exclusive economic zone, and with respect to each response plan submitted under this paragraph for a tank vessel, nontank vessel, or offshore facility, the President shall—

- (i) promptly review such response plan;
- (ii) require amendments to any plan that does not meet the requirements of this paragraph;
- (iii) approve any plan that meets the requirements of this paragraph;
- (iv) review each plan periodically thereafter; and
- (v) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on

the date of the enactment of the Coast Guard and Maritime Transportation Act of 2004 and ensure consistency to the extent practicable.

(F) A tank vessel, nontank vessel, offshore facility, or onshore facility required to prepare a response plan under this subsection may not handle, store, or transport oil unless—

(i) in the case of a tank vessel, nontank vessel, offshore facility, or onshore facility for which a response plan is reviewed by the President under subparagraph (E), the plan has been approved by the President; and

(ii) the vessel or facility is operating in compliance with the plan.

(G) Notwithstanding subparagraph (E), the President may authorize a tank vessel, nontank vessel, offshore facility, or onshore facility to operate without a response plan approved under this paragraph, until not later than 2 years after the date of the submission to the President of a plan for the tank vessel, nontank vessel, or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the President the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

(H) The owner or operator of a tank vessel, nontank vessel, offshore facility, or onshore facility may not claim as a defense to liability under title I of the Oil Pollution Act of 1990 that the owner or operator was acting in accordance with an approved response plan.

(I) The Secretary shall maintain, in the Vessel Identification System established under chapter 125 of title 46, United States Code, the dates of approval and review of a response plan under this paragraph for each tank vessel and nontank vessel that is a vessel of the United States.

[(6) EQUIPMENT REQUIREMENTS AND INSPECTION.—The President may require—

[(A) periodic inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges; and

[(B) vessels operating on navigable waters and carrying oil or a hazardous substance in bulk as cargo, and nontank vessels carrying oil of any kind as fuel for main propulsion, to carry appropriate removal equipment that employs the best technology economically feasible and that is compatible with the safe operation of the vessel.]]

(6) *EQUIPMENT REQUIREMENTS, VERIFICATION, AND INSPECTION.*—

(A) *IN GENERAL.*—*The President may require—*

(i) periodic inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges;

(ii) periodic inspection of vessels, salvage and marine firefighting equipment, and other major equipment used to respond to marine casualties or prevent discharges;

(iii) *periodic verification of capabilities to appropriately, and in a timely manner, respond to a marine casualty, a worst case discharge, or a substantial threat of a discharge, including—*

(I) drills, with or without prior notice;

(II) review of contracts and relevant third-party agreements;

(III) testing of equipment;

(IV) review of training; and

(V) other evaluations of response capabilities, as determined appropriate by the President; and

(iv) vessels operating on navigable waters and carrying oil or a hazardous substance in bulk as cargo, and nontank vessels carrying oil of any kind as fuel for main propulsion, to carry appropriate removal equipment that employs the best technology economically feasible and that is compatible with the safe operation of the vessel.

(B) *MARINE CASUALTY.*—*In this paragraph, the term “marine casualty” means a marine casualty that is required to be reported pursuant to section 6101 of title 46, United States Code.*

(7) *AREA DRILLS.*—The President shall periodically conduct drills of removal capability, without prior notice, in areas for which Area Contingency Plans are required under this subsection and under relevant tank vessel, nontank vessel, and facility response plans. The drills may include participation by Federal, State, and local agencies, the owners and operators of vessels and facilities in the area, and private industry. The President may publish annual reports on these drills, including assessments of the effectiveness of the plans and a list of amendments made to improve plans.

(8) *UNITED STATES GOVERNMENT NOT LIABLE.*—The United States Government is not liable for any damages arising from its actions or omissions relating to any response plan required by this section.

(9) *WESTERN ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.*—

(A) *DEFINITIONS.*—In this paragraph:

(i) *ALTERNATIVE PLANNING CRITERIA.*—The term “alternative planning criteria” means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), for vessel response plans.

(ii) *PRINCE WILLIAM SOUND CAPTAIN OF THE PORT ZONE.*—The term “Prince William Sound Captain of the Port Zone” means the area described in section 3.85–15(b) of title 33, Code of Federal Regulations (or successor regulations).

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

(iv) *VESSEL RESPONSE PLAN.*—The term “vessel response plan” means a plan required to be submitted by the owner or operator of a tank vessel or a nontank

vessel under regulations issued by the President under paragraph (5).

(v) WESTERN ALASKA CAPTAIN OF THE PORT ZONE.—The term “Western Alaska Captain of the Port Zone” means the area described in section 3.85–15(a) of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

(B) REQUIREMENT.—Except as provided in subparagraph (I), for any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area, a vessel response plan with respect to a discharge of oil for such a vessel shall comply with the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

(C) RELATION TO NATIONAL PLANNING CRITERIA.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall, with respect to a discharge of oil from a vessel described in subparagraph (B), apply in lieu of any alternative planning criteria accepted for vessels operating, prior to the date on which the Western Alaska oil spill planning criteria are established, in any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area.

(D) ESTABLISHMENT OF WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—

(i) IN GENERAL.—The President, acting through the Commandant, in consultation with the Western Alaska Oil Spill Criteria Program Manager selected under section 323 of title 14, United States Code, shall establish—

(I) Western Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in such area; and

(II) standardized submission, review, approval, and compliance verification processes for the Western Alaska oil spill planning criteria established under this clause, including the quantity and frequency of drills and on-site verifications of vessel response plans approved pursuant to such planning criteria.

(ii) DEVELOPMENT OF SUBREGIONS.—

(I) DEVELOPMENT.—After establishing the Western Alaska oil spill planning criteria under clause (i), and if necessary to adequately reflect the needs and capabilities of various locations within the Western Alaska Captain of the Port Zone, the President, acting through the Commandant, and in consultation with the Western Alaska Oil Spill Criteria Program Manager selected under section 323 of title 14, United States Code, may develop subregions for which planning criteria may differ from planning criteria for other subregions in the Western Alaska Captain of the Port Zone.

(II) LIMITATION.—Any planning criteria for a subregion developed under this clause may not be less stringent than the Western Alaska oil spill planning criteria established under clause (i).

(iii) ASSESSMENT.—

(I) IN GENERAL.—Prior to developing a subregion, the President, acting through the Commandant, shall conduct an assessment on any potential impacts to the entire Western Alaska Captain of the Port Zone to include quantity and availability of response resources in the proposed subregion and in surrounding areas and any changes or impacts to surrounding areas resulting in the development of a subregion with different standards.

(II) CONSULTATION.—In conducting an assessment under this clause, the President, acting through the Commandant, shall consult with State and local governments, Tribes (as defined in section 323 of title 14, United States Code), the owners and operators that would operate under the proposed subregions, oil spill removal organizations, Alaska Native organizations, and environmental nongovernmental organizations, and shall take into account any experience with the prior use of subregions within the State of Alaska.

(III) SUBMISSION.—The President, acting through the Commandant, shall submit the results of an assessment conducted under this clause to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(E) INCLUSIONS.—

(i) REQUIREMENTS.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall include planning criteria for the following:

(I) Mechanical oil spill response resources that are required to be located within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone for which the Secretary has determined that the national planning criteria

established pursuant to this subsection are inappropriate for a vessel operating in such area.

(II) Response times for mobilization of oil spill response resources and arrival on the scene of a worst case discharge of oil, or substantial threat of such a discharge, occurring within such part of such area.

(III) Pre-identified vessels for oil spill response that are capable of operating in the ocean environment.

(IV) Ensuring the availability of at least 1 oil spill removal organization that is classified by the Coast Guard and that—

(aa) is capable of responding in all operating environments in such part of such area;

(bb) controls oil spill response resources of dedicated and nondedicated resources within such part of such area, through ownership, contracts, agreements, or other means approved by the President, sufficient—

(AA) to mobilize and sustain a response to a worst case discharge of oil; and

(BB) to contain, recover, and temporarily store discharged oil;

(cc) has pre-positioned oil spill response resources in strategic locations throughout such part of such area in a manner that ensures the ability to support response personnel, marine operations, air cargo, or other related logistics infrastructure;

(dd) has temporary storage capability using both dedicated and non-dedicated assets located within such part of such area;

(ee) has non-mechanical oil spill response resources capable of responding to a discharge of persistent oil and a discharge of nonpersistent oil, whether the discharged oil was carried by a vessel as fuel or cargo; and

(ff) has wildlife response resources for primary, secondary, and tertiary responses to support carcass collection, sampling, deterrence, rescue, and rehabilitation of birds, sea turtles, marine mammals, fishery resources, and other wildlife.

(V) With respect to tank barges carrying non-persistent oil in bulk as cargo, oil spill response resources that are required to be carried on board.

(VI) Specifying a minimum length of time that approval of a vessel response plan under this paragraph is valid.

(VII) Managing wildlife protection and rehabilitation, including identified wildlife protection and rehabilitation resources in that area.

(ii) **ADDITIONAL CONSIDERATIONS.**—The Western Alaska oil spill planning criteria established under

subparagraph (D)(i) may include planning criteria for the following:

(I) Vessel routing measures consistent with international routing measure deviation protocols.

(II) Maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel operation anomalies.

(F) REQUIREMENT FOR APPROVAL.—The President may approve a vessel response plan for a vessel under this paragraph only if the owner or operator of the vessel demonstrates the availability of the oil spill response resources required to be included in the vessel response plan under the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

(G) PERIODIC AUDITS.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the Western Alaska oil spill planning criteria established under subparagraph (D)(i).

(H) REVIEW OF DETERMINATION.—Not less frequently than once every 5 years, the Secretary shall review each determination of the Secretary under subparagraph (B) that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in the area of responsibility of the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone.

(I) VESSELS IN COOK INLET.—Unless otherwise authorized by the Secretary, a vessel may only operate in Cook Inlet, Alaska, under a vessel response plan approved under paragraph (5) that meets the requirements of the national planning criteria established pursuant to this subsection.

(J) SAVINGS PROVISIONS.—Nothing in this paragraph affects—

(i) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska;

(ii) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Prince William Sound Captain of the Port Zone that are subject to section 5005 of the Oil Pollution Act of 1990 (33 U.S.C. 2735); or

(iii) the authority of a Federal On-Scene Coordinator to use any available resources when responding to an oil spill.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Each such department, agency, and instrumentality, in order to avoid

duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) ADMINISTRATIVE PROVISIONS.—

(1) FOR VESSELS.—Anyone authorized by the President to enforce the provisions of this section with respect to any vessel may, except as to public vessels—

(A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone,

(B) with or without a warrant, arrest any person who in the presence or view of the authorized person violates the provisions of this section or any regulation issued thereunder, and

(C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(2) FOR FACILITIES.—

(A) RECORDKEEPING.—Whenever required to carry out the purposes of this section, the Administrator, the Secretary of Transportation, or the Secretary of the Department in which the Coast Guard is operating shall require the owner or operator of a facility to which this section applies to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment and methods, and provide such other information as the Administrator, the Secretary of Transportation, or Secretary, as the case may be, may require to carry out the objectives of this section.

(B) ENTRY AND INSPECTION.—Whenever required to carry out the purposes of this section, the Administrator, the Secretary of Transportation, or the Secretary of the Department in which the Coast Guard is operating or an authorized representative of the Administrator, the Secretary of Transportation, or Secretary, upon presentation of appropriate credentials, may—

(i) enter and inspect any facility to which this section applies, including any facility at which any records are required to be maintained under subparagraph (A); and

(ii) at reasonable times, have access to and copy any records, take samples, and inspect any monitoring equipment or methods required under subparagraph (A).

(C) ARRESTS AND EXECUTION OF WARRANTS.—Anyone authorized by the Administrator or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section with respect to any facility may—

(i) with or without a warrant, arrest any person who violates the provisions of this section or any regulation issued thereunder in the presence or view of the person so authorized; and

(ii) execute any warrant or process issued by an officer or court of competent jurisdiction.

(D) PUBLIC ACCESS.—Any records, reports, or information obtained under this paragraph shall be subject to the same public access and disclosure requirements which are applicable to records, reports, and information obtained pursuant to section 308.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State, or with respect to any removal activities related to such discharge.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(q) The President is authorized to establish, with respect to any class or category of onshore or offshore facilities, a maximum limit of liability under subsections (f)(2) and (3) of this section of less than \$50,000,000, but not less than, \$8,000,000.

(r) Nothing in this section shall be construed to impose, or authorize the imposition of, any limitation on liability under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.

(s) The Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509) shall be available to carry out subsections (b), (c), (d), (j), and (l) as those subsections apply to discharges, and substantial threats of discharges, of oil. Any amounts received by the United States under this section shall be deposited in the Oil Spill Liability Trust Fund except as provided in subsection (t).

(t) GULF COAST RESTORATION AND RECOVERY.—

(1) STATE ALLOCATION AND EXPENDITURES.—

(A) IN GENERAL.—Of the total amounts made available in any fiscal year from the Trust Fund, 35 percent shall be available, in accordance with the requirements of this section, to the Gulf Coast States in equal shares for ex-

penditure for ecological and economic restoration of the Gulf Coast region in accordance with this subsection.

(B) USE OF FUNDS.—

(i) ELIGIBLE ACTIVITIES IN THE GULF COAST REGION.—Subject to clause (iii), amounts provided to the Gulf Coast States under this subsection may only be used to carry out 1 or more of the following activities in the Gulf Coast region:

(I) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

(II) Mitigation of damage to fish, wildlife, and natural resources.

(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

(IV) Workforce development and job creation.

(V) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.

(VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

(VII) Coastal flood protection and related infrastructure.

(VIII) Planning assistance.

(IX) Administrative costs of complying with this subsection.

(ii) ACTIVITIES TO PROMOTE TOURISM AND SEAFOOD IN THE GULF COAST REGION.—Amounts provided to the Gulf Coast States under this subsection may be used to carry out 1 or more of the following activities:

(I) Promotion of tourism in the Gulf Coast Region, including recreational fishing.

(II) Promotion of the consumption of seafood harvested from the Gulf Coast Region.

(iii) LIMITATION.—

(I) IN GENERAL.—Of the amounts received by a Gulf Coast State under this subsection, not more than 3 percent may be used for administrative costs eligible under clause (i)(IX).

(II) CLAIMS FOR COMPENSATION.—Activities funded under this subsection may not be included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after the date of enactment of this subsection.

(C) COASTAL POLITICAL SUBDIVISIONS.—

(i) DISTRIBUTION.—In the case of a State where the coastal zone includes the entire State—

(I) 75 percent of funding shall be provided directly to the 8 disproportionately affected counties impacted by the Deepwater Horizon oil spill; and

(II) 25 percent shall be provided directly to non-disproportionately impacted counties within the State.

(ii) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

(I) 34 percent based on the weighted average of the population of the county.

(II) 33 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2012.

(III) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

(D) LOUISIANA.—

(i) IN GENERAL.—Of the total amounts made available to the State of Louisiana under this paragraph:

(I) 70 percent shall be provided directly to the State in accordance with this subsection.

(II) 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:

(aa) 40 percent based on the weighted average of miles of the parish shoreline oiled.

(bb) 40 percent based on the weighted average of the population of the parish.

(cc) 20 percent based on the weighted average of the land mass of the parish.

(ii) CONDITIONS.—

(I) LAND USE PLAN.—As a condition of receiving amounts allocated under this paragraph, the chief executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.

(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this paragraph shall meet all of the conditions in subparagraph (E).

(E) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including the entities described in subparagraph (F), or a coastal political subdivision shall—

(i) agree to meet such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;

(ii) certify in such form and in such manner as the Secretary of the Treasury determines necessary that the project or program for which the Gulf Coast State

or coastal political subdivision is requesting amounts—

(I) is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast;

(II) carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B);

(III) was selected based on meaningful input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations; and

(IV) in the case of a natural resource protection or restoration project, is based on the best available science;

(iii) certify that the project or program and the awarding of a contract for the expenditure of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements; and

(iv) develop and submit a multiyear implementation plan for the use of such amounts, which may include milestones, projected completion of each activity, and a mechanism to evaluate the success of each activity in helping to restore and protect the Gulf Coast region impacted by the Deepwater Horizon oil spill.

(F) APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY.—The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:

(i) ALABAMA.—

(I) IN GENERAL.—In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:

(aa) The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.

(bb) The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.

(cc) The Chairman of the Baldwin County Commission.

(dd) The President of the Mobile County Commission.

(ee) The Mayor of the city of Bayou La Batre.

(ff) The Mayor of the town of Dauphin Island.

(gg) The Mayor of the city of Fairhope.

(hh) The Mayor of the city of Gulf Shores.

(ii) The Mayor of the city of Mobile.

(jj) The Mayor of the city of Orange Beach.

(II) VOTE.—Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.

(III) MAJORITY VOTE.—All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.

(IV) LIMITATION ON ADMINISTRATIVE EXPENSES.—Administrative duties for the Alabama Gulf Coast Recovery Council may only be performed by public officials and employees that are subject to the ethics laws of the State of Alabama.

(ii) LOUISIANA.—In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana.

(iii) MISSISSIPPI.—In the State of Mississippi, the Mississippi Department of Environmental Quality.

(iv) TEXAS.—In the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

(G) COMPLIANCE WITH ELIGIBLE ACTIVITIES.—If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision of amounts made available under this subsection does not meet one of the activities described in clauses (i) and (ii) of subparagraph (B), the Secretary shall make no additional amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unauthorized use—

(i) has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or

(ii) has been authorized by the Secretary of the Treasury for expenditure by the Gulf Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.

(H) COMPLIANCE WITH CONDITIONS.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), where applicable, the Secretary of the Treasury shall make no amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until all conditions of this paragraph are met.

(I) PUBLIC INPUT.—In meeting any condition of this paragraph, a Gulf Coast State may use an appropriate procedure for public consultation in that Gulf Coast State, including consulting with one or more established task forces or other entities, to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

(J) PREVIOUSLY APPROVED PROJECTS AND PROGRAMS.—A Gulf Coast State or coastal political subdivision shall be

considered to have met the conditions of subparagraph (E) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—

- (i) the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs that are substantively the same as the conditions described in subparagraph (E); and
- (ii) the applicable project or program carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B).

(K) LOCAL PREFERENCE.—In awarding contracts to carry out a project or program under this paragraph, a Gulf Coast State or coastal political subdivision may give a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in the State of project execution.

(L) UNUSED FUNDS.—Funds allocated to a State or coastal political subdivision under this paragraph shall remain in the Trust Fund until such time as the State or coastal political subdivision develops and submits a plan identifying uses for those funds in accordance with subparagraph (E)(iv).

(M) JUDICIAL REVIEW.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), the Gulf Coast State or coastal political subdivision may obtain expedited judicial review within 90 days after that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

(N) COST-SHARING.—

- (i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available under this paragraph to that Gulf Coast State or coastal political subdivision to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that is an eligible activity described in clauses (i) and (ii) of subparagraph (B).

- (ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund to satisfy the non-Federal share of the cost of a project or program that meets the requirements of clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

(2) COUNCIL ESTABLISHMENT AND ALLOCATION.—

(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, 30 percent shall be disbursed to the Council to carry out the Comprehensive Plan.

(B) COUNCIL EXPENDITURES.—

(i) IN GENERAL.—In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund to the Council to implement the Comprehensive Plan will be used in accordance with this paragraph.

(iii) ADMINISTRATIVE EXPENSES.—Of the amounts received by the Council under this paragraph, not more than 3 percent may be used for administrative expenses, including staff.

(C) GULF COAST ECOSYSTEM RESTORATION COUNCIL.—

(i) ESTABLISHMENT.—There is established as an independent entity in the Federal Government a council to be known as the “Gulf Coast Ecosystem Restoration Council”.

(ii) MEMBERSHIP.—The Council shall consist of the following members, or in the case of a Federal agency, a designee at the level of the Assistant Secretary or the equivalent:

- (I) The Secretary of the Interior.
- (II) The Secretary of the Army.
- (III) The Secretary of Commerce.
- (IV) The Administrator of the Environmental Protection Agency.
- (V) The Secretary of Agriculture.
- (VI) The head of the department in which the Coast Guard is operating.
- (VII) The Governor of the State of Alabama.
- (VIII) The Governor of the State of Florida.
- (IX) The Governor of the State of Louisiana.
- (X) The Governor of the State of Mississippi.
- (XI) The Governor of the State of Texas.

(iii) ALTERNATE.—A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.

(iv) CHAIRPERSON.—From among the Federal agency members of the Council, the representatives of States on the Council shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.

(v) PRESIDENTIAL APPOINTMENT.—All Council members shall be appointed by the President.

(vi) COUNCIL ACTIONS.—

(I) IN GENERAL.—The following actions by the Council shall require the affirmative vote of the

Chairperson and a majority of the State members to be effective:

(aa) Approval of a Comprehensive Plan and future revisions to a Comprehensive Plan.

(bb) Approval of State plans pursuant to paragraph (3)(B)(iv).

(cc) Approval of reports to Congress pursuant to clause (vii)(VII).

(dd) Approval of transfers pursuant to subparagraph (E)(ii)(I).

(ee) Other significant actions determined by the Council.

(II) QUORUM.—A majority of State members shall be required to be present for the Council to take any significant action.

(III) AFFIRMATIVE VOTE REQUIREMENT CONSIDERED MET.—For approval of State plans pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that the plan satisfies all requirements of clauses (i) and (ii) of paragraph (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, shall be considered to satisfy the requirements for affirmative votes under subclause (I).

(IV) PUBLIC TRANSPARENCY.—Appropriate actions of the Council, including significant actions and associated deliberations, shall be made available to the public via electronic means prior to any vote.

(vii) DUTIES OF COUNCIL.—The Council shall—

(I) develop the Comprehensive Plan and future revisions to the Comprehensive Plan;

(II) identify as soon as practicable the projects that—

(aa) have been authorized prior to the date of enactment of this subsection but not yet commenced; and

(bb) if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast region;

(III) establish such other 1 or more advisory committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

(IV) collect and consider scientific and other research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to sections 1604 and 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

(V) develop standard terms to include in contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State;

(VI) prepare an integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for projects and programs in the Gulf Coast States; and

(VII) submit to Congress an annual report that—

(aa) summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast region;

(bb) describes the projects and programs being implemented to restore and protect the Gulf Coast region, including—

(AA) a list of each project and program;

(BB) an identification of the funding provided to projects and programs identified in subitem (AA);

(CC) an identification of each recipient for funding identified in subitem (BB); and

(DD) a description of the length of time and funding needed to complete the objectives of each project and program identified in subitem (AA);

(cc) makes such recommendations to Congress for modifications of existing laws as the Council determines necessary to implement the Comprehensive Plan;

(dd) reports on the progress on implementation of each project or program—

(AA) after 3 years of ongoing activity of the project or program, if applicable; and

(BB) on completion of the project or program;

(ee) includes the information required to be submitted under section 1605(c)(4) of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

(ff) submits the reports required under item (dd) to—

(AA) the Committee on Science, Space, and Technology, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives; and

(BB) the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

(viii) APPLICATION OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—The Council, or any other advisory committee established under this subparagraph, shall not be considered an advisory committee under chapter 10 of title 5, United States Code.

(ix) SUNSET.—The authority for the Council, and any other advisory committee established under this subparagraph, shall terminate on the date all funds in the Trust Fund have been expended.

(D) COMPREHENSIVE PLAN.—

(i) PROPOSED PLAN.—

(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council and after appropriate public input, review, and comment, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

(II) INCLUSIONS.—The proposed plan described in subclause (I) shall include and incorporate the findings and information prepared by the President's Gulf Coast Restoration Task Force.

(ii) PUBLICATION.—

(I) INITIAL PLAN.—Not later than 1 year after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 and after notice and opportunity for public comment, the Chairperson, on behalf of the Council and after approval by the Council, shall publish in the Federal Register the initial Comprehensive Plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

(II) COOPERATION WITH GULF COAST RESTORATION TASK FORCE.—The Council shall develop the initial Comprehensive Plan in close coordination with the President's Gulf Coast Restoration Task Force.

(III) CONSIDERATIONS.—In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded under section 1604 or 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and

Revived Economies of the Gulf Coast States Act of 2012.

(IV) CONTENTS.—The initial Comprehensive Plan shall include—

(aa) such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President’s Gulf Coast Restoration Task Force;

(bb) a list of any project or program authorized prior to the date of enactment of this subsection but not yet commenced, the completion of which would further the purposes and goals of this subsection and of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

(cc) a description of the manner in which amounts from the Trust Fund projected to be made available to the Council for the succeeding 10 years will be allocated; and

(dd) subject to available funding in accordance with clause (iii), a prioritized list of specific projects and programs to be funded and carried out during the 3-year period immediately following the date of publication of the initial Comprehensive Plan, including a table that illustrates the distribution of projects and programs by the Gulf Coast State.

(V) PLAN UPDATES.—The Council shall update—

(aa) the Comprehensive Plan every 5 years in a manner comparable to the manner established in this subparagraph for each 5-year period for which amounts are expected to be made available to the Gulf Coast States from the Trust Fund; and

(bb) the 3-year list of projects and programs described in subclause (IV)(dd) annually.

(iii) RESTORATION PRIORITIES.—Except for projects and programs described in clause (ii)(IV)(bb), in selecting projects and programs to include on the 3-year list described in clause (ii)(IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

(I) Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.

(II) Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems,

fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

(III) Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

(IV) Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

(E) IMPLEMENTATION.—

(i) IN GENERAL.—The Council, acting through the Federal agencies represented on the Council and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

(ii) ADMINISTRATIVE RESPONSIBILITY.—

(I) IN GENERAL.—Primary authority and responsibility for each project and program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

(II) TRANSFER OF AMOUNTS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to that Federal agency or Gulf Coast State as the project or program is implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

(III) LIMITATION ON TRANSFERS.—

(aa) GRANTS TO NONGOVERNMENTAL ENTITIES.—In the case of funds transferred to a Federal or State agency under subclause (II), the agency shall not make 1 or more grants or cooperative agreements to a nongovernmental entity if the total amount provided to the entity would equal or exceed 10 percent of the total amount provided to the agency for that particular project or program, unless the 1 or more grants have been reported in accordance with item (bb).

(bb) REPORTING OF GRANTEEES.—At least 30 days prior to making a grant or entering into a cooperative agreement described in item (aa), the name of each grantee, including the amount and purpose of each grant or cooperative agreement, shall be published in the Fed-

eral Register and delivered to the congressional committees listed in subparagraph (C)(vii)(VII)(ff).

(cc) ANNUAL REPORTING OF GRANTEEES.—Annually, the name of each grantee, including the amount and purposes of each grant or cooperative agreement, shall be published in the Federal Register and delivered to Congress as part of the report submitted pursuant to subparagraph (C)(vii)(VII).

(IV) PROJECT AND PROGRAM LIMITATION.—The Council, a Federal agency, or a State may not carry out a project or program funded under this paragraph outside of the Gulf Coast region.

(F) COORDINATION.—The Council and the Federal members of the Council may develop memoranda of understanding establishing integrated funding and implementation plans among the member agencies and authorities.

(3) OIL SPILL RESTORATION IMPACT ALLOCATION.—

(A) IN GENERAL.—

(i) DISBURSEMENT.—Of the total amount made available from the Trust Fund, 30 percent shall be disbursed pursuant to the formula in clause (ii) to the Gulf Coast States on the approval of the plan described in subparagraph (B)(i).

(ii) FORMULA.—Subject to subparagraph (B), for each Gulf Coast State, the amount disbursed under this paragraph shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:

(I) 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

(II) 40 percent based on the inverse proportion of the average distance from the mobile offshore drilling unit *Deepwater Horizon* at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.

(III) 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

(iii) MINIMUM ALLOCATION.—The amount disbursed to a Gulf Coast State for each fiscal year under clause (ii) shall be at least 5 percent of the total amounts made available under this paragraph.

(B) DISBURSEMENT OF FUNDS.—

(i) IN GENERAL.—The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will im-

prove the ecosystems or economy of the Gulf Coast region, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph that meets the following criteria:

(I) All projects, programs, and activities included in the plan are eligible activities pursuant to clauses (i) and (ii) of paragraph (1)(B).

(II) The projects, programs, and activities included in the plan contribute to the overall economic and ecological recovery of the Gulf Coast.

(III) The plan takes into consideration the Comprehensive Plan and is consistent with the goals and objectives of the Plan, as described in paragraph (2)(B)(i).

(ii) FUNDING.—

(I) IN GENERAL.—Except as provided in subclause (II), the plan described in clause (i) may use not more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i).

(II) EXCEPTION.—The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i) if the plan certifies that—

(aa) ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and

(bb) additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.

(iii) DEVELOPMENT.—The plan described in clause (i) shall be developed by—

(I) in the State of Alabama, the Alabama Gulf Coast Recovery Council established under paragraph (1)(F)(i);

(II) in the State of Florida, a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county;

(III) in the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana;

(IV) in the State of Mississippi, the Office of the Governor or an appointee of the Office of the Governor; and

(V) in the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

(iv) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under clause (i), the Council shall approve or disapprove the plan based on the conditions of clause (i).

(C) DISAPPROVAL.—If the Council disapproves a plan pursuant to subparagraph (B)(iv), the Council shall—

- (i) provide the reasons for disapproval in writing; and
- (ii) consult with the State to address any identified deficiencies with the State plan.

(D) FAILURE TO SUBMIT ADEQUATE PLAN.—If a State fails to submit an adequate plan under this paragraph, any funds made available under this paragraph shall remain in the Trust Fund until such date as a plan is submitted and approved pursuant to this paragraph.

(E) JUDICIAL REVIEW.—If the Council fails to approve or take action within 60 days on a plan, as described in subparagraph (B)(iv), the State may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

(F) COST-SHARING.—

(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State or coastal political subdivision under this paragraph to satisfy the non-Federal share of any project or program that—

(I) is authorized by other Federal law; and

(II) is an eligible activity described in clause (i) or (ii) of paragraph (1)(B).

(ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund under this paragraph to satisfy the non-Federal share of the cost of a project or program described in clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

(4) AUTHORIZATION OF INTEREST TRANSFERS.—Of the total amount made available for any fiscal year from the Trust Fund that is equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year—

(A) 50 percent shall be divided equally between—

(i) the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program authorized in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

(ii) the centers of excellence research grants authorized in section 1605 of that Act; and

(B) 50 percent shall be made available to the Gulf Coast Ecosystem Restoration Council to carry out the Comprehensive Plan pursuant to paragraph (2).

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OIL POLLUTION ACT OF 1990

* * * * *

TITLE I—OIL POLLUTION LIABILITY AND COMPENSATION

SEC. 1001. DEFINITIONS.

For the purposes of this Act, the term—

(1) “act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) “barrel” means 42 United States gallons at 60 degrees fahrenheit;

(3) “claim” means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident;

(4) “claimant” means any person or government who presents a claim for compensation under this title;

(5) “damages” means damages specified in section 1002(b) of this Act, and includes the cost of assessing these damages;

(6) “deepwater port” is a facility licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524);

(7) “discharge” means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(8) “exclusive economic zone” means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as “eastern special areas” in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990;

(9) “facility” means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes;

(10) “foreign offshore unit” means a facility which is located, in whole or in part, in the territorial sea or on the continental shelf of a foreign country and which is or was used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the seabed beneath the foreign country’s territorial sea or from the foreign country’s continental shelf;

(11) “Fund” means the Oil Spill Liability Trust Fund, established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509);

(12) “gross ton” has the meaning given that term by the Secretary under part J of title 46, United States Code;

(13) “guarantor” means any person, other than the responsible party, who provides evidence of financial responsibility for a responsible party under this Act;

(14) “incident” means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, resulting in the discharge or substantial threat of discharge of oil;

(15) “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to or controlled by the tribe;

(16) “lessee” means a person holding a leasehold interest in an oil or gas lease on lands beneath navigable waters (as that term is defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a))) or on submerged lands of the Outer Continental Shelf, granted or maintained under applicable State law or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(17) “liable” or “liability” shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(18) “mobile offshore drilling unit” means a vessel (other than a self-elevating lift vessel) capable of use as an offshore facility;

(19) “National Contingency Plan” means the National Contingency Plan prepared and published under section 311(d) of the Federal Water Pollution Control Act, as amended by this Act, or revised under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9605);

(20) “natural resources” includes land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone), any State or local government or Indian tribe, or any foreign government;

(21) “navigable waters” means the waters of the United States, including the territorial sea;

(22) “offshore facility” means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(23) “oil” means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;

(24) “onshore facility” means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located

in, on, or under, any land within the United States other than submerged land;

(25) the term “Outer Continental Shelf facility” means an offshore facility which is located, in whole or in part, on the Outer Continental Shelf and is or was used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the Outer Continental Shelf;

(26) “owner or operator”—

(A) means—

(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(ii) in the case of an onshore facility, offshore facility, or foreign offshore unit or other facility located seaward of the exclusive economic zone, any person or entity owning or operating such facility;

(iii) in the case of any abandoned offshore facility or foreign offshore unit or other facility located seaward of the exclusive economic zone, the person or entity that owned or operated such facility immediately prior to such abandonment;

(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

(v) notwithstanding subparagraph (B)(i), and in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including for purposes of liability under section 1002, any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through—

(I) seizure or otherwise in connection with law enforcement activity;

(II) bankruptcy;

(III) tax delinquency;

(IV) abandonment; or

(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

(I) exercises decision making control over the environmental compliance related to the vessel or facility, such that the person has undertaken responsibility for oil handling or disposal practices related to the vessel or facility; or

(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

(aa) for the overall management of the vessel or facility encompassing day-to-day decision making with respect to environmental compliance; or

(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

(B) does not include—

(i) A unit of state or local government that acquired ownership or control of a vessel or facility involuntarily through—

(I) seizure or otherwise in connection with law enforcement activity;

(II) bankruptcy;

(III) tax delinquency;

(IV) abandonment; or

(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility; or

(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

(I) forecloses on the vessel or facility; and

(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;

(27) “person” means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body;

(28) “permittee” means a person holding an authorization, license, or permit for geological exploration issued under section

11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) or applicable State law;

(29) “public vessel” means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when the vessel is engaged in commerce;

(30) “remove” or “removal” means containment and removal of oil or a hazardous substance from water and shorelines or the taking of other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(31) “removal costs” means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident;

(32) “responsible party” means the following:

(A) VESSELS.—In the case of a vessel, any person owning, operating, or demise chartering the vessel. In the case of a vessel, the term “responsible party” also includes the owner of oil being transported in a tank vessel with a single hull after December 31, 2010.

(B) ONSHORE FACILITIES.—In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a Federal agency, State, municipality, commission, or political subdivision of a State, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit.

(C) OFFSHORE FACILITIES.—In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.)), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable State law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301–1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a Federal agency, State, municipality, commission, or political subdivision of a State, or any interstate body, that as owner transfers possession and right to use the property to another person by lease, assignment, or permit.

(D) FOREIGN FACILITIES.—In the case of a foreign offshore unit or other facility located seaward of the exclusive economic zone, any person or other entity owning or operating the facility, and any leaseholder, permit holder, assignee, or holder of a right of use and easement granted under applicable foreign law for the area in which the facility is located.

(E) DEEPWATER PORTS.—In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524), the licensee.

(F) PIPELINES.—In the case of a pipeline, any person owning or operating the pipeline.

(G) ABANDONMENT.—In the case of an abandoned vessel, onshore facility, deepwater port, ~~pipeline,~~ offshore facility, ~~pipeline,~~ or foreign offshore unit or other facility located seaward of the exclusive economic zone, the persons or entities that would have been responsible parties immediately prior to the abandonment of the vessel or facility.

(33) “Secretary” means the Secretary of the department in which the Coast Guard is operating;

(34) “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; or

(C) transfers oil or hazardous material in a place subject to the jurisdiction of the United States;

(35) “territorial seas” means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles;

(36) “United States” and “State” mean the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession of the United States;

(37) “vessel” means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

(38) “participate in management”—

(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

(B) does not include—

(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

(ii) holding a security interest or abandoning or releasing a security interest;

(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

(v) monitoring or undertaking one or more inspections of the vessel or facility;

(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

(39) “extension of credit” has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

(40) “financial or administrative function” has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

(41) “foreclosure” and “foreclose” each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

(42) “lender” has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

(43) “operational function” has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

(44) “security interest” has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).

* * * * *

SEC. 1005. INTEREST; PARTIAL PAYMENT OF CLAIMS.

(a) **GENERAL RULE.**—The responsible party or the responsible party’s guarantor is liable to a claimant for interest on the amount paid in satisfaction of a claim under this Act for the period described in subsection (b). The responsible party shall establish a procedure for the payment or settlement of claims for interim, short-term damages. Payment or settlement of a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled shall not preclude recovery by the claimant for damages not reflected in the paid or settled partial claim.

(b) PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the period for which interest shall be paid is the period beginning on the 30th day following the date on which the claim is presented to the responsible party or guarantor and ending on the date on which the claim is paid.

(2) EXCLUSION OF PERIOD DUE TO OFFER BY GUARANTOR.—If the guarantor offers to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim, the period described in paragraph (1) does not include the period beginning on the date the offer is made and ending on the date the offer is accepted. If the offer is made within 60 days after the date on which the claim is presented under section 1013(a), the period described in paragraph (1) does not include any period before the offer is accepted.

(3) EXCLUSION OF PERIODS IN INTERESTS OF JUSTICE.—If in any period a claimant is not paid due to reasons beyond the control of the responsible party or because it would not serve the interests of justice, no interest shall accrue under this section during that period.

(4) CALCULATION OF INTEREST.—

(A) IN GENERAL.—The interest paid for claims, other than Federal Government cost recovery claims, under this section shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of 180 days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve Bulletin.

(B) FEDERAL COST RECOVERY CLAIMS.—The interest paid for Federal Government cost recovery claims under this section shall be calculated in accordance with section 3717 of title 31, United States Code.

(5) INTEREST NOT SUBJECT TO LIABILITY LIMITS.—

(A) IN GENERAL.—Interest (including prejudgment interest) under this paragraph is in addition to damages and removal costs for which claims may be asserted under section 1002 and shall be paid without regard to any limitation of liability under section 1004.

(B) PAYMENT BY GUARANTOR.—The payment of interest under this subsection by a guarantor is subject to [section 1016(g)] *section 1016(f)*.

* * * * *

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 State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement 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, including, in the case of a spill of national significance that results in extraordinary Coast Guard claims processing activities, the administrative and personnel costs of the Coast Guard to process such claims (including the costs of commercial claims processing, expert services, training, and technical services), subject to the condition that the Coast Guard shall submit to Congress a report describing each spill of national significance not later than 30 days after the date on which the Coast Guard determines it necessary to process such claims; 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 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.

(b) DEFENSE TO LIABILITY FOR FUND.—

(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)~~ *section 1016(e)(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) COST-REIMBURSABLE AGREEMENT.—

(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs consistent with the National Contingency Plan.

(2) INAPPLICABILITY.—Chapter 63 and section 1535 of title 31, United States Code shall not apply to a cost-reimbursable agreement entered into under this subsection.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 describing the purposes for which such funds were obligated or ex-

pended in such detail as the Secretary may require for purposes of the report required under paragraph (1).

* * * * *

SEC. 1016. FINANCIAL RESPONSIBILITY.

(a) REQUIREMENT.—The responsible party for—

(1) any vessel over 300 gross tons (except a non-self-propelled vessel that does not carry oil as cargo or fuel) using any place subject to the jurisdiction of the United States;

(2) any vessel using the waters of the exclusive economic zone to transship or lighter oil destined for a place subject to the jurisdiction of the United States; or

(3) any tank vessel over 100 gross tons using any place subject to the jurisdiction of the United States;

shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to meet the maximum amount of liability to which the responsible party could be subjected under section 1004(a) or (d) of this Act, in a case where the responsible party would be entitled to limit liability under that section. If the responsible party owns or operates more than one vessel, evidence of financial responsibility need be established only to meet the amount of the maximum liability applicable to the vessel having the greatest maximum liability.

(b) SANCTIONS.—

(1) WITHHOLDING CLEARANCE.—The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this section that does not have the evidence of financial responsibility required for the vessel under this section.

(2) DENYING ENTRY TO OR DETAINING VESSELS.—The Secretary may—

(A) deny entry to any vessel to any place in the United States, or to the navigable waters, or

(B) detain at the place,

any vessel that, upon request, does not produce the evidence of financial responsibility required for the vessel under this section.

(3) SEIZURE OF VESSEL.—Any vessel subject to the requirements of this section which is found in the navigable waters without the necessary evidence of financial responsibility for the vessel shall be subject to seizure by and forfeiture to the United States.

(c) OFFSHORE FACILITIES.—

(1) IN GENERAL.—

(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

(II) is located in coastal inland waters, such as bays or estuaries, seaward of the line of ordinary low water

along that portion of the coast that is not in direct contact with the open sea;

(ii) is used for exploring for, drilling for, producing, or transporting oil from facilities engaged in oil exploration, drilling, or production; and

(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria of subparagraph (A) is—

(i) \$35,000,000 for an offshore facility located seaward of the seaward boundary of a State; or

(ii) \$10,000,000 for an offshore facility located landward of the seaward boundary of a State.

(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraph (B) is justified based on the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding \$150,000,000.

(D) MULTIPLE FACILITIES.—In a case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

(E) DEFINITION.—For the purpose of this paragraph, the seaward boundary of a State shall be determined in accordance with section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)).

(2) DEEPWATER PORTS.—Each responsible party with respect to a deepwater port shall establish and maintain evidence of financial responsibility sufficient to meet the maximum amount of liability to which the responsible party could be subjected under section 1004(a) of this Act in a case where the responsible party would be entitled to limit liability under that section. If the Secretary exercises the authority under section 1004(d)(2) to lower the limit of liability for deepwater ports, the responsible party shall establish and maintain evidence of financial responsibility sufficient to meet the maximum amount of liability so established. In a case in which a person is the responsible party for more than one deepwater port, evidence of financial responsibility need be established only to meet the maximum liability applicable to the deepwater port having the greatest maximum liability.

[(e)] (d) METHODS OF FINANCIAL RESPONSIBILITY.—Financial responsibility under this section may be established by any one, or by any combination, of the following methods which the Secretary (in the case of a vessel) or the President (in the case of a facility) determines to be acceptable: evidence of insurance, surety bond, guarantee, letter of credit, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In promulgating requirements under this section, the Secretary or the President, as appropriate, may specify policy or other contractual terms, conditions, or defenses which are necessary, or which are unacceptable, in establishing evidence of financial responsibility to effectuate the purposes of this Act.

[(f)] (e) CLAIMS AGAINST GUARANTOR.—

(1) IN GENERAL.—Subject to paragraph (2), a claim for which liability may be established under section 1002 may be asserted directly against any guarantor providing evidence of financial responsibility for a responsible party liable under that section for removal costs and damages to which the claim pertains. In defending against such a claim, the guarantor may invoke—

(A) all rights and defenses which would be available to the responsible party under this Act;

(B) any defense authorized under [(subsection (e))] *subsection (d)*; and

(C) the defense that the incident was caused by the willful misconduct of the responsible party.

The guarantor may not invoke any other defense that might be available in proceedings brought by the responsible party against the guarantor.

(2) FURTHER REQUIREMENT.—A claim may be asserted pursuant to paragraph (1) directly against a guarantor providing evidence of financial responsibility under subsection (c)(1) with respect to an offshore facility only if—

(A) the responsible party for whom evidence of financial responsibility has been provided has denied or failed to pay a claim under this Act on the basis of being insolvent, as defined under section 101(32) of title 11, United States Code, and applying generally accepted accounting principles;

(B) the responsible party for whom evidence of financial responsibility has been provided has filed a petition for bankruptcy under title 11, United States Code; or

(C) the claim is asserted by the United States for removal costs and damages or for compensation paid by the Fund under this Act, including costs incurred by the Fund for processing compensation claims.

(3) RULEMAKING AUTHORITY.—Not later than 1 year after the date of enactment of this paragraph, the President shall promulgate regulations to establish a process for implementing paragraph (2) in a manner that will allow for the orderly and expeditious presentation and resolution of claims and effectuate the purposes of this Act.

[(g)] (f) LIMITATION ON GUARANTOR'S LIABILITY.—Nothing in this Act shall impose liability with respect to an incident on any guar-

antor for damages or removal costs which exceed, in the aggregate, the amount of financial responsibility which that guarantor has provided for a responsible party pursuant to this section. The total liability of the guarantor on direct action for claims brought under this Act with respect to an incident shall be limited to that amount.

[(h)] (g) CONTINUATION OF REGULATIONS.—Any regulation relating to financial responsibility, which has been issued pursuant to any provision of law repealed or superseded by this Act, and which is in effect on the date immediately preceding the effective date of this Act, is deemed and shall be construed to be a regulation issued pursuant to this section. Such a regulation shall remain in full force and effect unless and until superseded by a new regulation issued under this section.

[(i)] (h) UNIFIED CERTIFICATE.—The Secretary may issue a single unified certificate of financial responsibility for purposes of this Act and any other law.

SEC. 1017. LITIGATION, JURISDICTION, AND VENUE.

(a) REVIEW OF REGULATIONS.—Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within 90 days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

(b) JURISDICTION.—Except as provided in subsections (a) and (c), the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the discharge or injury or damages occurred, or in which the defendant resides, may be found, has its principal office, or has appointed an agent for service of process. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) STATE COURT JURISDICTION.—A State trial court of competent jurisdiction over claims for removal costs or damages, as defined under this Act, may consider claims under this Act or State law and any final judgment of such court (when no longer subject to ordinary forms of review) shall be recognized, valid, and enforceable for all purposes of this Act.

(d) ASSESSMENT AND COLLECTION OF TAX.—The provisions of subsections (a), (b), and (c) shall not apply to any controversy or other matter resulting from the assessment or collection of any tax, or to the review of any regulation promulgated under the Internal Revenue Code of 1986.

(e) SAVINGS PROVISION.—Nothing in this title shall apply to any cause of action or right of recovery arising from any incident which occurred prior to the date of enactment of this title. Such claims shall be adjudicated pursuant to the law applicable on the date of the incident.

(f) PERIOD OF LIMITATIONS.—

(1) DAMAGES.—Except as provided in paragraphs (3) and (4), an action for damages under this Act shall be barred unless the action is brought within 3 years after—

(A) the date on which the loss and the connection of the loss with the discharge in question are reasonably discoverable with the exercise of due care, or

(B) in the case of natural resource damages under section 1002(b)(2)(A), the date of completion of the natural resources damage assessment under section 1006(c).

(2) REMOVAL COSTS.—An action for recovery of removal costs referred to in section 1002(b)(1) must be commenced within 3 years after completion of the removal action. In any such action described in this subsection, the court shall enter a declaratory judgment on liability for removal costs or damages that will be binding on any subsequent action or actions to recover further removal costs or damages. Except as otherwise provided in this paragraph, an action may be commenced under this title for recovery of removal costs at any time after such costs have been incurred.

(3) CONTRIBUTION.—No action for contribution for any removal costs or damages may be commenced more than 3 years after—

(A) the date of judgment in any action under this Act for recovery of such costs or damages, or

(B) the date of entry of a judicially approved settlement with respect to such costs or damages.

(4) SUBROGATION.—No action based on rights subrogated pursuant to this Act by reason of payment of a claim may be commenced under this Act more than 3 years after the date of payment of such claim.

(5) COMMENCEMENT.—The time limitations contained herein 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 such 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 such incompetent.

(g) *TIMING OF REVIEW.*—*Before the date of completion of a removal action, no person may bring an action under this Act, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), or chapter 7 of title 5, United States Code, challenging any decision relating to such removal action that is made by an on-scene coordinator appointed under the National Contingency Plan.*

SEC. 1018. RELATIONSHIP TO OTHER LAW.

(a) PRESERVATION OF STATE AUTHORITIES; SOLID WASTE DISPOSAL ACT.—Nothing in this Act or the Act of March 3, 1851 shall—

(1) affect, or be construed or interpreted as preempting, the authority of any State or political subdivision thereof from imposing any additional liability or requirements with respect to—

(A) the discharge of oil or other pollution by oil within such State; or

(B) any removal activities in connection with such a discharge; or

(2) affect, or be construed or interpreted to affect or modify in any way the obligations or liabilities of any person under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or State law, including common law.

(b) PRESERVATION OF STATE FUNDS.—Nothing in this Act or in section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509) shall in any way affect, or be construed to affect, the authority of any State—

(1) to establish, or to continue in effect, a fund any purpose of which is to pay for costs or damages arising out of, or directly resulting from, oil pollution or the substantial threat of oil pollution; or

(2) to require any person to contribute to such a fund.

(c) ADDITIONAL REQUIREMENTS AND LIABILITIES; PENALTIES.—Nothing in this Act, [the Act of March 3, 1851 (46 U.S.C. 183 et seq.)] *chapter 305 of title 46, United States Code*, or section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), shall in any way affect, or be construed to affect, the authority of the United States or any State or political subdivision thereof—

(1) to impose additional liability or additional requirements;

or

(2) to impose, or to determine the amount of, any fine or penalty (whether criminal or civil in nature) for any violation of law;

relating to the discharge, or substantial threat of a discharge, of oil.

(d) FEDERAL EMPLOYEE LIABILITY.—For purposes of section 2679(b)(2)(B) of title 28, United States Code, nothing in this Act shall be construed to authorize or create a cause of action against a Federal officer or employee in the officer's or employee's personal or individual capacity for any act or omission while acting within the scope of the officer's or employee's office or employment.

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TITLE VII—OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM

SEC. 7001. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Chair” means the Chairperson of the Interagency Committee designated under subsection (c)(2);

(2) the term “Commandant” means the Commandant of the Coast Guard;

(3) the term “institution of higher education” means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(4) the term “Interagency Committee” means the Interagency Coordinating Committee on Oil Pollution Research established under subsection (b);

(5) the term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere; and

(6) the term “Vice Chair” means the Vice Chairperson of the Interagency Committee designated under subsection (c)(3).

(b) ESTABLISHMENT OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—

(1) ESTABLISHMENT.—There is established an Interagency Coordinating Committee on Oil Pollution Research.

(2) PURPOSE.—The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Interagency Committee shall be composed of—

(A) at least 1 representative of the Coast Guard;

(B) at least 1 representative of the National Oceanic and Atmospheric Administration;

(C) at least 1 representative of the Environmental Protection Agency;

(D) at least 1 representative of the Department of the Interior;

(E) at least 1 representative of the Bureau of Safety and Environmental Enforcement;

(F) at least 1 representative of the Bureau of Ocean Energy Management;

(G) at least 1 representative of the United States Fish and Wildlife Service;

(H) at least 1 representative of the Department of Energy;

(I) at least 1 representative of the Pipeline and Hazardous Materials Safety Administration;

(J) at least 1 representative of the Federal Emergency Management Agency;

(K) at least 1 representative of the Navy;

(L) at least 1 representative of the Corps of Engineers;

(M) at least 1 representative of the United States Arctic Research Commission; and

(N) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate.

(2) CHAIRPERSON.—The Commandant shall designate a Chairperson from among the members of the Interagency Committee selected under paragraph (1)(A).

(3) VICE CHAIRPERSON.—The Under Secretary shall designate a Vice Chairperson from among the members of the Interagency Committee selected under paragraph (1)(B).

(4) MEETINGS.—

(A) QUARTERLY MEETINGS.—At a minimum, the members of the Interagency Committee shall meet once each quarter.

(B) PUBLIC SUMMARIES.—After each meeting, a summary shall be made available by the Chair or Vice Chair, as appropriate.

(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

(1) RESEARCH.—The Interagency Committee shall—

(A) coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, States, Indian tribes, and other countries, as appropriate; and

(B) foster cost-effective research mechanisms, including the joint funding of research and the development of public-private partnerships for the purpose of expanding research.

(2) OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.—

(A) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Interagency Committee shall submit to Congress a research plan to report on the state of oil discharge prevention and response capabilities that—

(i) identifies current research programs conducted by Federal agencies, States, Indian tribes, 4-year institutions of higher education, and corporate entities;

(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies and effects of oil pollution on the environment;

(iii) identifies significant oil pollution research gaps, including an assessment of major technological deficiencies in responses to past oil discharges;

(iv) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(v) assesses the research on the applicability and effectiveness of the prevention, response, and mitigation technologies to each class of oil;

(vi) estimates the resources needed to conduct the oil pollution research and development program established pursuant to subsection (e), and timetables for completing research tasks;

(vii) summarizes research on response equipment in varying environmental conditions, such as in currents, ice cover, and ice floes; and

(viii) includes such other information or recommendations as the Interagency Committee determines to be appropriate.

(B) ADVICE AND GUIDANCE.—

(i) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Chair, through the department in which the Coast Guard is operating, shall contract with the National Academy of Sciences to—

(I) provide advice and guidance in the preparation and development of the research plan;

(II) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment; and

(III) provide organization guidance regarding the implementation of the research plan, including delegation of topics and research among Federal agencies represented on the Interagency Committee.

(ii) NIST ADVICE AND GUIDANCE.—The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to its activities under this section.

(C) 10-YEAR UPDATES.—Not later than 10 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 10 years thereafter, the Interagency Committee shall submit to Congress a research plan that updates the information contained in the previous research plan submitted under this subsection.

(e) OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT.—The Interagency Committee shall coordinate the establishment, by the agencies represented on the Interagency Committee, of a program for conducting oil pollution research, technology, and development, as provided in this subsection.

(2) INNOVATIVE OIL POLLUTION TECHNOLOGY.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies and methods that are effective in preventing, mitigating, or restoring damage from oil discharges and that protect the environment, including—

(A) development of improved designs for vessels and facilities, and improved operational practices;

(B) research, development, and demonstration of improved technologies to measure the ullage of a vessel tank, prevent discharges from tank vents, prevent discharges during lightering and bunkering operations, contain discharges on the deck of a vessel, prevent discharges through the use of vacuums in tanks, and otherwise contain discharges of oil from vessels and facilities;

(C) research, development, and demonstration of new or improved systems of mechanical, chemical, biological, and other methods (including the use of dispersants, solvents, and bioremediation) for the recovery, removal, and disposal of oil, including evaluation of the environmental effects of the use of such systems;

(D) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to quickly and effectively remove an oil discharge, including the long-term use, as appropriate, of the National Spill Control School in Corpus Christi, Texas, and the Center for Marine Training and Safety in Galveston, Texas;

(E) research to improve information systems for decisionmaking, including the use of data from coastal mapping, baseline data, and other data related to the environmental effects of oil discharges, and cleanup technologies;

(F) development of technologies and methods to protect public health and safety from oil discharges, including the population directly exposed to an oil discharge;

(G) development of technologies, methods, and standards for protecting removal personnel, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures;

(H) research and development of methods to restore and rehabilitate natural resources damaged by oil discharges;

(I) research to evaluate the relative effectiveness and environmental impacts of bioremediation technologies; and

(J) the demonstration of a satellite-based, dependent surveillance vessel traffic system in Narragansett Bay to evaluate the utility of such system in reducing the risk of oil discharges from vessel collisions and groundings in confined waters.

(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under paragraph (1) shall provide for oil pollution prevention and mitigation technology evaluation including—

(A) the evaluation and testing of technologies developed independently of the research and development program established under paragraph (1);

(B) the establishment, where appropriate, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention or mitigation technologies; and

(C) the use, where appropriate, of controlled field testing to evaluate real-world application of oil discharge prevention or mitigation technologies.

(4) OIL POLLUTION EFFECTS RESEARCH.—(A) The Committee shall establish a research program to monitor and evaluate the environmental effects of acute and chronic oil discharges on coastal and marine resources (including impacts on protected areas such as sanctuaries) and protected species, and such program shall include the following elements:

(i) The development of improved models and capabilities for predicting the environmental fate, transport, and effects of oil discharges.

(ii) The development of methods, including economic methods, to assess damages to natural resources resulting from oil discharges.

(iii) Research to understand and quantify the effects of sublethal impacts of oil discharge on living natural marine resources, including impacts on pelagic fish species, marine mammals, and commercially and recreationally targeted fish and shellfish species.

(iv) The identification of types of ecologically sensitive areas at particular risk to oil discharges and the preparation of scientific monitoring and evaluation plans, one for each of several types of ecological conditions, to be implemented in the event of major oil discharges in such areas.

(v) The collection of environmental baseline data in ecologically sensitive areas at particular risk to oil discharges where such data are insufficient.

(vi) Research to understand the long-term effects of major oil discharges and the long-term effects of smaller endemic oil discharges.

(vii) The identification of potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude.

(viii) The development of methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges.

(B) The Department of Commerce in consultation with the Environmental Protection Agency shall monitor and scientifically evaluate the long-term environmental effects of oil discharges if—

- (i) the amount of oil discharged exceeds 250,000 gallons;
- (ii) the oil discharge has occurred on or after January 1, 1989; and
- (iii) the Interagency Committee determines that a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.

Areas for study may include the following sites where oil discharges have occurred: the New York/New Jersey Harbor area, where oil was discharged by an Exxon underwater pipeline, the T/B CIBRO SAVANNAH, and the M/V BT NAUTILUS; Narragansett Bay where oil was discharged by the WORLD PRODIGY; the Houston Ship Channel where oil was discharged by the RACHEL B; the Delaware River, where oil was discharged by the PRESIDENTE RIVERA and the T/V ATHOS I, and Huntington Beach, California, where oil was discharged by the AMERICAN TRADER.

(C) Research conducted under this paragraph by, or through, the United States Fish and Wildlife Service shall be directed and coordinated by the National Wetland Research Center.

(5) MARINE SIMULATION RESEARCH.—The program established under paragraph (1) shall include research on the greater use and application of geographic and vessel response simulation models, including the development of additional data bases and updating of existing data bases using, among others, the resources of the National Maritime Research Center. It shall include research and vessel simulations for—

- (A) contingency plan evaluation and amendment;
- (B) removal and strike team training;
- (C) tank vessel personnel training; and
- (D) those geographic areas where there is a significant likelihood of a major oil discharge.

(6) DEMONSTRATION PROJECTS.—The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct 4 port oil pollution minimization demonstration projects, one each with (A) the Port Authority of New York and New Jersey, (B) the Ports of Los Angeles and Long Beach, California, (C) the Port of New Orleans, Louisiana, and (D) a port on the Great Lakes for the purpose of developing and demonstrating integrated port oil pollution pre-

vention and cleanup systems which utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section. Such systems shall utilize improved technologies and management practices for reducing the risk of oil discharges, including, as appropriate, improved data access, computerized tracking of oil shipments, improved vessel tracking and navigation systems, advanced technology to monitor pipeline and tank conditions, improved oil spill response capability, improved capability to predict the flow and effects of oil discharges in both the inner and outer harbor areas for the purposes of making infrastructure decisions, and such other activities necessary to achieve the purposes of this section.

(7) SIMULATED ENVIRONMENTAL TESTING.—

(A) IN GENERAL.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in New Jersey for oil pollution technology testing and evaluations.

(B) OTHER TESTING FACILITIES.—Nothing in subparagraph (A) shall be construed as limiting the ability of the Interagency Committee to contract or partner with a facility or facilities other than the Center described in subparagraph (A) for the purpose of oil pollution technology testing and evaluations, provided such a facility or facilities have testing and evaluation capabilities equal to or greater than those of such Center.

(C) IN-KIND CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency may accept donations of crude oil and crude oil product samples in the form of in-kind contributions for use by the Federal Government for product testing, research and development, and for other purposes as the Secretary and the Administrator determine appropriate.

(ii) USE OF DONATED OIL.—Oil accepted under clause (i) may be used directly by the Secretary and shall be provided to other Federal agencies or departments through interagency agreements to carry out the purposes of this Act.

(8) REGIONAL RESEARCH PROGRAM.—(A) Consistent with the research plan in subsection (d), the Interagency Committee shall coordinate a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting a coordinated research program related to the regional aspects of oil pollution, such as prevention, removal, mitigation, and the effects of discharged oil on regional environments. For the purposes of this paragraph, a region means a Coast Guard district as set out in part 3 of title 33, Code of Federal Regulations (2010).

(B) The Interagency Committee shall coordinate the publication by the agencies represented on the Interagency Committee

of a solicitation for grants under this subsection. The application shall be in such form and contain such information as may be required in the published solicitation. The applications shall be reviewed by the Interagency Committee, which shall make recommendations to the appropriate granting agency represented on the Interagency Committee for awarding the grant. The granting agency shall award the grants recommended by the Interagency Committee unless the agency decides not to award the grant due to budgetary or other compelling considerations and publishes its reasons for such a determination in the Federal Register. No grants may be made by any agency from any funds authorized for this paragraph unless such grant award has first been recommended by the Interagency Committee.

(C) Any university or other research institution, or group of universities or research institutions, may apply for a grant for the regional research program established by this paragraph. The applicant must be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program. With respect to a group application, the entity or entities which will carry out the substantial portion of the proposed research must be located in the region, or in a State a part of which is in the region, for which the project is proposed as part of the regional research program.

(D) The Interagency Committee shall make recommendations on grants in such a manner as to ensure an appropriate balance within a region among the various aspects of oil pollution research, including prevention, removal, mitigation, and the effects of discharged oil on regional environments. In addition, the Interagency Committee shall make recommendations for grants based on the following criteria:

- (i) There is available to the applicant for carrying out this paragraph demonstrated research resources.
- (ii) The applicant demonstrates the capability of making a significant contribution to regional research needs.
- (iii) The projects which the applicant proposes to carry out under the grant are consistent with the research plan under subsection (d) and would further the objectives of the research and development program established in this section.

(E) Grants provided under this paragraph shall be for a period up to 3 years, subject to annual review by the granting agency, and provide not more than 80 percent of the costs of the research activities carried out in connection with the grant.

(F) No funds made available to carry out this subsection may be used for the acquisition of real property (including buildings) or construction of any building.

(G) Nothing in this paragraph is intended to alter or abridge the authority under existing law of any Federal agency to make grants, or enter into contracts or cooperative agreements, using funds other than those authorized in this Act for the purposes of carrying out this paragraph.

(9) FUNDING.—For each of the fiscal years 1991, 1992, 1993, 1994, and 1995, \$6,000,000 of amounts in the Fund shall be

available to carry out the regional research program in paragraph (8), such amounts to be available in equal amounts for the regional research program in each region; except that if the agencies represented on the Interagency Committee determine that regional research needs exist which cannot be addressed within such funding limits, such agencies may use their authority under paragraph (10) to make additional grants to meet such needs. For the purposes of this paragraph, the research program carried out by the Prince William Sound Oil Spill Recovery Institute established under section 5001, shall not be eligible to receive grants under this paragraph until the authorization for funding under section 5006(b) expires.

(10) GRANTS.—In carrying out the research and development program established under paragraph (1), the Under Secretary may enter into contracts and cooperative agreements and make grants to universities, research institutions, and other persons, and States and Indian tribes. Such contracts, cooperative agreements, and grants shall address research and technology priorities set forth in the oil pollution research plan under subsection (d).

(11) In carrying out research under this section, the Department of Transportation shall continue to utilize the resources of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, to the maximum extent practicable.

(f) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (d), the Interagency Committee shall coordinate and cooperate with other nations and foreign research entities in conducting oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges.

(g) BIENNIAL REPORTS.—The Chair shall submit to Congress every 2 years on October 30 a report on the activities carried out under this section in the preceding 2 fiscal years, and on activities proposed to be carried out under this section in the current 2 fiscal year period.

(h) FUNDING.—Not to exceed \$22,000,000 of amounts in the Fund shall be available annually to carry out this section except for subsection (e)(8). Of such sums—

(1) funds authorized to be appropriated to carry out the activities under [subsection (c)(4)] *subsection (e)(4)* shall not exceed \$5,000,000 for fiscal year 1991 or \$3,500,000 for any subsequent fiscal year; and

(2) not less than \$3,000,000 shall be available for carrying out the activities in subsection (c)(6) for fiscal years 1992, 1993, 1994, and 1995.

All activities authorized in this section, including subsection (e)(8), are subject to appropriations.

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