

In the Senate of the United States,

November 14, 2018.

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 140) entitled “An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.”, with the following

SENATE AMENDMENT TO HOUSE AMENDMENT:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert the following:

1 SECTION 1. SHORT TITLE.

2 *This Act may be cited as the “Frank LoBiondo Coast*
3 *Guard Authorization Act of 2018”.*

4 SEC. 2. TABLE OF CONTENTS.

5 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

Sec. 101. Initial matter.

Sec. 102. Subtitle I.

Sec. 103. Chapter 1.

- Sec. 104. Chapter 3.*
- Sec. 105. Chapter 5.*
- Sec. 106. Chapter 7.*
- Sec. 107. Chapter 9.*
- Sec. 108. Chapter 11.*
- Sec. 109. Subtitle II.*
- Sec. 110. Chapter 19.*
- Sec. 111. Part II.*
- Sec. 112. Chapter 21.*
- Sec. 113. Chapter 23.*
- Sec. 114. Chapter 25.*
- Sec. 115. Part III.*
- Sec. 116. Chapter 27.*
- Sec. 117. Chapter 29.*
- Sec. 118. Subtitle III and chapter 37.*
- Sec. 119. Chapter 39.*
- Sec. 120. Chapter 41.*
- Sec. 121. Subtitle IV and chapter 49.*
- Sec. 122. Chapter 51.*
- Sec. 123. References.*
- Sec. 124. Rule of construction.*

TITLE II—AUTHORIZATIONS

- Sec. 201. Amendments to title 14, United States Code, as amended by title I of this Act.*
- Sec. 202. Authorizations of appropriations.*
- Sec. 203. Authorized levels of military strength and training.*
- Sec. 204. Authorization of amounts for Fast Response Cutters.*
- Sec. 205. Authorization of amounts for shoreside infrastructure.*
- Sec. 206. Authorization of amounts for aircraft improvements.*

TITLE III—COAST GUARD

- Sec. 301. Amendments to title 14, United States Code, as amended by title I of this Act.*
- Sec. 302. Primary duties.*
- Sec. 303. National Coast Guard Museum.*
- Sec. 304. Unmanned aircraft.*
- Sec. 305. Coast Guard health-care professionals; licensure portability.*
- Sec. 306. Training; emergency response providers.*
- Sec. 307. Incentive contracts for Coast Guard yard and industrial establishments.*
- Sec. 308. Confidential investigative expenses.*
- Sec. 309. Regular captains; retirement.*
- Sec. 310. Conversion, alteration, and repair projects.*
- Sec. 311. Contracting for major acquisitions programs.*
- Sec. 312. Officer promotion zones.*
- Sec. 313. Cross reference.*
- Sec. 314. Commissioned service retirement.*
- Sec. 315. Leave for birth or adoption of child.*
- Sec. 316. Clothing at time of discharge.*
- Sec. 317. Unfunded priorities list.*
- Sec. 318. Safety of vessels of the Armed Forces.*
- Sec. 319. Air facilities.*

TITLE IV—PORTS AND WATERWAYS SAFETY

- Sec. 401. Codification of Ports and Waterways Safety Act.*
- Sec. 402. Conforming amendments.*
- Sec. 403. Transitional and savings provisions.*
- Sec. 404. Rule of construction.*
- Sec. 405. Advisory committee: repeal.*
- Sec. 406. Regattas and marine parades.*
- Sec. 407. Regulation of vessels in territorial waters of United States.*
- Sec. 408. Port, harbor, and coastal facility security.*

TITLE V—MARITIME TRANSPORTATION SAFETY

- Sec. 501. Consistency in marine inspections.*
- Sec. 502. Uninspected passenger vessels in St. Louis County, Minnesota.*
- Sec. 503. Engine cut-off switch requirements.*
- Sec. 504. Exception from survival craft requirements.*
- Sec. 505. Safety standards.*
- Sec. 506. Fishing safety grants.*
- Sec. 507. Fishing, fish tender, and fish processing vessel certification.*
- Sec. 508. Deadline for compliance with alternate safety compliance program.*
- Sec. 509. Termination of unsafe operations; technical correction.*
- Sec. 510. Technical corrections: Licenses, certificates of registry, and merchant mariner documents.*
- Sec. 511. Clarification of logbook entries.*
- Sec. 512. Certificates of documentation for recreational vessels.*
- Sec. 513. Numbering for undocumented barges.*
- Sec. 514. Backup national timing system.*
- Sec. 515. Scientific personnel.*
- Sec. 516. Transparency.*

TITLE VI—ADVISORY COMMITTEES

- Sec. 601. National maritime transportation advisory committees.*
- Sec. 602. Maritime Security Advisory Committees.*

TITLE VII—FEDERAL MARITIME COMMISSION

- Sec. 701. Short title.*
- Sec. 702. Authorization of appropriations.*
- Sec. 703. Reporting on impact of alliances on competition.*
- Sec. 704. Definition of certain covered services.*
- Sec. 705. Reports filed with the Commission.*
- Sec. 706. Public participation.*
- Sec. 707. Ocean transportation intermediaries.*
- Sec. 708. Common carriers.*
- Sec. 709. Negotiations.*
- Sec. 710. Injunctive relief sought by the Commission.*
- Sec. 711. Discussions.*
- Sec. 712. Transparency.*
- Sec. 713. Study of bankruptcy preparation and response.*
- Sec. 714. Agreements unaffected.*

TITLE VIII—MISCELLANEOUS

- Sec. 801. Repeal of obsolete reporting requirement.*
- Sec. 802. Corrections to provisions enacted by Coast Guard Authorization Acts.*

- Sec. 803. *Officer evaluation report.*
- Sec. 804. *Extension of authority.*
- Sec. 805. *Coast Guard ROTC program.*
- Sec. 806. *Currency detection canine team program.*
- Sec. 807. *Center of expertise for Great Lakes oil spill search and response.*
- Sec. 808. *Public safety answering points and maritime search and rescue coordination.*
- Sec. 809. *Ship shoal lighthouse transfer: repeal.*
- Sec. 810. *Land exchange, Ayakulik Island, Alaska.*
- Sec. 811. *Use of Tract 43.*
- Sec. 812. *Coast Guard maritime domain awareness.*
- Sec. 813. *Monitoring.*
- Sec. 814. *Reimbursements for non-Federal construction costs of certain aids to navigation.*
- Sec. 815. *Towing safety management system fees.*
- Sec. 816. *Oil spill disbursements auditing and report.*
- Sec. 817. *Fleet requirements assessment and strategy.*
- Sec. 818. *National Security Cutter.*
- Sec. 819. *Acquisition plan for inland waterway and river tenders and bay-class icebreakers.*
- Sec. 820. *Great Lakes icebreaker acquisition.*
- Sec. 821. *Polar icebreakers.*
- Sec. 822. *Strategic assets in the Arctic.*
- Sec. 823. *Arctic planning criteria.*
- Sec. 824. *Vessel response plan audit.*
- Sec. 825. *Waters deemed not navigable waters of the United States for certain purposes.*
- Sec. 826. *Documentation of recreational vessels.*
- Sec. 827. *Equipment requirements; exemption from throwable personal flotation devices requirement.*
- Sec. 828. *Visual distress signals and alternative use.*
- Sec. 829. *Radar refresher training.*
- Sec. 830. *Commercial fishing vessel safety national communications plan.*
- Sec. 831. *Atlantic Coast port access route study recommendations.*
- Sec. 832. *Drawbridges.*
- Sec. 833. *Waiver.*
- Sec. 834. *Fire-retardant materials.*
- Sec. 835. *Vessel waiver.*
- Sec. 836. *Temporary limitations.*
- Sec. 837. *Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound National Wildlife Refuge.*
- Sec. 838. *Emergency response.*
- Sec. 839. *Drawbridges consultation.*

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.*

TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

- Sec. 1001. *Reauthorization of Hydrographic Services Improvement Act of 1998.*
- Sec. 1002. *System for tracking and reporting all-inclusive cost of hydrographic surveys.*
- Sec. 1003. *Homeport of certain research vessels.*

1 **TITLE I—REORGANIZATION OF**
 2 **TITLE 14, UNITED STATES CODE**

3 **SEC. 101. INITIAL MATTER.**

4 *Title 14, United States Code, is amended by striking*
 5 *the title designation, the title heading, and the table of parts*
 6 *at the beginning and inserting the following:*

7 **“TITLE 14—COAST GUARD**

<i>“Subtitle</i>	<i>Sec.</i>
“I. Establishment, Powers, Duties, and Administration	101
“II. Personnel	1901
“III. Coast Guard Reserve and Auxiliary	3701
“IV. Coast Guard Authorizations and Reports to Con- gress	4901”.

8 **SEC. 102. SUBTITLE I.**

9 *Part I of title 14, United States Code, is amended by*
 10 *striking the part designation, the part heading, and the*
 11 *table of chapters at the beginning and inserting the fol-*
 12 *lowing:*

13 **“Subtitle I—Establishment, Powers,**
 14 **Duties, and Administration**

<i>“Chap.</i>	<i>Sec.</i>
“1. Establishment and Duties	101
“3. Composition and Organization	301
“5. Functions and Powers	501
“7. Cooperation	701
“9. Administration	901
“11. Acquisitions	1101”.

15 **SEC. 103. CHAPTER 1.**

16 *(a) INITIAL MATTER.—Chapter 1 of title 14, United*
 17 *States Code, is amended by striking the chapter designa-*

1 tion, the chapter heading, and the table of sections at the
2 beginning and inserting the following:

3 **“CHAPTER 1—ESTABLISHMENT AND**
4 **DUTIES**

- “Sec.
- “101. Establishment of Coast Guard.
- “102. Primary duties.
- “103. Department in which the Coast Guard operates.
- “104. Removing restrictions.
- “105. Secretary defined.
- “106. Commandant defined.”.

5 (b) REDESIGNATIONS AND TRANSFERS.—

6 (1) REQUIREMENT.—The sections of title 14,
7 United States Code, identified in the table provided
8 in paragraph (2) are amended—

9 (A) by redesignating the sections as de-
10 scribed in the table; and

11 (B) by transferring the sections, as nec-
12 essary, so that the sections appear after the table
13 of sections for chapter 1 of such title (as added
14 by subsection (a)), in the order in which the sec-
15 tions are presented in the table.

16 (2) TABLE.—The table referred to in paragraph
17 (1) is the following:

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
1	Establishment of Coast Guard	101
2	Primary duties	102

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only-not amended)</i>	<i>Title 14 section number after redesignation</i>
3	<i>Department in which the Coast Guard operates</i>	103
652	<i>Removing restrictions</i>	104
4	<i>Secretary defined</i>	105
5	<i>Commandant defined</i>	106

1 **SEC. 104. CHAPTER 3.**

2 (a) *INITIAL MATTER.*—Chapter 3 of title 14, United
3 States Code, is amended by striking the chapter designa-
4 tion, the chapter heading, and the table of sections at the
5 beginning and inserting the following:

6 **“CHAPTER 3—COMPOSITION AND**
7 **ORGANIZATION**

“Sec.

“301. Grades and ratings.

“302. Commandant; appointment.

“303. Retirement of Commandant or Vice Commandant.

“304. Vice Commandant; appointment.

“305. Vice admirals.

“306. Retirement.

“307. Vice admirals and admiral, continuity of grade.

“308. Chief Acquisition Officer.

“309. Office of the Coast Guard Reserve; Director.

“310. Chief of Staff to President: appointment.

“311. Captains of the port.

“312. Prevention and response workforces.

“313. Centers of expertise for Coast Guard prevention and response.

“314. Marine industry training program.

“315. Training course on workings of Congress.

“316. National Coast Guard Museum.

“317. United States Coast Guard Band; composition; director.

“318. Environmental Compliance and Restoration Program.”.

8 (b) *REDESIGNATIONS AND TRANSFERS.*—

1 (1) *REQUIREMENT.*—*The sections of title 14,*
 2 *United States Code, identified in the table provided*
 3 *in paragraph (2) are amended—*

4 (A) *by redesignating the sections as de-*
 5 *scribed in the table; and*

6 (B) *by transferring the sections, as nec-*
 7 *essary, so that the sections appear after the table*
 8 *of sections for chapter 3 of such title (as added*
 9 *by subsection (a)), in the order in which the sec-*
 10 *tions are presented in the table.*

11 (2) *TABLE.*—*The table referred to in paragraph*
 12 (1) *is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
41	<i>Grades and ratings</i>	301
44	<i>Commandant; appointment</i>	302
46	<i>Retirement of Commandant or Vice Commandant</i>	303
47	<i>Vice Commandant; appointment</i>	304
50	<i>Vice admirals</i>	305
51	<i>Retirement</i>	306
52	<i>Vice admirals and admiral, continuity of grade</i>	307
56	<i>Chief Acquisition Officer</i>	308
53	<i>Office of the Coast Guard Reserve; Director</i>	309
54	<i>Chief of Staff to President: appointment</i>	310
57	<i>Prevention and response workforces</i>	312

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only—not amended)</i>	<i>Title 14 section number after redesignation</i>
58	<i>Centers of expertise for Coast Guard prevention and response</i>	313
59	<i>Marine industry training program</i>	314
60	<i>Training course on workings of Congress</i>	315
98	<i>National Coast Guard Museum</i>	316
336	<i>United States Coast Guard Band; composition; director</i>	317

1 (c) *ADDITIONAL CHANGES.*—

2 (1) *IN GENERAL.*—Chapter 3 of title 14, United
3 States Code, is further amended—

4 (A) by inserting after section 310 (as so re-
5 designated and transferred under subsection (b))
6 the following:

7 **“§ 311. Captains of the port**

8 “Any officer, including any petty officer, may be des-
9 ignated by the Commandant as captain of the port or ports
10 or adjacent high seas or waters over which the United States
11 has jurisdiction, as the Commandant deems necessary to fa-
12 cilitate execution of Coast Guard duties.”; and

13 (B) by inserting after section 317 (as so re-
14 designated and transferred under subsection (b))
15 the following:

1 **“§318. Environmental Compliance and Restoration**
2 **Program**

3 “(a) *DEFINITIONS.*—For the purposes of this section—

4 “(1) ‘environment’, ‘facility’, ‘person’, ‘release’,
5 ‘removal’, ‘remedial’, and ‘response’ have the same
6 meaning they have in section 101 of the *Comprehen-*
7 *sive Environmental Response, Compensation, and Li-*
8 *ability Act (42 U.S.C. 9601);*

9 “(2) ‘hazardous substance’ has the same meaning
10 it has in section 101 of the *Comprehensive Environ-*
11 *mental Response, Compensation, and Liability Act*
12 *(42 U.S.C. 9601), except that it also includes the*
13 *meaning given ‘oil’ in section 311 of the Federal*
14 *Water Pollution Control Act (33 U.S.C. 1321); and*

15 “(3) ‘pollutant’ has the same meaning it has in
16 section 502 of the *Federal Water Pollution Control*
17 *Act (33 U.S.C. 1362).*

18 “(b) *PROGRAM.*—

19 “(1) *The Secretary shall carry out a program of*
20 *environmental compliance and restoration at current*
21 *and former Coast Guard facilities.*

22 “(2) *Program goals include:*

23 “(A) *Identifying, investigating, and clean-*
24 *ing up contamination from hazardous substances*
25 *and pollutants.*

1 “(B) *Correcting other environmental dam-*
2 *age that poses an imminent and substantial*
3 *danger to the public health or welfare or to the*
4 *environment.*

5 “(C) *Demolishing and removing unsafe*
6 *buildings and structures, including buildings*
7 *and structures at former Coast Guard facilities.*

8 “(D) *Preventing contamination from haz-*
9 *ardous substances and pollutants at current*
10 *Coast Guard facilities.*

11 “(3)(A) *The Secretary shall respond to releases of*
12 *hazardous substances and pollutants—*

13 “(i) *at each Coast Guard facility the United*
14 *States owns, leases, or otherwise possesses;*

15 “(ii) *at each Coast Guard facility the*
16 *United States owned, leased, or otherwise pos-*
17 *essed when the actions leading to contamination*
18 *from hazardous substances or pollutants oc-*
19 *curred; and*

20 “(iii) *on each vessel the Coast Guard owns*
21 *or operates.*

22 “(B) *Subparagraph (A) of this paragraph does*
23 *not apply to a removal or remedial action when a po-*
24 *tentially responsible person responds under section*

1 *122 of the Comprehensive Environmental Response,*
2 *Compensation, and Liability Act (42 U.S.C. 9622).*

3 *“(C) The Secretary shall pay a fee or charge im-*
4 *posed by a State authority for permit services for dis-*
5 *posing of hazardous substances or pollutants from*
6 *Coast Guard facilities to the same extent that non-*
7 *governmental entities are required to pay for permit*
8 *services. This subparagraph does not apply to a pay-*
9 *ment that is the responsibility of a lessee, contractor,*
10 *or other private person.*

11 *“(4) The Secretary may agree with another Fed-*
12 *eral agency for that agency to assist in carrying out*
13 *the Secretary’s responsibilities under this section. The*
14 *Secretary may enter into contracts, cooperative agree-*
15 *ments, and grant agreements with State and local*
16 *governments to assist in carrying out the Secretary’s*
17 *responsibilities under this section. Services that may*
18 *be obtained under this paragraph include identifying,*
19 *investigating, and cleaning up off-site contamination*
20 *that may have resulted from the release of a haz-*
21 *ardous substance or pollutant at a Coast Guard facil-*
22 *ity.*

23 *“(5) Section 119 of the Comprehensive Environ-*
24 *mental Response, Compensation, and Liability Act*
25 *(42 U.S.C. 9619) applies to response action contrac-*

1 *tors that carry out response actions under this sec-*
2 *tion. The Coast Guard shall indemnify response ac-*
3 *tion contractors to the extent that adequate insurance*
4 *is not generally available at a fair price at the time*
5 *the contractor enters into the contract to cover the*
6 *contractor's reasonable, potential, long-term liability.*

7 *“(c) AMOUNTS RECOVERED FOR RESPONSE AC-*
8 *TIONS.—*

9 *“(1) All sums appropriated to carry out the*
10 *Coast Guard's environmental compliance and restora-*
11 *tion functions under this section or another law shall*
12 *be credited or transferred to an appropriate Coast*
13 *Guard account, as determined by the Commandant*
14 *and remain available until expended.*

15 *“(2) Funds may be obligated or expended from*
16 *such account to carry out the Coast Guard's environ-*
17 *mental compliance and restoration functions under*
18 *this section or another law.*

19 *“(3) In proposing the budget for any fiscal year*
20 *under section 1105 of title 31, the President shall set*
21 *forth separately the amount requested for the Coast*
22 *Guard's environmental compliance and restoration*
23 *activities under this section or another law.*

24 *“(4) Amounts recovered under section 107 of the*
25 *Comprehensive Environmental Response, Compensa-*

1 *tion, and Liability Act (42 U.S.C. 9607) for the Sec-*
 2 *retary’s response actions at current and former Coast*
 3 *Guard facilities shall be credited to an appropriate*
 4 *Coast Guard account, as determined by the Com-*
 5 *mandant.*

6 “(d) *ANNUAL LIST OF PROJECTS TO CONGRESS.—The*
 7 *Commandant shall submit to the Committee on Transpor-*
 8 *tation and Infrastructure of the House of Representatives*
 9 *and the Committee on Commerce, Science, and Transpor-*
 10 *tation of the Senate a prioritized list of projects eligible for*
 11 *environmental compliance and restoration funding for each*
 12 *fiscal year concurrent with the President’s budget submis-*
 13 *sion for that fiscal year.”.*

14 (2) *CONFORMING REPEALS.—Sections 634, 690,*
 15 *691, 692, and 693 of title 14, United States Code, are*
 16 *repealed.*

17 **SEC. 105. CHAPTER 5.**

18 (a) *INITIAL MATTER.—Chapter 5 of title 14, United*
 19 *States Code, is amended by striking the chapter designa-*
 20 *tion, the chapter heading, and the table of sections at the*
 21 *beginning and inserting the following:*

22 **“CHAPTER 5—FUNCTIONS AND POWERS**

 “SUBCHAPTER I—GENERAL POWERS

“Sec.

“501. *Secretary; general powers.*

“502. *Delegation of powers by the Secretary.*

“503. *Regulations.*

“504. *Commandant; general powers.*

- “505. *Functions and powers vested in the Commandant.*
 “506. *Prospective payment of funds necessary to provide medical care.*
 “507. *Appointment of judges.*

“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

- “521. *Saving life and property.*
 “522. *Law enforcement.*
 “523. *Enforcement authority.*
 “524. *Enforcement of coastwise trade laws.*
 “525. *Special agents of the Coast Guard Investigative Service law enforcement authority.*
 “526. *Stopping vessels; indemnity for firing at or into vessel.*
 “527. *Safety of naval vessels.*
 “528. *Protecting against unmanned aircraft.*

“SUBCHAPTER III—AIDS TO NAVIGATION

- “541. *Aids to navigation authorized.*
 “542. *Unauthorized aids to maritime navigation; penalty.*
 “543. *Interference with aids to navigation; penalty.*
 “544. *Aids to maritime navigation; penalty.*
 “545. *Marking of obstructions.*
 “546. *Deposit of damage payments.*
 “547. *Rewards for apprehension of persons interfering with aids to navigation.*

“SUBCHAPTER IV—MISCELLANEOUS

- “561. *Icebreaking in polar regions.*
 “562. *Appeals and waivers.*
 “563. *Notification of certain determinations.”.*

1 (b) *REDESIGNATIONS AND TRANSFERS.—*

2 (1) *REQUIREMENT.—The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 (A) *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 (B) *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 5 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

1 (2) *TABLE.—The table referred to in paragraph*
 2 (1) *is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only—not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
92	<i>Secretary; general powers</i>	501
631	<i>Delegation of powers by the Secretary</i>	502
633	<i>Regulations</i>	503
93	<i>Commandant; general powers</i>	504
632	<i>Functions and powers vested in the Commandant</i>	505
520	<i>Prospective payment of funds necessary to provide medical care</i>	506
153	<i>Appointment of judges</i>	507
88	<i>Saving life and property</i>	521
89	<i>Law enforcement</i>	522
99	<i>Enforcement authority</i>	523
100	<i>Enforcement of coastwise trade laws</i>	524
95	<i>Special agents of the Coast Guard Investigative Service law enforcement authority</i>	525
637	<i>Stopping vessels; indemnity for firing at or into vessel</i>	526
91	<i>Safety of naval vessels</i>	527
104	<i>Protecting against unmanned aircraft</i>	528
81	<i>Aids to navigation authorized</i>	541
83	<i>Unauthorized aids to maritime navigation; pen- alty</i>	542
84	<i>Interference with aids to navigation; penalty</i>	543
85	<i>Aids to maritime navigation; penalty</i>	544
86	<i>Marking of obstructions</i>	545
642	<i>Deposit of damage payments</i>	546

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
643	<i>Rewards for apprehension of persons interfering with aids to navigation</i>	547
87	<i>Icebreaking in polar regions</i>	561
101	<i>Appeals and waivers</i>	562
103	<i>Notification of certain determinations</i>	563

1 (c) *ADDITIONAL CHANGES.—Chapter 5 of title 14,*
2 *United States Code, is further amended—*

3 (1) *by inserting before section 501 (as so redesi-
4 gnated and transferred under subsection (b)) the fol-
5 lowing:*

6 “*SUBCHAPTER I—GENERAL POWERS*”;

7 (2) *by inserting before section 521 (as so redesi-
8 gnated and transferred under subsection (b)) the fol-
9 lowing:*

10 “*SUBCHAPTER II—LIFE SAVING AND LAW*

11 *ENFORCEMENT AUTHORITIES*”;

12 (3) *by inserting before section 541 (as so redesi-
13 gnated and transferred under subsection (b)) the fol-
14 lowing:*

15 “*SUBCHAPTER III—AIDS TO NAVIGATION*”;

16 *and*

1 (4) *by inserting before section 561 (as so redesign-*
 2 *ated and transferred under subsection (b)) the fol-*
 3 *lowing:*

4 “**SUBCHAPTER IV—MISCELLANEOUS**”.

5 **SEC. 106. CHAPTER 7.**

6 (a) *INITIAL MATTER.*—Chapter 7 of title 14, United
 7 States Code, is amended by striking the chapter designa-
 8 tion, the chapter heading, and the table of sections at the
 9 beginning and inserting the following:

10 **“CHAPTER 7—COOPERATION**

“Sec.

“701. *Cooperation with other agencies, States, territories, and political subdivi-*
sions.

“702. *State Department.*

“703. *Treasury Department.*

“704. *Department of the Army and Department of the Air Force.*

“705. *Navy Department.*

“706. *United States Postal Service.*

“707. *Department of Commerce.*

“708. *Department of Health and Human Services.*

“709. *Maritime instruction.*

“710. *Assistance to foreign governments and maritime authorities.*

“711. *Coast Guard officers as attachés to missions.*

“712. *Contracts with Government-owned establishments for work and material.*

“713. *Nonappropriated fund instrumentalities: contracts with other agencies and*
instrumentalities to provide or obtain goods and services.

“714. *Arctic maritime domain awareness.*

“715. *Oceanographic research.*

“716. *Arctic maritime transportation.*

“717. *Agreements.*”.

11 (b) *REDESIGNATIONS AND TRANSFERS.*—

12 (1) *REQUIREMENT.*—The sections of title 14,
 13 United States Code, identified in the table provided
 14 in paragraph (2) are amended—

15 (A) *by redesignating the sections as de-*
 16 *scribed in the table; and*

1 (B) by transferring the sections, as nec-
 2 essary, so that the sections appear after the table
 3 of sections for chapter 7 of such title (as added
 4 by subsection (a)), in the order in which the sec-
 5 tions are presented in the table.

6 (2) *TABLE.*—The table referred to in paragraph
 7 (1) is the following:

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
141	<i>Cooperation with other agencies, States, terri- tories, and political subdivisions</i>	701
142	<i>State Department</i>	702
143	<i>Treasury Department</i>	703
144	<i>Department of the Army and Department of the Air Force</i>	704
145	<i>Navy Department</i>	705
146	<i>United States Postal Service</i>	706
147	<i>Department of Commerce</i>	707
147a	<i>Department of Health and Human Services</i>	708
148	<i>Maritime instruction</i>	709
149	<i>Assistance to foreign governments and maritime authorities</i>	710
150	<i>Coast Guard officers as attachés to missions</i>	711
151	<i>Contracts with Government-owned establishments for work and material</i>	712
152	<i>Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to pro- vide or obtain goods and services</i>	713
154	<i>Arctic maritime domain awareness</i>	714

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only-not amended)</i>	<i>Title 14 section number after redesignation</i>
94	<i>Oceanographic research</i>	715
90	<i>Arctic maritime transportation</i>	716
102	<i>Agreements</i>	717

1 **SEC. 107. CHAPTER 9.**

2 (a) *INITIAL MATTER.*—Chapter 9 of title 14, United
3 States Code, is amended by striking the chapter designa-
4 tion, the chapter heading, and the table of sections at the
5 beginning and inserting the following:

6 **“CHAPTER 9—ADMINISTRATION**

 “SUBCHAPTER I—REAL AND PERSONAL PROPERTY

“Sec.

“901. Disposal of certain material.

“902. Employment of draftsmen and engineers.

“903. Use of certain appropriated funds.

“904. Local hire.

“905. Procurement authority for family housing.

“906. Air Station Cape Cod Improvements.

“907. Long-term lease of special purpose facilities.

“908. Long-term lease authority for lighthouse property.

“909. Small boat station rescue capability.

“910. Small boat station closures.

“911. Search and rescue center standards.

“912. Air facility closures.

“913. Turnkey selection procedures.

“914. Disposition of infrastructure related to E-LORAN.

 “SUBCHAPTER II—MISCELLANEOUS

“931. Oaths required for boards.

“932. Administration of oaths.

“933. Coast Guard ensigns and pennants.

“934. Penalty for unauthorized use of words ‘Coast Guard’.

“935. Coast Guard band recordings for commercial sale.

“936. Confidentiality of medical quality assurance records; qualified immunity for participants.

“937. Admiralty claims against the United States.

“938. Claims for damage to property of the United States.

“939. Accounting for industrial work.

“940. *Supplies and equipment from stock.*

“941. *Coast Guard Supply Fund.*

“942. *Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.*

“943. *Arms and ammunition; immunity from taxation.*

“944. *Confidential investigative expenses.*

“945. *Assistance to film producers.*

“946. *User fees.*

“947. *Vessel construction bonding requirements.*

“948. *Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.*

“949. *Telephone installation and charges.*

“950. *Designation, powers, and accountability of deputy disbursing officials.*

“951. *Aircraft accident investigations.*”.

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 **(1) REQUIREMENT.—***The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 **(A)** *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 **(B)** *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 9 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

12 **(2) TABLE.—***The table referred to in paragraph*
 13 **(1) is the following:**

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
641	<i>Disposal of certain material</i>	901
653	<i>Employment of draftsmen and engineers</i>	902
656	<i>Use of certain appropriated funds</i>	903

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
666	<i>Local hire</i>	904
670	<i>Procurement authority for family housing</i>	905
671	<i>Air Station Cape Cod Improvements</i>	906
672	<i>Long-term lease of special purpose facilities</i>	907
672a	<i>Long-term lease authority for lighthouse property</i>	908
674	<i>Small boat station rescue capability</i>	909
675	<i>Small boat station closures</i>	910
676	<i>Search and rescue center standards</i>	911
676a	<i>Air facility closures</i>	912
677	<i>Turnkey selection procedures</i>	913
681	<i>Disposition of infrastructure related to E-LORAN</i>	914
635	<i>Oaths required for boards</i>	931
636	<i>Administration of oaths</i>	932
638	<i>Coast Guard ensigns and pennants</i>	933
639	<i>Penalty for unauthorized use of words "Coast Guard"</i>	934
640	<i>Coast Guard band recordings for commercial sale</i>	935
645	<i>Confidentiality of medical quality assurance records; qualified immunity for participants</i>	936
646	<i>Admiralty claims against the United States</i>	937
647	<i>Claims for damage to property of the United States</i>	938
648	<i>Accounting for industrial work</i>	939
649	<i>Supplies and equipment from stock</i>	940
650	<i>Coast Guard Supply Fund</i>	941
654	<i>Public and commercial vessels and other watercraft; sale of fuel, supplies, and services</i>	942

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
655	<i>Arms and ammunition; immunity from taxation</i>	943
658	<i>Confidential investigative expenses</i>	944
659	<i>Assistance to film producers</i>	945
664	<i>User fees</i>	946
667	<i>Vessel construction bonding requirements</i>	947
668	<i>Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care</i>	948
669	<i>Telephone installation and charges</i>	949
673	<i>Designation, powers, and accountability of deputy disbursing officials</i>	950
678	<i>Aircraft accident investigations</i>	951

1 (c) *ADDITIONAL CHANGES.—Chapter 9 of title 14,*
2 *United States Code, is further amended—*

3 (1) *by inserting before section 901 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*

6 “*SUBCHAPTER I—REAL AND PERSONAL*
7 *PROPERTY*”;

8 *and*

9 (2) *by inserting before section 931 (as so redesi-*
10 *gnated and transferred under subsection (b)) the fol-*
11 *lowing:*

1 “*SUBCHAPTER II—MISCELLANEOUS*”.

2 **SEC. 108. CHAPTER 11.**

3 (a) *INITIAL MATTER.*—Chapter 11 of title 14, United
4 States Code, is amended by striking the chapter designa-
5 tion, the chapter heading, and the table of sections at the
6 beginning and inserting the following:

7 **“CHAPTER 11—ACQUISITIONS**

 “*SUBCHAPTER I—GENERAL PROVISIONS*

“Sec.

“1101. Acquisition directorate.

“1102. Improvements in Coast Guard acquisition management.

“1103. Role of Vice Commandant in major acquisition programs.

“1104. Recognition of Coast Guard personnel for excellence in acquisition.

“1105. Prohibition on use of lead systems integrators.

“1106. Required contract terms.

“1107. Extension of major acquisition program contracts.

“1108. Department of Defense consultation.

“1109. Undefined contractual actions.

“1110. Mission need statement.

 “*SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES*

“1131. Identification of major system acquisitions.

“1132. Acquisition.

“1133. Preliminary development and demonstration.

“1134. Acquisition, production, deployment, and support.

“1135. Acquisition program baseline breach.

“1136. Acquisition approval authority.

 “*SUBCHAPTER III—PROCUREMENT*

“1151. Restriction on construction of vessels in foreign shipyards.

“1152. Advance procurement funding.

“1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels
 in foreign shipyards.

“1154. Procurement of buoy chain.

“1155. Contract termination.

 “*SUBCHAPTER IV—DEFINITIONS*

“1171. Definitions.”.

8 (b) *REDESIGNATIONS AND TRANSFERS.*—

1 (1) *REQUIREMENT.*—*The sections of title 14,*
 2 *United States Code, identified in the table provided*
 3 *in paragraph (2) are amended—*

4 (A) *by redesignating the sections as de-*
 5 *scribed in the table; and*

6 (B) *by transferring the sections, as nec-*
 7 *essary, so that the sections appear after the table*
 8 *of sections for chapter 11 of such title (as added*
 9 *by subsection (a)), in the order in which the sec-*
 10 *tions are presented in the table.*

11 (2) *TABLE.*—*The table referred to in paragraph*
 12 (1) *is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
561	<i>Acquisition directorate</i>	1101
562	<i>Improvements in Coast Guard acquisition man- agement</i>	1102
578	<i>Role of Vice Commandant in major acquisition programs</i>	1103
563	<i>Recognition of Coast Guard personnel for excel- lence in acquisition</i>	1104
564	<i>Prohibition on use of lead systems integrators</i>	1105
565	<i>Required contract terms</i>	1106
579	<i>Extension of major acquisition program contracts</i>	1107
566	<i>Department of Defense consultation</i>	1108
567	<i>Undefinitized contractual actions</i>	1109
569	<i>Mission need statement</i>	1110

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
571	<i>Identification of major system acquisitions</i>	1131
572	<i>Acquisition</i>	1132
573	<i>Preliminary development and demonstration</i>	1133
574	<i>Acquisition, production, deployment, and support</i>	1134
575	<i>Acquisition program baseline breach</i>	1135
576	<i>Acquisition approval authority</i>	1136
665	<i>Restriction on construction of vessels in foreign shipyards</i>	1151
577	<i>Advance procurement funding</i>	1152
96	<i>Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards</i>	1153
97	<i>Procurement of buoy chain</i>	1154
657	<i>Contract termination</i>	1155
581	<i>Definitions</i>	1171

- 1 (c) *ADDITIONAL CHANGES.—Chapter 11 of title 14,*
2 *United States Code, is further amended—*
- 3 (1) *by striking all subdivision designations and*
4 *headings in such chapter, except for—*
- 5 (A) *the chapter designation and heading*
6 *added by subsection (a);*
- 7 (B) *the subchapter designations and head-*
8 *ings added by this subsection; and*
- 9 (C) *any designation or heading of a section*
10 *or a subdivision of a section;*

1 (2) by inserting before section 1101 (as so redesi-
2 gnated and transferred under subsection (b)) the fol-
3 lowing:

4 “SUBCHAPTER I—GENERAL PROVISIONS”;

5 (3) by inserting before section 1131 (as so redesi-
6 gnated and transferred under subsection (b)) the fol-
7 lowing:

8 “SUBCHAPTER II—IMPROVED ACQUISITION
9 PROCESS AND PROCEDURES”;

10 (4) by inserting before section 1151 (as so redesi-
11 gnated and transferred under subsection (b)) the fol-
12 lowing:

13 “SUBCHAPTER III—PROCUREMENT”;

14 and

15 (5) by inserting before section 1171 (as so redesi-
16 gnated and transferred under subsection (b)) the fol-
17 lowing:

18 “SUBCHAPTER IV—DEFINITIONS”.

19 **SEC. 109. SUBTITLE II.**

20 (a) *INITIAL MATTER.*—Title 14, United States Code,
21 is further amended by inserting after chapter 11 (as amend-
22 ed by section 108) the following:

23 **“Subtitle II—Personnel**

<i>“Chap.</i>	<i>Sec.</i>
“19. Coast Guard Academy	1901
“21. Personnel; Officers	2101
“23. Personnel; Enlisted	2301
“25. Personnel; General Provisions	2501

“27. Pay, Allowances, Awards, and Other Rights and Benefits	2701
“29. Coast Guard Family Support, Child Care, and Housing	2901”.

1 (b) *RESERVED CHAPTER NUMBERS.*—

2 (1) *CHAPTER 13.*—Chapter 13 of title 14, United
3 *States Code, is amended by striking the chapter des-*
4 *ignation, the chapter heading, and the table of sec-*
5 *tions at the beginning.*

6 (2) *CHAPTER 14.*—Chapter 14 of title 14, United
7 *States Code, is amended—*

8 (A) *by striking the chapter designation, the*
9 *chapter heading, and the table of sections at the*
10 *beginning; and*

11 (B) *by striking the subchapter designation*
12 *and the subchapter heading for each of the sub-*
13 *chapters of such chapter.*

14 (3) *CHAPTER 15.*—Chapter 15 of title 14, United
15 *States Code, is amended—*

16 (A) *by striking the chapter designation, the*
17 *chapter heading, and the table of sections at the*
18 *beginning; and*

19 (B) *by striking the subchapter designation*
20 *and the subchapter heading for each of the sub-*
21 *chapters of such chapter.*

22 (4) *CHAPTER 17.*—Chapter 17 of title 14, United
23 *States Code, is amended by striking the chapter des-*

1 *ignation, the chapter heading, and the table of sec-*
 2 *tions at the beginning.*

3 (5) *CHAPTER 18.—Chapter 18 of title 14, United*
 4 *States Code, is amended by striking the chapter des-*
 5 *ignation, the chapter heading, and the table of sec-*
 6 *tions at the beginning.*

7 **SEC. 110. CHAPTER 19.**

8 (a) *INITIAL MATTER.—Chapter 19 of title 14, United*
 9 *States Code, is amended by striking the chapter designa-*
 10 *tion, the chapter heading, and the table of sections at the*
 11 *beginning and inserting the following:*

12 **“CHAPTER 19—COAST GUARD ACADEMY**

“SUBCHAPTER I—ADMINISTRATION

“Sec.

“1901. *Administration of Academy.*

“1902. *Policy on sexual harassment and sexual violence.*

“1903. *Annual Board of Visitors.*

“1904. *Participation in Federal, State, or other educational research grants.*

“SUBCHAPTER II—CADETS

“1921. *Corps of Cadets authorized strength.*

“1922. *Appointments.*

“1923. *Admission of foreign nationals for instruction; restrictions; conditions.*

“1924. *Conduct.*

“1925. *Agreement.*

“1926. *Cadet applicants; preappointment travel to Academy.*

“1927. *Cadets; initial clothing allowance.*

“1928. *Cadets; degree of bachelor of science.*

“1929. *Cadets; appointment as ensign.*

“1930. *Cadets; charges and fees for attendance; limitation.*

“SUBCHAPTER III—FACULTY

“1941. *Civilian teaching staff.*

“1942. *Permanent commissioned teaching staff; composition.*

“1943. *Appointment of permanent commissioned teaching staff.*

“1944. *Grade of permanent commissioned teaching staff.*

“1945. *Retirement of permanent commissioned teaching staff.*

“1946. *Credit for service as member of civilian teaching staff.*

“1947. *Assignment of personnel as instructors.*

“1948. *Marine safety curriculum.*”.

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 (1) *REQUIREMENT.—The sections of title 14,*
3 *United States Code, identified in the table provided*
4 *in paragraph (2) are amended—*

5 (A) *by redesignating the sections as de-*
6 *scribed in the table; and*

7 (B) *by transferring the sections, as nec-*
8 *essary, so that the sections appear after the table*
9 *of sections for chapter 19 of such title (as added*
10 *by subsection (a)), in the order in which the sec-*
11 *tions are presented in the table.*

12 (2) *TABLE.—The table referred to in paragraph*
13 (1) *is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
181	<i>Administration of Academy</i>	1901
200	<i>Policy on sexual harassment and sexual violence</i>	1902
194	<i>Annual Board of Visitors</i>	1903
196	<i>Participation in Federal, State, or other edu- cational research grants</i>	1904
195	<i>Admission of foreign nationals for instruction; re- strictions; conditions</i>	1923
181a	<i>Cadet applicants; preappointment travel to Acad- emy</i>	1926
183	<i>Cadets; initial clothing allowance</i>	1927

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only-not amended)</i>	<i>Title 14 section number after redesignation</i>
184	<i>Cadets; degree of bachelor of science</i>	1928
185	<i>Cadets; appointment as ensign</i>	1929
197	<i>Cadets: charges and fees for attendance; limitation</i>	1930
186	<i>Civilian teaching staff</i>	1941
187	<i>Permanent commissioned teaching staff; composition</i>	1942
188	<i>Appointment of permanent commissioned teaching staff</i>	1943
189	<i>Grade of permanent commissioned teaching staff</i>	1944
190	<i>Retirement of permanent commissioned teaching staff</i>	1945
191	<i>Credit for service as member of civilian teaching staff</i>	1946
192	<i>Assignment of personnel as instructors</i>	1947
199	<i>Marine safety curriculum</i>	1948

1 (c) *ADDITIONAL CHANGES.*—

2 (1) *IN GENERAL.*—Chapter 19 of title 14, United
3 *States Code, is further amended—*

4 (A) *by inserting before section 1901 (as so*
5 *redesignated and transferred under subsection*
6 (i) *the following:*

7 “*SUBCHAPTER I—ADMINISTRATION*”;

8 (B) *by inserting before section 1923 (as so*
9 *redesignated and transferred under subsection*
10 (ii) *the following:*

1 “SUBCHAPTER II—CADETS

2 **“§ 1921. Corps of Cadets authorized strength**

3 *“The number of cadets appointed annually to the*
4 *Academy shall be as determined by the Secretary but the*
5 *number appointed in any one year shall not exceed six hun-*
6 *dred.*

7 **“§ 1922. Appointments**

8 *“Appointments to cadetships shall be made under reg-*
9 *ulations prescribed by the Secretary, who shall determine*
10 *age limits, methods of selection of applicants, term of service*
11 *as a cadet before graduation, and all other matters affecting*
12 *such appointments. In the administration of this section,*
13 *the Secretary shall take such action as may be necessary*
14 *and appropriate to insure that female individuals shall be*
15 *eligible for appointment and admission to the Coast Guard*
16 *Academy, and that the relevant standards required for ap-*
17 *pointment, admission, training, graduation, and commis-*
18 *sioning of female individuals shall be the same as those re-*
19 *quired for male individuals, except for those minimum es-*
20 *sential adjustments in such standards required because of*
21 *physiological differences between male and female individ-*
22 *uals.”;*

23 *(C) by inserting before section 1926 (as so*
24 *redesignated and transferred under subsection*
25 *(b)) the following:*

1 **“§ 1924. Conduct**

2 *“The Secretary may summarily dismiss from the*
3 *Coast Guard any cadet who, during his cadetship, is found*
4 *unsatisfactory in either studies or conduct, or may be*
5 *deemed not adapted for a career in the Coast Guard. Cadets*
6 *shall be subject to rules governing discipline prescribed by*
7 *the Commandant.*

8 **“§ 1925. Agreement**

9 *“(a) Each cadet shall sign an agreement with respect*
10 *to the cadet’s length of service in the Coast Guard. The*
11 *agreement shall provide that the cadet agrees to the fol-*
12 *lowing:*

13 *“(1) That the cadet will complete the course of*
14 *instruction at the Coast Guard Academy.*

15 *“(2) That upon graduation from the Coast*
16 *Guard Academy the cadet—*

17 *“(A) will accept an appointment, if ten-*
18 *dered, as a commissioned officer of the Coast*
19 *Guard; and*

20 *“(B) will serve on active duty for at least*
21 *five years immediately after such appointment.*

22 *“(3) That if an appointment described in para-*
23 *graph (2) is not tendered or if the cadet is permitted*
24 *to resign as a regular officer before the completion of*
25 *the commissioned service obligation of the cadet, the*
26 *cadet—*

1 “(A) will accept an appointment as a com-
2 missioned officer in the Coast Guard Reserve;
3 and

4 “(B) will remain in that reserve component
5 until completion of the commissioned service ob-
6 ligation of the cadet.

7 “(b)(1) The Secretary may transfer to the Coast Guard
8 Reserve, and may order to active duty for such period of
9 time as the Secretary prescribes (but not to exceed four
10 years), a cadet who breaches an agreement under subsection
11 (a). The period of time for which a cadet is ordered to active
12 duty under this paragraph may be determined without re-
13 gard to section 651(a) of title 10.

14 “(2) A cadet who is transferred to the Coast Guard
15 Reserve under paragraph (1) shall be transferred in an ap-
16 propriate enlisted grade or rating, as determined by the
17 Secretary.

18 “(3) For the purposes of paragraph (1), a cadet shall
19 be considered to have breached an agreement under sub-
20 section (a) if the cadet is separated from the Coast Guard
21 Academy under circumstances which the Secretary deter-
22 mines constitute a breach by the cadet of the cadet’s agree-
23 ment to complete the course of instruction at the Coast
24 Guard Academy and accept an appointment as a commis-

1 sioned officer upon graduation from the Coast Guard Acad-
2 emy.

3 “(c) The Secretary shall prescribe regulations to carry
4 out this section. Those regulations shall include—

5 “(1) standards for determining what constitutes,
6 for the purpose of subsection (b), a breach of an agree-
7 ment under subsection (a);

8 “(2) procedures for determining whether such a
9 breach has occurred; and

10 “(3) standards for determining the period of
11 time for which a person may be ordered to serve on
12 active duty under subsection (b).

13 “(d) In this section, ‘commissioned service obligation’,
14 with respect to an officer who is a graduate of the Academy,
15 means the period beginning on the date of the officer’s ap-
16 pointment as a commissioned officer and ending on the
17 sixth anniversary of such appointment or, at the discretion
18 of the Secretary, any later date up to the eighth anniversary
19 of such appointment.

20 “(e)(1) This section does not apply to a cadet who is
21 not a citizen or national of the United States.

22 “(2) In the case of a cadet who is a minor and who
23 has parents or a guardian, the cadet may sign the agree-
24 ment required by subsection (a) only with the consent of
25 the parent or guardian.

1 “(f) A cadet or former cadet who does not fulfill the
2 terms of the obligation to serve as specified under section
3 (a), or the alternative obligation imposed under subsection
4 (b), shall be subject to the repayment provisions of section
5 303a(e) of title 37.”; and

6 (D) by inserting before section 1941 (as so
7 redesignated and transferred under subsection
8 (b)) the following:

9 “SUBCHAPTER III—FACULTY”.

10 (2) *CONFORMING REPEAL.*—Section 182 of title
11 14, United States Code, is repealed.

12 **SEC. 111. PART II.**

13 Part II of title 14, United States Code, is amended
14 by striking the part designation, the part heading, and the
15 table of chapters at the beginning.

16 **SEC. 112. CHAPTER 21.**

17 (a) *INITIAL MATTER.*—Chapter 21 of title 14, United
18 States Code, is amended by striking the chapter designa-
19 tion, the chapter heading, and the table of sections at the
20 beginning and inserting the following:

21 “**CHAPTER 21—PERSONNEL; OFFICERS**

“SUBCHAPTER I—APPOINTMENT AND PROMOTION

“Sec.

“2101. *Original appointment of permanent commissioned officers.*

“2102. *Active duty promotion list.*

“2103. *Number and distribution of commissioned officers on active duty pro-
motion list.*

“2104. *Appointment of temporary officers.*

“2105. *Rank of warrant officers.*

- “2106. *Selection boards; convening of boards.*
- “2107. *Selection boards; composition of boards.*
- “2108. *Selection boards; notice of convening; communication with board.*
- “2109. *Selection boards; oath of members.*
- “2110. *Number of officers to be selected for promotion.*
- “2111. *Promotion zones.*
- “2112. *Promotion year; defined.*
- “2113. *Eligibility of officers for consideration for promotion.*
- “2114. *United States Deputy Marshals in Alaska.*
- “2115. *Selection boards; information to be furnished boards.*
- “2116. *Officers to be recommended for promotion.*
- “2117. *Selection boards; reports.*
- “2118. *Selection boards; submission of reports.*
- “2119. *Failure of selection for promotion.*
- “2120. *Special selection boards; correction of errors.*
- “2121. *Promotions; appointments.*
- “2122. *Removal of officer from list of selectees for promotion.*
- “2123. *Promotions; acceptance; oath of office.*
- “2124. *Promotions; pay and allowances.*
- “2125. *Wartime temporary service promotions.*
- “2126. *Promotion of officers not included on active duty promotion list.*
- “2127. *Recall to active duty during war or national emergency.*
- “2128. *Recall to active duty with consent of officer.*
- “2129. *Aviation cadets; appointment as Reserve officers.*

“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS;
SEPARATION FOR CAUSE

- “2141. *Revocation of commissions during first five years of commissioned service.*
- “2142. *Regular lieutenants (junior grade); separation for failure of selection for promotion.*
- “2143. *Regular lieutenants; separation for failure of selection for promotion; continuation.*
- “2144. *Regular Coast Guard; officers serving under temporary appointments.*
- “2145. *Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.*
- “2146. *Discharge in lieu of retirement; separation pay.*
- “2147. *Regular warrant officers; separation pay.*
- “2148. *Separation for failure of selection for promotion or continuation; time of.*
- “2149. *Regular captains; retirement.*
- “2150. *Captains; continuation on active duty; involuntary retirement.*
- “2151. *Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.*
- “2152. *Voluntary retirement after twenty years' service.*
- “2153. *Voluntary retirement after thirty years' service.*
- “2154. *Compulsory retirement.*
- “2155. *Retirement for physical disability after selection for promotion; grade in which retired.*
- “2156. *Deferment of retirement or separation for medical reasons.*
- “2157. *Flag officers.*
- “2158. *Review of records of officers.*
- “2159. *Boards of inquiry.*
- “2160. *Boards of review.*
- “2161. *Composition of boards.*
- “2162. *Rights and procedures.*

“2163. *Removal of officer from active duty; action by Secretary.*

“2164. *Officers considered for removal; retirement or discharge; separation benefits.*

“2165. *Relief of retired officer promoted while on active duty.*

“SUBCHAPTER III—GENERAL PROVISIONS

“2181. *Physical fitness of officers.*

“2182. *Multirater assessment of certain personnel.*”.

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 **(1) REQUIREMENT.—***The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 **(A)** *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 **(B)** *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 21 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

12 **(2) TABLE.—***The table referred to in paragraph*
 13 **(1) is the following:**

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
211	<i>Original appointment of permanent commissioned officers</i>	2101
41a	<i>Active duty promotion list</i>	2102
42	<i>Number and distribution of commissioned officers on active duty promotion list</i>	2103
214	<i>Appointment of temporary officers</i>	2104
215	<i>Rank of warrant officers</i>	2105

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
251	<i>Selection boards; convening of boards</i>	2106
252	<i>Selection boards; composition of boards</i>	2107
253	<i>Selection boards; notice of convening; communica- tion with board</i>	2108
254	<i>Selection boards; oath of members</i>	2109
255	<i>Number of officers to be selected for promotion</i>	2110
256	<i>Promotion zones</i>	2111
256a	<i>Promotion year; defined</i>	2112
257	<i>Eligibility of officers for consideration for pro- motion</i>	2113
258	<i>Selection boards; information to be furnished boards</i>	2115
259	<i>Officers to be recommended for promotion</i>	2116
260	<i>Selection boards; reports</i>	2117
261	<i>Selection boards; submission of reports</i>	2118
262	<i>Failure of selection for promotion</i>	2119
263	<i>Special selection boards; correction of errors</i>	2120
271	<i>Promotions; appointments</i>	2121
272	<i>Removal of officer from list of selectees for pro- motion</i>	2122
273	<i>Promotions; acceptance; oath of office</i>	2123
274	<i>Promotions; pay and allowances</i>	2124
275	<i>Wartime temporary service promotions</i>	2125
276	<i>Promotion of officers not included on active duty promotion list</i>	2126
331	<i>Recall to active duty during war or national emergency</i>	2127
332	<i>Recall to active duty with consent of officer</i>	2128

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only-not amended)</i>	<i>Title 14 section number after redesignation</i>
373	<i>Aviation cadets; appointment as Reserve officers</i>	2129
281	<i>Revocation of commissions during first five years of commissioned service</i>	2141
282	<i>Regular lieutenants (junior grade); separation for failure of selection for promotion</i>	2142
283	<i>Regular lieutenants; separation for failure of selection for promotion; continuation</i>	2143
284	<i>Regular Coast Guard; officers serving under temporary appointments</i>	2144
285	<i>Regular lieutenant commanders and commanders; retirement for failure of selection for promotion</i>	2145
286	<i>Discharge in lieu of retirement; separation pay</i>	2146
286a	<i>Regular warrant officers: separation pay</i>	2147
287	<i>Separation for failure of selection for promotion or continuation; time of</i>	2148
288	<i>Regular captains; retirement</i>	2149
289	<i>Captains; continuation on active duty; involuntary retirement</i>	2150
290	<i>Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement</i>	2151
291	<i>Voluntary retirement after twenty years' service</i>	2152
292	<i>Voluntary retirement after thirty years' service</i>	2153
293	<i>Compulsory retirement</i>	2154
294	<i>Retirement for physical disability after selection for promotion; grade in which retired</i>	2155
295	<i>Deferment of retirement or separation for medical reasons</i>	2156
296	<i>Flag officers</i>	2157
321	<i>Review of records of officers</i>	2158
322	<i>Boards of inquiry</i>	2159

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
323	<i>Boards of review</i>	2160
324	<i>Composition of boards</i>	2161
325	<i>Rights and procedures</i>	2162
326	<i>Removal of officer from active duty; action by Sec- retary</i>	2163
327	<i>Officers considered for removal; retirement or dis- charge; separation benefits</i>	2164
333	<i>Relief of retired officer promoted while on active duty</i>	2165
335	<i>Physical fitness of officers</i>	2181
429	<i>Multirater assessment of certain personnel</i>	2182

1 (c) *ADDITIONAL CHANGES.—Chapter 21 of title 14,*
2 *United States Code, is further amended—*

3 (1) *by striking all subchapter designations and*
4 *headings in such chapter, except for the subchapter*
5 *designations and headings added by this subsection;*

6 (2) *by inserting before section 2101 (as so redesi-*
7 *gnated and transferred under subsection (b)) the fol-*
8 *lowing:*

9 “*SUBCHAPTER I—APPOINTMENT AND*
10 *PROMOTION*”;

11 (3) *by inserting before section 2115 (as so redesi-*
12 *gnated and transferred under subsection (b)) the fol-*
13 *lowing:*

1 **“§2114. United States Deputy Marshals in Alaska**

2 “Commissioned officers may be appointed as United
3 States Deputy Marshals in Alaska.”;

4 (4) by inserting before section 2141 (as so redес-
5 igned and transferred under subsection (b)) the fol-
6 lowing:

7 “SUBCHAPTER II—DISCHARGES; RETIREMENTS;
8 REVOCATION OF COMMISSIONS; SEPARATION
9 FOR CAUSE”;

10 and

11 (5) by inserting before section 2181 (as so redес-
12 igned and transferred under subsection (b)) the fol-
13 lowing:

14 “SUBCHAPTER III—GENERAL PROVISIONS”.

15 **SEC. 113. CHAPTER 23.**

16 (a) *INITIAL MATTER.*—Chapter 23 of title 14, United
17 States Code, is amended by striking the chapter designa-
18 tion, the chapter heading, and the table of sections at the
19 beginning and inserting the following:

20 **“CHAPTER 23—PERSONNEL; ENLISTED**

“Sec.

“2301. Recruiting campaigns.

“2302. Enlistments; term, grade.

“2303. Promotion.

“2304. Compulsory retirement at age of sixty-two.

“2305. Voluntary retirement after thirty years’ service.

“2306. Voluntary retirement after twenty years’ service.

“2307. Retirement of enlisted members: increase in retired pay.

“2308. Recall to active duty during war or national emergency.

“2309. Recall to active duty with consent of member.

“2310. Relief of retired enlisted member promoted while on active duty.

“2311. Retirement in cases where higher grade or rating has been held.

“2312. Extension of enlistments.

“2313. Retention beyond term of enlistment in case of disability.

“2314. Detention beyond term of enlistment.

“2315. Inclusion of certain conditions in enlistment contract.

“2316. Discharge within three months before expiration of enlistment.

“2317. Aviation cadets; procurement; transfer.

“2318. Aviation cadets; benefits.

“2319. Critical skill training bonus.”.

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 **(1) REQUIREMENT.—***The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 **(A)** *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 **(B)** *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 23 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

12 **(2) TABLE.—***The table referred to in paragraph*
 13 **(1) is the following:**

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
350	<i>Recruiting campaigns</i>	2301
351	<i>Enlistments; term, grade</i>	2302
352	<i>Promotion</i>	2303
353	<i>Compulsory retirement at age of sixty-two</i>	2304
354	<i>Voluntary retirement after thirty years' service</i>	2305

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
355	<i>Voluntary retirement after twenty years' service</i>	2306
357	<i>Retirement of enlisted members: increase in retired pay</i>	2307
359	<i>Recall to active duty during war or national emergency</i>	2308
360	<i>Recall to active duty with consent of member</i>	2309
361	<i>Relief of retired enlisted member promoted while on active duty</i>	2310
362	<i>Retirement in cases where higher grade or rating has been held</i>	2311
365	<i>Extension of enlistments</i>	2312
366	<i>Retention beyond term of enlistment in case of disability</i>	2313
367	<i>Detention beyond term of enlistment</i>	2314
369	<i>Inclusion of certain conditions in enlistment contract</i>	2315
370	<i>Discharge within three months before expiration of enlistment</i>	2316
371	<i>Aviation cadets; procurement; transfer</i>	2317
372	<i>Aviation cadets; benefits</i>	2318
374	<i>Critical skill training bonus</i>	2319

1 **SEC. 114. CHAPTER 25.**

2 (a) *INITIAL MATTER.*—Chapter 25 of title 14, United
3 States Code, is amended by striking the chapter designa-
4 tion, the chapter heading, and the table of sections at the
5 beginning and inserting the following:

1 **“CHAPTER 25—PERSONNEL; GENERAL**
 2 **PROVISIONS**

 “SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“2501. *Grade on retirement.*

“2502. *Retirement.*

“2503. *Status of recalled personnel.*

“2504. *Computation of retired pay.*

“2505. *Limitations on retirement and retired pay.*

“2506. *Suspension of payment of retired pay of members who are absent from the
 United States to avoid prosecution.*

“2507. *Board for Correction of Military Records deadline.*

“2508. *Emergency leave retention authority.*

“2509. *Prohibition of certain involuntary administrative separations.*

“2510. *Sea service letters.*

“2511. *Investigations of flag officers and Senior Executive Service employees.*

“2512. *Leave policies for the Coast Guard.*

“2513. *Computation of length of service.*

 “SUBCHAPTER II—LIGHTHOUSE SERVICE

“2531. *Personnel of former Lighthouse Service.*”.

3 **(b) REDESIGNATIONS AND TRANSFERS.—**

4 (1) *REQUIREMENT.—The sections of title 14,*
 5 *United States Code, identified in the table provided*
 6 *in paragraph (2) are amended—*

7 (A) *by redesignating the sections as de-*
 8 *scribed in the table; and*

9 (B) *by transferring the sections, as nec-*
 10 *essary, so that the sections appear after the table*
 11 *of sections for chapter 25 of such title (as added*
 12 *by subsection (a)), in the order in which the sec-*
 13 *tions are presented in the table.*

14 (2) *TABLE.—The table referred to in paragraph*
 15 *(1) is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
334	<i>Grade on retirement</i>	2501
421	<i>Retirement</i>	2502
422	<i>Status of recalled personnel</i>	2503
423	<i>Computation of retired pay</i>	2504
424	<i>Limitations on retirement and retired pay</i>	2505
424a	<i>Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution</i>	2506
425	<i>Board for Correction of Military Records deadline</i>	2507
426	<i>Emergency leave retention authority</i>	2508
427	<i>Prohibition of certain involuntary administrative separations</i>	2509
428	<i>Sea service letters</i>	2510
430	<i>Investigations of flag officers and Senior Executive Service employees</i>	2511
431	<i>Leave policies for the Coast Guard</i>	2512
467	<i>Computation of length of service</i>	2513
432	<i>Personnel of former Lighthouse Service</i>	2531

1 (c) *ADDITIONAL CHANGES.—Chapter 25 of title 14,*
2 *United States Code, is further amended—*
3 (1) *by inserting before section 2501 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*
6 “*SUBCHAPTER I—GENERAL PROVISIONS*”;
7 *and*

1 (2) by inserting before section 2531 (as so reded-
2 ignated and transferred under subsection (b)) the fol-
3 lowing:

4 “SUBCHAPTER II—LIGHTHOUSE SERVICE”.

5 **SEC. 115. PART III.**

6 Part III of title 14, United States Code, is amended
7 by striking the part designation, the part heading, and the
8 table of chapters at the beginning.

9 **SEC. 116. CHAPTER 27.**

10 (a) INITIAL MATTER.—Chapter 27 of title 14, United
11 States Code, is amended by striking the chapter designa-
12 tion, the chapter heading, and the table of sections at the
13 beginning and inserting the following:

14 **“CHAPTER 27—PAY, ALLOWANCES,**
15 **AWARDS, AND OTHER RIGHTS AND**
16 **BENEFITS**

 “SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

“Sec.

“2701. Procurement of personnel.

“2702. Training.

“2703. Contingent expenses.

“2704. Equipment to prevent accidents.

“2705. Clothing at time of discharge for good of service.

“2706. Right to wear uniform.

“2707. Protection of uniform.

“2708. Clothing for officers and enlisted personnel.

“2709. Procurement and sale of stores to members and civilian employees.

“2710. Disposition of effects of decedents.

“2711. Deserters; payment of expenses incident to apprehension and delivery; pen-
alties.

“2712. Payment for the apprehension of stragglers.

 “SUBCHAPTER II—AWARDS

“2731. Delegation of powers to make awards; rules and regulations.

“2732. Medal of honor.

- “2733. *Medal of honor: duplicate medal.*
- “2734. *Medal of honor: presentation of Medal of Honor Flag.*
- “2735. *Coast Guard cross.*
- “2736. *Distinguished service medal.*
- “2737. *Silver star medal.*
- “2738. *Distinguished flying cross.*
- “2739. *Coast Guard medal.*
- “2740. *Insignia for additional awards.*
- “2741. *Time limit on award; report concerning deed.*
- “2742. *Honorable subsequent service as condition to award.*
- “2743. *Posthumous awards.*
- “2744. *Life-saving medals.*
- “2745. *Replacement of medals.*
- “2746. *Award of other medals.*
- “2747. *Awards and insignia for excellence in service or conduct.*
- “2748. *Presentation of United States flag upon retirement.*

“SUBCHAPTER III—PAYMENTS

- “2761. *Persons discharged as result of court-martial; allowances to.*
- “2762. *Shore patrol duty; payment of expenses.*
- “2763. *Compensatory absence from duty for military personnel at isolated duty stations.*
- “2764. *Monetary allowance for transportation of household effects.*
- “2765. *Retroactive payment of pay and allowances delayed by administrative error or oversight.*
- “2766. *Travel card management.*
- “2767. *Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.*
- “2768. *Annual audit of pay and allowances of members undergoing permanent change of station.*
- “2769. *Remission of indebtedness.*
- “2770. *Special instruction at universities.*
- “2771. *Attendance at professional meetings.*
- “2772. *Education loan repayment program.*
- “2773. *Rations or commutation therefor in money.*
- “2774. *Sales of ration supplies to messes.*
- “2775. *Flight rations.*
- “2776. *Payments at time of discharge for good of service.*
- “2777. *Clothing for destitute shipwrecked persons.*
- “2778. *Advancement of public funds to personnel.*
- “2779. *Transportation to and from certain places of employment.”.*

1 (b) *REDESIGNATIONS AND TRANSFERS.—*

2 (1) *REQUIREMENT.—The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 (A) *by redesignating the sections as de-*
 6 *scribed in the table; and*

1 (B) by transferring the sections, as nec-
 2 essary, so that the sections appear after the table
 3 of sections for chapter 27 of such title (as added
 4 by subsection (a)), in the order in which the sec-
 5 tions are presented in the table.

6 (2) *TABLE.*—The table referred to in paragraph
 7 (1) is the following:

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
468	<i>Procurement of personnel</i>	2701
469	<i>Training</i>	2702
476	<i>Contingent expenses</i>	2703
477	<i>Equipment to prevent accidents</i>	2704
482	<i>Clothing at time of discharge for good of service</i>	2705
483	<i>Right to wear uniform</i>	2706
484	<i>Protection of uniform</i>	2707
485	<i>Clothing for officers and enlisted personnel</i>	2708
487	<i>Procurement and sale of stores to members and ci- vilian employees</i>	2709
507	<i>Disposition of effects of decedents</i>	2710
508	<i>Deserters; payment of expenses incident to appre- hension and delivery; penalties</i>	2711
644	<i>Payment for the apprehension of stragglers</i>	2712
499	<i>Delegation of powers to make awards; rules and regulations</i>	2731
491	<i>Medal of honor</i>	2732
504	<i>Medal of honor: duplicate medal</i>	2733

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
505	<i>Medal of honor: presentation of Medal of Honor Flag</i>	2734
491a	<i>Coast Guard cross</i>	2735
492	<i>Distinguished service medal</i>	2736
492a	<i>Silver star medal</i>	2737
492b	<i>Distinguished flying cross</i>	2738
493	<i>Coast Guard medal</i>	2739
494	<i>Insignia for additional awards</i>	2740
496	<i>Time limit on award; report concerning deed</i>	2741
497	<i>Honorable subsequent service as condition to award</i>	2742
498	<i>Posthumous awards</i>	2743
500	<i>Life-saving medals</i>	2744
501	<i>Replacement of medals</i>	2745
502	<i>Award of other medals</i>	2746
503	<i>Awards and insignia for excellence in service or conduct</i>	2747
516	<i>Presentation of United States flag upon retirement</i>	2748
509	<i>Persons discharged as result of court-martial; al- lowances to</i>	2761
510	<i>Shore patrol duty; payment of expenses</i>	2762
511	<i>Compensatory absence from duty for military per- sonnel at isolated duty stations</i>	2763
512	<i>Monetary allowance for transportation of house- hold effects</i>	2764
513	<i>Retroactive payment of pay and allowances de- layed by administrative error or oversight</i>	2765
517	<i>Travel card management</i>	2766

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
518	<i>Reimbursement for medical-related travel expenses for certain persons residing on islands in the con- tinental United States</i>	2767
519	<i>Annual audit of pay and allowances of members undergoing permanent change of station</i>	2768
461	<i>Remission of indebtedness</i>	2769
470	<i>Special instruction at universities</i>	2770
471	<i>Attendance at professional meetings</i>	2771
472	<i>Education loan repayment program</i>	2772
478	<i>Rations or commutation therefor in money</i>	2773
479	<i>Sales of ration supplies to messes</i>	2774
480	<i>Flight rations</i>	2775
481	<i>Payments at time of discharge for good of service</i>	2776
486	<i>Clothing for destitute shipwrecked persons</i>	2777
488	<i>Advancement of public funds to personnel</i>	2778
660	<i>Transportation to and from certain places of em- ployment</i>	2779

- 1 (c) *ADDITIONAL CHANGES.—Chapter 27 of title 14,*
2 *United States Code, is further amended—*
3 (1) *by inserting before section 2701 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*

1 “SUBCHAPTER I—PERSONNEL RIGHTS AND
2 *BENEFITS*”;

3 (2) *by inserting before section 2731 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*

6 “SUBCHAPTER II—AWARDS”;

7 *and*

8 (3) *by inserting before section 2761 (as so redesi-*
9 *gnated and transferred under subsection (b)) the fol-*
10 *lowing:*

11 “SUBCHAPTER III—PAYMENTS”.

12 **SEC. 117. CHAPTER 29.**

13 (a) *INITIAL MATTER.—Chapter 29 of title 14, United*
14 *States Code, is amended by striking the chapter designa-*
15 *tion, the chapter heading, and the table of sections at the*
16 *beginning and inserting the following:*

17 **“CHAPTER 29—COAST GUARD FAMILY**
18 **SUPPORT, CHILD CARE, AND HOUSING**

 “SUBCHAPTER I—COAST GUARD FAMILIES

“Sec.

“2901. *Work-life policies and programs.*

“2902. *Surveys of Coast Guard families.*

“2903. *Reimbursement for adoption expenses.*

“2904. *Education and training opportunities for Coast Guard spouses.*

“2905. *Youth sponsorship initiatives.*

“2906. *Dependent school children.*

 “SUBCHAPTER II—COAST GUARD CHILD CARE

“2921. *Definitions.*

“2922. *Child development services.*

“2923. *Child development center standards and inspections.*

“2924. *Child development center employees.*

“2925. *Parent partnerships with child development centers.*

“SUBCHAPTER III—HOUSING

“2941. *Definitions.*

“2942. *General authority.*

“2943. *Leasing and hiring of quarters; rental of inadequate housing.*

“2944. *Retired service members and dependents serving on advisory committees.*

“2945. *Conveyance of real property.*

“2946. *Coast Guard Housing Fund.*

“2947. *Reports.*”.

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 **(1) REQUIREMENT.—***The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 **(A)** *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 **(B)** *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 29 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

12 **(2) TABLE.—***The table referred to in paragraph*
 13 **(1) is the following:**

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
531	<i>Work-life policies and programs</i>	2901
532	<i>Surveys of Coast Guard families</i>	2902
541	<i>Reimbursement for adoption expenses</i>	2903
542	<i>Education and training opportunities for Coast Guard spouses</i>	2904

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
543	<i>Youth sponsorship initiatives</i>	2905
544	<i>Dependent school children</i>	2906
551	<i>Definitions</i>	2921
552	<i>Child development services</i>	2922
553	<i>Child development center standards and inspec- tions</i>	2923
554	<i>Child development center employees</i>	2924
555	<i>Parent partnerships with child development cen- ters</i>	2925
680	<i>Definitions</i>	2941
681	<i>General authority</i>	2942
475	<i>Leasing and hiring of quarters; rental of inad- equate housing</i>	2943
680	<i>Retired service members and dependents serving on advisory committees</i>	2944
685	<i>Conveyance of real property</i>	2945
687	<i>Coast Guard Housing Fund</i>	2946
688	<i>Reports</i>	2947

1 (c) *ADDITIONAL CHANGES.—Chapter 29 of title 14,*
2 *United States Code, is further amended—*
3 (1) *by inserting before section 2901 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*

1 “SUBCHAPTER I—COAST GUARD FAMILIES”;

2 (2) by inserting before section 2921 (as so reded-

3 ignated and transferred under subsection (b)) the fol-

4 lowing:

5 “SUBCHAPTER II—COAST GUARD CHILD CARE”;

6 and

7 (3) by inserting before section 2941 (as so reded-

8 ignated and transferred under subsection (b)) the fol-

9 lowing:

10 “SUBCHAPTER III—HOUSING”.

11 **SEC. 118. SUBTITLE III AND CHAPTER 37.**

12 (a) *INITIAL MATTER.*—Title 14, United States Code,

13 is further amended by adding after chapter 29 (as amended

14 by section 117) the following:

15 **“Subtitle III—Coast Guard Reserve**

16 **and Auxiliary**

<i>“Chap.</i>	<i>Sec.</i>
“37. Coast Guard Reserve	3701
“39. Coast Guard Auxiliary	3901
“41. General Provisions for Coast Guard Reserve and Auxiliary	4101

17 **“CHAPTER 1—COAST GUARD RESERVE**

“SUBCHAPTER I—ADMINISTRATION

- “Sec.*
- “3701. Organization.*
 - “3702. Authorized strength.*
 - “3703. Coast Guard Reserve Boards.*
 - “3704. Grades and ratings; military authority.*
 - “3705. Benefits.*
 - “3706. Temporary members of the Reserve; eligibility and compensation.*
 - “3707. Temporary members of the Reserve; disability or death benefits.*
 - “3708. Temporary members of the Reserve; certificate of honorable service.*

- “3709. *Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.*
- “3710. *Reserve student pre-commissioning assistance program.*
- “3711. *Appointment or wartime promotion; retention of grade upon release from active duty.*
- “3712. *Exclusiveness of service.*
- “3713. *Active duty for emergency augmentation of regular forces.*
- “3714. *Enlistment of members engaged in schooling.*

“SUBCHAPTER II—PERSONNEL

- “3731. *Definitions.*
- “3732. *Applicability of this subchapter.*
- “3733. *Suspension of this subchapter in time of war or national emergency.*
- “3734. *Effect of this subchapter on retirement and retired pay.*
- “3735. *Authorized number of officers.*
- “3736. *Precedence.*
- “3737. *Running mates.*
- “3738. *Constructive credit upon initial appointment.*
- “3739. *Promotion of Reserve officers on active duty.*
- “3740. *Promotion; recommendations of selection boards.*
- “3741. *Selection boards; appointment.*
- “3742. *Establishment of promotion zones under running mate system.*
- “3743. *Eligibility for promotion.*
- “3744. *Recommendation for promotion of an officer previously removed from an active status.*
- “3745. *Qualifications for promotion.*
- “3746. *Promotion; acceptance; oath of office.*
- “3747. *Date of rank upon promotion; entitlement to pay.*
- “3748. *Type of promotion; temporary.*
- “3749. *Effect of removal by the President or failure of consent of the Senate.*
- “3750. *Failure of selection for promotion.*
- “3751. *Failure of selection and removal from an active status.*
- “3752. *Retention boards; removal from an active status to provide a flow of promotion.*
- “3753. *Maximum ages for retention in an active status.*
- “3754. *Rear admiral and rear admiral (lower half); maximum service in grade.*
- “3755. *Appointment of a former Navy or Coast Guard officer.*
- “3756. *Grade on entry upon active duty.*
- “3757. *Recall of a retired officer; grade upon release.”.*

- 1 **(b) REDESIGNATIONS AND TRANSFERS.—**
- 2 **(1) REQUIREMENT.—***The sections of title 14,*
- 3 *United States Code, identified in the table provided*
- 4 *in paragraph (2) are amended—*
- 5 **(A)** *by redesignating the sections as de-*
- 6 *scribed in the table; and*

1 (B) by transferring the sections, as nec-
 2 essary, so that the sections appear after the table
 3 of sections for chapter 37 of such title (as added
 4 by subsection (a)), in the order in which the sec-
 5 tions are presented in the table.

6 (2) *TABLE.*—The table referred to in paragraph
 7 (1) is the following:

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only—not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
701	<i>Organization</i>	3701
702	<i>Authorized strength</i>	3702
703	<i>Coast Guard Reserve Boards</i>	3703
704	<i>Grades and ratings; military authority</i>	3704
705	<i>Benefits</i>	3705
706	<i>Temporary members of the Reserve; eligibility and compensation</i>	3706
707	<i>Temporary members of the Reserve; disability or death benefits</i>	3707
708	<i>Temporary members of the Reserve; certificate of honorable service</i>	3708
709	<i>Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade</i>	3709
709a	<i>Reserve student pre-commissioning assistance pro- gram</i>	3710
710	<i>Appointment or wartime promotion; retention of grade upon release from active duty</i>	3711
711	<i>Exclusiveness of service</i>	3712
712	<i>Active duty for emergency augmentation of regular forces</i>	3713
713	<i>Enlistment of members engaged in schooling</i>	3714

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
720	<i>Definitions</i>	3731
721	<i>Applicability of this subchapter</i>	3732
722	<i>Suspension of this subchapter in time of war or national emergency</i>	3733
723	<i>Effect of this subchapter on retirement and retired pay</i>	3734
724	<i>Authorized number of officers</i>	3735
725	<i>Precedence</i>	3736
726	<i>Running mates</i>	3737
727	<i>Constructive credit upon initial appointment</i>	3738
728	<i>Promotion of Reserve officers on active duty</i>	3739
729	<i>Promotion; recommendations of selection boards</i>	3740
730	<i>Selection boards; appointment</i>	3741
731	<i>Establishment of promotion zones under running mate system</i>	3742
732	<i>Eligibility for promotion</i>	3743
733	<i>Recommendation for promotion of an officer pre- viously removed from an active status</i>	3744
734	<i>Qualifications for promotion</i>	3745
735	<i>Promotion; acceptance; oath of office</i>	3746
736	<i>Date of rank upon promotion; entitlement to pay</i>	3747
737	<i>Type of promotion; temporary</i>	3748
738	<i>Effect of removal by the President or failure of consent of the Senate</i>	3749
739	<i>Failure of selection for promotion</i>	3750
740	<i>Failure of selection and removal from an active status</i>	3751
741	<i>Retention boards; removal from an active status to provide a flow of promotion</i>	3752

<i>Title 14 section number before redesignation</i>	<i>Section heading (provided for identification purposes only—not amended)</i>	<i>Title 14 section number after redesignation</i>
742	<i>Maximum ages for retention in an active status</i>	3753
743	<i>Rear admiral and rear admiral (lower half); maximum service in grade</i>	3754
744	<i>Appointment of a former Navy or Coast Guard officer</i>	3755
745	<i>Grade on entry upon active duty</i>	3756
746	<i>Recall of a retired officer; grade upon release</i>	3757

1 (c) *ADDITIONAL CHANGES.—Chapter 37 of title 14,*
2 *United States Code, is further amended—*

3 (1) *by inserting before section 3701 (as so redesi-*
4 *gnated and transferred under subsection (b)) the fol-*
5 *lowing:*

6 “*SUBCHAPTER I—ADMINISTRATION*”;

7 *and*

8 (2) *by inserting before section 3731 (as so redesi-*
9 *gnated and transferred under subsection (b)) the fol-*
10 *lowing:*

11 “*SUBCHAPTER II—PERSONNEL*”.

12 **SEC. 119. CHAPTER 39.**

13 (a) *INITIAL MATTER.—Title 14, United States Code,*
14 *is further amended by adding after chapter 37 (as added*
15 *by section 118) the following:*

16 “**CHAPTER 39—COAST GUARD AUXILIARY**

“Sec.

“3901. *Administration of the Coast Guard Auxiliary.*

- “3902. *Purpose of the Coast Guard Auxiliary.*
 “3903. *Eligibility; enrollments.*
 “3904. *Members of the Auxiliary; status.*
 “3905. *Disenrollment.*
 “3906. *Membership in other organizations.*
 “3907. *Use of member’s facilities.*
 “3908. *Vessel deemed public vessel.*
 “3909. *Aircraft deemed public aircraft.*
 “3910. *Radio station deemed government station.*
 “3911. *Availability of appropriations.*
 “3912. *Assignment and performance of duties.*
 “3913. *Injury or death in line of duty.”*

1 **(b) REDESIGNATIONS AND TRANSFERS.—**

2 **(1) REQUIREMENT.—***The sections of title 14,*
 3 *United States Code, identified in the table provided*
 4 *in paragraph (2) are amended—*

5 **(A)** *by redesignating the sections as de-*
 6 *scribed in the table; and*

7 **(B)** *by transferring the sections, as nec-*
 8 *essary, so that the sections appear after the table*
 9 *of sections for chapter 39 of such title (as added*
 10 *by subsection (a)), in the order in which the sec-*
 11 *tions are presented in the table.*

12 **(2) TABLE.—***The table referred to in paragraph*
 13 **(1) is the following:**

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
821	<i>Administration of the Coast Guard Auxiliary</i>	3901
822	<i>Purpose of the Coast Guard Auxiliary</i>	3902
823	<i>Eligibility; enrollments</i>	3903
823a	<i>Members of the Auxiliary; status</i>	3904

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
824	<i>Disenrollment</i>	3905
825	<i>Membership in other organizations</i>	3906
826	<i>Use of member's facilities</i>	3907
827	<i>Vessel deemed public vessel</i>	3908
828	<i>Aircraft deemed public aircraft</i>	3909
829	<i>Radio station deemed government station</i>	3910
830	<i>Availability of appropriations</i>	3911
831	<i>Assignment and performance of duties</i>	3912
832	<i>Injury or death in line of duty</i>	3913

1 **SEC. 120. CHAPTER 41.**

2 (a) *INITIAL MATTER.*—*Title 14, United States Code,*
3 *is further amended by adding after chapter 39 (as added*
4 *by section 119) the following:*

5 **“CHAPTER 41—GENERAL PROVISIONS FOR**
6 **COAST GUARD RESERVE AND AUXILIARY**

“Sec.

“4101. *Flags; pennants; uniforms and insignia.*

“4102. *Penalty.*

“4103. *Limitation on rights of members of the Auxiliary and temporary members
of the Reserve.*

“4104. *Availability of facilities and appropriations.”.*

7 (b) *REDESIGNATIONS AND TRANSFERS.*—

8 (1) *REQUIREMENT.*—*The sections of title 14,*
9 *United States Code, identified in the table provided*
10 *in paragraph (2) are amended—*

1 (A) by redesignating the sections as de-
2 scribed in the table; and

3 (B) by transferring the sections, as nec-
4 essary, so that the sections appear after the table
5 of sections for chapter 41 of such title (as added
6 by subsection (a)), in the order in which the sec-
7 tions are presented in the table.

8 (2) *TABLE.*—The table referred to in paragraph
9 (1) is the following:

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
891	<i>Flags; pennants; uniforms and insignia</i>	4101
892	<i>Penalty</i>	4102
893	<i>Limitation on rights of members of the Auxiliary and temporary members of the Reserve</i>	4103
894	<i>Availability of facilities and appropriations</i>	4104

10 **SEC. 121. SUBTITLE IV AND CHAPTER 49.**

11 (a) *INITIAL MATTER.*—Title 14, United States Code,
12 is further amended by adding after chapter 41 (as added
13 by section 120) the following:

14 **“Subtitle IV—Coast Guard Author-**
15 **izations and Reports to Congress**

<i>“Chap.</i>	<i>Sec.</i>
“49. Authorizations	4901
“51. Reports	5101

1 **“CHAPTER 49—AUTHORIZATIONS**

“Sec.

“4901. Requirement for prior authorization of appropriations.

“4902. Authorization of appropriations.

“4903. Authorization of personnel end strengths.

“4904. Authorized levels of military strength and training.”.

2 **(b) REDESIGNATIONS AND TRANSFERS.—**

3 (1) *REQUIREMENT.*—*The sections of title 14,*
4 *United States Code, identified in the table provided*
5 *in paragraph (2) are amended—*

6 (A) *by redesignating the sections as de-*
7 *scribed in the table; and*

8 (B) *by transferring the sections, as nec-*
9 *essary, so that the sections appear after the table*
10 *of sections for chapter 49 of such title (as added*
11 *by subsection (a)), in the order in which the sec-*
12 *tions are presented in the table.*

13 (2) *TABLE.*—*The table referred to in paragraph*
14 (1) *is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
<i>2701</i>	<i>Requirement for prior authorization of appropri- ations</i>	<i>4901</i>
<i>2702</i>	<i>Authorization of appropriations</i>	<i>4902</i>
<i>2703</i>	<i>Authorization of personnel end strengths</i>	<i>4903</i>
<i>2704</i>	<i>Authorized levels of military strength and training</i>	<i>4904</i>

1 **SEC. 122. CHAPTER 51.**

2 (a) *INITIAL MATTER.*—*Title 14, United States Code,*
 3 *is further amended by adding after chapter 49 (as added*
 4 *by section 121) the following:*

5 **“CHAPTER 51—REPORTS**

“Sec.

“5101. *Transmission of annual Coast Guard authorization request.*

“5102. *Capital investment plan.*

“5103. *Major acquisitions.*

“5104. *Manpower requirements plan.*

“5105. *Inventory of real property.*

“5106. *Annual performance report.*

“5107. *Major acquisition risk assessment.*”.

6 (b) *REDESIGNATIONS AND TRANSFERS.*—

7 (1) *REQUIREMENT.*—*The sections of title 14,*
 8 *United States Code, identified in the table provided*
 9 *in paragraph (2) are amended—*

10 (A) *by redesignating the sections as de-*
 11 *scribed in the table; and*

12 (B) *by transferring the sections, as nec-*
 13 *essary, so that the sections appear after the table*
 14 *of sections for chapter 51 of such title (as added*
 15 *by subsection (a)), in the order in which the sec-*
 16 *tions are presented in the table.*

17 (2) *TABLE.*—*The table referred to in paragraph*
 18 *(1) is the following:*

<i>Title 14 section number be- fore redesi- gnation</i>	<i>Section heading (provided for identification pur- poses only-not amended)</i>	<i>Title 14 section number after redesi- gnation</i>
2901	<i>Transmission of annual Coast Guard authoriza- tion request</i>	5101
2902	<i>Capital investment plan</i>	5102
2903	<i>Major acquisitions</i>	5103
2904	<i>Manpower requirements plan</i>	5104
679	<i>Inventory of real property</i>	5105
2905	<i>Annual performance report</i>	5106
2906	<i>Major acquisition risk assessment</i>	5107

1 **SEC. 123. REFERENCES.**

2 (a) *DEFINITIONS.—In this section, the following defi-*
3 *initions apply:*

4 (1) *REDESIGNATED SECTION.—The term “redes-*
5 *igned section” means a section of title 14, United*
6 *States Code, that is redesignated by this title, as that*
7 *section is so redesignated.*

8 (2) *SOURCE SECTION.—The term “source sec-*
9 *tion” means a section of title 14, United States Code,*
10 *that is redesignated by this title, as that section was*
11 *in effect before the redesignation.*

12 (b) *REFERENCE TO SOURCE SECTION.—*

13 (1) *TREATMENT OF REFERENCE.—A reference to*
14 *a source section, including a reference in a regula-*
15 *tion, order, or other law, is deemed to refer to the cor-*
16 *responding redesignated section.*

1 (2) *TITLE 14.*—*In title 14, United States Code,*
2 *each reference in the text of such title to a source sec-*
3 *tion is amended by striking such reference and insert-*
4 *ing a reference to the appropriate, as determined*
5 *using the tables located in this title, redesignated sec-*
6 *tion.*

7 (c) *OTHER CONFORMING AMENDMENTS.*—

8 (1) *REFERENCE TO SECTION 182.*—*Section*
9 *1923(c) of title 14, United States Code, as so redesign-*
10 *ated by this title, is further amended by striking*
11 *“section 182” and inserting “section 1922”.*

12 (2) *REFERENCES TO CHAPTER 11.*—*Title 14,*
13 *United States Code, is further amended—*

14 (A) *in section 2146(d), as so redesignated*
15 *by this title, by striking “chapter 11 of this title”*
16 *and inserting “this chapter”; and*

17 (B) *in section 3739, as so redesignated by*
18 *this title, by striking “chapter 11” each place*
19 *that it appears and inserting “chapter 21”.*

20 (3) *REFERENCE TO CHAPTER 13.*—*Section*
21 *3705(b) of title 14, United States Code, as so redesign-*
22 *ated by this title, is further amended by striking*
23 *“chapter 13” and inserting “chapter 27”.*

24 (4) *REFERENCE TO CHAPTER 15.*—*Section*
25 *308(b)(3) of title 14, United States Code, as so red-*

1 *ignated by this title, is further amended by striking*
2 *“chapter 15” and inserting “chapter 11”.*

3 (5) *REFERENCES TO CHAPTER 19.—Title 14,*
4 *United States Code, is further amended—*

5 (A) *in section 4901(4), as so redesignated*
6 *by this title, by striking “chapter 19” and insert-*
7 *ing “section 318”; and*

8 (B) *in section 4902(4), as so redesignated*
9 *by this title, by striking “chapter 19” and insert-*
10 *ing “section 318”.*

11 (6) *REFERENCE TO CHAPTER 23.—Section*
12 *701(a) of title 14, United States Code, as so redesign-*
13 *ated by this title, is further amended by striking*
14 *“chapter 23” and inserting “chapter 39”.*

15 **SEC. 124. RULE OF CONSTRUCTION.**

16 *This title, including the amendments made by this*
17 *title, is intended only to reorganize title 14, United States*
18 *Code, and may not be construed to alter—*

19 (1) *the effect of a provision of title 14, United*
20 *States Code, including any authority or requirement*
21 *therein;*

22 (2) *a department or agency interpretation with*
23 *respect to title 14, United States Code; or*

24 (3) *a judicial interpretation with respect to title*
25 *14, United States Code.*

1 **TITLE II—AUTHORIZATIONS**

2 **SEC. 201. AMENDMENTS TO TITLE 14, UNITED STATES**

3 **CODE, AS AMENDED BY TITLE I OF THIS ACT.**

4 *Except as otherwise expressly provided, whenever in*
5 *this title an amendment or repeal is expressed in terms of*
6 *an amendment to, or a repeal of, a section or other provi-*
7 *sion of title 14, United States Code, the reference shall be*
8 *considered to be made to title 14, United States Code, as*
9 *amended by title I of this Act.*

10 **SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.**

11 *(a) IN GENERAL.—Section 4902 of title 14, United*
12 *States Code, is amended to read as follows:*

13 **“§ 4902. Authorizations of appropriations**

14 *“(a) FISCAL YEAR 2018.—Funds are authorized to be*
15 *appropriated for fiscal year 2018 for necessary expenses of*
16 *the Coast Guard as follows:*

17 *“(1) For the operation and maintenance of the*
18 *Coast Guard, not otherwise provided for,*
19 *\$7,210,313,000 for fiscal year 2018.*

20 *“(2) For the acquisition, construction, renova-*
21 *tion, and improvement of aids to navigation, shore*
22 *facilities, vessels, aircraft, and systems, including*
23 *equipment related thereto, and for maintenance, reha-*
24 *bilitation, lease, and operation of facilities and equip-*
25 *ment, \$2,694,745,000 for fiscal year 2018.*

1 “(3) *For the Coast Guard Reserve program, in-*
2 *cluding operations and maintenance of the program,*
3 *personnel and training costs, equipment, and services,*
4 *\$114,875,000 for fiscal year 2018.*

5 “(4) *For the environmental compliance and res-*
6 *toration functions of the Coast Guard under chapter*
7 *3 of this title, \$13,397,000 for fiscal year 2018.*

8 “(5) *To the Commandant for research, develop-*
9 *ment, test, and evaluation of technologies, materials,*
10 *and human factors directly related to improving the*
11 *performance of the Coast Guard’s mission with re-*
12 *spect to search and rescue, aids to navigation, marine*
13 *safety, marine environmental protection, enforcement*
14 *of laws and treaties, ice operations, oceanographic re-*
15 *search, and defense readiness, and for maintenance,*
16 *rehabilitation, lease, and operation of facilities and*
17 *equipment, \$29,141,000 for fiscal year 2018.*

18 “(b) *FISCAL YEAR 2019.—Funds are authorized to be*
19 *appropriated for fiscal year 2019 for necessary expenses of*
20 *the Coast Guard as follows:*

21 “(1)(A) *For the operation and maintenance of*
22 *the Coast Guard, not otherwise provided for,*
23 *\$7,914,195,000 for fiscal year 2019.*

24 “(B) *Of the amount authorized under subpara-*
25 *graph (A)—*

1 “(i) \$16,701,000 shall be for environmental
2 compliance and restoration; and

3 “(ii) \$199,360,000 shall be for the Coast
4 Guard’s Medicare-eligible retiree health care fund
5 contribution to the Department of Defense.

6 “(2) For the procurement, construction, renova-
7 tion, and improvement of aids to navigation, shore
8 facilities, vessels, aircraft, and systems, including
9 equipment related thereto, and for maintenance, reha-
10 bilitation, lease, and operation of facilities and equip-
11 ment, \$2,694,745,000 for fiscal year 2019.

12 “(3) To the Commandant for research, develop-
13 ment, test, and evaluation of technologies, materials,
14 and human factors directly related to improving the
15 performance of the Coast Guard’s mission with re-
16 spect to search and rescue, aids to navigation, marine
17 safety, marine environmental protection, enforcement
18 of laws and treaties, ice operations, oceanographic re-
19 search, and defense readiness, and for maintenance,
20 rehabilitation, lease, and operation of facilities and
21 equipment, \$29,141,000 for fiscal year 2019.”.

22 (b) *REPEAL*.—On October 1, 2018—

23 (1) section 4902(a) of title 14, United States
24 Code, as amended by subsection (a), shall be repealed;
25 and

1 (2) *subsection 4902(b) of title 14, United States*
2 *Code, as amended by subsection (a), shall be amended*
3 *by striking “(b) FISCAL YEAR 2019.—”.*

4 **SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH**
5 **AND TRAINING.**

6 *Section 4904 of title 14, United States Code, is amend-*
7 *ed—*

8 (1) *in subsection (a), by striking “for each of fis-*
9 *cal years 2016 and 2017” and inserting “for fiscal*
10 *year 2018 and 44,500 for fiscal year 2019”; and*

11 (2) *in subsection (b), by striking “fiscal years*
12 *2016 and 2017” and inserting “fiscal years 2018 and*
13 *2019”.*

14 **SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RE-**
15 **SPONSE CUTTERS.**

16 (a) *IN GENERAL.—Of the amounts authorized under*
17 *section 4902 of title 14, United States Code, as amended*
18 *by this Act, for each of fiscal years 2018 and 2019 up to*
19 *\$167,500,000 is authorized for the acquisition of 3 Fast Re-*
20 *sponse Cutters.*

21 (b) *TREATMENT OF ACQUIRED CUTTERS.—Any cutters*
22 *acquired pursuant to subsection (a) shall be in addition to*
23 *the 58 cutters approved under the existing acquisition base-*
24 *line.*

1 **SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE**
 2 **INFRASTRUCTURE.**

3 *Of the amounts authorized under section 4902 of title*
 4 *14, United States Code, as amended by this Act, for each*
 5 *of fiscal years 2018 and 2019 up to \$167,500,000 is author-*
 6 *ized for the Secretary of the department in which the Coast*
 7 *Guard is operating to fund the acquisition, construction,*
 8 *rebuilding, or improvement of Coast Guard shoreside infra-*
 9 *structure and facilities necessary to support Coast Guard*
 10 *operations and readiness.*

11 **SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IM-**
 12 **PROVEMENTS.**

13 *Of the amounts authorized under section 4902 of title*
 14 *14, United States Code, as amended by this Act, for each*
 15 *of fiscal years 2018 and 2019 up to \$3,500,000 is author-*
 16 *ized for the Secretary of the department in which the Coast*
 17 *Guard is operating to fund analysis and program develop-*
 18 *ment for improvements to or the replacement of rotary-wing*
 19 *aircraft.*

20 **TITLE III—COAST GUARD**

21 **SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES**
 22 **CODE, AS AMENDED BY TITLE I OF THIS ACT.**

23 *Except as otherwise expressly provided, whenever in*
 24 *this title an amendment or repeal is expressed in terms of*
 25 *an amendment to, or a repeal of, a section or other provi-*
 26 *sion of title 14, United States Code, the reference shall be*

1 *considered to be made to title 14, United States Code, as*
2 *amended by title I of this Act.*

3 **SEC. 302. PRIMARY DUTIES.**

4 *Section 102(7) of title 14, United States Code, is*
5 *amended to read as follows:*

6 *“(7) maintain a state of readiness to assist in*
7 *the defense of the United States, including when func-*
8 *tioning as a specialized service in the Navy pursuant*
9 *to section 103.”.*

10 **SEC. 303. NATIONAL COAST GUARD MUSEUM.**

11 *Section 316 of title 14, United States Code, is amended*
12 *to read as follows:*

13 **“§316. National Coast Guard Museum**

14 *“(a) ESTABLISHMENT.—The Commandant may estab-*
15 *lish a National Coast Guard Museum, on lands which will*
16 *be federally owned and administered by the Coast Guard,*
17 *and are located in New London, Connecticut, at, or in close*
18 *proximity to, the Coast Guard Academy.*

19 *“(b) LIMITATION ON EXPENDITURES.—*

20 *“(1) The Secretary shall not expend any funds*
21 *appropriated to the Coast Guard on the construction*
22 *of any museum established under this section.*

23 *“(2) The Secretary shall fund the National Coast*
24 *Guard Museum with nonappropriated and non-Fed-*
25 *eral funds to the maximum extent practicable. The*

1 *priority use of Federal funds should be to preserve*
2 *and protect historic Coast Guard artifacts, including*
3 *the design, fabrication, and installation of exhibits or*
4 *displays in which such artifacts are included.*

5 *“(3) The Secretary may expend funds appro-*
6 *priated to the Coast Guard on the engineering and*
7 *design of a National Coast Guard Museum.*

8 *“(c) FUNDING PLAN.—Before the date on which the*
9 *Commandant establishes a National Coast Guard Museum*
10 *under subsection (a), the Commandant shall provide to the*
11 *Committee on Commerce, Science, and Transportation of*
12 *the Senate and the Committee on Transportation and In-*
13 *frastructure of the House of Representatives a plan for con-*
14 *structing, operating, and maintaining such a museum, in-*
15 *cluding—*

16 *“(1) estimated planning, engineering, design,*
17 *construction, operation, and maintenance costs;*

18 *“(2) the extent to which appropriated, non-*
19 *appropriated, and non-Federal funds will be used for*
20 *such purposes, including the extent to which there is*
21 *any shortfall in funding for engineering, design, or*
22 *construction; and*

23 *“(3) a certification by the Inspector General of*
24 *the department in which the Coast Guard is oper-*

1 *ating that the estimates provided pursuant to para-*
2 *graphs (1) and (2) are reasonable and realistic.*

3 *“(d) AUTHORITY.—The Commandant may not estab-*
4 *lish a National Coast Guard museum except as set forth*
5 *in this section.”.*

6 **SEC. 304. UNMANNED AIRCRAFT.**

7 *(a) LAND-BASED UNMANNED AIRCRAFT SYSTEM PRO-*
8 *GRAM.—Chapter 3 of title 14, United States Code, is*
9 *amended by adding at the end the following:*

10 **“§319. Land-based unmanned aircraft system pro-**
11 **gram**

12 *“(a) IN GENERAL.—Subject to the availability of ap-*
13 *propriations, the Secretary shall establish a land-based un-*
14 *manned aircraft system program under the control of the*
15 *Commandant.*

16 *“(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In*
17 *this section, the term ‘unmanned aircraft system’ has the*
18 *meaning given that term in section 331 of the FAA Mod-*
19 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
20 *note).”.*

21 *(b) LIMITATION ON UNMANNED AIRCRAFT SYSTEMS.—*
22 *Chapter 11 of title 14, United States Code, is amended by*
23 *inserting after section 1155 the following:*

1 **“§ 1156. Limitation on unmanned aircraft systems**

2 “(a) *IN GENERAL.*—During any fiscal year for which
3 funds are appropriated for the design or construction of an
4 Offshore Patrol Cutter, the Commandant—

5 “(1) may not award a contract for design of an
6 unmanned aircraft system for use by the Coast
7 Guard; and

8 “(2) may lease, acquire, or acquire the services
9 of an unmanned aircraft system only if such sys-
10 tem—

11 “(A) has been part of a program of record
12 of, procured by, or used by a Federal entity (or
13 funds for research, development, test, and evalua-
14 tion have been received from a Federal entity
15 with regard to such system) before the date on
16 which the Commandant leases, acquires, or ac-
17 quires the services of the system; and

18 “(B) is leased, acquired, or utilized by the
19 Commandant through an agreement with a Fed-
20 eral entity, unless such an agreement is not
21 practicable or would be less cost-effective than an
22 independent contract action by the Coast Guard.

23 “(b) *SMALL UNMANNED AIRCRAFT EXEMPTION.*—Sub-
24 section (a)(2) does not apply to small unmanned aircraft.

25 “(c) *DEFINITIONS.*—In this section, the terms ‘small
26 unmanned aircraft’ and ‘unmanned aircraft system’ have

1 *the meanings given those terms in section 331 of the FAA*
 2 *Modernization and Reform Act of 2012 (49 U.S.C. 40101*
 3 *note).”.*

4 (c) *CLERICAL AMENDMENTS.—*

5 (1) *CHAPTER 3.—The analysis for chapter 3 of*
 6 *title 14, United States Code, is amended by adding*
 7 *at the end the following:*

“319. Land-based unmanned aircraft system program.”.

8 (2) *CHAPTER 11.—The analysis for chapter 11 of*
 9 *title 14, United States Code, is amended by inserting*
 10 *after the item relating to section 1155 the following:*

“1156. Limitation on unmanned aircraft systems.”.

11 (d) *CONFORMING AMENDMENT.—Subsection (c) of sec-*
 12 *tion 1105 of title 14, United States Code, is repealed.*

13 **SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS; LI-**
 14 **CENSURE PORTABILITY.**

15 (a) *IN GENERAL.—Chapter 5 of title 14, United States*
 16 *Code, is amended by inserting after section 507 the fol-*
 17 *lowing:*

18 **“§508. Coast Guard health-care professionals; licen-**
 19 **sure portability**

20 *“(a) IN GENERAL.—Notwithstanding any other provi-*
 21 *sion of law regarding the licensure of health-care providers,*
 22 *a health-care professional described in subsection (b) may*
 23 *practice the health profession or professions of the health-*
 24 *care professional at any location in any State, the District*

1 *of Columbia, or a Commonwealth, territory, or possession*
 2 *of the United States, regardless of where such health-care*
 3 *professional or the patient is located, if the practice is with-*
 4 *in the scope of the authorized Federal duties of such health-*
 5 *care professional.*

6 “(b) *DESCRIBED INDIVIDUALS.*—*A health-care profes-*
 7 *sional described in this subsection is an individual—*

8 “(1) *who is—*

9 “(A) *a member of the Coast Guard;*

10 “(B) *a civilian employee of the Coast*
 11 *Guard;*

12 “(C) *a member of the Public Health Service*
 13 *who is assigned to the Coast Guard; or*

14 “(D) *any other health-care professional*
 15 *credentialed and privileged at a Federal health-*
 16 *care institution or location specially designated*
 17 *by the Secretary; and*

18 “(2) *who—*

19 “(A) *has a current license to practice medi-*
 20 *cine, osteopathic medicine, dentistry, or another*
 21 *health profession; and*

22 “(B) *is performing authorized duties for the*
 23 *Coast Guard.*

1 “(c) *DEFINITIONS.*—*In this section, the terms ‘license’*
 2 *and ‘health-care professional’ have the meanings given those*
 3 *terms in section 1094(e) of title 10.*”.

4 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 5 *5 of title 14, United States Code, is amended by inserting*
 6 *after the item relating to section 507 the following:*

“508. *Coast Guard health-care professionals; licensure portability.*”.

7 (c) *ELECTRONIC HEALTH RECORDS.*—

8 (1) *SYSTEM.*—*The Commandant of the Coast*
 9 *Guard is authorized to procure for the Coast Guard*
 10 *an electronic health record system that—*

11 (A) *has been competitively awarded by the*
 12 *Department of Defense; and*

13 (B) *ensures full integration with the De-*
 14 *partment of Defense electronic health record sys-*
 15 *tems.*

16 (2) *SUPPORT SERVICES.*—

17 (A) *IN GENERAL.*—*The Commandant is au-*
 18 *thorized to procure support services for the elec-*
 19 *tronic health record system procured under para-*
 20 *graph (1) necessary to ensure full integration*
 21 *with the Department of Defense electronic health*
 22 *record systems.*

23 (B) *SCOPE.*—*Support services procured*
 24 *pursuant to this paragraph may include services*
 25 *for the following:*

- 1 (i) *System integration support.*
2 (ii) *Hosting support.*
3 (iii) *Training, testing, technical, and*
4 *data migration support.*
5 (iv) *Hardware support.*
6 (v) *Any other support the Com-*
7 *mandant considers appropriate.*

8 (3) *AUTHORIZED PROCUREMENT ACTIONS.—The*
9 *Commandant is authorized to procure an electronic*
10 *health record system under this subsection through the*
11 *following:*

12 (A) *A task order under the Department of*
13 *Defense electronic health record contract.*

14 (B) *A sole source contract award.*

15 (C) *An agreement made pursuant to sec-*
16 *tions 1535 and 1536 of title 31, United States*
17 *Code.*

18 (D) *A contract or other procurement vehicle*
19 *otherwise authorized.*

20 (4) *COMPETITION IN CONTRACTING; EXEMP-*
21 *TION.—Procurement of an electronic health record*
22 *system and support services pursuant to this sub-*
23 *section shall be exempt from the competition require-*
24 *ments of section 2304 of title 10, United States Code.*

1 **SEC. 306. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

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

4 **“§ 718. Training; emergency response providers**

5 “(a) *IN GENERAL.*—The Commandant may, on a re-
6 imburseable or a non-reimbursable basis, make a training
7 available to emergency response providers whenever the
8 Commandant determines that—

9 “(1) a member of the Coast Guard, who is sched-
10 uled to participate in such training, is unable or un-
11 available to participate in such training;

12 “(2) no other member of the Coast Guard, who
13 is assigned to the unit to which the member of the
14 Coast Guard who is unable or unavailable to partici-
15 pate in such training is assigned, is able or available
16 to participate in such training; and

17 “(3) such training, if made available to such
18 emergency response providers, would further the goal
19 of interoperability among Federal agencies, non-Fed-
20 eral governmental agencies, or both.

21 “(b) *EMERGENCY RESPONSE PROVIDERS DEFINED.*—
22 In this section, the term ‘emergency response providers’ has
23 the meaning given that term in section 2 of the Homeland
24 Security Act of 2002 (6 U.S.C. 101).

25 “(c) *TREATMENT OF REIMBURSEMENT.*—Any reim-
26 bursements for a training that the Coast Guard receives

1 *under this section shall be credited to the appropriation*
 2 *used to pay the costs for such training.*

3 “(d) *STATUS; LIMITATION ON LIABILITY.*—

4 “(1) *STATUS.*—*Any individual to whom, as an*
 5 *emergency response provider, training is made avail-*
 6 *able under this section, who is not otherwise a Fed-*
 7 *eral employee, shall not, because of that training, be*
 8 *considered a Federal employee for any purpose (in-*
 9 *cluding the purposes of chapter 81 of title 5 (relating*
 10 *to compensation for injury) and sections 2671*
 11 *through 2680 of title 28 (relating to tort claims)).*

12 “(2) *LIMITATION ON LIABILITY.*—*The United*
 13 *States shall not be liable for actions taken by an indi-*
 14 *vidual in the course of training made available under*
 15 *this section.”.*

16 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 17 *7 of title 14, United States Code, is amended by adding*
 18 *at the end the following:*

“718. *Training; emergency response providers.”.*

19 **SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD**
 20 **AND INDUSTRIAL ESTABLISHMENTS.**

21 *Section 939 of title 14, United States Code, is amend-*
 22 *ed—*

23 (1) *by inserting before “The Secretary may” the*
 24 *following: “(a) IN GENERAL.—”;*

1 (2) *in subsection (a), as so designated by para-*
2 *graph (1) of this section, by striking the period at the*
3 *end of the last sentence and inserting “or in accord-*
4 *ance with subsection (b).”;* and

5 (3) *by adding at the end the following:*

6 “(b) *INCENTIVE CONTRACTS.—*

7 “(1) *The parties to an order for industrial work*
8 *to be performed by the Coast Guard Yard or a Coast*
9 *Guard industrial establishment designated under sub-*
10 *section (a) may enter into an order or a cost-plus-in-*
11 *centive-fee order in accordance with this subsection.*

12 “(2) *If such parties enter into such an order or*
13 *a cost-plus-incentive-fee order, an agreed-upon*
14 *amount of any adjustment described in subsection (a)*
15 *may be distributed as an incentive to the wage-grade*
16 *industrial employees who complete the order.*

17 “(3) *Before entering into such an order or cost-*
18 *plus-incentive-fee order such parties must agree that*
19 *the wage-grade employees of the Coast Guard Yard or*
20 *Coast Guard industrial establishment will take action*
21 *to improve the delivery schedule or technical perform-*
22 *ance agreed to in the order for industrial work to*
23 *which such parties initially agreed.*

24 “(4) *Notwithstanding any other provision of law,*
25 *if the industrial workforce of the Coast Guard Yard*

1 or Coast Guard industrial establishment satisfies the
2 performance target established in such an order or
3 cost-plus-incentive-fee order—

4 “(A) the adjustment to be made pursuant to
5 subsection (a) shall be reduced by an agreed-
6 upon amount and distributed to such wage-grade
7 industrial employees; and

8 “(B) the remainder of the adjustment shall
9 be credited to the appropriation for such order
10 current at that time.”.

11 **SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

12 Section 944 of title 14, United States Code, is amended
13 by striking “\$45,000” and inserting “\$250,000”.

14 **SEC. 309. REGULAR CAPTAINS; RETIREMENT.**

15 Section 2149(a) of title 14, United States Code, is
16 amended—

17 (1) by striking “zone is” and inserting “zone, or
18 from being placed at the top of the list of selectees
19 promulgated by the Secretary under section 2121(a)
20 of this title, is”; and

21 (2) by striking the period at the end and insert-
22 ing “or placed at the top of the list of selectees, as ap-
23 plicable.”.

1 **SEC. 310. CONVERSION, ALTERATION, AND REPAIR**
2 **PROJECTS.**

3 (a) *IN GENERAL.*—Chapter 9 of title 14, United States
4 Code, as amended by this Act, is further amended by insert-
5 ing after section 951 the following:

6 **“§952. Construction of Coast Guard vessels and as-**
7 **signment of vessel projects**

8 “The assignment of Coast Guard vessel conversion, al-
9 teration, and repair projects shall be based on economic and
10 military considerations and may not be restricted by a re-
11 quirement that certain parts of Coast Guard shipwork be
12 assigned to a particular type of shipyard or geographical
13 area or by a similar requirement.”.

14 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
15 9 of title 14, United States Code, is amended by inserting
16 after the item relating to section 951 the following:

“952. Construction of Coast Guard vessels and assignment of vessel projects.”.

17 **SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PRO-**
18 **GRAMS.**

19 (a) *GENERAL ACQUISITION AUTHORITY.*—Section
20 501(d) of title 14, United States Code, is amended by insert-
21 ing “aircraft, and systems,” after “vessels,”.

22 (b) *CONTRACTING AUTHORITY.*—Chapter 11 of title 14,
23 United States Code, as amended by this Act, is further
24 amended by inserting after section 1136 the following:

1 **“§ 1137. Contracting for major acquisitions programs**

2 “(a) *IN GENERAL.*—*In carrying out authorities pro-*
3 *vided to the Secretary to design, construct, accept, or other-*
4 *wise acquire assets and systems under section 501(d), the*
5 *Secretary, acting through the Commandant or the head of*
6 *an integrated program office established for a major acqui-*
7 *sition program, may enter into contracts for a major acqui-*
8 *sition program.*

9 “(b) *AUTHORIZED METHODS.*—*Contracts entered into*
10 *under subsection (a)—*

11 “(1) *may be block buy contracts;*

12 “(2) *may be incrementally funded;*

13 “(3) *may include combined purchases, also*
14 *known as economic order quantity purchases, of—*

15 “(A) *materials and components; and*

16 “(B) *long lead time materials; and*

17 “(4) *as provided in section 2306b of title 10,*
18 *may be multiyear contracts.*

19 “(c) *SUBJECT TO APPROPRIATIONS.*—*Any contract en-*
20 *tered into under subsection (a) shall provide that any obli-*
21 *gation of the United States to make a payment under the*
22 *contract is subject to the availability of amounts specifically*
23 *provided in advance for that purpose in subsequent appro-*
24 *priations Acts.”.*

25 “(c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
26 *11 of title 14, United States Code, as amended by this Act,*

1 *is further amended by inserting after the item relating to*
2 *section 1136 the following:*

“1137. Contracting for major acquisitions programs.”.

3 (d) *CONFORMING AMENDMENTS.—The following provi-*
4 *sions are repealed:*

5 (1) *Section 223 of the Howard Coble Coast*
6 *Guard and Maritime Transportation Act of 2014 (14*
7 *U.S.C. 1152 note), and the item relating to that sec-*
8 *tion in the table of contents in section 2 of such Act.*

9 (2) *Section 221(a) of the Coast Guard and Mari-*
10 *time Transportation Act of 2012 (14 U.S.C. 1133*
11 *note).*

12 (3) *Section 207(a) of the Coast Guard Authoriza-*
13 *tion Act of 2016 (14 U.S.C. 561 note).*

14 (e) *INTERNAL REGULATIONS AND POLICY.—Not later*
15 *than 180 days after the date of enactment of this Act, the*
16 *Secretary of the department in which the Coast Guard is*
17 *operating shall establish the internal regulations and poli-*
18 *cies necessary to exercise the authorities provided under this*
19 *section, including the amendments made in this section.*

20 (f) *MULTIYEAR CONTRACTS.—The Secretary of the de-*
21 *partment in which the Coast Guard is operating is author-*
22 *ized to enter into a multiyear contract for the procurement*
23 *of a tenth, eleventh, and twelfth National Security Cutter*
24 *and associated government-furnished equipment.*

1 **SEC. 312. OFFICER PROMOTION ZONES.**

2 *Section 2111(a) of title 14, United States Code, is*
 3 *amended by striking “six-tenths.” and inserting “one-half.”.*

4 **SEC. 313. CROSS REFERENCE.**

5 *Section 2129(a) of title 14, United States Code, is*
 6 *amended by inserting “designated under section 2317” after*
 7 *“cadet”.*

8 **SEC. 314. COMMISSIONED SERVICE RETIREMENT.**

9 *For Coast Guard officers who retire in fiscal year 2018*
 10 *or 2019, the President may reduce the period of active com-*
 11 *missioned service required under section 2152 of title 14,*
 12 *United States Code, to a period of not less than 8 years.*

13 **SEC. 315. LEAVE FOR BIRTH OR ADOPTION OF CHILD.**

14 *(a) POLICY.—Section 2512 of title 14, United States*
 15 *Code, is amended—*

16 *(1) by striking “Not later than 1 year” and in-*
 17 *serting the following:*

18 *“(a) IN GENERAL.—Except as provided in subsection*
 19 *(b), not later than 1 year”;* and

20 *(2) by adding at the end the following:*

21 *“(b) LEAVE ASSOCIATED WITH BIRTH OR ADOPTION*
 22 *OF CHILD.—Notwithstanding subsection (a), sections 701*
 23 *and 704 of title 10, or any other provision of law, all offi-*
 24 *cers and enlisted members of the Coast Guard shall be au-*
 25 *thorized leave associated with the birth or adoption of a*
 26 *child during the 1-year period immediately following such*

1 *birth or adoption and, at the discretion of the Commanding*
 2 *Officer, such officer or enlisted member shall be permitted—*

3 “(1) *to take such leave in increments; and*

4 “(2) *to use flexible work schedules (pursuant to*
 5 *a program established by the Secretary in accordance*
 6 *with chapter 61 of title 5).”.*

7 ***(b) FLEXIBLE WORK SCHEDULES.***—*Not later than*
 8 *180 days after the date of enactment of this Act, the Sec-*
 9 *retary of the department in which the Coast Guard is oper-*
 10 *ating shall ensure that a flexible work schedule program*
 11 *under chapter 61 of title 5, United States Code, is in place*
 12 *for officers and enlisted members of the Coast Guard.*

13 ***SEC. 316. CLOTHING AT TIME OF DISCHARGE.***

14 *Section 2705 of title 14, United States Code, and the*
 15 *item relating to that section in the analysis for chapter 27*
 16 *of that title, are repealed.*

17 ***SEC. 317. UNFUNDED PRIORITIES LIST.***

18 ***(a) IN GENERAL.***—*Section 5102 of title 14, United*
 19 *States Code, is amended—*

20 ***(1)*** *by striking subsection (a) and inserting the*
 21 *following:*

22 ***“(a) IN GENERAL.***—*Not later than 60 days after the*
 23 *date on which the President submits to Congress a budget*
 24 *pursuant to section 1105 of title 31, the Commandant shall*
 25 *submit to the Committee on Transportation and Infrastruc-*

1 *ture of the House of Representatives and the Committee on*
2 *Commerce, Science, and Transportation of the Senate a*
3 *capital investment plan for the Coast Guard that identifies*
4 *for each capital asset for which appropriations are proposed*
5 *in that budget—*

6 “(1) *the proposed appropriations included in the*
7 *budget;*

8 “(2) *the total estimated cost of completion based*
9 *on the proposed appropriations included in the budg-*
10 *et;*

11 “(3) *projected funding levels for each fiscal year*
12 *for the next 5 fiscal years or until project completion,*
13 *whichever is earlier;*

14 “(4) *an estimated completion date based on the*
15 *proposed appropriations included in the budget;*

16 “(5) *an acquisition program baseline, as appli-*
17 *cable; and*

18 “(6) *projected commissioning and decommis-*
19 *sioning dates for each asset.”; and*

20 (2) *by striking subsection (c) and inserting the*
21 *following:*

22 “(c) *DEFINITIONS.—In this section, the term ‘new cap-*
23 *ital asset’ means—*

24 “(1) *an acquisition program that does not have*
25 *an approved acquisition program baseline; or*

1 “(2) the acquisition of a capital asset in excess
2 of the number included in the approved acquisition
3 program baseline.”.

4 (b) *UNFUNDED PRIORITIES.*—Chapter 51 of title 14,
5 *United States Code*, is amended by adding at the end the
6 following:

7 **“§ 5108. Unfunded priorities list**

8 “(a) *IN GENERAL.*—Not later than 60 days after the
9 date on which the President submits to Congress a budget
10 pursuant to section 1105 of title 31, the Commandant shall
11 submit to the Committee on Transportation and Infrastruc-
12 ture of the House of Representatives and the Committee on
13 Commerce, Science, and Transportation of the Senate a list
14 of each unfunded priority for the Coast Guard.

15 “(b) *PRIORITIZATION.*—The list required under sub-
16 section (a) shall present the unfunded priorities in order
17 from the highest priority to the lowest, as determined by
18 the Commandant.

19 “(c) *UNFUNDED PRIORITY DEFINED.*—In this section,
20 the term ‘unfunded priority’ means a program or mission
21 requirement that—

22 “(1) has not been selected for funding in the ap-
23 plicable proposed budget;

24 “(2) is necessary to fulfill a requirement associ-
25 ated with an operational need; and

1 “(3) the Commandant would have recommended
2 for inclusion in the applicable proposed budget had
3 additional resources been available or had the require-
4 ment emerged before the budget was submitted.”.

5 (c) *CLERICAL AMENDMENT.*—The analysis for chapter
6 51 of title 14, United States Code, is amended by adding
7 at the end the following:

“5108. Unfunded priorities list.”.

8 **SEC. 318. SAFETY OF VESSELS OF THE ARMED FORCES.**

9 (a) *IN GENERAL.*—Section 527 of title 14, United
10 States Code, is amended—

11 (1) in the heading, by striking “**naval ves-**
12 **sels**” and inserting “**vessels of the Armed**
13 **Forces**”;

14 (2) in subsection (a), by striking “United States
15 naval vessel” and inserting “vessel of the Armed
16 Forces”;

17 (3) in subsection (b)—

18 (A) by striking “senior naval officer present
19 in command” and inserting “senior officer
20 present in command”; and

21 (B) by striking “United States naval vessel”
22 and inserting “vessel of the Armed Forces”; and

23 (4) by adding at the end the following:

24 “(e) For purposes of this title, the term ‘vessel of the
25 Armed Forces’ means—

1 “(1) any vessel owned or operated by the Depart-
2 ment of Defense or the Coast Guard, other than a
3 time- or voyage-chartered vessel; and

4 “(2) any vessel owned and operated by the De-
5 partment of Transportation that is designated by the
6 Secretary of the department in which the Coast
7 Guard is operating as a vessel equivalent to a vessel
8 described in paragraph (1).”.

9 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
10 5 of title 14, United States Code, is further amended by
11 striking the item relating to section 527 and inserting the
12 following:

 “527. *Safety of vessels of the Armed Forces.*”.

13 (c) *CONFORMING AMENDMENTS.*—Section 2510(a)(1)
14 of title 14, United States Code, is amended—

15 (1) by striking “armed forces” and inserting
16 “Armed Forces”; and

17 (2) by striking “section 101(a) of title 10” and
18 inserting “section 527(e)”.

19 **SEC. 319. AIR FACILITIES.**

20 Section 912 of title 14, United States Code, is amend-
21 ed—

22 (1) by striking subsection (a);

23 (2) by redesignating subsections (b) and (c) as
24 subsections (a) and (b), respectively;

25 (3) in subsection (a) as redesignated—

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

3 “(3) *PUBLIC NOTICE AND COMMENT.*—

4 “(A) *IN GENERAL.*—Prior to closing an air
5 facility, the Secretary shall provide opportunities
6 for public comment, including the convening of
7 public meetings in communities in the area of
8 responsibility of the air facility with regard to
9 the proposed closure or cessation of operations at
10 the air facility.

11 “(B) *PUBLIC MEETINGS.*—Prior to con-
12 vening a public meeting under subparagraph
13 (A), the Secretary shall notify each congressional
14 office representing any portion of the area of re-
15 sponsibility of the air station that is the subject
16 to such public meeting of the schedule and loca-
17 tion of such public meeting.”;

18 (B) in paragraph (4)—

19 (i) in the matter preceding subpara-
20 graph (A) by striking “2015” and inserting
21 “2017”; and

22 (ii) by amending subparagraph (A) to
23 read as follows:

24 “(A) submit to the Congress a proposal for
25 such closure, cessation, or reduction in oper-

1 *ations along with the budget of the President*
 2 *submitted to Congress under section 1105(a) of*
 3 *title 31 that includes—*

4 “(i) *a discussion of the determination*
 5 *made by the Secretary pursuant to para-*
 6 *graph (2); and*

7 “(ii) *a report summarizing the public*
 8 *comments received by the Secretary under*
 9 *paragraph (3)”; and*

10 *(C) by adding at the end the following:*

11 “(5) *CONGRESSIONAL REVIEW.—The Secretary*
 12 *may not close, cease operations, or significantly re-*
 13 *duce personnel and use of a Coast Guard air facility*
 14 *for which a written notice is provided under para-*
 15 *graph (4)(A) until a period of 18 months beginning*
 16 *on the date on which such notice is provided has*
 17 *elapsed.”.*

18 **TITLE IV—PORTS AND**

19 **WATERWAYS SAFETY**

20 **SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFE-** 21 **TY ACT.**

22 “(a) *CODIFICATION.—Subtitle VII of title 46, United*
 23 *States Code, is amended by inserting before chapter 701 the*
 24 *following:*

1 **“CHAPTER 700—PORTS AND WATERWAYS**
 2 **SAFETY**

 “SUBCHAPTER A—VESSEL OPERATIONS

- “70001. *Vessel traffic services.*
 “70002. *Special powers.*
 “70003. *Port access routes.*
 “70004. *Considerations by Secretary.*
 “70005. *International agreements.*

 “SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

- “70011. *Waterfront safety.*
 “70012. *Navigational hazards.*
 “70013. *Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.*

 “SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

- “70021. *Conditions for entry to ports in the united states.*

 “SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

- “70031. *Definitions.*
 “70032. *Saint Lawrence Seaway.*
 “70033. *Limitation on application to foreign vessels.*
 “70034. *Regulations.*
 “70035. *Investigatory powers.*
 “70036. *Enforcement.*

3 “SUBCHAPTER I—VESSEL OPERATIONS

4 **“§ 70001. Vessel traffic services**

5 “(a) *Subject to the requirements of section 70004, the*
 6 *Secretary—*

7 “(1) *in any port or place under the jurisdiction*
 8 *of the United States, in the navigable waters of the*
 9 *United States, or in any area covered by an inter-*
 10 *national agreement negotiated pursuant to section*
 11 *70005, may construct, operate, maintain, improve, or*
 12 *expand vessel traffic services, that consist of measures*
 13 *for controlling or supervising vessel traffic or for pro-*

1 *protecting navigation and the marine environment and*
2 *that may include one or more of reporting and oper-*
3 *ating requirements, surveillance and communications*
4 *systems, routing systems, and fairways;*

5 *“(2) shall require appropriate vessels that oper-*
6 *ate in an area of a vessel traffic service to utilize or*
7 *comply with that service;*

8 *“(3)(A) may require vessels to install and use*
9 *specified navigation equipment, communications*
10 *equipment, electronic relative motion analyzer equip-*
11 *ment, or any electronic or other device necessary to*
12 *comply with a vessel traffic service or that is nec-*
13 *essary in the interests of vessel safety.*

14 *“(B) Notwithstanding subparagraph (A), the*
15 *Secretary shall not require fishing vessels under 300*
16 *gross tons as measured under section 14502, or an al-*
17 *ternate tonnage measured under section 14302 as pre-*
18 *scribed by the Secretary under section 14104, or rec-*
19 *reational vessels 65 feet or less to possess or use the*
20 *equipment or devices required by this subsection solely*
21 *under the authority of this chapter;*

22 *“(4) may control vessel traffic in areas subject to*
23 *the jurisdiction of the United States that the Sec-*
24 *retary determines to be hazardous, or under condi-*

1 *tions of reduced visibility, adverse weather, vessel con-*
2 *gestion, or other hazardous circumstances, by—*

3 *“(A) specifying times of entry, movement,*
4 *or departure;*

5 *“(B) establishing vessel traffic routing*
6 *schemes;*

7 *“(C) establishing vessel size, speed, or draft*
8 *limitations and vessel operating conditions; and*

9 *“(D) restricting operation, in any haz-*
10 *ardous area or under hazardous conditions, to*
11 *vessels that have particular operating character-*
12 *istics or capabilities that the Secretary considers*
13 *necessary for safe operation under the cir-*
14 *cumstances;*

15 *“(5) may require the receipt of prearrival mes-*
16 *sages from any vessel, destined for a port or place*
17 *subject to the jurisdiction of the United States, in suf-*
18 *ficient time to permit advance vessel traffic planning*
19 *before port entry, which shall include any informa-*
20 *tion that is not already a matter of record and that*
21 *the Secretary determines necessary for the control of*
22 *the vessel and the safety of the port or the marine en-*
23 *vironment; and*

24 *“(6) may prohibit the use on vessels of electronic*
25 *or other devices that interfere with communication*

1 *and navigation equipment, except that such authority*
2 *shall not apply to electronic or other devices certified*
3 *to transmit in the maritime services by the Federal*
4 *Communications Commission and used within the*
5 *frequency bands 157.1875–157.4375 MHz and*
6 *161.7875–162.0375 MHz.*

7 *“(b) COOPERATIVE AGREEMENTS.—*

8 *“(1) IN GENERAL.—The Secretary may enter*
9 *into cooperative agreements with public or private*
10 *agencies, authorities, associations, institutions, cor-*
11 *porations, organizations, or other persons to carry out*
12 *the functions under subsection (a)(1).*

13 *“(2) LIMITATION.—*

14 *“(A) A nongovernmental entity may not*
15 *under this subsection carry out an inherently*
16 *governmental function.*

17 *“(B) As used in this paragraph, the term*
18 *‘inherently governmental function’ means any*
19 *activity that is so intimately related to the pub-*
20 *lic interest as to mandate performance by an of-*
21 *ficer or employee of the Federal Government, in-*
22 *cluding an activity that requires either the exer-*
23 *cise of discretion in applying the authority of the*
24 *Government or the use of judgment in making a*
25 *decision for the Government.*

1 “(c) *LIMITATION OF LIABILITY FOR COAST GUARD*
2 *VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL*
3 *VESSEL TRAFFIC SERVICE OPERATORS.*—

4 “(1) *COAST GUARD VESSEL TRAFFIC SERVICE PI-*
5 *LOTS.*—*Any pilot, acting in the course and scope of*
6 *his or her duties while at a Coast Guard Vessel Traf-*
7 *fic Service, who provides information, advice, or com-*
8 *munication assistance while under the supervision of*
9 *a Coast Guard officer, member, or employee shall not*
10 *be liable for damages caused by or related to such as-*
11 *sistance unless the acts or omissions of such pilot con-*
12 *stitute gross negligence or willful misconduct.*

13 “(2) *NON-FEDERAL VESSEL TRAFFIC SERVICE*
14 *OPERATORS.*—*An entity operating a non-Federal ves-*
15 *sel traffic information service or advisory service pur-*
16 *suant to a duly executed written agreement with the*
17 *Coast Guard, and any pilot acting on behalf of such*
18 *entity, is not liable for damages caused by or related*
19 *to information, advice, or communication assistance*
20 *provided by such entity or pilot while so operating or*
21 *acting unless the acts or omissions of such entity or*
22 *pilot constitute gross negligence or willful misconduct.*

23 **“§ 70002. Special powers**

24 “*The Secretary may order any vessel, in a port or*
25 *place subject to the jurisdiction of the United States or in*

1 *the navigable waters of the United States, to operate or an-*
2 *chor in a manner the Secretary directs if—*

3 “(1) *the Secretary has reasonable cause to believe*
4 *such vessel does not comply with any regulation*
5 *issued under section 70034 or any other applicable*
6 *law or treaty;*

7 “(2) *the Secretary determines such vessel does*
8 *not satisfy the conditions for port entry set forth in*
9 *section 70021 of this title; or*

10 “(3) *by reason of weather, visibility, sea condi-*
11 *tions, port congestion, other hazardous circumstances,*
12 *or the condition of such vessel, the Secretary is satis-*
13 *fied such direction is justified in the interest of safety.*

14 **“§ 70003. Port access routes**

15 “(a) *AUTHORITY TO DESIGNATE.—Except as provided*
16 *in subsection (b) and subject to the requirements of sub-*
17 *section (c), in order to provide safe access routes for the*
18 *movement of vessel traffic proceeding to or from ports or*
19 *places subject to the jurisdiction of the United States, the*
20 *Secretary shall designate necessary fairways and traffic*
21 *separation schemes for vessels operating in the territorial*
22 *sea of the United States and in high seas approaches, out-*
23 *side the territorial sea, to such ports or places. Such a des-*
24 *ignation shall recognize, within the designated area, the*
25 *paramount right of navigation over all other uses.*

1 “(b) *LIMITATION.*—

2 “(1) *IN GENERAL.*—*No designation may be made*
3 *by the Secretary under this section if—*

4 “(A) *the Secretary determines such a des-*
5 *ignation, as implemented, would deprive any*
6 *person of the effective exercise of a right granted*
7 *by a lease or permit executed or issued under*
8 *other applicable provisions of law; and*

9 “(B) *such right has become vested before the*
10 *time of publication of the notice required by*
11 *paragraph (1) of subsection (c).*

12 “(2) *CONSULTATION REQUIRED.*—*The Secretary*
13 *shall make the determination under paragraph (1)(A)*
14 *after consultation with the head of the agency respon-*
15 *sible for executing the lease or issuing the permit.*

16 “(c) *CONSIDERATION OF OTHER USES.*—*Before mak-*
17 *ing a designation under subsection (a), and in accordance*
18 *with the requirements of section 70004, the Secretary*
19 *shall—*

20 “(1) *undertake a study of the potential traffic*
21 *density and the need for safe access routes for vessels*
22 *in any area for which fairways or traffic separation*
23 *schemes are proposed or that may otherwise be consid-*
24 *ered and publish notice of such undertaking in the*
25 *Federal Register;*

1 “(2) *in consultation with the Secretary of State,*
2 *the Secretary of the Interior, the Secretary of Com-*
3 *merce, the Secretary of the Army, and the Governors*
4 *of affected States, as their responsibilities may re-*
5 *quire, take into account all other uses of the area*
6 *under consideration, including, as appropriate, the*
7 *exploration for, or exploitation of, oil, gas, or other*
8 *mineral resources, the construction or operation of*
9 *deepwater ports or other structures on or above the*
10 *seabed or subsoil of the submerged lands or the Outer*
11 *Continental Shelf of the United States, the establish-*
12 *ment or operation of marine or estuarine sanctuaries,*
13 *and activities involving recreational or commercial*
14 *fishing; and*

15 “(3) *to the extent practicable, reconcile the need*
16 *for safe access routes with the needs of all other rea-*
17 *sonable uses of the area involved.*

18 “(d) *STUDY.—In carrying out the Secretary’s respon-*
19 *sibilities under subsection (c), the Secretary shall—*

20 “(1) *proceed expeditiously to complete any study*
21 *undertaken; and*

22 “(2) *after completion of such a study, prompt-*
23 *ly—*

24 “(A) *issue a notice of proposed rulemaking*
25 *for the designation contemplated; or*

1 “(B) *publish in the Federal Register a no-*
2 *tice that no designation is contemplated as a re-*
3 *sult of the study and the reason for such deter-*
4 *mination.*

5 “(e) *IMPLEMENTATION OF DESIGNATION.—In connec-*
6 *tion with a designation made under this section, the Sec-*
7 *retary—*

8 “(1) *shall issue reasonable rules and regulations*
9 *governing the use of such designated areas, including*
10 *rules and regulations regarding the applicability of*
11 *rules 9 and 10 of the International Regulations for*
12 *Preventing Collisions at Sea, 1972, relating to nar-*
13 *row channels and traffic separation schemes, respec-*
14 *tively, in waters where such regulations apply;*

15 “(2) *to the extent that the Secretary finds rea-*
16 *sonable and necessary to effectuate the purposes of the*
17 *designation, make the use of designated fairways and*
18 *traffic separation schemes mandatory for specific*
19 *types and sizes of vessels, foreign and domestic, oper-*
20 *ating in the territorial sea of the United States and*
21 *for specific types and sizes of vessels of the United*
22 *States operating on the high seas beyond the terri-*
23 *torial sea of the United States;*

24 “(3) *may, from time to time, as necessary, adjust*
25 *the location or limits of designated fairways or traffic*

1 *separation schemes in order to accommodate the needs*
2 *of other uses that cannot be reasonably accommodated*
3 *otherwise, except that such an adjustment may not, in*
4 *the judgment of the Secretary, unacceptably adversely*
5 *affect the purpose for which the existing designation*
6 *was made and the need for which continues; and*

7 *“(4) shall, through appropriate channels—*

8 *“(A) notify cognizant international organi-*
9 *zations of any designation, or adjustment there-*
10 *of; and*

11 *“(B) take action to seek the cooperation of*
12 *foreign States in making it mandatory for ves-*
13 *sels under their control to use, to the same extent*
14 *as required by the Secretary for vessels of the*
15 *United States, any fairway or traffic separation*
16 *scheme designated under this section in any area*
17 *of the high seas.*

18 **“§ 70004. Considerations by Secretary**

19 *“In carrying out the duties of the Secretary under sec-*
20 *tions 70001, 70002, and 70003, the Secretary shall—*

21 *“(1) take into account all relevant factors con-*
22 *cerning navigation and vessel safety, protection of the*
23 *marine environment, and the safety and security of*
24 *United States ports and waterways, including—*

1 “(A) the scope and degree of the risk or haz-
2 ard involved;

3 “(B) vessel traffic characteristics and
4 trends, including traffic volume, the sizes and
5 types of vessels involved, potential interference
6 with the flow of commercial traffic, the presence
7 of any unusual cargoes, and other similar fac-
8 tors;

9 “(C) port and waterway configurations and
10 variations in local conditions of geography, cli-
11 mate, and other similar factors;

12 “(D) the need for granting exemptions for
13 the installation and use of equipment or devices
14 for use with vessel traffic services for certain
15 classes of small vessels, such as self-propelled
16 fishing vessels and recreational vessels;

17 “(E) the proximity of fishing grounds, oil
18 and gas drilling and production operations, or
19 any other potential or actual conflicting activity;

20 “(F) environmental factors;

21 “(G) economic impact and effects;

22 “(H) existing vessel traffic services; and

23 “(I) local practices and customs, including
24 voluntary arrangements and agreements within
25 the maritime community; and

1 “(2) at the earliest possible time, consult with
2 and receive and consider the views of representatives
3 of the maritime community, ports and harbor au-
4 thorities or associations, environmental groups, and
5 other persons who may be affected by the proposed ac-
6 tions.

7 **“§ 70005. International agreements**

8 “(a) *TRANSMITTAL OF REGULATIONS.*—The Secretary
9 shall transmit, via the Secretary of State, to appropriate
10 international bodies or forums, any regulations issued
11 under this subchapter, for consideration as international
12 standards.

13 “(b) *AGREEMENTS.*—The President is authorized and
14 encouraged to—

15 “(1) enter into negotiations and conclude and
16 execute agreements with neighboring nations, to estab-
17 lish compatible vessel standards and vessel traffic
18 services, and to establish, operate, and maintain
19 international vessel traffic services, in areas and
20 under circumstances of mutual concern; and

21 “(2) enter into negotiations, through appropriate
22 international bodies, and conclude and execute agree-
23 ments to establish vessel traffic services in appro-
24 priate areas of the high seas.

1 “(c) *OPERATIONS.*—*The Secretary, pursuant to any*
2 *agreement negotiated under subsection (b) that is binding*
3 *upon the United States in accordance with constitutional*
4 *requirements, may—*

5 “(1) *require vessels operating in an area of a*
6 *vessel traffic service to utilize or to comply with the*
7 *vessel traffic service, including the carrying or instal-*
8 *lation of equipment and devices as necessary for the*
9 *use of the service; and*

10 “(2) *wave, by order or regulation, the applica-*
11 *tion of any United States law or regulation con-*
12 *cerning the design, construction, operation, equip-*
13 *ment, personnel qualifications, and manning stand-*
14 *ards for vessels operating in waters over which the*
15 *United States exercises jurisdiction if such vessel is*
16 *not en route to or from a United States port or place,*
17 *and if vessels en route to or from a United States port*
18 *or place are accorded equivalent waivers of laws and*
19 *regulations of the neighboring nation, when operating*
20 *in waters over which that nation exercises jurisdic-*
21 *tion.*

22 “(d) *SHIP REPORTING SYSTEMS.*—*The Secretary, in*
23 *cooperation with the International Maritime Organization,*
24 *may implement and enforce two mandatory ship reporting*
25 *systems, consistent with international law, with respect to*

1 vessels subject to such reporting systems entering the fol-
2 lowing areas of the Atlantic Ocean:

3 “(1) Cape Cod Bay, Massachusetts Bay, and
4 Great South Channel (in the area generally bounded
5 by a line starting from a point on Cape Ann, Massa-
6 chusetts at 42 deg. 39′ N., 70 deg. 37′ W; then north-
7 east to 42 deg. 45′ N., 70 deg. 13′ W; then southeast
8 to 42 deg. 10′ N., 68 deg. 31′ W, then south to 41 deg.
9 00′ N., 68 deg. 31′ W; then west to 41 deg. 00′ N.,
10 69 deg. 17′ W; then northeast to 42 deg. 05′ N., 70
11 deg. 02′ W, then west to 42 deg. 04′ N., 70 deg. 10′
12 W; and then along the Massachusetts shoreline of
13 Cape Cod Bay and Massachusetts Bay back to the
14 point on Cape Ann at 42 deg. 39′ N., 70 deg. 37′ W).

15 “(2) In the coastal waters of the Southeastern
16 United States within about 25 nm along a 90 nm
17 stretch of the Atlantic seaboard (in an area generally
18 extending from the shoreline east to longitude 80 deg.
19 51.6′ W with the southern and northern boundary at
20 latitudes 30 deg. 00′ N., 31 deg. 27′ N., respectively).

21 “SUBCHAPTER II—PORTS AND WATERWAYS

22 SAFETY

23 “§ 70011. **Waterfront safety**

24 “(a) *IN GENERAL.*—The Secretary may take such ac-
25 tion as is necessary to—

1 “(1) prevent damage to, or the destruction of,
2 any bridge or other structure on or in the navigable
3 waters of the United States, or any land structure or
4 shore area immediately adjacent to such waters; and

5 “(2) protect the navigable waters and the re-
6 sources therein from harm resulting from vessel or
7 structure damage, destruction, or loss.

8 “(b) *ACTIONS AUTHORIZED*.—Actions authorized by
9 subsection (a) include—

10 “(1) establishing procedures, measures, and
11 standards for the handling, loading, unloading, stor-
12 age, stowage, and movement on a structure (including
13 the emergency removal, control, and disposition) of
14 explosives or other dangerous articles and substances,
15 including oil or hazardous material as those terms
16 are defined in section 2101;

17 “(2) prescribing minimum safety equipment re-
18 quirements for a structure to assure adequate protec-
19 tion from fire, explosion, natural disaster, and other
20 serious accidents or casualties;

21 “(3) establishing water or waterfront safety
22 zones, or other measures, for limited, controlled, or
23 conditional access and activity when necessary for the
24 protection of any vessel, structure, waters, or shore
25 area; and

1 “(4) *establishing procedures for examination to*
2 *assure compliance with the requirements prescribed*
3 *under this section.*

4 “(c) *STATE LAW.—Nothing in this section, with re-*
5 *spect to structures, prohibits a State or political subdivision*
6 *thereof from prescribing higher safety equipment require-*
7 *ments or safety standards than those that may be prescribed*
8 *by regulations under this section.*

9 **“§ 70012. Navigational hazards**

10 “(a) *REPORTING PROCEDURE.—The Secretary shall*
11 *establish a program to encourage fishermen and other vessel*
12 *operators to report potential or existing navigational haz-*
13 *ards involving pipelines to the Secretary through Coast*
14 *Guard field offices.*

15 “(b) *SECRETARY’S RESPONSE.—*

16 “(1) *NOTIFICATION BY THE OPERATOR OF A*
17 *PIPELINE.—Upon notification by the operator of a*
18 *pipeline of a hazard to navigation with respect to*
19 *that pipeline, the Secretary shall immediately notify*
20 *Coast Guard headquarters, the Pipeline and Haz-*
21 *ardous Materials Safety Administration, other af-*
22 *ected Federal and State agencies, and vessel owners*
23 *and operators in the pipeline’s vicinity.*

24 “(2) *NOTIFICATION BY OTHER PERSONS.—Upon*
25 *notification by any other person of a hazard or poten-*

1 *tial hazard to navigation with respect to a pipeline,*
2 *the Secretary shall promptly determine whether a*
3 *hazard exists, and if so shall immediately notify*
4 *Coast Guard headquarters, the Pipeline and Haz-*
5 *ardous Materials Safety Administration, other af-*
6 *ected Federal and State agencies, vessel owners and*
7 *operators in the pipeline’s vicinity, and the owner*
8 *and operator of the pipeline.*

9 “(c) *PIPELINE DEFINED.*—*For purposes of this sec-*
10 *tion, the term ‘pipeline’ has the meaning given the term*
11 *‘pipeline facility’ in section 60101(a)(18) of title 49.*

12 **“§ 70013. Requirement to notify Coast Guard of re-**
13 ***lease of objects into the navigable waters***
14 ***of the United States***

15 “(a) *REQUIREMENT.*—*As soon as a person has knowl-*
16 *edge of any release from a vessel or facility into the navi-*
17 *gable waters of the United States of any object that creates*
18 *an obstruction prohibited under section 10 of the Act of*
19 *March 3, 1899, popularly known as the Rivers and Harbors*
20 *Appropriations Act of 1899 (33 U.S.C. 403), such person*
21 *shall notify the Secretary and the Secretary of the Army*
22 *of such release.*

23 “(b) *RESTRICTION ON USE OF NOTIFICATION.*—*Any*
24 *notification provided by an individual in accordance with*
25 *subsection (a) may not be used against such individual in*

1 *any criminal case, except a prosecution for perjury or for*
 2 *giving a false statement.*

3 *“SUBCHAPTER III—CONDITION FOR ENTRY INTO*
 4 *PORTS IN THE UNITED STATES*

5 **“§ 70021. Conditions for entry to ports in the United**
 6 **States**

7 *“(a) IN GENERAL.—No vessel that is subject to chapter*
 8 *37 shall operate in the navigable waters of the United States*
 9 *or transfer cargo or residue in any port or place under the*
 10 *jurisdiction of the United States, if such vessel—*

11 *“(1) has a history of accidents, pollution inci-*
 12 *dents, or serious repair problems that, as determined*
 13 *by the Secretary, creates reason to believe that such*
 14 *vessel may be unsafe or may create a threat to the*
 15 *marine environment;*

16 *“(2) fails to comply with any applicable regula-*
 17 *tion issued under section 70034, chapter 37, or any*
 18 *other applicable law or treaty;*

19 *“(3) discharges oil or hazardous material in vio-*
 20 *lation of any law of the United States or in a man-*
 21 *ner or quantities inconsistent with any treaty to*
 22 *which the United States is a party;*

23 *“(4) does not comply with any applicable vessel*
 24 *traffic service requirements;*

1 “(5) *is manned by one or more officers who are*
2 *licensed by a certifying State that the Secretary*
3 *has determined, pursuant to section 9101 of title 46,*
4 *does not have standards for licensing and certification*
5 *of seafarers that are comparable to or more stringent*
6 *than United States standards or international stand-*
7 *ards that are accepted by the United States;*

8 “(6) *is not manned in compliance with manning*
9 *levels as determined by the Secretary to be necessary*
10 *to insure the safe navigation of the vessel; or*

11 “(7) *while underway, does not have at least one*
12 *licensed deck officer on the navigation bridge who is*
13 *capable of clearly understanding English.*

14 “(b) *EXCEPTIONS.—*

15 “(1) *IN GENERAL.—The Secretary may allow*
16 *provisional entry of a vessel that is not in compliance*
17 *with subsection (a), if the owner or operator of such*
18 *vessel proves, to the satisfaction of the Secretary, that*
19 *such vessel is not unsafe or a threat to the marine en-*
20 *vironment, and if such entry is necessary for the safe-*
21 *ty of the vessel or persons aboard.*

22 “(2) *PROVISIONS NOT APPLICABLE.—Paragraphs*
23 *(1), (2), (3), and (4) of subsection (a) of this section*
24 *shall not apply to a vessel allowed provisional entry*
25 *under paragraph (1) if the owner or operator of such*

1 vessel proves, to the satisfaction of the Secretary, that
2 such vessel is no longer unsafe or a threat to the ma-
3 rine environment, and is no longer in violation of
4 any applicable law, treaty, regulation, or condition,
5 as appropriate.

6 “SUBCHAPTER IV—DEFINITIONS, REGULATIONS,
7 ENFORCEMENT, INVESTIGATORY POWERS,
8 APPLICABILITY

9 “§ 70031. *Definitions*

10 “As used in subchapters A through C and this sub-
11 chapter, unless the context otherwise requires:

12 “(1) The term ‘marine environment’ means—

13 “(A) the navigable waters of the United
14 States and the land and resources therein and
15 thereunder;

16 “(B) the waters and fishery resources of any
17 area over which the United States asserts exclu-
18 sive fishery management authority;

19 “(C) the seabed and subsoil of the Outer
20 Continental Shelf of the United States, the re-
21 sources thereof, and the waters superjacent there-
22 to; and

23 “(D) the recreational, economic, and scenic
24 values of such waters and resources.

1 “(2) *The term ‘Secretary’ means the Secretary of*
2 *the department in which the Coast Guard is oper-*
3 *ating, except that such term means the Secretary of*
4 *Transportation with respect to the application of this*
5 *chapter to the Saint Lawrence Seaway.*

6 “(3) *The term ‘navigable waters of the United*
7 *States’ includes all waters of the territorial sea of the*
8 *United States as described in Presidential Proclama-*
9 *tion No. 5928 of December 27, 1988.*

10 **“§ 70032. Saint Lawrence Seaway**

11 *“The authority granted to the Secretary under sections*
12 *70001, 70002, 70003, 70004, and 70011 may not be dele-*
13 *gated with respect to the Saint Lawrence Seaway to any*
14 *agency other than the Saint Lawrence Seaway Development*
15 *Corporation. Any other authority granted the Secretary*
16 *under subchapters A through C and this subchapter shall*
17 *be delegated by the Secretary to the Saint Lawrence Seaway*
18 *Development Corporation to the extent the Secretary deter-*
19 *mines such delegation is necessary for the proper operation*
20 *of the Saint Lawrence Seaway.*

21 **“§ 70033. Limitation on application to foreign vessels**

22 *“Except pursuant to international treaty, convention,*
23 *or agreement, to which the United States is a party, sub-*
24 *chapters A through C and this subchapter shall not apply*
25 *to any foreign vessel that is not destined for, or departing*

1 *from, a port or place subject to the jurisdiction of the United*
2 *States and that is in—*

3 “(1) *innocent passage through the territorial sea*
4 *of the United States; or*

5 “(2) *transit through the navigable waters of the*
6 *United States that form a part of an international*
7 *strait.*

8 **“§ 70034. Regulations**

9 “(a) *IN GENERAL.—In accordance with section 553 of*
10 *title 5, the Secretary shall issue, and may from time to time*
11 *amend or repeal, regulations necessary to implement sub-*
12 *chapters A through C and this subchapter.*

13 “(b) *CONSULTATION.—In the exercise of the regulatory*
14 *authority under subchapters A through C and this sub-*
15 *chapter, the Secretary shall consult with, and receive and*
16 *consider the views of all interested persons, including—*

17 “(1) *interested Federal departments and agen-*
18 *cies;*

19 “(2) *officials of State and local governments;*

20 “(3) *representatives of the maritime community;*

21 “(4) *representatives of port and harbor authori-*
22 *ties or associations;*

23 “(5) *representatives of environmental groups;*

24 “(6) *any other interested persons who are knowl-*
25 *edgeable or experienced in dealing with problems in-*

1 *volving vessel safety, port and waterways safety, and*
2 *protection of the marine environment; and*

3 *“(7) advisory committees consisting of all inter-*
4 *ested segments of the public when the establishment of*
5 *such committees is considered necessary because the*
6 *issues involved are highly complex or controversial.*

7 **“§ 70035. Investigatory powers**

8 *“(a) SECRETARY.—The Secretary may investigate any*
9 *incident, accident, or act involving the loss or destruction*
10 *of, or damage to, any structure subject to subchapters A*
11 *through C and this subchapter, or that affects or may affect*
12 *the safety or environmental quality of the ports, harbors,*
13 *or navigable waters of the United States.*

14 *“(b) POWERS.—In an investigation under this section,*
15 *the Secretary may issue subpoenas to require the attendance*
16 *of witnesses and the production of documents or other evi-*
17 *dence relating to such incident, accident, or act. If any per-*
18 *son refuses to obey a subpoena, the Secretary may request*
19 *the Attorney General to invoke the aid of the appropriate*
20 *district court of the United States to compel compliance*
21 *with the subpoena. Any district court of the United States*
22 *may, in the case of refusal to obey a subpoena, issue an*
23 *order requiring compliance with the subpoena, and failure*
24 *to obey the order may be punished by the court as contempt.*
25 *Witnesses may be paid fees for travel and attendance at*

1 *rates not exceeding those allowed in a district court of the*
2 *United States.*

3 **“§ 70036. Enforcement**

4 “(a) *CIVIL PENALTY.—*

5 “(1) *IN GENERAL.—Any person who is found by*
6 *the Secretary, after notice and an opportunity for a*
7 *hearing, to have violated subchapters A through C or*
8 *this subchapter or a regulation issued under sub-*
9 *chapters A through C or this subchapter shall be lia-*
10 *ble to the United States for a civil penalty, not to ex-*
11 *ceed \$25,000 for each violation. Each day of a con-*
12 *tinuing violation shall constitute a separate violation.*
13 *The amount of such civil penalty shall be assessed by*
14 *the Secretary, or the Secretary’s designee, by written*
15 *notice. In determining the amount of such penalty,*
16 *the Secretary shall take into account the nature, cir-*
17 *cumstances, extent, and gravity of the prohibited acts*
18 *committed and, with respect to the violator, the degree*
19 *of culpability, any history of prior offenses, ability to*
20 *pay, and such other matters as justice may require.*

21 “(2) *COMPROMISE, MODIFICATION, OR REMIS-*
22 *SION.—The Secretary may compromise, modify, or*
23 *remit, with or without conditions, any civil penalty*
24 *that is subject to imposition or that has been imposed*
25 *under this section.*

1 “(3) *FAILURE TO PAY PENALTY.*—*If any person*
2 *fails to pay an assessment of a civil penalty after it*
3 *has become final, the Secretary may refer the matter*
4 *to the Attorney General of the United States, for col-*
5 *lection in any appropriate district court of the*
6 *United States.*

7 “(b) *CRIMINAL PENALTY.*—

8 “(1) *CLASS D FELONY.*—*Any person who will-*
9 *fully and knowingly violates subchapters A through C*
10 *or this subchapter or any regulation issued thereunder*
11 *commits a class D felony.*

12 “(2) *CLASS C FELONY.*—*Any person who, in the*
13 *willful and knowing violation of subchapters A*
14 *through C or this subchapter or of any regulation*
15 *issued thereunder, uses a dangerous weapon, or en-*
16 *gages in conduct that causes bodily injury or fear of*
17 *imminent bodily injury to any officer authorized to*
18 *enforce the provisions of such a subchapter or the reg-*
19 *ulations issued under such subchapter, commits a*
20 *class C felony.*

21 “(c) *IN REM LIABILITY.*—*Any vessel that is used in*
22 *violation of subchapters A, B, or C or this subchapter, or*
23 *any regulations issued under such subchapter, shall be lia-*
24 *ble in rem for any civil penalty assessed pursuant to sub-*
25 *section (a) and may be proceeded against in the United*

1 *States district court for any district in which such vessel*
2 *may be found.*

3 “(d) *INJUNCTION.*—*The United States district courts*
4 *shall have jurisdiction to restrain violations of subchapter*
5 *A, B, or C or this subchapter or of regulations issued under*
6 *such subchapter, for cause shown.*

7 “(e) *DENIAL OF ENTRY.*—*Except as provided in sec-*
8 *tion 70021, the Secretary may, subject to recognized prin-*
9 *ciples of international law, deny entry by any vessel that*
10 *is not in compliance with subchapter A, B, or C or this*
11 *subchapter or the regulations issued under such sub-*
12 *chapter—*

13 “(1) *into the navigable waters of the United*
14 *States; or*

15 “(2) *to any port or place under the jurisdiction*
16 *of the United States.*

17 “(f) *WITHHOLDING OF CLEARANCE.*—

18 “(1) *IN GENERAL.*—*If any owner, operator, or*
19 *individual in charge of a vessel is liable for a penalty*
20 *or fine under this section, or if reasonable cause exists*
21 *to believe that the owner, operator, or individual in*
22 *charge may be subject to a penalty or fine under this*
23 *section, the Secretary of the Treasury, upon the re-*
24 *quest of the Secretary, shall with respect to such vessel*

1 *refuse or revoke any clearance required by section*
 2 *60105 of title 46.*

3 “(2) *GRANTING CLEARANCE REFUSED OR RE-*
 4 *VOKED.—Clearance refused or revoked under this sub-*
 5 *section may be granted upon filing of a bond or other*
 6 *surety satisfactory to the Secretary.”.*

7 (b) *CLERICAL AMENDMENT.—The analysis at the be-*
 8 *ginning of such subtitle is amended by inserting before the*
 9 *item relating to chapter 701 the following:*

“**700. Ports and Waterways Safety****70001.**”.

10 **SEC. 402. CONFORMING AMENDMENTS.**

11 (a) *ELECTRONIC CHARTS.—*

12 (1) *TRANSFER OF PROVISION.—Section 4A of the*
 13 *Ports and Waterways Safety Act (33 U.S.C. 1223a)—*

14 (A) *is redesignated as section 3105 of title*
 15 *46, United States Code, and transferred to ap-*
 16 *pear after section 3104 of that title; and*

17 (B) *is amended by striking subsection (b)*
 18 *and inserting the following:*

19 “(b) *LIMITATION ON APPLICATION.—Except pursuant*
 20 *to an international treaty, convention, or agreement, to*
 21 *which the United States is a party, this section shall not*
 22 *apply to any foreign vessel that is not destined for, or de-*
 23 *parting from, a port or place subject to the jurisdiction of*
 24 *the United States and that is in—*

1 “(1) *innocent passage through the territorial sea*
2 *of the United States; or*

3 “(2) *transit through the navigable waters of the*
4 *United States that form a part of an international*
5 *strait.*”.

6 (2) *CLERICAL AMENDMENT.*—*The analysis at the*
7 *beginning of chapter 31 of such title is amended by*
8 *adding at the end the following:*

“3105. *Electronic charts.*”.

9 (b) *PORT, HARBOR, AND COASTAL FACILITY SECUR-*
10 *ITY.*—

11 (1) *TRANSFER OF PROVISIONS.*—*So much of sec-*
12 *tion 7 of the Ports and Waterways Safety Act (33*
13 *U.S.C. 1226) as precedes subsection (c) of that section*
14 *is redesignated as section 70116 of title 46, United*
15 *States Code, and transferred to section 70116 of that*
16 *title.*

17 (2) *DEFINITIONS, ADMINISTRATION, AND EN-*
18 *FORCEMENT.*—*Section 70116 of title 46, United*
19 *States Code, as amended by paragraph (1) of this*
20 *subsection, is amended by adding at the end the fol-*
21 *lowing:*

22 “(c) *DEFINITIONS, ADMINISTRATION, AND ENFORCE-*
23 *MENT.*—*This section shall be treated as part of chapter 700*
24 *for purposes of sections 70031, 70032, 70034, 70035, and*
25 *70036.*”.

1 (3) *CLERICAL AMENDMENT.*—*The analysis at the*
 2 *beginning of chapter 701 of such title is amended by*
 3 *striking the item relating to section 70116 and insert-*
 4 *ing the following:*

“70116. Port, harbor, and coastal facility security.”.

5 (c) *NONDISCLOSURE OF PORT SECURITY PLANS.*—
 6 *Subsection (c) of section 7 of the Ports and Waterways Safe-*
 7 *ty Act (33 U.S.C. 1226), as so designated before the applica-*
 8 *tion of subsection (b)(1) of this section—*

9 (1) *is redesignated as subsection (f) of section*
 10 *70103 of title 46, United States Code, and transferred*
 11 *so as to appear after subsection (e) of such section;*
 12 *and*

13 (2) *is amended by striking “this Act” and insert-*
 14 *ing “this chapter”.*

15 (d) *REPEAL.*—*Section 2307 of title 46, United States*
 16 *Code, and the item relating to that section in the analysis*
 17 *at the beginning of chapter 23 of that title, are repealed.*

18 (e) *REPEAL.*—*The Ports and Waterways Safety Act*
 19 *(33 U.S.C. 1221–1231, 1232–1232b), as amended by this*
 20 *Act, is repealed.*

21 **SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.**

22 (a) *DEFINITIONS.*—*In this section:*

23 (1) *SOURCE PROVISION.*—*The term “source pro-*
 24 *vision” means a provision of law that is replaced by*
 25 *a title 46 provision under this title.*

1 (2) *TITLE 46 PROVISION.*—The term “title 46
2 *provision*” means a provision of title 46, United
3 *States Code, that is enacted by section 402.*

4 (b) *CUTOFF DATE.*—The title 46 provisions replace
5 *certain provisions of law enacted before the date of the en-*
6 *actment of this Act. If a law enacted after that date amends*
7 *or repeals a source provision, that law is deemed to amend*
8 *or repeal, as the case may be, the corresponding title 46*
9 *provision. If a law enacted after that date is otherwise in-*
10 *consistent with a title 46 provision or a provision of this*
11 *title, that law supersedes the title 46 provision or provision*
12 *of this title to the extent of the inconsistency.*

13 (c) *ORIGINAL DATE OF ENACTMENT UNCHANGED.*—
14 *For purposes of determining whether one provision of law*
15 *supersedes another based on enactment later in time, a title*
16 *46 provision is deemed to have been enacted on the date*
17 *of enactment of the source provision that the title 46 provi-*
18 *sion replaces.*

19 (d) *REFERENCES TO TITLE 46 PROVISIONS.*—A ref-
20 *erence to a title 46 provision, including a reference in a*
21 *regulation, order, or other law, is deemed to refer to the*
22 *corresponding source provision.*

23 (e) *REFERENCES TO SOURCE PROVISIONS.*—A ref-
24 *erence to a source provision, including a reference in a reg-*

1 *ulation, order, or other law, is deemed to refer to the cor-*
 2 *responding title 46 provision.*

3 (f) *REGULATIONS, ORDERS, AND OTHER ADMINISTRA-*
 4 *TIVE ACTIONS.*—*A regulation, order, or other administra-*
 5 *tive action in effect under a source provision continues in*
 6 *effect under the corresponding title 46 provision.*

7 (g) *ACTIONS TAKEN AND OFFENSES COMMITTED.*—*An*
 8 *action taken or an offense committed under a source provi-*
 9 *sion is deemed to have been taken or committed under the*
 10 *corresponding title 46 provision.*

11 **SEC. 404. RULE OF CONSTRUCTION.**

12 *This title, including the amendments made by this*
 13 *title, is intended only to transfer provisions of the Ports*
 14 *and Waterways Safety Act to title 46, United States Code,*
 15 *and may not be construed to alter—*

16 (1) *the effect of a provision of the Ports and Wa-*
 17 *terways Safety Act, including any authority or re-*
 18 *quirement therein;*

19 (2) *a department or agency interpretation with*
 20 *respect to the Ports and Waterways Safety Act; or*

21 (3) *a judicial interpretation with respect to the*
 22 *Ports and Waterways Safety Act.*

23 **SEC. 405. ADVISORY COMMITTEE: REPEAL.**

24 *Section 18 of the Coast Guard Authorization Act of*
 25 *1991 (Public Law 102–241; 105 Stat. 2213) is repealed.*

1 **SEC. 406. REGATTAS AND MARINE PARADES.**

2 (a) *IN GENERAL.*—Chapter 700 of title 46, United
3 States Code, as established by section 401 of this Act, is
4 amended by adding at the end the following:

5 “SUBCHAPTER V—REGATTAS AND MARINE
6 PARADES

7 “§ 70041. *Regattas and marine parades*

8 “(a) *IN GENERAL.*—The Commandant of the Coast
9 Guard may issue regulations to promote the safety of life
10 on navigable waters during regattas or marine parades.

11 “(b) *DETAIL AND USE OF VESSELS.*—To enforce regu-
12 lations issued under this section—

13 “(1) the Commandant may detail any public
14 vessel in the service of the Coast Guard and make use
15 of any private vessel tendered gratuitously for that
16 purpose; and

17 “(2) upon the request of the Commandant, the
18 head of any other Federal department or agency may
19 enforce the regulations by means of any public vessel
20 of such department and any private vessel tendered
21 gratuitously for that purpose.

22 “(c) *TRANSFER OF AUTHORITY.*—The authority of the
23 Commandant under this section may be transferred by the
24 President for any special occasion to the head of another
25 Federal department or agency whenever in the President’s
26 judgment such transfer is desirable.

1 “(d) *PENALTIES.*—

2 “(1) *IN GENERAL.*—*For any violation of regula-*
3 *tions issued pursuant to this section the following*
4 *penalties shall be incurred:*

5 “(A) *A licensed officer shall be liable to sus-*
6 *pension or revocation of license in the manner*
7 *prescribed by law for incompetency or mis-*
8 *conduct.*

9 “(B) *Any person in charge of the naviga-*
10 *tion of a vessel other than a licensed officer shall*
11 *be liable to a penalty of \$5,000.*

12 “(C) *The owner of a vessel (including any*
13 *corporate officer of a corporation owning the ves-*
14 *sel) actually on board shall be liable to a penalty*
15 *of \$5,000, unless the violation of regulations oc-*
16 *curred without the owner’s knowledge.*

17 “(D) *Any other person shall be liable to a*
18 *penalty of \$2,500.*

19 “(2) *MITIGATION OR REMISSION.*—*The Com-*
20 *mandant may mitigate or remit any penalty pro-*
21 *vided for in this subsection in the manner prescribed*
22 *by law for the mitigation or remission of penalties for*
23 *violation of the navigation laws.”.*

24 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
25 *700 of title 46, United States Code, as established by section*

1 401 of this Act, is amended by adding at the end the fol-
 2 lowing:

“SUBCHAPTER E—REGATTAS AND MARINE PARADES

“70041. *Regattas and marine parades.*”.

3 (c) *REPEAL.*—*The Act of April 28, 1908 (35 Stat. 69,*
 4 *chapter 151; 33 U.S.C. 1233 et seq.), is repealed.*

5 **SEC. 407. REGULATION OF VESSELS IN TERRITORIAL**
 6 **WATERS OF UNITED STATES.**

7 (a) *ESTABLISHMENT OF SUBCHAPTER F.*—*Chapter*
 8 *700 of title 46, United States Code, as established by section*
 9 *401 of this Act, is amended by adding at the end the fol-*
 10 *lowing:*

11 “SUBCHAPTER VI—REGULATION OF VESSELS IN
 12 TERRITORIAL WATERS OF UNITED STATES

13 “§ 70054. *Definitions*

14 “*In this subchapter:*

15 “(1) *UNITED STATES.*—*The term ‘United States’*
 16 *includes all territory and waters, continental or insu-*
 17 *lar, subject to the jurisdiction of the United States.*

18 “(2) *TERRITORIAL WATERS.*—*The term ‘terri-*
 19 *torial waters of the United States’ includes all waters*
 20 *of the territorial sea of the United States as described*
 21 *in Presidential Proclamation 5928 of December 27,*
 22 *1988.”.*

23 (b) *REGULATION OF ANCHORAGE AND MOVEMENT OF*
 24 *VESSELS DURING NATIONAL EMERGENCY.*—*Section 1 of*

1 *title II of the Act of June 15, 1917 (40 Stat. 220, chapter*
 2 *30; 50 U.S.C. 191), is amended—*

3 *(1) by striking the section designation and all*
 4 *that follows before “by proclamation” and inserting*
 5 *the following:*

6 **“§ 70051. Regulation of anchorage and movement of**
 7 **vessels during national emergency**

8 *“Whenever the President”;*

9 *(2) by striking “of the Treasury”;*

10 *(3) by striking “of the department in which the*
 11 *Coast Guard is operating”;*

12 *(4) by striking “this title” and inserting “this*
 13 *subchapter”;* and

14 *(5) by transferring the section so that the section*
 15 *appears before section 70054 of title 46, United States*
 16 *Code (as added by subsection (a) of this section).*

17 *(c) SEIZURE AND FORFEITURE OF VESSEL; FINE AND*
 18 *IMPRISONMENT.—Section 2 of title II of the Act of June*
 19 *15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is*
 20 *amended—*

21 *(1) by striking the section designation and all*
 22 *that follows before “agent,” and inserting the fol-*
 23 *lowing:*

1 **“§ 70052. Seizure and forfeiture of vessel; fine and im-**
 2 **prisonment**

3 “(a) *IN GENERAL.*—*If any owner;*”;

4 (2) *by striking “this title” each place it appears*
 5 *and inserting “this subchapter”; and*

6 (3) *by transferring the section so that the section*
 7 *appears after section 70051 of title 46, United States*
 8 *Code (as transferred by subsection (b) of this section).*

9 (d) *ENFORCEMENT PROVISIONS.*—*Section 4 of title II*
 10 *of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50*
 11 *U.S.C. 194), is amended—*

12 (1) *by striking all before “may employ” and in-*
 13 *serting the following:*

14 **“§ 70053. Enforcement provisions**

15 *“The President”;*

16 (2) *by striking “the purpose of this title” and in-*
 17 *serting “this subchapter”; and*

18 (3) *by transferring the section so that the section*
 19 *appears after section 70052 of title 46, United States*
 20 *Code (as transferred by subsection (c) of this section).*

21 (e) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 22 *700 of title 46, United States Code, as established by section*
 23 *401 of this Act, is amended by adding at the end the fol-*
 24 *lowing:*

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF
UNITED STATES

“70051. *Regulation of anchorage and movement of vessels during national emergency.*

“70052. *Seizure and forfeiture of vessel; fine and imprisonment.*

“70053. *Enforcement provisions.*

“70054. *Definitions.*”.

1 **SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECUR-**
2 **RITY.**

3 (a) *TRANSFER OF PROVISIONS.*—*So much of section*
4 *7 of the Ports and Waterways Safety Act (33 U.S.C. 1226)*
5 *as precedes subsection (c) of that section is redesignated as*
6 *section 70102a of title 46, United States Code, and trans-*
7 *ferred so as to appear after section 70102 of that title.*

8 (b) *DEFINITIONS, ADMINISTRATION, AND ENFORCE-*
9 *MENT.*—*Section 70102a of title 46, United States Code, as*
10 *amended by paragraph (1) of this subsection, is amended*
11 *by adding at the end the following:*

12 “(c) *DEFINITIONS, ADMINISTRATION, AND ENFORCE-*
13 *MENT.*—*This section shall be treated as part of chapter 700*
14 *for purposes of sections 70031, 70032, 70034, 70035, and*
15 *70036.*”.

16 (c) *CLERICAL AMENDMENT.*—*The analysis at the be-*
17 *ginning of chapter 701 of such title is amended by inserting*
18 *after the item relating to section 70102 the following:*

“70102a. *Port, harbor, and coastal facility security.*”.

19 (d) *NONDISCLOSURE OF PORT SECURITY PLANS.*—
20 *Subsection (c) of section 7 of the Ports and Waterways Safe-*

1 *ty Act (33 U.S.C. 1226), as so designated before the applica-*
 2 *tion of subsection (b)(1) of this section—*

3 *(1) is redesignated as subsection (f) of section*
 4 *70103 of title 46, United States Code, and transferred*
 5 *so as to appear after subsection (e) of such section;*
 6 *and*

7 *(2) is amended by striking “this Act” and insert-*
 8 *ing “this chapter”.*

9 **TITLE V—MARITIME**
 10 **TRANSPORTATION SAFETY**

11 **SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.**

12 *(a) IN GENERAL.—Section 3305 of title 46, United*
 13 *States Code, is amended by adding at the end the following:*

14 *“(d)(1) The Commandant of the Coast Guard shall en-*
 15 *sure that Officers in Charge, Marine Inspections consist-*
 16 *ently interpret regulations and standards under this sub-*
 17 *title and chapter 700 to avoid disruption and undue ex-*
 18 *pense to industry.*

19 *“(2)(A) Subject to subparagraph (B), in the event of*
 20 *a disagreement regarding the condition of a vessel or the*
 21 *interpretation of a regulation or standard referred to in*
 22 *subsection (a) between a local Officer in Charge, Marine*
 23 *Inspection conducting an inspection of the vessel and the*
 24 *Officer in Charge, Marine Inspection that issued the most*

1 recent certificate of inspection for the vessel, such Officers
2 shall seek to resolve such disagreement.

3 “(B) If a disagreement described in subparagraph (A)
4 involves vessel design or plan review, the Coast Guard ma-
5 rine safety center shall be included in all efforts to resolve
6 such disagreement.

7 “(C) If a disagreement described in subparagraph (A)
8 or (B) cannot be resolved, the local Officer in Charge, Ma-
9 rine Inspection shall submit to the Commandant of the
10 Coast Guard, through the cognizant Coast Guard district
11 commander, a request for a final agency determination of
12 the matter in disagreement.

13 “(3) The Commandant of the Coast Guard shall—

14 “(A) provide to each person affected by a deci-
15 sion or action by an Officer in Charge, Marine In-
16 spection or by the Coast Guard marine safety center
17 all information necessary for such person to exercise
18 any right to appeal such decision or action; and

19 “(B) if such an appeal is filed, process such ap-
20 peal under parts 1 through 4 of title 46, Code of Fed-
21 eral Regulations, as in effect on the date of enactment
22 of the Coast Guard Authorization Act of 2017.

23 “(4) In this section, the term ‘Officer in Charge, Ma-
24 rine Inspection’ means any person from the civilian or
25 military branch of the Coast Guard who—

1 “(A) is designated as such by the Commandant;
2 *and*

3 “(B) under the superintendence and direction of
4 *the cognizant Coast Guard district commander, is in*
5 *charge of an inspection zone for the performance of*
6 *duties with respect to the inspections under, and en-*
7 *forcement and administration of, subtitle II, chapter*
8 *700, and regulations under such laws.”.*

9 **(b) REPORT ON MARINE INSPECTOR TRAINING.**—*Not*
10 *later than 1 year after the date of the enactment of this*
11 *Act, the Commandant of the Coast Guard shall submit to*
12 *the Committee on Commerce, Science, and Transportation*
13 *of the Senate and the Committee on Transportation and*
14 *Infrastructure of the House of Representatives a report on*
15 *the training, experience, and qualifications required for as-*
16 *signment as a marine inspector under section 312 of title*
17 *14, United States Code, including—*

18 (1) *a description of any continuing education re-*
19 *quirement, including a specific list of the required*
20 *courses;*

21 (2) *a description of the training, including a*
22 *specific list of the included courses, offered to a jour-*
23 *neyman or an advanced journeyman marine inspec-*
24 *tor to advance inspection expertise;*

1 (3) a description of any training that was of-
 2 ferred in the 15-year period before the date of the en-
 3 actment of this Act, but is no longer required or of-
 4 ferred, including a specific list of the included courses,
 5 including the senior marine inspector course and any
 6 plan review courses;

7 (4) a justification for why a course described in
 8 paragraph (3) is no longer required or offered; and

9 (5) a list of the course content the Commandant
 10 considers necessary to promote consistency among
 11 marine inspectors in an environment of increasingly
 12 complex vessels and vessel systems.

13 **SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS**

14 **COUNTY, MINNESOTA.**

15 Section 4105 of title 46, United States Code, amend-
 16 ed—

17 (1) by redesignating subsection (c) as subsection
 18 (d); and

19 (2) by inserting after subsection (b) the fol-
 20 lowing:

21 “(c) In applying this title with respect to an
 22 uninspected vessel of less than 25 feet overall in length that
 23 carries passengers on Crane Lake or waters contiguous to
 24 such lake in St. Louis County, Minnesota, the Secretary

1 *shall substitute ‘12 passengers’ for ‘6 passengers’ each place*
 2 *it appears in section 2101(51).”.*

3 **SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

4 (a) *IN GENERAL.*—Chapter 43 of title 46, United
 5 States Code, is amended by adding at the end the following:

6 **“§4312. Engine cut-off switches**

7 “(a) *INSTALLATION REQUIREMENT.*—A manufacturer,
 8 distributor, or dealer that installs propulsion machinery
 9 and associated starting controls on a covered recreational
 10 vessel shall equip such vessel with an engine cut-off switch
 11 and engine cut-off switch link that meet American Boat and
 12 Yacht Council Standard A–33, as in effect on the date of
 13 the enactment of the Coast Guard Authorization Act of
 14 2017.

15 “(b) *EDUCATION ON CUT-OFF SWITCHES.*—The Com-
 16 mandant of the Coast Guard, through the National Boating
 17 Safety Advisory Committee established under section 15105,
 18 may initiate a boating safety program on the use and bene-
 19 fits of cut-off switches for recreational vessels.

20 “(c) *AVAILABILITY OF STANDARD FOR INSPECTION.*—

21 “(1) *IN GENERAL.*—Not later than 90 days after
 22 the date of the enactment of this section, the Com-
 23 mandant shall transmit American Boat and Yacht
 24 Council Standard A–33, as in effect on the date of en-

1 *actment of the Coast Guard Authorization Act of*
2 *2017, to—*

3 *“(A) the Committee on Transportation and*
4 *Infrastructure of the House of Representatives;*

5 *“(B) the Committee on Commerce, Science,*
6 *and Transportation of the Senate; and*

7 *“(C) the Coast Guard Office of Design and*
8 *Engineering Standards; and*

9 *“(D) the National Archives and Records*
10 *Administration.*

11 *“(2) AVAILABILITY.—The standard submitted*
12 *under paragraph (1) shall be kept on file and avail-*
13 *able for public inspection at such Coast Guard office*
14 *and the National Archives and Records Administra-*
15 *tion.*

16 *“(d) DEFINITIONS.—In this section:*

17 *“(1) COVERED RECREATIONAL VESSEL.—The*
18 *term ‘covered recreational vessel’ means a recreational*
19 *vessel that is—*

20 *“(A) less than 26 feet overall in length; and*

21 *“(B) capable of developing 115 pounds or*
22 *more of static thrust.*

23 *“(2) DEALER.—The term ‘dealer’ means any*
24 *person who is engaged in the sale and distribution of*
25 *recreational vessels or associated equipment to pur-*

1 *chasers whom the seller in good faith believes to be*
2 *purchasing any such vessel or associated equipment*
3 *for purposes other than resale.*

4 “(3) *DISTRIBUTOR.*—*The term ‘distributor’*
5 *means any person engaged in the sale and distribu-*
6 *tion of recreational vessels and associated equipment*
7 *for the purposes of resale.*

8 “(4) *MANUFACTURER.*—*The term ‘equipment*
9 *manufacturer’ means any person engaged in the man-*
10 *ufacture, construction, or assembly of recreational ves-*
11 *sels or associated equipment, or the importation of*
12 *recreational vessels into the United States for subse-*
13 *quent sale.*

14 “(5) *PROPULSION MACHINERY.*—*The term ‘pro-*
15 *pulsion machinery’ means a self-contained propulsion*
16 *system, and includes, but is not limited to, inboard*
17 *engines, outboard motors, and sterndrive engines.*

18 “(6) *STATIC THRUST.*—*The term ‘static thrust’*
19 *means the forward or backwards thrust developed by*
20 *propulsion machinery while stationary.”.*

21 (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*
22 *ginning of such chapter is amended by adding at the end*
23 *the following:*

“4312. Engine cut-off switches.”.

1 (c) *EFFECTIVE DATE.*—Section 4312 of title 46,
 2 *United States Code, as amended by this section, shall take*
 3 *effect one year after the date of the enactment of this Act.*

4 **SEC. 504. EXCEPTION FROM SURVIVAL CRAFT REQUIRE-**
 5 **MENTS.**

6 Section 4502(b) of title 46, *United States Code, is*
 7 *amended—*

8 (1) *in paragraph (2)(B), by striking “a survival*
 9 *craft” and inserting “subject to paragraph (3), a sur-*
 10 *vival craft”;*

11 (2) *by adding at the end the following:*

12 “*(3) Except for a nonapplicable vessel, an auxil-*
 13 *iary craft shall satisfy the equipment requirement*
 14 *under paragraph (2)(B) if such craft is—*

15 “*(A) necessary for normal fishing oper-*
 16 *ations;*

17 “*(B) readily accessible during an emer-*
 18 *gency; and*

19 “*(C) capable, in accordance with the Coast*
 20 *Guard capacity rating, when applicable, of safe-*
 21 *ly holding all individuals on board the vessel to*
 22 *which the craft functions as an auxiliary.”; and*

23 (3) *by adding at the end the following:*

1 “(k) For the purposes of this section, the term ‘auxil-
2 iary craft’ means a vessel that is carried onboard a fishing
3 vessel and is normally used to support fishing operations.”.

4 **SEC. 505. SAFETY STANDARDS.**

5 Section 4502(f) of title 46, United States Code, is
6 amended by striking paragraphs (2) and (3) and inserting
7 the following:

8 “(2) shall examine at dockside a vessel described
9 in subsection (b) at least once every 5 years, but may
10 require an exam at dockside every 2 years for certain
11 vessels described in subsection (b) if requested by the
12 owner or operator; and

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

16 **SEC. 506. FISHING SAFETY GRANTS.**

17 Section 4502 of title 46, United States Code, is amend-
18 ed—

19 (1) in subsections (i) and (j), by striking “Sec-
20 retary” each place it appears and inserting “Sec-
21 retary of Health and Human Services”;

22 (2) in subsection (i)(2), as amended by para-
23 graph (1), by inserting “, in consultation with and
24 based on criteria established by the Commandant of

1 *the Coast Guard*” after “*Health and Human Serv-*
2 *ices*”;

3 (3) *in subsection (i)(3), by striking “75” and in-*
4 *serting “50”;*

5 (4) *in subsection (i)(4), by striking “\$3,000,000*
6 *for each of fiscal years 2015 through 2017” and in-*
7 *serting “\$3,000,000 for each of fiscal years 2018*
8 *through 2019”;*

9 (5) *in subsection (j)(2), as amended by para-*
10 *graph (1), by inserting “, in consultation with and*
11 *based on criteria established by the Commandant of*
12 *the Coast Guard,” after “Health and Human Serv-*
13 *ices”;*

14 (6) *in subsection (j)(3), by striking “75” and in-*
15 *serting “50”; and*

16 (7) *in subsection (j)(4), by striking “\$3,000,000*
17 *for each fiscal years 2015 through 2017” and insert-*
18 *ing “\$3,000,000 for each of fiscal years 2018 through*
19 *2019”.*

20 **SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING**
21 **VESSEL CERTIFICATION.**

22 (a) *NONAPPLICATION.*—*Section 4503(c)(2)(A) of title*
23 *46, United States Code, is amended by striking “79” and*
24 *inserting “180”.*

1 (b) *DETERMINING WHEN KEEL IS LAID.*—Section
 2 4503(f) of title 46, United States Code, as redesignated by
 3 section 508 of this Act, is further amended to read as fol-
 4 lows:

5 “(f)(1) For purposes of this section and section 4503a,
 6 the term ‘built’ means, with respect to a vessel, that the ves-
 7 sel’s construction has reached any of the following stages:

8 “(A) The vessel’s keel is laid.

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

14 “(2) In the case of a vessel greater than 79 feet overall
 15 in length, for purposes of paragraph (1)(A) a keel is deemed
 16 to be laid when a marine surveyor affirms that a structure
 17 adequate for serving as a keel for such vessel is in place
 18 and identified for use in the construction of such vessel.”.

19 **SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE**
 20 **SAFETY COMPLIANCE PROGRAM.**

21 (a) *IN GENERAL.*—Section 4503(d) of title 46, United
 22 States Code, is redesignated as section 4503a and trans-
 23 ferred to appear after section 4503 of such title.

1 (b) *FISHING, FISH TENDER, AND FISH PROCESSING*
2 *VESSEL CERTIFICATION*.—Section 4503 of title 46, United
3 States Code, is amended—

4 (1) by redesignating subsections (e), (f), and (g)
5 as subsections (d), (e), and (f), respectively;

6 (2) in subsection (b), by striking “subsection (d)”
7 and inserting “section 4503a”;

8 (3) in subsection (c)(2)(B)(i)(I), by striking
9 “subsection (e)” and inserting “subsection (d)”;

10 (4) in subsection (c)(2)(B)(i)(II), by striking
11 “subsection (f)” and inserting “subsection (e)”;

12 (5) in subsection (e)(1), as amended by para-
13 graph (1) of this subsection, by striking “subsection
14 (e)” each place it appears and inserting “subsection
15 (d)”;

16 (6) in subsection (e)(2), as amended by para-
17 graph (1) of this subsection, by striking “subsection
18 (e)” each place it appears and inserting “subsection
19 (d)”;

20 (c) *ALTERNATE SAFETY COMPLIANCE PROGRAM*.—
21 Section 4503a of title 46, United States Code, as redesign-
22 ated and transferred by subsection (a) of this section, is
23 amended—

1 (1) by redesignating paragraphs (1), (2), (3),
2 (4), and (5) as subsections (a), (b), (c), (d), and (e),
3 respectively;

4 (2) by inserting before subsection (a), as so redesi-
5 gnated, the following:

6 **“§ 4503a. Alternate safety compliance program”;**

7 (3) in subsection (a), as redesignated by para-
8 graph (1) of this subsection, by striking “After Janu-
9 ary 1, 2020,” and all that follows through “the Sec-
10 retary, if” and inserting “Subject to subsection (c),
11 beginning on the date that is 3 years after the date
12 that the Secretary prescribes an alternate safety com-
13 pliance program, a fishing vessel, fish processing ves-
14 sel, or fish tender vessel to which section 4502(b) of
15 this title applies shall comply with such an alternate
16 safety compliance program, if”;

17 (4) in subsection (a), as so redesignated, by re-
18 designating subparagraphs (A), (B), and (C) as para-
19 graphs (1), (2), and (3), respectively;

20 (5) in subsection (b), as so redesignated, by strik-
21 ing “establishes standards for an alternate safety
22 compliance program, shall comply with such an alter-
23 native safety compliance program that is developed in
24 cooperation with the commercial fishing industry and
25 prescribed by the Secretary” and inserting “prescribes

1 *an alternate safety compliance program under sub-*
2 *section (a), shall comply with such an alternate safety*
3 *compliance program”;*

4 *(6) by amending subsection (c), as so redesign-*
5 *ated, to read as follows:*

6 *“(c) For purposes of subsection (a), a separate alter-*
7 *nate safety compliance program may be developed for a spe-*
8 *cific region or specific fishery.”;*

9 *(7) in subsection (d), as so redesignated—*

10 *(A) by striking “paragraph (1)” and insert-*
11 *ing “subsection (a)”;* and

12 *(B) by striking “that paragraph” each*
13 *place it appears and inserting “that subsection”;*

14 *(8) in subsection (e), as so redesignated, by—*

15 *(A) inserting “is not eligible to participate*
16 *in an alternative safety compliance program*
17 *prescribed under subsection (a) and” after “July*
18 *1, 2012”;* and

19 *(B) redesignating subparagraphs (A) and*
20 *(B) as paragraphs (1) and (2), respectively;*

21 *(9) by adding at the end the following:*

22 *“(f) For the purposes of this section, the term ‘built’*
23 *has the meaning given that term in section 4503(f).”.*

1 (d) *CLERICAL AMENDMENT.*—*The analysis at the be-*
2 *ginning of chapter 45 of such title is amended by inserting*
3 *after the item relating to section 4503 the following*

“4503a. Alternate safety compliance program.”.

4 (e) *CONFORMING AMENDMENT.*—*Section 3104 of title*
5 *46, United States Code, is amended by striking “section*
6 *4503(e)” and inserting “section 4503(d)”.*

7 (f) *FINAL RULE.*—*Not later than 1 year after the date*
8 *of enactment of this Act, the Secretary of the department*
9 *in which the Coast Guard is operating shall issue a final*
10 *rule implementing the requirements enumerated in section*
11 *4503(d) of title 46, as amended by subsection (b)(1) of this*
12 *section.*

13 (g) *ALTERNATE SAFETY COMPLIANCE PROGRAM STA-*
14 *TUS REPORT.*—

15 (1) *IN GENERAL.*—*Not later than January 1,*
16 *2020, the Secretary of the department in which the*
17 *Coast Guard is operating shall submit to the Com-*
18 *mittee on Transportation and Infrastructure of the*
19 *House of Representatives and the Committee on Com-*
20 *merce, Science, and Transportation of the Senate a*
21 *report on the status of the development of the alter-*
22 *nate safety compliance program directed by section*
23 *4503a of title 46, United States Code, as redesignated*
24 *by subsection (c).*

1 (2) *CONTENTS.*—*The report required under*
2 *paragraph (1) shall include discussion of—*

3 (A) *steps taken in the rulemaking process to*
4 *establish the alternate safety compliance pro-*
5 *gram;*

6 (B) *communication and collaboration be-*
7 *tween the Coast Guard, the department in which*
8 *the Coast Guard is operating, and the commer-*
9 *cial fishing vessel industry regarding the devel-*
10 *opment of the alternate safety compliance pro-*
11 *gram;*

12 (C) *consideration given to developing alter-*
13 *nate safety compliance programs for specific re-*
14 *gions and fisheries, as authorized in section*
15 *4503a(c) of such title, as redesignated by sub-*
16 *section (c);*

17 (D) *any identified legislative changes nec-*
18 *essary to implement an effective alternate safety*
19 *compliance program; and*

20 (E) *the timeline and planned actions that*
21 *will be taken to implement regulations necessary*
22 *to fully establish an alternate safety compliance*
23 *program before January 1, 2020.*

1 **SEC. 509. TERMINATION OF UNSAFE OPERATIONS; TECH-**
 2 **NICAL CORRECTION.**

3 *Section 4505(2) of title 46, United States Code, is*
 4 *amended—*

5 (1) *by striking “4503(1)” and inserting*
 6 *“4503(a)(2)”;* and

7 (2) *by inserting before the period the following:*
 8 *“, except that this paragraph shall not apply with re-*
 9 *spect to a vessel to which section 4503a applies”.*

10 **SEC. 510. TECHNICAL CORRECTIONS: LICENSES, CERTIFI-**
 11 **CATES OF REGISTRY, AND MERCHANT MAR-**
 12 **INER DOCUMENTS.**

13 *Title 46, United States Code, is amended—*

14 (1) *in section 7106(b), by striking “merchant*
 15 *mariner’s document,” and inserting “license,”;*

16 (2) *in section 7107(b), by striking “merchant*
 17 *mariner’s document,” and inserting “certificate of*
 18 *registry,”;*

19 (3) *in section 7507(b)(1), by striking “licenses or*
 20 *certificates of registry” and inserting “merchant mar-*
 21 *iner documents”;* and

22 (4) *in section 7507(b)(2) by striking “merchant*
 23 *mariner’s document.” and inserting “license or cer-*
 24 *tificate of registry.”.*

1 **SEC. 511. CLARIFICATION OF LOGBOOK ENTRIES.**

2 (a) *IN GENERAL.*—Section 11304 of title 46, United
3 States Code, is amended—

4 (1) *in subsection (a), by striking “an official log-*
5 *book, which” and inserting “a logbook, which may be*
6 *in any form, including electronic, and”;* and

7 (2) *in subsection (b), by amending paragraph*
8 *(3) to read as follows:*

9 “(3) *Each illness of, and injury to, a seaman of*
10 *the vessel, the nature of the illness or injury, and the*
11 *medical treatment provided for the injury or illness.”.*

12 (b) *TECHNICAL AMENDMENT.*—Section 11304(b) is
13 amended by striking “log book” and inserting “logbook”.

14 **SEC. 512. CERTIFICATES OF DOCUMENTATION FOR REC-**
15 **REATIONAL VESSELS.**

16 Section 12105 of title 46, United States Code, is
17 amended by adding at the end the following:

18 “(e) *EFFECTIVE PERIOD.*—

19 “(1) *IN GENERAL.*—*Except as provided in para-*
20 *graphs (2) and (3), a certificate of documentation*
21 *issued under this part is valid for a 1-year period*
22 *and may be renewed for additional 1-year periods.*

23 “(2) *RECREATIONAL VESSELS.*—

24 “(A) *IN GENERAL.*—*A certificate of docu-*
25 *mentation for a recreational vessel and the re-*

1 *newal of such a certificate shall be effective for*
2 *a 5-year period.*

3 “(B) *PHASE-IN PERIOD.*—*During the period*
4 *beginning January 1, 2019, and ending Decem-*
5 *ber 31, 2021, the owner or operator of a rec-*
6 *reational vessel may choose a period of effective-*
7 *ness of between 1 and 5 years for such a certifi-*
8 *cate of documentation for such vessel or the re-*
9 *newal thereof.*

10 “(C) *FEEES.*—

11 “(i) *REQUIREMENT.*—*The Secretary*
12 *shall assess and collect a fee—*

13 “(I) *for the issuance of a certifi-*
14 *cate of documentation for a rec-*
15 *reational vessel that is equivalent to*
16 *the fee established for the issuance of a*
17 *certificate of documentation under sec-*
18 *tion 2110; and*

19 “(II) *for the renewal of a certifi-*
20 *cate of documentation for a rec-*
21 *reational vessel that is equivalent to*
22 *the number of years of effectiveness of*
23 *the certificate of documentation multi-*
24 *plied by the fee established for the re-*

1 *renewal of a certificate of documentation*
2 *under section 2110.*

3 “(ii) *TREATMENT.—Fees collected*
4 *under this subsection—*

5 “(I) *shall be credited to the ac-*
6 *count from which the costs of such*
7 *issuance or renewal were paid; and*

8 “(II) *may remain available until*
9 *expended.*

10 “(3) *NOTICE OF CHANGE IN INFORMATION.—*

11 “(A) *REQUIREMENT.—The owner of a vessel*
12 *shall notify the Coast Guard of each change in*
13 *the information on which the issuance of the cer-*
14 *tificate of documentation for the vessel is based*
15 *that occurs before the expiration of the certificate*
16 *under this subsection, by not later than 30 days*
17 *after such change.*

18 “(B) *TERMINATION OF CERTIFICATE.—The*
19 *certificate of documentation for a vessel shall ter-*
20 *minate upon the expiration of such 30-day pe-*
21 *riod if the owner has not notified the Coast*
22 *Guard of such change before the end of such pe-*
23 *riod.*

24 “(4) *STATE AND LOCAL AUTHORITY TO REMOVE*
25 *ABANDONED AND DERELICT VESSELS.—Nothing in*

1 *this section shall be construed to limit the authority*
 2 *of a State or local authority from taking action to re-*
 3 *move an abandoned or derelict vessel.”.*

4 **SEC. 513. NUMBERING FOR UNDOCUMENTED BARGES.**

5 *Section 12301(b) of title 46, United States Code, is*
 6 *amended—*

7 *(1) by striking “shall” and inserting “may”;*

8 *and*

9 *(2) by inserting “of” after “barge”.*

10 **SEC. 514. BACKUP NATIONAL TIMING SYSTEM.**

11 *(a) SHORT TITLE.—This section may be cited as the*
 12 *“National Timing Resilience and Security Act of 2018”.*

13 *(b) IN GENERAL.—Chapter 30 of title 49, United*
 14 *States Code, is amended by adding at the end the following:*

15 **“§ 312. Alternative timing system**

16 *“(a) IN GENERAL.—Subject to the availability of ap-*
 17 *propriations, the Secretary of Transportation shall provide*
 18 *for the establishment, sustainment, and operation of a land-*
 19 *based, resilient, and reliable alternative timing system—*

20 *“(1) to reduce critical dependencies and provide*
 21 *a complement to and backup for the timing compo-*
 22 *nent of the Global Positioning System (referred to in*
 23 *this section as ‘GPS’); and*

24 *“(2) to ensure the availability of uncorrupted*
 25 *and non-degraded timing signals for military and ci-*

1 *vilian users in the event that GPS timing signals are*
2 *corrupted, degraded, unreliable, or otherwise unavail-*
3 *able.*

4 “(b) *ESTABLISHMENT OF REQUIREMENTS.*—

5 “(1) *IN GENERAL.*—*Not later than 180 days*
6 *after the date of enactment of the National Timing*
7 *Resilience and Security Act of 2018, the Secretary of*
8 *Transportation shall establish requirements for the*
9 *procurement of the system required by subsection (a)*
10 *as a complement to and backup for the timing compo-*
11 *nent of GPS in accordance with the timing require-*
12 *ments study required by section 1618 of the National*
13 *Defense Authorization Act for Fiscal Year 2017 (Pub-*
14 *lic Law 114–328; 130 Stat. 2595).*

15 “(2) *REQUIREMENTS.*—*The Secretary of Trans-*
16 *portation shall ensure, to the maximum extent prac-*
17 *ticable, that the system established under subsection*
18 *(a) will—*

19 “(A) *be wireless;*

20 “(B) *be terrestrial;*

21 “(C) *provide wide-area coverage;*

22 “(D) *be synchronized with coordinated uni-*
23 *versal time;*

24 “(E) *be resilient and extremely difficult to*
25 *disrupt or degrade;*

1 “(F) be able to penetrate underground and
2 inside buildings;

3 “(G) be capable of deployment to remote lo-
4 cations;

5 “(H) be developed, constructed, and oper-
6 ated incorporating applicable private sector ex-
7 pertise;

8 “(I) work in concert with and complement
9 any other similar positioning, navigation, and
10 timing systems, including enhanced long-range
11 navigation systems and Nationwide Differential
12 GPS systems;

13 “(J) be available for use by Federal and
14 non-Federal government agencies for public pur-
15 poses at no net cost to the Federal Government
16 within 10 years of initiation of operation;

17 “(K) be capable of adaptation and expan-
18 sion to provide position and navigation capabili-
19 ties;

20 “(L) incorporate the recommendations from
21 any GPS back-up demonstration program initi-
22 ated and completed by the Secretary, in coordi-
23 nation with other Federal agencies, before the
24 date specified in subsection (c)(1); and

1 “(M) incorporate such other elements as the
2 Secretary considers appropriate.

3 “(c) *IMPLEMENTATION PLAN.*—

4 “(1) *PLAN REQUIRED.*—Not later than 180 days
5 after the date of enactment of the National Timing
6 Resilience and Security Act of 2018, the Secretary of
7 Transportation shall submit to the Committee on
8 Commerce, Science, and Transportation of the Senate
9 and the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives a report setting
11 forth the following:

12 “(A) A plan to develop, construct, and oper-
13 ate the system required by subsection (a).

14 “(B) A description and assessment of the
15 advantages of a system to provide a follow-on
16 complementary and backup positioning and
17 navigation capability to the timing component of
18 GPS.

19 “(2) *DEADLINE FOR COMMENCEMENT OF OPER-*
20 *ATION.*—The system required by subsection (a) shall
21 be in operation by not later than 2 years after the
22 date of enactment of the National Timing Resilience
23 and Security Act of 2018.

24 “(3) *MINIMUM DURATION OF OPERATIONAL CA-*
25 *PABILITY.*—The system required by subsection (a)

1 *shall be designed to be fully operational for not less*
2 *than 20 years.*

3 “(d) *LORAN FACILITIES.*—

4 “(1) *IN GENERAL.*—*If the Secretary of Transpor-*
5 *tation determines that any LORAN infrastructure,*
6 *including the underlying real property and any spec-*
7 *trum associated with LORAN, in the possession of the*
8 *Coast Guard is required by the Department of Trans-*
9 *portation for the purpose of establishing the system*
10 *required by subsection (a), the Commandant shall*
11 *transfer such property, spectrum, and equipment to*
12 *the Secretary.*

13 “(2) *CERCLA NOT AFFECTED.*—*This subsection*
14 *shall not be construed to limit the application of or*
15 *otherwise affect section 120(h) of the Comprehensive*
16 *Environmental Response, Compensation, and Liabil-*
17 *ity Act of 1980 (42 U.S.C. 9620(h)) with respect to*
18 *the Federal Government facilities described in para-*
19 *graph (1).*

20 “(e) *COOPERATIVE AGREEMENT.*—

21 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
22 *tation may enter into a cooperative agreement (as*
23 *that term is described in section 6305 of title 31) with*
24 *an entity upon such terms and conditions as the Sec-*
25 *retary of Transportation determines will fulfill the*

1 *purpose and requirements of this section and be in*
2 *the public interest.*

3 “(2) *REQUIREMENTS.*—*The cooperative agree-*
4 *ment under paragraph (1) shall, at a minimum, re-*
5 *quire the Secretary of Transportation to—*

6 “(A) *authorize the entity to sell timing and*
7 *other services to commercial and non-commercial*
8 *third parties, subject to any national security re-*
9 *quirements determined by the Secretary, in con-*
10 *sultation with the Secretary of Defense;*

11 “(B) *require the entity to develop, construct,*
12 *and operate at private expense the backup tim-*
13 *ing system in accordance with this section;*

14 “(C) *allow the entity to make any invest-*
15 *ments in technologies necessary over the life of*
16 *such agreement to meet future requirements for*
17 *advanced timing resilience and technologies;*

18 “(D) *require the entity to share 25 percent*
19 *of the gross proceeds received by the entity from*
20 *the sale of timing services to third parties with*
21 *the Secretary for at least 10 years after the date*
22 *upon which the Secretary enters into the cooper-*
23 *ative agreement;*

24 “(E) *require the entity—*

1 “(i) to assume all financial risk for the
2 completion and operational capability of
3 the system, after the Secretary provides any
4 LORAN facilities necessary for the system
5 under subsection (d), if required for the al-
6 ternative timing system; and

7 “(ii) to furnish performance and pay-
8 ment bonds in connection with the system
9 in a reasonable amount as determined by
10 the Secretary; and

11 “(F) require the entity to make any invest-
12 ments in technologies necessary over the life of
13 the agreement to meet future requirements for
14 advanced timing resiliency.

15 “(3) *COMPETITION REQUIRED.*—The Secretary
16 shall use competitive procedures similar to those au-
17 thorized under section 2667 of title 10 in selecting an
18 entity to enter into a cooperative agreement pursuant
19 to this subsection.

20 “(4) *AUTHORIZATION TO PURCHASE SERV-*
21 *ICES.*—The Secretary may not purchase timing sys-
22 tem services from the entity for use by the Depart-
23 ment of Transportation or for provision to other Fed-
24 eral and non-Federal governmental agencies until the
25 system achieves operational status, and then only if

1 *the necessary funds for such purchases are provided*
2 *for in subsequent yearly appropriations acts made*
3 *available to the Secretary for each and every year in*
4 *which such purchases are made.*

5 “(5) *DETERMINATION REQUIREMENT.*—*The Sec-*
6 *retary may not enter into a cooperative agreement*
7 *under this subsection unless the Secretary determines*
8 *that the cooperative agreement is in the best financial*
9 *interest of the Federal Government. The Secretary*
10 *shall notify the Committee on Committee on Com-*
11 *merce, Science, and Transportation of the Senate and*
12 *the Committee on Transportation and Infrastructure*
13 *of the House of Representatives of such determination*
14 *not later than 30 days after the date of the deter-*
15 *mination.*

16 “(6) *DEFINITION.*—*In this subsection the term*
17 *‘entity’ means a non-Federal entity with the dem-*
18 *onstrated technical expertise and requisite adminis-*
19 *trative and financial resources to meet any terms and*
20 *conditions established by the Secretary for purposes of*
21 *this subsection.”.*

22 “(c) *TABLE OF CONTENTS.*—*The table of contents for*
23 *chapter 3 of title 49, United States Code, is amended by*
24 *adding at the end the following:*

“312. *Alternative timing system.”.*

1 **SEC. 515. SCIENTIFIC PERSONNEL.**

2 *Section 2101(41) of title 46, United States Code, is*
3 *amended—*

4 *(1) by inserting “(A) Subject to subparagraph*
5 *(B),” before the text; and*

6 *(2) by adding at the end the following:*

7 *“(B)(i) Such term includes an individual who is*
8 *on board an oceanographic research vessel only to—*

9 *“(I) engage in scientific research;*

10 *“(II) instruct in oceanography or lim-*
11 *nology; or*

12 *“(III) receive instruction in oceanography*
13 *or limnology.*

14 *“(ii) For purposes of clause (i), the age of an in-*
15 *dividual may not be considered in determining*
16 *whether the individual is described in such clause.”.*

17 **SEC. 516. TRANSPARENCY.**

18 *(a) IN GENERAL.—The Commandant of the Coast*
19 *Guard shall publish any letter of determination issued by*
20 *the Coast Guard National Vessel Documentation Center*
21 *after the date of the enactment of this Act on the National*
22 *Vessel Documentation Center website not later than 30 days*
23 *after the date of issuance of such letter of determination.*

24 *(b) AUDIT.—*

1 (1) *IN GENERAL.*—*The Comptroller General of*
2 *the United States shall conduct an audit, the results*
3 *of which shall be made publicly available, of—*

4 (A) *the method or process by which the*
5 *Coast Guard National Vessel Documentation*
6 *Center develops policy for and documents com-*
7 *pliance with the requirements of section 67.97 of*
8 *title 46, Code of Federal Regulations, for the*
9 *purpose of issuing endorsements under section*
10 *12112 and 12113 of title 46, United States Code;*

11 (B) *the coordination between the Coast*
12 *Guard and U.S. Customs and Border Protection*
13 *with respect to the enforcement of such require-*
14 *ments; and*

15 (C) *the extent to which the Secretary of the*
16 *department in which the Coast Guard is oper-*
17 *ating and the Secretary of Transportation,*
18 *through the Maritime Administration, have pub-*
19 *lished and disseminated information to promote*
20 *compliance with applicable vessel construction*
21 *requirements.*

22 (2) *REPORT.*—*Not later than 90 days after the*
23 *audit under paragraph (1) is complete, the Comp-*
24 *troller General of the United States shall submit to*
25 *the Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate and the Committee on Transpor-*
 2 *tation and Infrastructure of the House of Representa-*
 3 *tives a report regarding the results of and rec-*
 4 *ommendations made pursuant to such audit.*

5 *(c) OUTLINE.—Not later than 180 days after the date*
 6 *of the submission of the Comptroller General of the United*
 7 *States report required under subsection (b), the Com-*
 8 *mandant of the Coast Guard shall submit to the Committee*
 9 *on Commerce, Science, and Transportation of the Senate*
 10 *and the Committee on Transportation and Infrastructure*
 11 *of the House of Representatives an outline of plans—*

12 *(1) to enhance the transparency of the docu-*
 13 *mentation process, and communications with the*
 14 *maritime industry regarding such process over the*
 15 *next 5 years; and*

16 *(2) to implement the recommendations made by*
 17 *the Comptroller General of the United States in the*
 18 *report required under subsection (b)(2).*

19 **TITLE VI—ADVISORY**

20 **COMMITTEES**

21 **SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVI-**
 22 **SORY COMMITTEES.**

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

1 **“PART K—NATIONAL MARITIME**
 2 **TRANSPORTATION ADVISORY COMMITTEES**
 3 **“CHAPTER 151—NATIONAL MARITIME**
 4 **TRANSPORTATION ADVISORY COMMIT-**
 5 **TEES**

“Sec.

“15101. *National Chemical Transportation Safety Advisory Committee.*

“15102. *National Commercial Fishing Safety Advisory Committee.*

“15103. *National Merchant Marine Personnel Advisory Committee.*

“15104. *National Merchant Mariner Medical Advisory Committee.*

“15105. *National Boating Safety Advisory Committee.*

“15106. *National Offshore Safety Advisory Committee.*

“15107. *National Navigation Safety Advisory Committee.*

“15108. *National Towing Safety Advisory Committee.*

“15109. *Administration.*

6 **“§ 15101. National Chemical Transportation Safety**
 7 **Advisory Committee**

8 “(a) *ESTABLISHMENT.*—*There is established a Na-*
 9 *tional Chemical Transportation Safety Advisory Committee*
 10 *(in this section referred to as the ‘Committee’).*

11 “(b) *FUNCTION.*—*The Committee shall advise the Sec-*
 12 *retary on matters relating to the safe and secure marine*
 13 *transportation of hazardous materials.*

14 “(c) *MEMBERSHIP.*—

15 “(1) *IN GENERAL.*—*The Committee shall consist*
 16 *of not more than 25 members appointed by the Sec-*
 17 *retary in accordance with this section and section*
 18 *15109 of this chapter.*

19 “(2) *EXPERTISE.*—*Each member of the Com-*
 20 *mittee shall have particular expertise, knowledge, and*

1 *experience in matters relating to the function of the*
 2 *Committee.*

3 “(3) *REPRESENTATION.*—*Each member of the*
 4 *Committee shall represent 1 of the following:*

5 “(A) *Chemical manufacturing entities.*

6 “(B) *Entities related to marine handling or*
 7 *transportation of chemicals.*

8 “(C) *Vessel design and construction entities.*

9 “(D) *Marine safety or security entities.*

10 “(E) *Marine environmental protection enti-*
 11 *ties.*

12 “(4) *DISTRIBUTION.*—*The Secretary shall, based*
 13 *on the needs of the Coast Guard, determine the num-*
 14 *ber of members of the Committee who represent each*
 15 *entity specified in paragraph (3). Neither this para-*
 16 *graph nor any other provision of law shall be con-*
 17 *strued to require an equal distribution of members*
 18 *representing each entity specified in paragraph (3).*

19 **“§ 15102. National Commercial Fishing Safety Advi-**
 20 **sory Committee**

21 “(a) *ESTABLISHMENT.*—*There is established a Na-*
 22 *tional Commercial Fishing Safety Advisory Committee (in*
 23 *this section referred to as the ‘Committee’).*

24 “(b) *FUNCTION.*—*The Committee shall—*

1 “(1) advise the Secretary on matters relating to
2 the safe operation of vessels to which chapter 45 of
3 this title applies, including the matters of—

4 “(A) navigation safety;

5 “(B) safety equipment and procedures;

6 “(C) marine insurance;

7 “(D) vessel design, construction, mainte-
8 nance, and operation; and

9 “(E) personnel qualifications and training;

10 and

11 “(2) review regulations proposed under chapter
12 45 of this title (during preparation of the regula-
13 tions).

14 “(c) MEMBERSHIP.—

15 “(1) IN GENERAL.—The Committee shall consist
16 of 18 members appointed by the Secretary in accord-
17 ance with this section and section 15109 of this chap-
18 ter.

19 “(2) EXPERTISE.—Each member of the Com-
20 mittee shall have particular expertise, knowledge, and
21 experience in matters relating to the function of the
22 Committee.

23 “(3) REPRESENTATION.—Members of the Com-
24 mittee shall be appointed as follows:

1 “(A) 10 members shall represent the com-
2 mercial fishing industry and—

3 “(i) as a group, shall together reflect a
4 regional and representational balance; and

5 “(ii) as individuals, shall each have ex-
6 perience—

7 “(I) in the operation of vessels to
8 which chapter 45 of this title applies;
9 or

10 “(II) as a crew member or proc-
11 essing line worker on a fish processing
12 vessel.

13 “(B) 1 member shall represent naval archi-
14 tects and marine engineers.

15 “(C) 1 member shall represent manufactur-
16 ers of equipment for vessels to which chapter 45
17 of this title applies.

18 “(D) 1 member shall represent education
19 and training professionals related to fishing ves-
20 sel, fish processing vessel, and fish tender vessel
21 safety and personnel qualifications.

22 “(E) 1 member shall represent underwriters
23 that insure vessels to which chapter 45 of this
24 title applies.

1 “(F) 1 member shall represent owners of
2 vessels to which chapter 45 of this title applies.

3 “(G) 3 members shall represent the general
4 public and, to the extent possible, shall include—

5 “(i) an independent expert or consult-
6 ant in maritime safety;

7 “(ii) a marine surveyor who provides
8 services to vessels to which chapter 45 of
9 this title applies; and

10 “(iii) a person familiar with issues af-
11 fecting fishing communities and the families
12 of fishermen.

13 **“§ 15103. National Merchant Marine Personnel Advi-
14 sory Committee**

15 “(a) *ESTABLISHMENT.*—There is established a Na-
16 tional Merchant Marine Personnel Advisory Committee (in
17 this section referred to as the ‘Committee’).

18 “(b) *FUNCTION.*—The Committee shall advise the Sec-
19 retary on matters relating to personnel in the United States
20 merchant marine, including the training, qualifications,
21 certification, documentation, and fitness of mariners.

22 “(c) *MEMBERSHIP.*—

23 “(1) *IN GENERAL.*—The Committee shall consist
24 of 19 members appointed by the Secretary in accord-

1 *ance with this section and section 15109 of this chap-*
 2 *ter.*

3 “(2) *EXPERTISE.—Each member of the Com-*
 4 *mittee shall have particular expertise, knowledge, and*
 5 *experience in matters relating to the function of the*
 6 *Committee.*

7 “(3) *REPRESENTATION.—Members of the Com-*
 8 *mittee shall be appointed as follows:*

9 “(A) *9 members shall represent mariners*
 10 *and, of the 9—*

11 “(i) *each shall—*

12 “(I) *be a citizen of the United*
 13 *States; and*

14 “(II) *hold an active license or cer-*
 15 *tificate issued under chapter 71 of this*
 16 *title or a merchant mariner document*
 17 *issued under chapter 73 of this title;*

18 “(ii) *3 shall be deck officers who rep-*
 19 *resent merchant marine deck officers and, of*
 20 *the 3—*

21 “(I) *2 shall be licensed for oceans*
 22 *any gross tons;*

23 “(II) *1 shall be licensed for inland*
 24 *river route with a limited or unlimited*
 25 *tonnage;*

1 “(III) 2 shall have a master’s li-
2 cense or a master of towing vessels li-
3 cense;

4 “(IV) 1 shall have significant
5 tanker experience; and

6 “(V) to the extent practicable—

7 “(aa) 1 shall represent labor;
8 and

9 “(bb) 1 shall represent man-
10 agement;

11 “(iii) 3 shall be engineering officers
12 who represent merchant marine engineering
13 officers and, of the 3—

14 “(I) 2 shall be licensed as chief
15 engineer any horsepower;

16 “(II) 1 shall be licensed as either
17 a limited chief engineer or a des-
18 ignated duty engineer; and

19 “(III) to the extent practicable—

20 “(aa) 1 shall represent labor;
21 and

22 “(bb) 1 shall represent man-
23 agement;

1 “(iv) 2 shall be unlicensed seamen who
2 represent merchant marine unlicensed sea-
3 man and, of the 2—

4 “(I) 1 shall represent able-bodied
5 seamen; and

6 “(II) 1 shall represent qualified
7 members of the engine department; and

8 “(v) 1 shall be a pilot who represents
9 merchant marine pilots.

10 “(B) 6 members shall represent marine edu-
11 cators and, of the 6—

12 “(i) 3 shall be marine educators who
13 represent maritime academies and, of the
14 3—

15 “(I) 2 shall represent State mari-
16 time academies (and are jointly rec-
17 ommended by such academies); and

18 “(II) 1 shall represent either State
19 maritime academies or the United
20 States Merchant Marine Academy; and

21 “(ii) 3 shall be marine educators who
22 represent other maritime training institu-
23 tions and, of the 3, 1 shall represent the
24 small vessel industry.

1 “(C) 2 members shall represent shipping
2 companies employed in ship operation manage-
3 ment.

4 “(D) 2 members shall represent the general
5 public.

6 **“§ 15104. National Merchant Mariner Medical Advi-
7 sory Committee**

8 “(a) *ESTABLISHMENT.*—*There is established a Na-
9 tional Merchant Mariner Medical Advisory Committee (in
10 this section referred to as the ‘Committee’).*

11 “(b) *FUNCTION.*—*The Committee shall advise the Sec-
12 retary on matters relating to—*

13 “(1) *medical certification determinations for the
14 issuance of licenses, certification of registry, and mer-
15 chant mariners’ documents with respect to merchant
16 mariners;*

17 “(2) *medical standards and guidelines for the
18 physical qualifications of operators of commercial ves-
19 sels;*

20 “(3) *medical examiner education; and*

21 “(4) *medical research.*

22 “(c) *MEMBERSHIP.*—

23 “(1) *IN GENERAL.*—*The Committee shall consist
24 of 14 members appointed by the Secretary in accord-*

1 *ance with this section and section 15109 of this chap-*
 2 *ter.*

3 “(2) *EXPERTISE.*—*Each member of the Com-*
 4 *mittee shall have particular expertise, knowledge, and*
 5 *experience in matters relating to the function of the*
 6 *Committee.*

7 “(3) *REPRESENTATION.*—*Members of the Com-*
 8 *mittee shall be appointed as follows:*

9 “(A) *9 shall represent health-care profes-*
 10 *sionals and have particular expertise, knowledge,*
 11 *and experience regarding the medical examina-*
 12 *tions of merchant mariners or occupational med-*
 13 *icine.*

14 “(B) *5 shall represent professional mariners*
 15 *and have particular expertise, knowledge, and*
 16 *experience in occupational requirements for*
 17 *mariners.*

18 **“§ 15105. National Boating Safety Advisory Committee**

19 “(a) *ESTABLISHMENT.*—*There is established a Na-*
 20 *tional Boating Safety Advisory Committee (in this section*
 21 *referred to as the ‘Committee’).*

22 “(b) *FUNCTION.*—*The Committee shall advise the Sec-*
 23 *retary on matters relating to national boating safety.*

24 “(c) *MEMBERSHIP.*—

1 “(1) *IN GENERAL.*—*The Committee shall consist*
 2 *of 21 members appointed by the Secretary in accord-*
 3 *ance with this section and section 15109 of this chap-*
 4 *ter.*

5 “(2) *EXPERTISE.*—*Each member of the Com-*
 6 *mittee shall have particular expertise, knowledge, and*
 7 *experience in matters relating to the function of the*
 8 *Committee.*

9 “(3) *REPRESENTATION.*—*Members of the Com-*
 10 *mittee shall be appointed as follows:*

11 “(A) *7 members shall represent State offi-*
 12 *cial responsible for State boating safety pro-*
 13 *grams.*

14 “(B) *7 members shall represent recreational*
 15 *vessel and associated equipment manufacturers.*

16 “(C) *7 members shall represent the general*
 17 *public or national recreational boating organiza-*
 18 *tions and, of the 7, at least 5 shall represent na-*
 19 *tional recreational boating organizations.*

20 **“§ 15106. National Offshore Safety Advisory Com-**
 21 **mittee**

22 “(a) *ESTABLISHMENT.*—*There is established a Na-*
 23 *tional Offshore Safety Advisory Committee (in this section*
 24 *referred to as the ‘Committee’).*

1 “(b) *FUNCTION.*—*The Committee shall advise the Sec-*
2 *retary on matters relating to activities directly involved*
3 *with, or in support of, the exploration of offshore mineral*
4 *and energy resources, to the extent that such matters are*
5 *within the jurisdiction of the Coast Guard.*

6 “(c) *MEMBERSHIP.*—

7 “(1) *IN GENERAL.*—*The Committee shall consist*
8 *of 15 members appointed by the Secretary in accord-*
9 *ance with this section and section 15109 of this chap-*
10 *ter.*

11 “(2) *EXPERTISE.*—*Each member of the Com-*
12 *mittee shall have particular expertise, knowledge, and*
13 *experience in matters relating to the function of the*
14 *Committee.*

15 “(3) *REPRESENTATION.*—*Members of the Com-*
16 *mittee shall be appointed as follows:*

17 “(A) *2 members shall represent entities en-*
18 *gaged in the production of petroleum.*

19 “(B) *2 members shall represent entities en-*
20 *gaged in offshore drilling.*

21 “(C) *2 members shall represent entities en-*
22 *gaged in the support, by offshore supply vessels*
23 *or other vessels, of offshore mineral and oil oper-*
24 *ations, including geophysical services.*

1 “(D) 1 member shall represent entities en-
2 gaged in the construction of offshore exploration
3 and recovery facilities.

4 “(E) 1 member shall represent entities en-
5 gaged in diving services related to offshore con-
6 struction, inspection, and maintenance.

7 “(F) 1 member shall represent entities en-
8 gaged in safety and training services related to
9 offshore exploration and construction.

10 “(G) 1 member shall represent entities en-
11 gaged in pipelaying services related to offshore
12 construction.

13 “(H) 2 members shall represent individuals
14 employed in offshore operations and, of the 2, 1
15 shall have recent practical experience on a vessel
16 or offshore unit involved in the offshore mineral
17 and energy industry.

18 “(I) 1 member shall represent national en-
19 vironmental entities.

20 “(J) 1 member shall represent deepwater
21 ports.

22 “(K) 1 member shall represent the general
23 public (but not a specific environmental group).

1 **“§ 15107. National Navigation Safety Advisory Com-**
2 **mittee**

3 “(a) *ESTABLISHMENT.*—*There is established a Na-*
4 *tional Navigation Safety Advisory Committee (in this sec-*
5 *tion referred to as the ‘Committee’).*

6 “(b) *FUNCTION.*—*The Committee shall advise the Sec-*
7 *retary on matters relating to maritime collisions,*
8 *rammings, and groundings, Inland Rules of the Road,*
9 *International Rules of the Road, navigation regulations*
10 *and equipment, routing measures, marine information, and*
11 *aids to navigation systems.*

12 “(c) *MEMBERSHIP.*—

13 “(1) *IN GENERAL.*—*The Committee shall consist*
14 *of not more than 21 members appointed by the Sec-*
15 *retary in accordance with this section and section*
16 *15109 of this chapter.*

17 “(2) *EXPERTISE.*—*Each member of the Com-*
18 *mittee shall have particular expertise, knowledge, and*
19 *experience in matters relating to the function of the*
20 *Committee.*

21 “(3) *REPRESENTATION.*—*Each member of the*
22 *Committee shall represent 1 of the following:*

23 “(A) *Commercial vessel owners or operators.*

24 “(B) *Professional mariners.*

25 “(C) *Recreational boaters.*

26 “(D) *The recreational boating industry.*

1 “(E) State agencies responsible for vessel or
2 port safety.

3 “(F) The Maritime Law Association.

4 “(4) DISTRIBUTION.—The Secretary shall, based
5 on the needs of the Coast Guard, determine the num-
6 ber of members of the Committee who represent each
7 entity specified in paragraph (3). Neither this para-
8 graph nor any other provision of law shall be con-
9 strued to require an equal distribution of members
10 representing each entity specified in paragraph (3).

11 **“§ 15108. National Towing Safety Advisory Committee**

12 “(a) ESTABLISHMENT.—There is established a Na-
13 tional Towing Safety Advisory Committee (in this section
14 referred to as the ‘Committee’).

15 “(b) FUNCTION.—The Committee shall advise the Sec-
16 retary on matters relating to shallow-draft inland naviga-
17 tion, coastal waterway navigation, and towing safety.

18 “(c) MEMBERSHIP.—

19 “(1) IN GENERAL.—The Committee shall consist
20 of 18 members appointed by the Secretary in accord-
21 ance with this section and section 15109 of this chap-
22 ter.

23 “(2) EXPERTISE.—Each member of the Com-
24 mittee shall have particular expertise, knowledge, and

1 *experience in matters relating to the function of the*
2 *Committee.*

3 “(3) *REPRESENTATION.*—*Members of the Com-*
4 *mittee shall be appointed as follows:*

5 “(A) *7 members shall represent the barge*
6 *and towing industry, reflecting a regional geo-*
7 *graphic balance.*

8 “(B) *1 member shall represent the offshore*
9 *mineral and oil supply vessel industry.*

10 “(C) *1 member shall represent masters and*
11 *pilots of towing vessels who hold active licenses*
12 *and have experience on the Western Rivers and*
13 *the Gulf Intracoastal Waterway.*

14 “(D) *1 member shall represent masters of*
15 *towing vessels in offshore service who hold active*
16 *licenses.*

17 “(E) *1 member shall represent masters of*
18 *active ship-docking or harbor towing vessels.*

19 “(F) *1 member shall represent licensed and*
20 *unlicensed towing vessel engineers with formal*
21 *training and experience.*

22 “(G) *2 members shall represent port dis-*
23 *tricts, authorities, or terminal operators.*

1 “(H) 2 members shall represent shippers
2 and, of the 2, 1 shall be engaged in the shipment
3 of oil or hazardous materials by barge.

4 “(I) 2 members shall represent the general
5 public.

6 **“§ 15109. Administration**

7 “(a) MEETINGS.—Each committee established under
8 this chapter shall, at least once each year, meet at the call
9 of the Secretary or a majority of the members of the com-
10 mittee.

11 “(b) EMPLOYEE STATUS.—A member of a committee
12 established under this chapter shall not be considered an
13 employee of the Federal Government by reason of service
14 on such committee, except for the purposes of the following:

15 “(1) Chapter 81 of title 5.

16 “(2) Chapter 171 of title 28 and any other Fed-
17 eral law relating to tort liability.

18 “(c) COMPENSATION.—Notwithstanding subsection (b),
19 a member of a committee established under this chapter,
20 when actually engaged in the performance of the duties of
21 such committee, may—

22 “(1) receive compensation at a rate established
23 by the Secretary, not to exceed the maximum daily
24 rate payable under section 5376 of title 5; or

1 “(2) if not compensated in accordance with
2 paragraph (1)—

3 “(A) be reimbursed for actual and reason-
4 able expenses incurred in the performance of
5 such duties; or

6 “(B) be allowed travel expenses, including
7 per diem in lieu of subsistence, as authorized by
8 section 5703 of title 5.

9 “(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A
10 member of a committee established under this chapter may
11 serve on such committee on a voluntary basis without pay
12 without regard to section 1342 of title 31 or any other law.

13 “(e) STATUS OF MEMBERS.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), with respect to a member of a committee
16 established under this chapter whom the Secretary ap-
17 points to represent an entity or group—

18 “(A) the member is authorized to represent
19 the interests of the applicable entity or group;
20 and

21 “(B) requirements under Federal law that
22 would interfere with such representation and
23 that apply to a special Government employee (as
24 defined in section 202(a) of title 18), including
25 requirements relating to employee conduct, polit-

1 *ical activities, ethics, conflicts of interest, and*
2 *corruption, do not apply to the member.*

3 “(2) *EXCEPTION.*—*Notwithstanding subsection*
4 *(b), a member of a committee established under this*
5 *chapter shall be treated as a special Government em-*
6 *ployee for purposes of the committee service of the*
7 *member if—*

8 “(A) *the Secretary appointed the member to*
9 *represent the general public; or*

10 “(B) *the member, without regard to service*
11 *on the committee, is a special Government em-*
12 *ployee.*

13 “(f) *SERVICE ON COMMITTEE.*—

14 “(1) *SOLICITATION OF NOMINATIONS.*—*Before*
15 *appointing an individual as a member of a com-*
16 *mittee established under this chapter, the Secretary*
17 *shall publish, in the Federal Register, a timely notice*
18 *soliciting nominations for membership on such com-*
19 *mittee.*

20 “(2) *APPOINTMENTS.*—

21 “(A) *IN GENERAL.*—*After considering nomi-*
22 *nations received pursuant to a notice published*
23 *under paragraph (1), the Secretary may, as nec-*
24 *essary, appoint a member to the applicable com-*
25 *mittee established under this chapter.*

1 “(B) *PROHIBITION.*—*The Secretary shall*
2 *not seek, consider, or otherwise use information*
3 *concerning the political affiliation of a nominee*
4 *in making an appointment to any committee es-*
5 *tablished under this chapter.*

6 “(3) *SERVICE AT PLEASURE OF THE SEC-*
7 *RETARY.*—

8 “(A) *IN GENERAL.*—*Each member of a com-*
9 *mittee established under this chapter shall serve*
10 *at the pleasure of the Secretary.*

11 “(B) *EXCEPTION.*—*Notwithstanding sub-*
12 *paragraph (A), a member of the committee estab-*
13 *lished under section 15102 may only be removed*
14 *prior to the end of the term of that member for*
15 *just cause.*

16 “(4) *SECURITY BACKGROUND EXAMINATIONS.*—
17 *The Secretary may require an individual to have*
18 *passed an appropriate security background examina-*
19 *tion before appointment to a committee established*
20 *under this chapter.*

21 “(5) *PROHIBITION.*—

22 “(A) *IN GENERAL.*—*Except as provided in*
23 *subparagraph (B), a Federal employee may not*
24 *be appointed as a member of a committee estab-*
25 *lished under this chapter.*

1 “(B) *SPECIAL RULE FOR NATIONAL MER-*
2 *CHANT MARINE PERSONNEL ADVISORY COM-*
3 *MITTEE.—The Secretary may appoint a Federal*
4 *employee to serve as a member of the National*
5 *Merchant Marine Personnel Advisory Committee*
6 *to represent the interests of the United States*
7 *Merchant Marine Academy and, notwithstanding*
8 *paragraphs (1) and (2), may do so without solici-*
9 *ting, receiving, or considering nominations for*
10 *such appointment.*

11 “(6) *TERMS.—*

12 “(A) *IN GENERAL.—The term of each mem-*
13 *ber of a committee established under this chapter*
14 *shall expire on December 31 of the third full year*
15 *after the effective date of the appointment.*

16 “(B) *CONTINUED SERVICE AFTER TERM.—*
17 *When the term of a member of a committee es-*
18 *tablished under this chapter ends, the member,*
19 *for a period not to exceed 1 year, may continue*
20 *to serve as a member until a successor is ap-*
21 *pointed.*

22 “(7) *VACANCIES.—A vacancy on a committee es-*
23 *tablished under this chapter shall be filled in the same*
24 *manner as the original appointment.*

1 “(8) *SPECIAL RULE FOR REAPPOINTMENTS.*—
2 *Notwithstanding paragraphs (1) and (2), the Sec-*
3 *retary may reappoint a member of a committee estab-*
4 *lished under this chapter for any term, other than the*
5 *first term of the member, without soliciting, receiving,*
6 *or considering nominations for such appointment.*

7 “(g) *STAFF SERVICES.*—*The Secretary shall furnish to*
8 *each committee established under this chapter any staff and*
9 *services considered by the Secretary to be necessary for the*
10 *conduct of the committee’s functions.*

11 “(h) *CHAIRMAN; VICE CHAIRMAN.*—

12 “(1) *IN GENERAL.*—*Each committee established*
13 *under this chapter shall elect a Chairman and Vice*
14 *Chairman from among the committee’s members.*

15 “(2) *VICE CHAIRMAN ACTING AS CHAIRMAN.*—
16 *The Vice Chairman shall act as Chairman in the ab-*
17 *sence or incapacity of, or in the event of a vacancy*
18 *in the office of, the Chairman.*

19 “(i) *SUBCOMMITTEES AND WORKING GROUPS.*—

20 “(1) *IN GENERAL.*—*The Chairman of a com-*
21 *mittee established under this chapter may establish*
22 *and disestablish subcommittees and working groups*
23 *for any purpose consistent with the function of the*
24 *committee.*

1 “(2) *PARTICIPANTS.*—*Subject to conditions im-*
2 *posed by the Chairman, members of a committee es-*
3 *tablished under this chapter and additional persons*
4 *drawn from entities or groups designated by this*
5 *chapter to be represented on the committee or the gen-*
6 *eral public may be assigned to subcommittees and*
7 *working groups established under paragraph (1).*

8 “(3) *CHAIR.*—*Only committee members may*
9 *chair subcommittees and working groups established*
10 *under paragraph (1).*

11 “(j) *CONSULTATION, ADVICE, REPORTS, AND REC-*
12 *COMMENDATIONS.*—

13 “(1) *CONSULTATION.*—

14 “(A) *IN GENERAL.*—*Before taking any sig-*
15 *nificant action, the Secretary shall consult with,*
16 *and consider the information, advice, and rec-*
17 *ommendations of, a committee established under*
18 *this chapter if the function of the committee is*
19 *to advise the Secretary on matters related to the*
20 *significant action.*

21 “(B) *INCLUSION.*—*For purposes of this*
22 *paragraph, regulations proposed under chapter*
23 *45 of this title are significant actions.*

24 “(2) *ADVICE, REPORTS, AND RECOMMENDA-*
25 *TIONS.*—*Each committee established under this chap-*

1 *ter shall submit, in writing, to the Secretary its ad-*
2 *vice, reports, and recommendations, in a form and at*
3 *a frequency determined appropriate by the committee.*

4 “(3) *EXPLANATION OF ACTIONS TAKEN.—Not*
5 *later than 60 days after the date on which the Sec-*
6 *retary receives recommendations from a committee*
7 *under paragraph (2), the Secretary shall—*

8 “(A) *publish the recommendations on a*
9 *website accessible at no charge to the public;*

10 “(B) *if the recommendations are from the*
11 *committee established under section 15102, estab-*
12 *lish a mechanism for the submission of public*
13 *comments on the recommendations; and*

14 “(C) *respond, in writing, to the committee*
15 *regarding the recommendations, including by*
16 *providing an explanation of actions taken re-*
17 *garding the recommendations.*

18 “(4) *SUBMISSION TO CONGRESS.—*

19 “(A) *IN GENERAL.—The Secretary shall*
20 *submit to the Committee on Transportation and*
21 *Infrastructure of the House of Representatives*
22 *and the Committee on Commerce, Science, and*
23 *Transportation of the Senate the advice, reports,*
24 *and recommendations received from committees*
25 *under paragraph (2).*

1 “(B) *ADDITIONAL SUBMISSION.*—With re-
 2 spect to a committee established under section
 3 70112 and to which this section applies, the Sec-
 4 retary shall submit the advice, reports, and rec-
 5 ommendations received from the committee under
 6 paragraph (2) to the Committee on Homeland
 7 Security of the House of Representatives in addi-
 8 tion to the committees specified in subparagraph
 9 (A).

10 “(k) *OBSERVERS.*—Any Federal agency with matters
 11 under such agency’s administrative jurisdiction related to
 12 the function of a committee established under this chapter
 13 may designate a representative to—

- 14 “(1) attend any meeting of such committee; and
- 15 “(2) participate as an observer at meetings of
- 16 such committee that relate to such a matter.

17 “(l) *TERMINATION.*—Each committee established
 18 under this chapter shall terminate on September 30, 2027.”.

19 (b) *CLERICAL AMENDMENT.*—The analysis for subtitle
 20 II of title 46, United States Code, is amended by inserting
 21 after the item relating to chapter 147 the following:

“Part K—National Maritime Transportation Advisory Committees
**“151. National Maritime Transportation Advisory Com-
 mittees15101”.**

22 (c) *CONFORMING AMENDMENTS.*—

1 (1) *COMMERCIAL FISHING SAFETY ADVISORY*
2 *COMMITTEE.*—Section 4508 of title 46, United States
3 *Code, and the item relating to that section in the*
4 *analysis for chapter 45 of that title, are repealed.*

5 (2) *MERCHANT MARINER MEDICAL ADVISORY*
6 *COMMITTEE.*—Section 7115 of title 46, United States
7 *Code, and the item relating to that section in the*
8 *analysis for chapter 71 of that title, are repealed.*

9 (3) *MERCHANT MARINE PERSONNEL ADVISORY*
10 *COMMITTEE.*—

11 (A) *REPEAL.*—Section 8108 of title 46,
12 *United States Code, and the item relating to that*
13 *section in the analysis for chapter 81 of that*
14 *title, are repealed.*

15 (B) *CONFORMING AMENDMENT.*—Section
16 *7510(c)(1)(C) of title 46, United States Code, is*
17 *amended by inserting “National” before “Mer-*
18 *chant Marine”.*

19 (4) *NATIONAL BOATING SAFETY ADVISORY COUN-*
20 *CIL.*—

21 (A) *REPEAL.*—Section 13110 of title 46,
22 *United States Code, and the item relating to that*
23 *section in the analysis for chapter 131 of that*
24 *title, are repealed.*

25 (B) *CONFORMING AMENDMENTS.*—

1 (i) *REGULATIONS.*—Section 4302(c)(4)
 2 of title 46, United States Code, is amended
 3 by striking “Council established under sec-
 4 tion 13110 of this title” and inserting
 5 “Committee established under section 15105
 6 of this title”.

7 (ii) *REPAIR AND REPLACEMENT OF DE-*
 8 *FECTS.*—Section 4310(f) of title 46, United
 9 States Code, is amended by striking “Advi-
 10 sory Council” and inserting “Advisory
 11 Committee”.

12 (5) *NAVIGATION SAFETY ADVISORY COUNCIL.*—
 13 Section 5 of the Inland Navigational Rules Act of
 14 1980 (33 U.S.C. 2073) is repealed.

15 (6) *TOWING SAFETY ADVISORY COMMITTEE.*—

16 (A) *REPEAL.*—Public Law 96–380 (33
 17 U.S.C. 1231a) is repealed.

18 (B) *CONFORMING AMENDMENTS.*—

19 (i) *REDUCTION OF OIL SPILLS FROM*
 20 *SINGLE HULL NON-SELF-PROPELLED TANK*
 21 *VESSELS.*—Section 3719 of title 46, United
 22 States Code, is amended by inserting “Na-
 23 tional” before “Towing Safety”.

24 (ii) *SAFETY EQUIPMENT.*—Section
 25 4102(f)(1) of title 46, United States Code, is

1 amended by inserting “National” before
2 “Towing Safety”.

3 (d) *TREATMENT OF EXISTING COUNCILS AND COMMIT-*
4 *TEES.—Notwithstanding any other provision of law—*

5 (1) *an advisory council or committee substan-*
6 *tially similar to an advisory committee established*
7 *under chapter 151 of title 46, United States Code, as*
8 *added by this Act, and that was in force or in effect*
9 *on the day before the date of enactment of this section,*
10 *including a council or committee the authority for*
11 *which was repealed under subsection (c), may remain*
12 *in force or in effect for a period of 2 years from the*
13 *date of enactment of this section, including that the*
14 *charter, membership, and other aspects of the council*
15 *or committee may remain in force or in effect; and*

16 (2) *during the 2-year period referenced in para-*
17 *graph (1)—*

18 (A) *requirements relating to the applicable*
19 *advisory committee established under chapter*
20 *151 of title 46, United States Code, shall be*
21 *treated as satisfied by the substantially similar*
22 *advisory council or committee; and*

23 (B) *the enactment of this section, including*
24 *the amendments made in this section, shall not*
25 *be the basis—*

1 (i) to deem, find, or declare such coun-
 2 cil or committee, including the charter,
 3 membership, and other aspects thereof, void,
 4 not in force, or not in effect;

5 (ii) to suspend the activities of such
 6 council or committee; or

7 (iii) to bar the members of such council
 8 or committee from meeting.

9 **SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.**

10 (a) *IN GENERAL.*—Section 70112 of title 46, United
 11 *States Code, is amended to read as follows:*

12 **“§ 70112. Maritime Security Advisory Committees**

13 “(a) *NATIONAL MARITIME SECURITY ADVISORY COM-*
 14 *MITTEE.*—

15 “(1) *ESTABLISHMENT.*—*There is established a*
 16 *National Maritime Security Advisory Committee (in*
 17 *this subsection referred to as the ‘Committee’).*

18 “(2) *FUNCTION.*—*The Committee shall advise the*
 19 *Secretary on matters relating to national maritime*
 20 *security, including on enhancing the sharing of infor-*
 21 *mation related to cybersecurity risks that may cause*
 22 *a transportation security incident, between relevant*
 23 *Federal agencies and—*

24 “(A) *State, local, and tribal governments;*

1 “(B) relevant public safety and emergency
2 response agencies;

3 “(C) relevant law enforcement and security
4 organizations;

5 “(D) maritime industry;

6 “(E) port owners and operators; and

7 “(F) terminal owners and operators.

8 “(3) MEMBERSHIP.—

9 “(A) IN GENERAL.—The Committee shall
10 consist of at least 8 members, but not more than
11 21 members, appointed by the Secretary in ac-
12 cordance with this subsection and section 15109
13 of this title.

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

18 “(C) REPRESENTATION.—Each of the fol-
19 lowing shall be represented by at least 1 member
20 of the Committee:

21 “(i) Port authorities.

22 “(ii) Facilities owners and operators.

23 “(iii) Terminal owners and operators.

24 “(iv) Vessel owners and operators.

25 “(v) Maritime labor organizations.

1 “(vi) *The academic community.*

2 “(vii) *State and local governments.*

3 “(viii) *The maritime industry.*

4 “(D) *DISTRIBUTION.—If the Committee*
 5 *consists of at least 8 members who, together, sat-*
 6 *isfy the minimum representation requirements of*
 7 *subparagraph (C), the Secretary shall, based on*
 8 *the needs of the Coast Guard, determine the*
 9 *number of additional members of the Committee*
 10 *who represent each entity specified in that sub-*
 11 *paragraph. Neither this subparagraph nor any*
 12 *other provision of law shall be construed to re-*
 13 *quire an equal distribution of members rep-*
 14 *resenting each entity specified in subparagraph*
 15 *(C).*

16 “(4) *ADMINISTRATION.—For purposes of section*
 17 *15109 of this title, the Committee shall be treated as*
 18 *a committee established under chapter 151 of such*
 19 *title.*

20 “(b) *AREA MARITIME SECURITY ADVISORY COMMIT-*
 21 *TEES.—*

22 “(1) *IN GENERAL.—*

23 “(A) *ESTABLISHMENT.—The Secretary*
 24 *may—*

1 “(i) *establish an Area Maritime Security Advisory Committee for any port area*
2 *of the United States; and*

3 “(ii) *request such a committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the committee considers appropriate.*

4 “(B) *ADDITIONAL FUNCTIONS AND MEETINGS.—A committee established under this subsection for an area—*

5 “(i) *may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;*

6 “(ii) *may make available to the Congress recommendations that the committee makes to the Secretary; and*

7 “(iii) *shall meet at the call of—*

8 “(I) *the Secretary, who shall call such a meeting at least once during each calendar year; or*

9 “(II) *a majority of the committee.*

10 “(2) *MEMBERSHIP.—*

1 “(A) *IN GENERAL.*—*Each committee estab-*
2 *lished under this subsection shall consist of at*
3 *least 7 members appointed by the Secretary, each*
4 *of whom has at least 5 years practical experience*
5 *in maritime security operations.*

6 “(B) *TERMS.*—*The term of each member of*
7 *a committee established under this subsection*
8 *shall be for a period of not more than 5 years,*
9 *specified by the Secretary.*

10 “(C) *NOTICE.*—*Before appointing an indi-*
11 *vidual to a position on a committee established*
12 *under this subsection, the Secretary shall publish*
13 *a notice in the Federal Register soliciting nomi-*
14 *nations for membership on the committee.*

15 “(D) *BACKGROUND EXAMINATIONS.*—*The*
16 *Secretary may require an individual to have*
17 *passed an appropriate security background ex-*
18 *amination before appointment to a committee es-*
19 *tablished under this subsection.*

20 “(E) *REPRESENTATION.*—*Each committee*
21 *established under this subsection shall be com-*
22 *posed of individuals who represent the interests*
23 *of the port industry, terminal operators, port*
24 *labor organizations, and other users of the port*
25 *areas.*

1 “(3) *CHAIRPERSON AND VICE CHAIRPERSON.*—

2 “(A) *IN GENERAL.*—*Each committee estab-*
3 *lished under this subsection shall elect 1 of the*
4 *committee’s members as the Chairperson and 1*
5 *of the committee’s members as the Vice Chair-*
6 *person.*

7 “(B) *VICE CHAIRPERSON ACTING AS CHAIR-*
8 *PERSON.*—*The Vice Chairperson shall act as*
9 *Chairperson in the absence or incapacity of the*
10 *Chairperson, or in the event of a vacancy in the*
11 *office of the Chairperson.*

12 “(4) *OBSERVERS.*—

13 “(A) *IN GENERAL.*—*The Secretary shall,*
14 *and the head of any other interested Federal*
15 *agency may, designate a representative to par-*
16 *ticipate as an observer with a committee estab-*
17 *lished under this subsection.*

18 “(B) *ROLE.*—*The Secretary’s designated*
19 *representative to a committee established under*
20 *this subsection shall act as the executive sec-*
21 *retary of the committee and shall perform the*
22 *duties set forth in section 10(c) of the Federal*
23 *Advisory Committee Act (5 U.S.C. App.).*

24 “(5) *CONSIDERATION OF VIEWS.*—*The Secretary*
25 *shall consider the information, advice, and rec-*

1 *ommendations of each committee established under*
2 *this subsection in formulating policy regarding mat-*
3 *ters affecting maritime security.*

4 “(6) *COMPENSATION AND EXPENSES.—*

5 “(A) *IN GENERAL.—A member of a com-*
6 *mittee established under this subsection, when at-*
7 *tending meetings of the committee or when other-*
8 *wise engaged in the business of the committee, is*
9 *entitled to receive—*

10 “(i) *compensation at a rate fixed by*
11 *the Secretary, not exceeding the daily equiv-*
12 *alent of the current rate of basic pay in ef-*
13 *fect for GS-15 of the General Schedule*
14 *under section 5332 of title 5 including trav-*
15 *el time; and*

16 “(ii) *travel or transportation expenses*
17 *under section 5703 of title 5.*

18 “(B) *STATUS.—A member of a committee*
19 *established under this subsection shall not be con-*
20 *sidered to be an officer or employee of the United*
21 *States for any purpose based on the receipt of*
22 *any payment under this paragraph.*

23 “(7) *FACA.—The Federal Advisory Committee*
24 *Act (5 U.S.C. App.) does not apply to a committee*
25 *established under this subsection.”.*

1 **(b) TREATMENT OF EXISTING COMMITTEE.**—*Notwith-*
2 *standing any other provision of law—*

3 (1) *an advisory committee substantially similar*
4 *to the National Maritime Security Advisory Com-*
5 *mittee established under section 70112(a) of title 46,*
6 *United States Code, as amended by this section, and*
7 *that was in force or in effect on the day before the*
8 *date of enactment of this section, may remain in force*
9 *or in effect for a period of 2 years from the date of*
10 *enactment of this section, including that the charter,*
11 *membership, and other aspects of the committee may*
12 *remain in force or in effect; and*

13 (2) *during the 2-year period referenced in para-*
14 *graph (1)—*

15 (A) *requirements relating to the National*
16 *Maritime Security Advisory Committee estab-*
17 *lished under section 70112(a) of title 46, United*
18 *States Code, as amended by this section, shall be*
19 *treated as satisfied by the substantially similar*
20 *advisory committee; and*

21 (B) *the enactment of this section, including*
22 *the amendments made in this section, shall not*
23 *be the basis—*

24 (i) *to deem, find, or declare such com-*
25 *mittee, including the charter, membership,*

1 and other aspects thereof, void, not in force,
2 or not in effect;

3 (ii) to suspend the activities of such
4 committee; or

5 (iii) to bar the members of such com-
6 mittee from meeting.

7 **TITLE VII—FEDERAL MARITIME**
8 **COMMISSION**

9 **SEC. 701. SHORT TITLE.**

10 *This title may be cited as the “Federal Maritime Com-*
11 *mission Authorization Act of 2017”.*

12 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 308 of title 46, United States Code, is amended*
14 *by striking “\$24,700,000 for each of fiscal years 2016 and*
15 *2017” and inserting “\$28,012,310 for fiscal year 2018 and*
16 *\$28,544,543 for fiscal year 2019”.*

17 **SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COM-**
18 **PETITION.**

19 *Section 306 of title 46, United States Code, is amend-*
20 *ed—*

21 (1) *in subsection (b)—*

22 (A) *in paragraph (4), by striking “; and”*
23 *and inserting a semicolon;*

24 (B) *in paragraph (5), by striking the period*
25 *at the end and inserting “; and”; and*

1 (C) by adding at the end the following:

2 “(6) an analysis of the impacts on competition
3 for the purchase of certain covered services by alli-
4 ances of ocean common carriers acting pursuant to
5 an agreement under this part between or among
6 ocean common carriers, including a summary of ac-
7 tions, including corrective actions, taken by the Com-
8 mission to promote such competition.”; and

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

10 “(c) *DEFINITION OF CERTAIN COVERED SERVICES.*—
11 *In this section, the term ‘certain covered services’ has the*
12 *meaning given the term in section 40102.*”.

13 **SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.**

14 Section 40102 of title 46, United States Code, is
15 amended—

16 (1) by redesignating paragraphs (5) through (25)
17 as paragraphs (6) through (26), respectively; and

18 (2) by inserting after paragraph (4), the fol-
19 lowing:

20 “(5) *CERTAIN COVERED SERVICES.*—*For pur-*
21 *poses of sections 41105 and 41307, the term ‘certain*
22 *covered services’ means, with respect to a vessel—*

23 “(A) *the berthing or bunkering of the vessel;*

1 “(B) the loading or unloading of cargo to or
2 from the vessel to or from a point on a wharf or
3 terminal;

4 “(C) the positioning, removal, or replace-
5 ment of buoys related to the movement of the ves-
6 sel; and

7 “(D) with respect to injunctive relief under
8 section 41307, towing vessel services provided to
9 such a vessel.”.

10 **SEC. 705. REPORTS FILED WITH THE COMMISSION.**

11 Section 40104(a) of title 46, United States Code, is
12 amended to read as follows:

13 “(a) **REPORTS.**—

14 “(1) **IN GENERAL.**—The Federal Maritime Com-
15 mission may require a common carrier or marine ter-
16 minal operator, or an officer, receiver, trustee, lessee,
17 agent, or employee of the common carrier or marine
18 terminal operator to file with the Commission a peri-
19 odical or special report, an account, record, rate, or
20 charge, or a memorandum of facts and transactions
21 related to the business of the common carrier or ma-
22 rine terminal operator, as applicable.

23 “(2) **REQUIREMENTS.**—Any report, account,
24 record, rate, charge, or memorandum required to be
25 filed under paragraph (1) shall—

1 “(A) be made under oath if the Commission
2 requires; and

3 “(B) be filed in the form and within the
4 time prescribed by the Commission.

5 “(3) *LIMITATION.*—*The Commission shall—*

6 “(A) limit the scope of any filing ordered
7 under this section to fulfill the objective of the
8 order; and

9 “(B) provide a reasonable period of time for
10 respondents to respond based upon their capa-
11 bilities and the scope of the order.”.

12 **SEC. 706. PUBLIC PARTICIPATION.**

13 (a) *NOTICE OF FILING.*—*Section 40304(a) of title 46,*
14 *United States Code, is amended to read as follows:*

15 “(a) *NOTICE OF FILING.*—*Not later than 7 days after*
16 *the date an agreement is filed, the Federal Maritime Com-*
17 *mission shall—*

18 “(1) transmit a notice of the filing to the Federal
19 Register for publication; and

20 “(2) request interested persons to submit relevant
21 information and documents.”.

22 (b) *REQUEST FOR INFORMATION AND DOCUMENTS.*—
23 *Section 40304(d) of title 46, United States Code, is amend-*
24 *ed by striking “section” and inserting “part”.*

1 (c) *SAVING CLAUSE.*—*Nothing in this section, or the*
 2 *amendments made by this section, may be construed—*

3 (1) *to prevent the Federal Maritime Commission*
 4 *from requesting from a person, at any time, any ad-*
 5 *ditional information or documents the Commission*
 6 *considers necessary to carry out chapter 403 of title*
 7 *46, United States Code;*

8 (2) *to prescribe a specific deadline for the sub-*
 9 *mission of relevant information and documents in re-*
 10 *sponse to a request under section 40304(a)(2) of title*
 11 *46, United States Code; or*

12 (3) *to limit the authority of the Commission to*
 13 *request information under section 40304(d) of title*
 14 *46, United States Code.*

15 **SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.**

16 (a) *LICENSE REQUIREMENT.*—*Section 40901(a) of*
 17 *title 46, United States Code, is amended by inserting “ad-*
 18 *vertise, hold oneself out, or” after “may not”.*

19 (b) *APPLICABILITY.*—*Section 40901 of title 46, United*
 20 *States Code, is amended by adding at the end the following:*

21 “(c) *APPLICABILITY.*—*Subsection (a) and section*
 22 *40902 do not apply to a person that performs ocean trans-*
 23 *portation intermediary services on behalf of an ocean trans-*
 24 *portation intermediary for which it is a disclosed agent.”.*

1 (c) *FINANCIAL RESPONSIBILITY.*—Section 40902(a) of
2 title 46, United States Code, is amended by inserting “ad-
3 vertise, hold oneself out, or” after “may not”.

4 **SEC. 708. COMMON CARRIERS.**

5 (a) Section 41104 of title 46, United States Code, is
6 amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “(a) *IN GENERAL.*—” before “A common
9 carrier”;

10 (2) in subsection (a), as designated—

11 (A) by amending paragraph (11) to read as
12 follows:

13 “(11) knowingly and willfully accept cargo from
14 or transport cargo for the account of a non-vessel-op-
15 erating common carrier that does not have a tariff as
16 required by section 40501 of this title, or an ocean
17 transportation intermediary that does not have a
18 bond, insurance, or other surety as required by sec-
19 tion 40902 of this title;”;

20 (B) in paragraph (12), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(13) continue to participate simultaneously in
24 a rate discussion agreement and an agreement to
25 share vessels, in the same trade, if the interplay of the

1 *authorities exercised by the specified agreements is*
 2 *likely, by a reduction in competition, to produce an*
 3 *unreasonable reduction in transportation service or*
 4 *an unreasonable increase in transportation cost.”;*
 5 *and*

6 *(3) by adding at the end the following:*

7 *“(b) RULE OF CONSTRUCTION.—Notwithstanding any*
 8 *other provision of law, there is no private right of action*
 9 *to enforce the prohibition under subsection (a)(13).*

10 *“(c) AGREEMENT VIOLATION.—Participants in an*
 11 *agreement found by the Commission to violate subsection*
 12 *(a)(13) shall have 90 days from the date of such Commis-*
 13 *sion finding to withdraw from the agreement as necessary*
 14 *to comply with that subsection.”.*

15 *(b) APPLICATION.—Section 41104(a)(13) of title 46,*
 16 *United States Code, as amended, shall apply to any agree-*
 17 *ment filed or with an effective date before, on, or after the*
 18 *date of enactment of this Act.*

19 **SEC. 709. NEGOTIATIONS.**

20 *(a) CONCERTED ACTION.—Section 41105 of title 46,*
 21 *United States Code, is amended—*

22 *(1) by redesignating paragraphs (5) through (8)*
 23 *as paragraphs (7) through (10), respectively; and*

24 *(2) by inserting after paragraph (4) the fol-*
 25 *lowing:*

1 “(5) negotiate with a tug or towing vessel service
2 provider on any matter relating to rates or services
3 provided within the United States by those tugs or
4 towing vessels;

5 “(6) with respect to a vessel operated by an
6 ocean common carrier within the United States, nego-
7 tiate for the purchase of certain covered services, un-
8 less the negotiations and any resulting agreements are
9 not in violation of the antitrust laws and are con-
10 sistent with the purposes of this part, except that this
11 paragraph does not prohibit the setting and pub-
12 lishing of a joint through rate by a conference, joint
13 venture, or association of ocean common carriers;”.

14 (b) *AUTHORITY*.—Chapter 411 of title 46, United
15 States Code, is amended—

16 (1) by inserting after section 41105 the fol-
17 lowing:

18 **“§ 41105A. Authority**

19 “Nothing in section 41105, as amended by the Federal
20 Maritime Commission Authorization Act of 2017, shall be
21 construed to limit the authority of the Department of Jus-
22 tice regarding antitrust matters.”; and

23 (2) in the analysis at the beginning of chapter
24 411, by inserting after the item relating to section
25 41105 the following:

“41105A. Authority.”.

1 (c) *EXEMPTION.*—Section 40307(b)(1) of title 46,
 2 *United States Code*, is amended by inserting “tug opera-
 3 *tors,*” after “motor carriers,”.

4 **SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMIS-**
 5 **SION.**

6 (a) *IN GENERAL.*—Section 41307(b) of title 46, *United*
 7 *States Code* is amended—

8 (1) in paragraph (1) by inserting “or to sub-
 9 *stantially lessen competition in the purchasing of cer-*
 10 *tain covered services*” after “transportation cost”; and

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

12 “(4) *COMPETITION FACTORS.*—In making a de-
 13 *termination under this subsection regarding whether*
 14 *an agreement is likely to substantially lessen competi-*
 15 *tion in the purchasing of certain covered services, the*
 16 *Commission may consider any relevant competition*
 17 *factors in affected markets, including, without limita-*
 18 *tion, the competitive effect of agreements other than*
 19 *the agreement under review.”.*

20 (b) *APPLICATION.*—Section 41307(b) of title 46,
 21 *United States Code*, as amended, shall apply to any agree-
 22 *ment filed or with an effective date before, on, or after the*
 23 *date of enactment of this Act.*

1 **SEC. 711. DISCUSSIONS.**

2 (a) *IN GENERAL.*—Section 303 of title 46, United
3 States Code, is amended to read as follows:

4 **“§ 303. Meetings**

5 “(a) *IN GENERAL.*—The Federal Maritime Commis-
6 sion shall be deemed to be an agency for purposes of section
7 552b of title 5.

8 “(b) *RECORD.*—The Commission, through its sec-
9 retary, shall keep a record of its meetings and the votes
10 taken on any action, order, contract, or financial trans-
11 action of the Commission.

12 “(c) *NONPUBLIC COLLABORATIVE DISCUSSIONS.*—

13 “(1) *IN GENERAL.*—Notwithstanding section
14 552b of title 5, a majority of the Commissioners may
15 hold a meeting that is not open to public observation
16 to discuss official agency business if—

17 “(A) no formal or informal vote or other of-
18 ficial agency action is taken at the meeting;

19 “(B) each individual present at the meeting
20 is a Commissioner or an employee of the Com-
21 mission;

22 “(C) at least 1 Commissioner from each po-
23 litical party is present at the meeting, if appli-
24 cable; and

25 “(D) the General Counsel of the Commission
26 is present at the meeting.

1 “(2) *DISCLOSURE OF NONPUBLIC COLLABO-*
2 *RATIVE DISCUSSIONS.*—*Except as provided under*
3 *paragraph (3), not later than 2 business days after*
4 *the conclusion of a meeting under paragraph (1), the*
5 *Commission shall make available to the public, in a*
6 *place easily accessible to the public—*

7 “(A) *a list of the individuals present at the*
8 *meeting; and*

9 “(B) *a summary of the matters discussed at*
10 *the meeting, except for any matters the Commis-*
11 *sion properly determines may be withheld from*
12 *the public under section 552b(c) of title 5.*

13 “(3) *EXCEPTION.*—*If the Commission properly*
14 *determines matters may be withheld from the public*
15 *under section 555b(c) of title 5, the Commission shall*
16 *provide a summary with as much general informa-*
17 *tion as possible on those matters withheld from the*
18 *public.*

19 “(4) *ONGOING PROCEEDINGS.*—*If a meeting*
20 *under paragraph (1) directly relates to an ongoing*
21 *proceeding before the Commission, the Commission*
22 *shall make the disclosure under paragraph (2) on the*
23 *date of the final Commission decision.*

24 “(5) *PRESERVATION OF OPEN MEETINGS RE-*
25 *QUIREMENTS FOR AGENCY ACTION.*—*Nothing in this*

1 subsection may be construed to limit the applicability
 2 of section 552b of title 5 with respect to a meeting of
 3 the Commissioners other than that described in this
 4 subsection.

5 “(6) *STATUTORY CONSTRUCTION.*—Nothing in
 6 this subsection may be construed—

7 “(A) to limit the applicability of section
 8 552b of title 5 with respect to any information
 9 which is proposed to be withheld from the public
 10 under paragraph (2)(B) of this subsection; or

11 “(B) to authorize the Commission to with-
 12 hold from any individual any record that is ac-
 13 cessible to that individual under section 552a of
 14 title 5.”.

15 (b) *TABLE OF CONTENTS.*—The analysis at the begin-
 16 ning of chapter 3 of title 46, United States Code, is amend-
 17 ed by amending the item relating to section 303 to read
 18 as follows:

“303. *Meetings.*”.

19 **SEC. 712. TRANSPARENCY.**

20 (a) *IN GENERAL.*—Beginning not later than 60 days
 21 after the date of enactment of this Act, the Federal Maritime
 22 Commission shall submit to the Committee on Commerce,
 23 Science, and Transportation of the Senate and the Com-
 24 mittee on Transportation and Infrastructure of the House
 25 of Representatives biannual reports that describe the Com-

1 mission's progress toward addressing the issues raised in
 2 each unfinished regulatory proceeding, regardless of whether
 3 the proceeding is subject to a statutory or regulatory dead-
 4 line.

5 (b) *FORMAT OF REPORTS.*—Each report under sub-
 6 section (a) shall, among other things, clearly identify for
 7 each unfinished regulatory proceeding—

8 (1) the popular title;

9 (2) the current stage of the proceeding;

10 (3) an abstract of the proceeding;

11 (4) what prompted the action in question;

12 (5) any applicable statutory, regulatory, or judi-
 13 cial deadline;

14 (6) the associated docket number;

15 (7) the date the rulemaking was initiated;

16 (8) a date for the next action; and

17 (9) if a date for next action identified in the pre-
 18 vious report is not met, the reason for the delay.

19 **SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RE-**
 20 **SPONSE.**

21 (a) *STUDY.*—The Comptroller General of the United
 22 States shall conduct a study that examines the immediate
 23 aftermath of a major ocean carrier bankruptcy and its im-
 24 pact through the supply chain. The study shall consider any

1 *financial mechanisms that could be used to mitigate the im-*
 2 *act of any future bankruptcy events on the supply chain.*

3 **(b) REPORT.**—*No later than 1 year after the date of*
 4 *enactment of this Act, the Comptroller General of the United*
 5 *States shall submit to the Committee on Commerce, Science,*
 6 *and Transportation of the Senate and the Committee on*
 7 *Transportation and Infrastructure of the House of Rep-*
 8 *resentatives a report containing the findings, conclusions,*
 9 *and recommendations, if any, from the study required*
 10 *under subsection (a).*

11 **SEC. 714. AGREEMENTS UNAFFECTED.**

12 *Nothing in this Act may be construed—*

13 *(1) to limit or amend the definition of “agree-*
 14 *ment” in section 40102(1) of title 46, United States*
 15 *Code, with respect to the exclusion of maritime labor*
 16 *agreements; or*

17 *(2) to apply to a maritime labor agreement (as*
 18 *defined in section 40102(15) of that title).*

19 **TITLE VIII—MISCELLANEOUS**

20 **SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIRE-**
 21 **MENT.**

22 *Subsection (h) of section 888 of the Homeland Security*
 23 *Act of 2002 (6 U.S.C. 468) is repealed.*

1 **SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY**
2 **COAST GUARD AUTHORIZATION ACTS.**

3 *Section 604(b) of the Howard Coble Coast Guard and*
4 *Maritime Transportation Act of 2014 (Public Law 113–*
5 *281; 128 Stat. 3061) is amended by inserting “and fishery*
6 *endorsement” after “endorsement”.*

7 **SEC. 803. OFFICER EVALUATION REPORT.**

8 *(a) IN GENERAL.—Not later than 3 years after the*
9 *date of the enactment of this Act, the Commandant of the*
10 *Coast Guard shall reduce lieutenant junior grade evalua-*
11 *tion reports to the same length as an ensign or place lieu-*
12 *tenant junior grade evaluations on an annual schedule.*

13 *(b) SURVEYS.—Not later than 1 year after the date*
14 *of the enactment of this Act, the Commandant of the Coast*
15 *Guard shall conduct surveys of—*

16 *(1) outgoing promotion board members and as-*
17 *signment officers to determine, at a minimum—*

18 *(A) which sections of the officer evaluation*
19 *report were most useful;*

20 *(B) which sections of the officer evaluation*
21 *report were least useful;*

22 *(C) how to better reflect high performers;*
23 *and*

24 *(D) any recommendations for improving the*
25 *officer evaluation report; and*

1 (2) *at least 10 percent of the officers from each*
2 *grade of officers from O1 to O6 to determine how*
3 *much time each member of the rating chain spends on*
4 *that member's portion of the officer evaluation report.*

5 *(c) REVISIONS.—*

6 (1) *IN GENERAL.—Not later than 4 years after*
7 *the date of the completion of the surveys required by*
8 *subsection (b), the Commandant of the Coast Guard*
9 *shall revise the officer evaluation report, and provide*
10 *corresponding directions, taking into account the re-*
11 *quirements under paragraph (2).*

12 (2) *REQUIREMENTS.—In revising the officer*
13 *evaluation report under paragraph (1), the Com-*
14 *mandant shall—*

15 (A) *consider the findings of the surveys*
16 *under subsection (b);*

17 (B) *improve administrative efficiency;*

18 (C) *reduce and streamline performance di-*
19 *mensions and narrative text;*

20 (D) *eliminate redundancy with the officer*
21 *specialty management system and any other*
22 *record information systems that are used during*
23 *the officer assignment or promotion process;*

24 (E) *provide for fairness and equity for*
25 *Coast Guard officers with regard to promotion*

1 boards, selection panels, and the assignment
2 process; and

3 (F) ensure officer evaluation responsibilities
4 can be accomplished within normal working
5 hours—

6 (i) to minimize any impact to officer
7 duties; and

8 (ii) to eliminate any need for an offi-
9 cer to take liberty or leave for administra-
10 tive purposes.

11 (d) *REPORT.*—

12 (1) *IN GENERAL.*—Not later than 545 days after
13 the date of the enactment of this Act, the Com-
14 mandant of the Coast Guard shall submit to the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate and the Committee on Transportation and
17 Infrastructure of the House of Representatives a re-
18 port on the findings of the surveys under subsection
19 (b).

20 (2) *FORMAT.*—The report under paragraph (1)
21 shall be formatted by each rank, type of board, and
22 position, as applicable.

23 **SEC. 804. EXTENSION OF AUTHORITY.**

24 Section 404 of the Coast Guard Authorization Act of
25 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

1 (1) *in subsection (a), in the text preceding para-*
 2 *graph (1), by striking “sections 3304, 5333, and*
 3 *5753” and inserting “section 3304”; and*

4 (2) *by striking subsection (b), and redesignating*
 5 *subsection (c) as subsection (b).*

6 **SEC. 805. COAST GUARD ROTC PROGRAM.**

7 *Not later than 1 year after the date of enactment of*
 8 *this Act, the Commandant of the Coast Guard shall submit*
 9 *to the Committee on Commerce, Science, and Transpor-*
 10 *tation of the Senate and the Committee on Transportation*
 11 *and Infrastructure of the House of Representatives a report*
 12 *on the costs and benefits of creating a Coast Guard Reserve*
 13 *Officers’ Training Corps Program based on the other Armed*
 14 *Forces programs.*

15 **SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.**

16 (a) *DEFINITIONS.—In this section:*

17 (1) *CANINE CURRENCY DETECTION TEAM.—The*
 18 *term “canine currency detection team” means a ca-*
 19 *nine and a canine handler that are trained to detect*
 20 *currency.*

21 (2) *SECRETARY.—The term “Secretary” means*
 22 *the Secretary of the department in which the Coast*
 23 *Guard is operating.*

24 (b) *ESTABLISHMENT.—Not later than 1 year after the*
 25 *date of enactment of this Act, the Secretary shall establish*

1 *a program to allow the use of canine currency detection*
 2 *teams for purposes of Coast Guard maritime law enforce-*
 3 *ment, including underway vessel boardings.*

4 *(c) OPERATION.—The Secretary may cooperate with,*
 5 *or enter into an agreement with, the head of another Fed-*
 6 *eral agency to meet the requirements under subsection (b).*

7 **SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL**
 8 **SPILL SEARCH AND RESPONSE.**

9 *(a) IN GENERAL.—Not later than 1 year after the date*
 10 *of enactment of this Act, the Commandant of the Coast*
 11 *Guard shall establish a Center of Expertise for Great Lakes*
 12 *Oil Spill Preparedness and Response (referred to in this*
 13 *section as the “Center of Expertise”) in accordance with*
 14 *section 313 of title 14, United States Code, as amended by*
 15 *this Act.*

16 *(b) LOCATION.—The Center of Expertise shall be lo-*
 17 *cated in close proximity to—*

18 *(1) critical crude oil transportation infrastruc-*
 19 *ture on and connecting the Great Lakes, such as sub-*
 20 *merged pipelines and high-traffic navigation locks;*
 21 *and*

22 *(2) an institution of higher education with ade-*
 23 *quate aquatic research laboratory facilities and capa-*
 24 *bilities and expertise in Great Lakes aquatic ecology,*

1 *environmental chemistry, fish and wildlife, and water*
2 *resources.*

3 *(c) FUNCTIONS.—The Center of Expertise shall—*

4 *(1) monitor and assess, on an ongoing basis, the*
5 *current state of knowledge regarding freshwater oil*
6 *spill response technologies and the behavior and effects*
7 *of oil spills in the Great Lakes;*

8 *(2) identify any significant gaps in Great Lakes*
9 *oil spill research, including an assessment of major*
10 *scientific or technological deficiencies in responses to*
11 *past spills in the Great Lakes and other freshwater*
12 *bodies, and seek to fill those gaps;*

13 *(3) conduct research, development, testing, and*
14 *evaluation for freshwater oil spill response equipment,*
15 *technologies, and techniques to mitigate and respond*
16 *to oil spills in the Great Lakes;*

17 *(4) educate and train Federal, State, and local*
18 *first responders located in Coast Guard District 9*
19 *in—*

20 *(A) the incident command system structure;*

21 *(B) Great Lakes oil spill response tech-*
22 *niques and strategies; and*

23 *(C) public affairs; and*

24 *(5) work with academic and private sector re-*
25 *sponse training centers to develop and standardize*

1 *maritime oil spill response training and techniques*
 2 *for use on the Great Lakes.*

3 (d) *DEFINITION.—In this section, the term “Great*
 4 *Lakes” means Lake Superior, Lake Michigan, Lake Huron,*
 5 *Lake Erie, and Lake Ontario.*

6 **SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARI-**
 7 **TIME SEARCH AND RESCUE COORDINATION.**

8 *Not later than 180 days after the date of the enactment*
 9 *of this Act—*

10 (1) *the Secretary of the department in which the*
 11 *Coast Guard is operating acting through the Com-*
 12 *mandant of the Coast Guard shall review Coast*
 13 *Guard policies and procedures for public safety an-*
 14 *swering points and search-and-rescue coordination*
 15 *with State and local law enforcement entities in order*
 16 *to—*

17 (A) *further minimize the possibility of mar-*
 18 *itime 911 calls being improperly routed; and*

19 (B) *assure the Coast Guard is able to effec-*
 20 *tively carry out the Coast Guard’s maritime*
 21 *search and rescue mission; and*

22 (2) *the Commandant shall—*

23 (A) *formulate a national maritime public*
 24 *safety answering points policy; and*

1 (B) submit a report to the Congress on such
2 assessment and policy, which shall include an
3 update to the report submitted in accordance
4 with section 233 of the Howard Coble Coast
5 Guard and Maritime Transportation Act of
6 2014.

7 **SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

8 Effective January 1, 2021, section 27 of the Coast
9 Guard Authorization Act of 1991 (Public Law 102-241;
10 105 Stat. 2218) is repealed.

11 **SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

12 (a) *LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.*—
13 If the owner of Ayakulik Island, Alaska, offers to exchange
14 the Island for the Tract—

15 (1) within 10 days after receiving such offer, the
16 Secretary shall provide notice of the offer to the Com-
17 mandant;

18 (2) within 90 days after receiving the notice
19 under paragraph (1), the Commandant shall develop
20 and transmit to the Secretary proposed operational
21 restrictions on commercial activity conducted on the
22 Tract, including the right of the Commandant to—

23 (A) order the immediate termination, for a
24 period of up to 72 hours, of any activity occur-

1 ring on or from the Tract that violates or threat-
2 ens to violate one or more of such restrictions; or

3 (B) commence a civil action for appropriate
4 relief, including a permanent or temporary in-
5 junction enjoining the activity that violates or
6 threatens to violate such restrictions;

7 (3) within 90 days after receiving the proposed
8 operational restrictions from the Commandant, the
9 Secretary shall transmit such restrictions to the
10 owner of Ayakulik Island; and

11 (4) within 30 days after transmitting the pro-
12 posed operational restrictions to the owner of
13 Ayakulik Island, and if the owner agrees to such re-
14 strictions, the Secretary shall convey all right, title,
15 and interest of the United States in and to the Tract
16 to the owner, subject to an easement granted to the
17 Commandant to enforce such restrictions, in exchange
18 for all right, title, and interest of such owner in and
19 to Ayakulik Island.

20 (b) *BOUNDARY REVISIONS.*—The Secretary may make
21 technical and conforming revisions to the boundaries of the
22 Tract before the date of the exchange.

23 (c) *PUBLIC LAND ORDER.*—Effective on the date of an
24 exchange under subsection (a), Public Land Order 5550

1 *shall have no force or effect with respect to submerged lands*
2 *that are part of the Tract.*

3 (d) *FAILURE TO TIMELY RESPOND TO NOTICE.*—*If the*
4 *Commandant does not transmit proposed operational re-*
5 *strictions to the Secretary within 30 days after receiving*
6 *the notice under subsection (a)(1), the Secretary shall, by*
7 *not later than 60 days after transmitting such notice, con-*
8 *vey all right, title, and interest of the United States in and*
9 *to the Tract to the owner of Ayakulik Island in exchange*
10 *for all right, title, and interest of such owner in and to*
11 *Ayakulik Island.*

12 (e) *CERCLA NOT AFFECTED.*—*This section and an*
13 *exchange under this section shall not be construed to limit*
14 *the application of or otherwise affect section 120(h) of the*
15 *Comprehensive Environmental Response, Compensation,*
16 *and Liability Act of 1980 (42 U.S.C. 9620(h)).*

17 (f) *DEFINITIONS.*—*In this section:*

18 (1) *COMMANDANT.*—*The term “Commandant”*
19 *means the Secretary of the department in which the*
20 *Coast Guard is operating, acting through the Com-*
21 *mandant of the Coast Guard.*

22 (2) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of the Interior.*

24 (3) *TRACT.*—*The term “Tract” means the land*
25 *(including submerged land) depicted as “PROPOSED*

1 *PROPERTY EXCHANGE AREA*” on the survey ti-
2 tled “*PROPOSED PROPERTY EXCHANGE PAR-*
3 *CEL*” and dated 3/22/17.

4 **SEC. 811. USE OF TRACT 43.**

5 *Section 524(e)(2) of the Pribilof Island Transition*
6 *Completion Act of 2016 (Public Law 114–120), as amended*
7 *by section 3533 of the Pribilof Island Transition Comple-*
8 *tion Amendments Act of 2016 (subtitle B of title XXXV of*
9 *Public Law 114–328), is amended by—*

10 (1) *striking “each month” and inserting “each*
11 *April and October”;* and

12 (2) *striking “previous month” and inserting*
13 *“previous six months”.*

14 **SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.**

15 (a) *IN GENERAL.—The Secretary of the department in*
16 *which the Coast Guard is operating shall seek to enter into*
17 *an arrangement with the National Academy of Sciences not*
18 *later than 60 days after the date of the enactment of this*
19 *Act under which the Academy shall prepare an assessment*
20 *of available unmanned, autonomous, or remotely controlled*
21 *maritime domain awareness technologies for use by the*
22 *Coast Guard.*

23 (b) *ASSESSMENT.—The assessment shall—*

1 (1) *describe the potential limitations of current*
2 *and emerging unmanned technologies used in the*
3 *maritime domain for—*

4 (A) *ocean observation;*

5 (B) *vessel monitoring and identification;*

6 (C) *weather observation;*

7 (D) *to the extent practicable for consider-*
8 *ation by the Academy, intelligence gathering,*
9 *surveillance, and reconnaissance; and*

10 (E) *communications;*

11 (2) *examine how technologies described in para-*
12 *graph (1) can help prioritize Federal investment by*
13 *examining;*

14 (A) *affordability, including acquisition, op-*
15 *erations, and maintenance;*

16 (B) *reliability;*

17 (C) *versatility;*

18 (D) *efficiency; and*

19 (E) *estimated service life and persistence of*
20 *effort; and*

21 (3) *analyze whether the use of new and emerging*
22 *maritime domain awareness technologies can be used*
23 *to—*

24 (A) *carry out Coast Guard missions at*
25 *lower costs;*

1 (B) expand the scope and range of Coast
2 Guard maritime domain awareness;

3 (C) allow the Coast Guard to more effi-
4 ciently and effectively allocate Coast Guard ves-
5 sels, aircraft, and personnel; and

6 (D) identify adjustments that would be nec-
7 essary in Coast Guard policies, procedures, and
8 protocols to incorporate unmanned technologies
9 to enhance efficiency.

10 (c) *REPORT TO CONGRESS.*—Not later than 1 year
11 after entering into an arrangement with the Secretary
12 under subsection (a), the National Academy of Sciences
13 shall submit the assessment prepared under this section to
14 the Committees on Transportation and Infrastructure and
15 Homeland Security of the House of Representatives and the
16 Committee on Commerce, Science, and Transportation of
17 the Senate.

18 (d) *USE OF INFORMATION.*—In formulating costs pur-
19 suant to subsection (b), the National Academy of Sciences
20 may utilize information from other Coast Guard reports,
21 assessments, or analyses regarding existing Coast Guard
22 manpower requirements or other reports, assessments, or
23 analyses for the acquisition of unmanned, autonomous, or
24 remotely controlled technologies by the Federal Government.

1 **SEC. 813. MONITORING.**

2 (a) *IN GENERAL.*—*The Secretary of the department in*
3 *which the Coast Guard is operating shall conduct a 1-year*
4 *pilot program to determine the impact of persistent use of*
5 *different types of surveillance systems on illegal maritime*
6 *activities, including illegal, unreported, and unregulated*
7 *fishing, in the Western Pacific region.*

8 (b) *REQUIREMENTS.*—*The pilot program shall—*

9 (1) *consider the use of light aircraft-based detec-*
10 *tion systems that can identify potential illegal activ-*
11 *ity from high altitudes and produce enforcement-qual-*
12 *ity evidence at low altitudes; and*

13 (2) *be directed at detecting and deterring illegal*
14 *maritime activities, including illegal, unreported, and*
15 *unregulated fishing, and enhancing maritime domain*
16 *awareness.*

17 **SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CON-**
18 **STRUCTION COSTS OF CERTAIN AIDS TO**
19 **NAVIGATION.**

20 (a) *IN GENERAL.*—*Subject to the availability of*
21 *amounts specifically provided in advance in subsequent ap-*
22 *propriations Acts and in accordance with this section, the*
23 *Commandant of the Coast Guard may reimburse a non-*
24 *Federal entity for costs incurred by the entity for a covered*
25 *project.*

1 **(b) CONDITIONS.**—*The Commandant may not provide*
2 *reimbursement under subsection (a) with respect to a cov-*
3 *ered project unless—*

4 (1) *the need for the project is a result of the com-*
5 *pletion of construction with respect to a federally au-*
6 *thorized navigation channel;*

7 (2) *the Commandant determines, through an ap-*
8 *propriate navigation safety analysis, that the project*
9 *is necessary to ensure safe marine transportation;*

10 (3) *the Commandant approves the design of the*
11 *project to ensure that it meets all applicable Coast*
12 *Guard aids-to-navigation standards and require-*
13 *ments;*

14 (4) *the non-Federal entity agrees to transfer the*
15 *project upon completion to the Coast Guard for oper-*
16 *ation and maintenance by the Coast Guard as a Fed-*
17 *eral aid to navigation;*

18 (5) *the non-Federal entity carries out the project*
19 *in accordance with the same laws and regulations*
20 *that would apply to the Coast Guard if the Coast*
21 *Guard carried out the project, including obtaining all*
22 *permits required for the project under Federal and*
23 *State law; and*

1 (6) *the Commandant determines that the project*
 2 *satisfies such additional requirements as may be es-*
 3 *tablished by the Commandant.*

4 (c) *LIMITATIONS.—Reimbursements under subsection*
 5 (a) *may not exceed the following:*

6 (1) *For a single covered project, \$5,000,000.*

7 (2) *For all covered projects in a single fiscal*
 8 *year, \$5,000,000.*

9 (d) *EXPIRATION.—The authority granted under this*
 10 *section shall expire on the date that is 4 years after the*
 11 *date of enactment of this section.*

12 (e) *COVERED PROJECT DEFINED.—In this section, the*
 13 *term “covered project” means a project carried out—*

14 (1) *by a non-Federal entity to construct and es-*
 15 *tablish an aid to navigation that facilitates safe and*
 16 *efficient marine transportation on a Federal naviga-*
 17 *tion project authorized by title I of the Water Re-*
 18 *sources Development Act of 2007 (Public Law 110–*
 19 *114); and*

20 (2) *in an area that was affected by Hurricane*
 21 *Harvey.*

22 **SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

23 (a) *REVIEW.—The Commandant of the Coast Guard*
 24 *shall—*

1 (1) *review and compare the costs to the Govern-*
2 *ment of—*

3 (A) *towing vessel inspections performed by*
4 *the Coast Guard; and*

5 (B) *such inspections performed by a third*
6 *party; and*

7 (2) *based on such review and comparison, deter-*
8 *mine whether the costs to the Government of such in-*
9 *spections performed by a third party are different*
10 *than the costs to the Government of such inspections*
11 *performed by the Coast Guard.*

12 (b) *REVISION OF FEES.—If the Commandant deter-*
13 *mines under subsection (a) that the costs to the Government*
14 *of such inspections performed by a third party are different*
15 *than the costs to the Government of such inspections per-*
16 *formed by the Coast Guard, then the Commandant shall*
17 *revise the fee assessed by the Coast Guard for such inspec-*
18 *tions as necessary to conform to the requirements under sec-*
19 *tion 9701 of title 31, United States Code, that such fee be*
20 *based on the cost to the Government of such inspections and*
21 *accurately reflect such costs.*

22 **SEC. 816. OIL SPILL DISBURSEMENTS AUDITING AND RE-**
23 **PORT.**

24 *Section 1012 of the Oil Pollution Act of 1990 (33*
25 *U.S.C. 2712) is amended—*

1 (1) *by repealing subsection (g);*

2 (2) *in subsection (l)(1), by striking “Within one*
3 *year after the date of enactment of the Coast Guard*
4 *Authorization Act of 2010, and annually thereafter,”*
5 *and inserting “Each year, on the date on which the*
6 *President submits to Congress a budget under section*
7 *1105 of title 31, United States Code,”; and*

8 (3) *by amending subsection (l)(2) to read as fol-*
9 *lows:*

10 “(2) *CONTENTS.—The report shall include—*

11 “(A) *a list of each incident that—*

12 “(i) *occurred in the preceding fiscal*
13 *year; and*

14 “(ii) *resulted in disbursements from*
15 *the Fund, for removal costs and damages,*
16 *totaling \$500,000 or more;*

17 “(B) *a list of each incident that—*

18 “(i) *occurred in the fiscal year pre-*
19 *ceding the preceding fiscal year; and*

20 “(ii) *resulted in disbursements from*
21 *the Fund, for removal costs and damages,*
22 *totaling \$500,000 or more; and*

23 “(C) *an accounting of any amounts reim-*
24 *bursed to the Fund in the preceding fiscal year*
25 *that were recovered from a responsible party for*

1 *an incident that resulted in disbursements from*
2 *the Fund, for removal costs and damages, total-*
3 *ing \$500,000 or more.”.*

4 **SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRAT-**

5 **EGY.**

6 *(a) REPORT.—Not later than 1 year after the date of*
7 *enactment of this Act, the Secretary of the department in*
8 *which the Coast Guard is operating, in consultation with*
9 *interested Federal and non-Federal stakeholders, shall sub-*
10 *mit to the Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate and the Committee on Transportation*
12 *and Infrastructure of the House of Representatives a report*
13 *including—*

14 *(1) an assessment of Coast Guard at-sea oper-*
15 *ational fleet requirements to support its statutory*
16 *missions established in the Homeland Security Act of*
17 *2002 (6 U.S.C. 101 et seq.); and*

18 *(2) a strategic plan for meeting the requirements*
19 *identified under paragraph (1).*

20 *(b) CONTENTS.—The report under subsection (a) shall*
21 *include—*

22 *(1) an assessment of—*

23 *(A) the extent to which the Coast Guard at-*
24 *sea operational fleet requirements referred to in*
25 *subsection (a)(1) are currently being met;*

1 (B) the Coast Guard's current fleet, its oper-
2 ational lifespan, and how the anticipated
3 changes in the age and distribution of vessels in
4 the fleet will impact the ability to meet at-sea
5 operational requirements;

6 (C) fleet operations and recommended im-
7 provements to minimize costs and extend oper-
8 ational vessel life spans; and

9 (D) the number of Fast Response Cutters,
10 Offshore Patrol Cutters, and National Security
11 Cutters needed to meet at-sea operational re-
12 quirements as compared to planned acquisitions
13 under the current programs of record;

14 (2) an analysis of—

15 (A) how the Coast Guard at-sea operational
16 fleet requirements are currently met, including
17 the use of the Coast Guard's current cutter fleet,
18 agreements with partners, chartered vessels, and
19 unmanned vehicle technology; and

20 (B) whether existing and planned cutter
21 programs of record (including the Fast Response
22 Cutter, Offshore Patrol Cutter, and National Se-
23 curity Cutter) will enable the Coast Guard to
24 meet at-sea operational requirements; and

25 (3) a description of—

1 (A) *planned manned and unmanned vessel*
2 *acquisition; and*

3 (B) *how such acquisitions will change the*
4 *extent to which the Coast Guard at-sea oper-*
5 *ational requirements are met.*

6 (c) *CONSULTATION AND TRANSPARENCY.—*

7 (1) *CONSULTATION.—In consulting with the Fed-*
8 *eral and non-Federal stakeholders under subsection*
9 *(a), the Secretary of the department in which the*
10 *Coast Guard is operating shall—*

11 (A) *provide the stakeholders with opportuni-*
12 *ties for input—*

13 (i) *prior to initially drafting the re-*
14 *port, including the assessment and strategic*
15 *plan; and*

16 (ii) *not later than 3 months prior to*
17 *finalizing the report, including the assess-*
18 *ment and strategic plan, for submission;*
19 *and*

20 (B) *document the input and its disposition*
21 *in the report.*

22 (2) *TRANSPARENCY.—All input provided under*
23 *paragraph (1) shall be made available to the public.*

24 (d) *ENSURING MARITIME COVERAGE.—In order to*
25 *meet Coast Guard mission requirements for search and res-*

1 *cue, ports, waterways, and coastal security, and maritime*
2 *environmental response during recapitalization of Coast*
3 *Guard vessels, the Coast Guard shall ensure continuity of*
4 *the coverage, to the maximum extent practicable, in the lo-*
5 *cations that may lose assets.*

6 **SEC. 818. NATIONAL SECURITY CUTTER.**

7 (a) *STANDARD METHOD FOR TRACKING.*—*The Com-*
8 *mandant of the Coast Guard may not certify an eighth Na-*
9 *tional Security Cutter as Ready for Operations before the*
10 *date on which the Commandant provides to the Committee*
11 *on Transportation and Infrastructure of the House of Rep-*
12 *resentatives and the Committee on Commerce, Science, and*
13 *Transportation of the Senate—*

14 (1) *a notification of a new standard method for*
15 *tracking operational employment of Coast Guard*
16 *major cutters that does not include time during which*
17 *such a cutter is away from its homeport for mainte-*
18 *nance or repair; and*

19 (2) *a report analyzing cost and performance for*
20 *different approaches to achieving varied levels of oper-*
21 *ational employment using the standard method re-*
22 *quired by paragraph (1) that, at a minimum—*

23 (A) *compares over a 30-year period the av-*
24 *erage annualized baseline cost and performances*
25 *for a certified National Security Cutter that op-*

1 erated for 185 days away from homeport or an
2 equivalent alternative measure of operational
3 tempo—

4 (i) against the cost of a 15 percent in-
5 crease in days away from homeport or an
6 equivalent alternative measure of oper-
7 ational tempo for a National Security Cut-
8 ter; and

9 (ii) against the cost of the acquisition
10 and operation of an additional National
11 Security Cutter; and

12 (B) examines the optimal level of oper-
13 ational employment of National Security Cutters
14 to balance National Security Cutter cost and
15 mission performance.

16 (b) *CONFORMING AMENDMENTS.*—

17 (1) *Section 221(b) of the Coast Guard and Mari-*
18 *time Transportation Act of 2012 (126 Stat. 1560) is*
19 *repealed.*

20 (2) *Section 204(c)(1) of the Coast Guard Author-*
21 *ization Act of 2016 (130 Stat. 35) is repealed.*

1 **SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND**
2 **RIVER TENDERS AND BAY-CLASS ICE-**
3 **BREAKERS.**

4 (a) *ACQUISITION PLAN.*—Not later than 270 days after
5 the date of the enactment of this Act, the Commandant of
6 the Coast Guard shall submit to the Committee on Com-
7 merce, Science, and Transportation of the Senate and the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives a plan to replace or extend the
10 life of the Coast Guard fleet of inland waterway and river
11 tenders, and the Bay-class icebreakers.

12 (b) *CONTENTS.*—The plan under subsection (a) shall
13 include—

14 (1) *an analysis of the work required to extend*
15 *the life of vessels described in subsection (a);*

16 (2) *recommendations for which, if any, such ves-*
17 *sels it is cost effective to undertake a ship-life exten-*
18 *sion or enhanced maintenance program;*

19 (3) *an analysis of the aids to navigation pro-*
20 *gram to determine if advances in navigation tech-*
21 *nology may reduce the needs for physical aids to*
22 *navigation;*

23 (4) *recommendations for changes to physical aids*
24 *to navigation and the distribution of such aids that*
25 *reduce the need for the acquisition of vessels to replace*
26 *the vessels described in subsection (a);*

1 (5) a schedule for the acquisition of vessels to re-
2 place the vessels described in subsection (a), including
3 the date on which the first vessel will be delivered;

4 (6) the date such acquisition will be complete;

5 (7) a description of the order and location of re-
6 placement vessels;

7 (8) an estimate of the cost per vessel and of the
8 total cost of the acquisition program of record; and

9 (9) an analysis of whether existing vessels can be
10 used.

11 **SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.**

12 (a) *ICEBREAKING ON THE GREAT LAKES.*—For fiscal
13 years 2018 and 2019, the Commandant of the Coast Guard
14 may use funds made available pursuant to section 4902 of
15 title 14, United States Code, as amended by this Act, for
16 the construction of an icebreaker that is at least as capable
17 as the Coast Guard Cutter Mackinaw to enhance
18 icebreaking capacity on the Great Lakes.

19 (b) *ACQUISITION PLAN.*—Not later than 45 days after
20 the date of enactment of this Act, the Commandant shall
21 submit a plan to the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives for acquiring an icebreaker described in subsections
25 (a) and (b). Such plan shall include—

1 (1) *the details and schedule of the acquisition ac-*
2 *tivities to be completed; and*

3 (2) *a description of how the funding for Coast*
4 *Guard acquisition, construction, and improvements*
5 *that was appropriated under the Consolidated Appro-*
6 *propriations Act, 2017 (Public Law 115–31) will be allo-*
7 *cated to support the acquisition activities referred to*
8 *in paragraph (1).*

9 **SEC. 821. POLAR ICEBREAKERS.**

10 (a) *ENHANCED MAINTENANCE PROGRAM FOR THE*
11 *POLAR STAR.*—

12 (1) *IN GENERAL.*—*Subject to the availability of*
13 *appropriations, the Commandant of the Coast Guard*
14 *shall conduct an enhanced maintenance program on*
15 *Coast Guard Cutter Polar Star (WAGB–10) to extend*
16 *the service life of such vessel until at least December*
17 *31, 2025.*

18 (2) *REQUIREMENT FOR REPORT.*—*Not later than*
19 *180 days after the date of the enactment of the Coast*
20 *Guard Authorization Act of 2017, the Secretary of the*
21 *department in which the Coast Guard is operating, in*
22 *consultation with Naval Sea Systems Command, shall*
23 *submit to the Committee on Commerce, Science, and*
24 *Transportation and the Committee on Armed Services*
25 *of the Senate and the Committee on Transportation*

1 *and Infrastructure and the Committee on Armed*
2 *Services of the House of Representatives a detailed re-*
3 *port describing a plan to extend the service life of the*
4 *Coast Guard Cutter Polar Star (WAGB-10) until at*
5 *least December 31, 2025, through an enhanced main-*
6 *tenance program.*

7 (3) *CONTENT.—The report required by para-*
8 *graph (2) shall include the following:*

9 (A) *An assessment and discussion of the en-*
10 *hanced maintenance program recommended by*
11 *the National Academies of Sciences, Engineering,*
12 *and Medicine’s Committee on Polar Icebreaker*
13 *Cost Assessment in the letter report “Acquisition*
14 *and Operation of Polar Icebreakers: Fulfilling*
15 *the Nation’s Needs”.*

16 (B) *An assessment and discussion of the*
17 *Government Accountability Office’s concerns and*
18 *recommendations regarding service life extension*
19 *work on Coast Guard Cutter Polar Star*
20 *(WAGB-10) in the report “Status of the Coast*
21 *Guard’s Polar Icebreaking Fleet Capability and*
22 *Recapitalization Plan”.*

23 (C) *Based upon a materiel condition assess-*
24 *ment of the Coast Guard Cutter Polar Star*
25 *(WAGB-10)—*

1 (i) a description of the service life ex-
2 tension needs of the vessel;

3 (ii) detailed information regarding
4 planned shipyard work for each fiscal year
5 to meet such needs; and

6 (iii) an estimate of the amount needed
7 to be appropriated to complete the enhanced
8 maintenance program.

9 (D) A plan to ensure the vessel will main-
10 tain seasonally operational status during the en-
11 hanced maintenance program.

12 (4) *AUTHORIZATION OF APPROPRIATIONS.*—*The*
13 *Commandant of the Coast Guard may use funds*
14 *made available pursuant to section 4902 of title 14,*
15 *United States Code, as amended by section 202 of this*
16 *Act, for the enhanced maintenance program described*
17 *in the report required by subsection (a).*

18 (b) *COAST GUARD AND MARITIME TRANSPORTATION*
19 *ACT OF 2012; AMENDMENT.*—*Section 222 of the Coast*
20 *Guard and Maritime Transportation Act of 2012 (Public*
21 *Law 112–213), as amended, is further amended as follows:*

22 (1) *by striking subsections (a) through (d);*

23 (2) *by redesignating subsections (e) through (g)*
24 *as subsections (a) through (c), respectively;*

25 (3) *in subsection (a), as redesignated—*

1 (A) in the matter preceding paragraph (1),
2 by striking “Except as provided in subsection
3 (c), the Commandant” and inserting “The Com-
4 mandant”;

5 (B) in paragraph (1) by striking “Polar
6 Sea or”;

7 (C) in paragraph (2) by striking “either of
8 the vessels” and inserting “the Polar Star or the
9 Polar Sea”; and

10 (D) in paragraph (3) by striking “either of
11 the vessels” each place it appears and inserting
12 “the Polar Star”.

13 **SEC. 822. STRATEGIC ASSETS IN THE ARCTIC.**

14 (a) *DEFINITION OF ARCTIC.*—In this section, the term
15 “Arctic” has the meaning given the term in section 112 of
16 the Arctic Research and Policy Act of 1984 (15 U.S.C.
17 4111).

18 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
19 that—

20 (1) the Arctic continues to grow in significance
21 to both the national security interests and the eco-
22 nomic prosperity of the United States; and

23 (2) the Coast Guard must ensure it is positioned
24 to respond to any accident, incident, or threat with
25 appropriate assets.

1 (c) *REPORT.*—Not later than 1 year after the date of
2 enactment of this Act, the Commandant of the Coast Guard,
3 in consultation with the Secretary of Defense and taking
4 into consideration the Department of Defense 2016 Arctic
5 Strategy, shall submit to the Committee on Commerce,
6 Science, and Transportation of the Senate and the Com-
7 mittee on Transportation and Infrastructure of the House
8 of Representatives a report on the progress toward imple-
9 menting the strategic objectives described in the United
10 States Coast Guard Arctic Strategy dated May 2013.

11 (d) *CONTENTS.*—The report under subsection (c) shall
12 include—

13 (1) a description of the Coast Guard’s progress
14 toward each strategic objective identified in the
15 United States Coast Guard Arctic Strategy dated
16 May 2013;

17 (2) an assessment of the assets and infrastruc-
18 ture necessary to meet the strategic objectives identi-
19 fied in the United States Coast Guard Arctic Strategy
20 dated May 2013 based on factors such as—

- 21 (A) response time;
- 22 (B) coverage area;
- 23 (C) endurance on scene;
- 24 (D) presence; and
- 25 (E) deterrence;

1 (3) *an analysis of the sufficiency of the distribu-*
2 *tion of National Security Cutters, Offshore Patrol*
3 *Cutters, and Fast Response Cutters both stationed in*
4 *various Alaskan ports and in other locations to meet*
5 *the strategic objectives identified in the United States*
6 *Coast Guard Arctic Strategy, dated May 2013;*

7 (4) *plans to provide communications throughout*
8 *the entire Coastal Western Alaska Captain of the Port*
9 *zone to improve waterway safety and mitigate close*
10 *calls, collisions, and other dangerous interactions be-*
11 *tween the shipping industry and subsistence hunters;*

12 (5) *plans to prevent marine casualties, when*
13 *possible, by ensuring vessels avoid environmentally*
14 *sensitive areas and permanent security zones;*

15 (6) *an explanation of—*

16 (A) *whether it is feasible to establish a ves-*
17 *sel traffic service, using existing resources or oth-*
18 *erwise; and*

19 (B) *whether an Arctic Response Center of*
20 *Expertise is necessary to address the gaps in ex-*
21 *perience, skills, equipment, resources, training,*
22 *and doctrine to prepare, respond to, and recover*
23 *spilled oil in the Arctic; and*

24 (7) *an assessment of whether sufficient agree-*
25 *ments are in place to ensure the Coast Guard is re-*

1 ceiving the information it needs to carry out its re-
2 sponsibilities.

3 **SEC. 823. ARCTIC PLANNING CRITERIA.**

4 (a) *ALTERNATIVE PLANNING CRITERIA.*—

5 (1) *IN GENERAL.*—For purposes of the Oil Pollu-
6 tion Act of 1990 (33 U.S.C. 2701 et seq.), the Com-
7 mandant of the Coast Guard may approve a vessel re-
8 sponse plan under section 311 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1321) for a vessel
10 operating in any area covered by the Captain of the
11 Port Zone (as established by the Commandant) that
12 includes the Arctic, if the Commandant verifies
13 that—

14 (A) equipment required to be available for
15 response under the plan has been tested and
16 proven capable of operating in the environmental
17 conditions expected in the area in which it is in-
18 tended to be operated; and

19 (B) the operators of such equipment have
20 conducted training on the equipment within the
21 area covered by such Captain of the Port Zone.

22 (2) *POST-APPROVAL REQUIREMENTS.*—In ap-
23 proving a vessel response plan under paragraph (1),
24 the Commandant shall—

1 (A) require that the oil spill removal orga-
2 nization identified in the vessel response plan
3 conduct regular exercises and drills using the re-
4 sponse resources identified in the plan in the
5 area covered by the Captain of the Port Zone
6 that includes the Arctic; and

7 (B) allow such oil spill removal organiza-
8 tion to take credit for a response to an actual
9 spill or release in the area covered by such Cap-
10 tain of the Port Zone, instead of conducting an
11 exercise or drill required under subparagraph
12 (A), if the oil spill removal organization—

13 (i) documents which exercise or drill
14 requirements were met during the response;
15 and

16 (ii) submits a request for credit to, and
17 receives approval from, the Commandant.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 120 days after
20 the date of enactment of this Act, the Commandant of
21 the Coast Guard shall submit to the Committee on
22 Commerce, Science, and Transportation of the Senate
23 and the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives a report on the
25 oil spill prevention and response capabilities for the

1 *area covered by the Captain of the Port Zone (as es-*
2 *tablished by the Commandant) that includes the Arc-*
3 *tic.*

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

6 (A) *A description of equipment and assets*
7 *available for response under the vessel response*
8 *plans approved for vessels operating in the area*
9 *covered by the Captain of the Port Zone, includ-*
10 *ing details on any providers of such equipment*
11 *and assets.*

12 (B) *A description of the location of such*
13 *equipment and assets, including an estimate of*
14 *the time to deploy the equipment and assets.*

15 (C) *A determination of how effectively such*
16 *equipment and assets are distributed throughout*
17 *the area covered by the Captain of the Port*
18 *Zone.*

19 (D) *A statement regarding whether the abil-*
20 *ity to maintain and deploy such equipment and*
21 *assets is taken into account when measuring the*
22 *equipment and assets available throughout the*
23 *area covered by the Captain of the Port Zone.*

24 (E) *A validation of the port assessment visit*
25 *process and response resource inventory for re-*

1 *sponse under the vessel response plans approved*
2 *for vessels operating in the area covered by the*
3 *Captain of the Port Zone.*

4 *(F) A determination of the compliance rate*
5 *with Federal vessel response plan regulations in*
6 *the area covered by the Captain of the Port Zone*
7 *during the previous 3 years.*

8 *(G) A description of the resources needed*
9 *throughout the area covered by the Captain of*
10 *the Port Zone to conduct port assessments, exer-*
11 *cises, response plan reviews, and spill responses.*

12 *(c) DEFINITION OF ARCTIC.—In this section, the term*
13 *“Arctic” has the meaning given the term under section 112*
14 *of the Arctic Research and Policy Act of 1984 (15 U.S.C.*
15 *4111).*

16 **SEC. 824. VESSEL RESPONSE PLAN AUDIT.**

17 *(a) IN GENERAL.—Not later than 1 year after the date*
18 *of enactment of this Act, the Comptroller General of the*
19 *United States shall complete and submit to the Committee*
20 *on Commerce, Science, and Transportation of the Senate*
21 *and the Committee on Transportation and Infrastructure*
22 *of the House of Representatives a comprehensive review of*
23 *the processes and resources used by the Coast Guard to im-*
24 *plement vessel response plan requirements under section*

1 *311 of the Federal Water Pollution Control Act (33 U.S.C.*
2 *1321).*

3 **(b) REQUIRED ELEMENTS OF REVIEW.**—*The review*
4 *required under subsection (a) shall, at a minimum, in-*
5 *clude—*

6 *(1) a study, or an audit if appropriate, of the*
7 *processes the Coast Guard uses—*

8 *(A) to approve the vessel response plans re-*
9 *ferred to in subsection (a);*

10 *(B) to approve alternate planning criteria*
11 *used in lieu of National Planning Criteria in*
12 *approving such plans;*

13 *(C) to verify compliance with such plans;*
14 *and*

15 *(D) to act in the event of a failure to com-*
16 *ply with the requirements of such plans;*

17 *(2) an examination of all Federal and State*
18 *agency resources used by the Coast Guard in carrying*
19 *out the processes identified under paragraph (1), in-*
20 *cluding—*

21 *(A) the current staffing model and organi-*
22 *zation;*

23 *(B) data, software, simulators, systems, or*
24 *other technology, including those pertaining to*

1 *weather, oil spill trajectory modeling, and risk*
2 *management;*

3 (C) *the total amount of time per fiscal year*
4 *expended by Coast Guard personnel to approve*
5 *and verify compliance with vessel response plans;*
6 *and*

7 (D) *the average amount of time expended by*
8 *the Coast Guard for approval of, and*
9 *verification of compliance with, a single vessel*
10 *response plan;*

11 (3) *an analysis of how, including by what means*
12 *or methods, the processes identified under paragraph*
13 (1)—

14 (A) *ensure compliance with applicable law;*

15 (B) *are implemented by the Coast Guard,*
16 *including at the district and sector levels;*

17 (C) *are informed by public comment and*
18 *engagement with States, Indian Tribes, and*
19 *other regional stakeholders;*

20 (D) *ensure availability and adequate oper-*
21 *ational capability and capacity of required as-*
22 *sets and equipment, including in cases in which*
23 *contractual obligations may limit the avail-*
24 *ability of such assets and equipment for re-*
25 *sponse;*

1 (E) provide for adequate asset and equip-
2 ment mobilization time requirements, particu-
3 larly with respect to—

4 (i) calculation and establishment of
5 such requirements;

6 (ii) verifying compliance with such re-
7 quirements; and

8 (iii) factoring in weather, including
9 specific regional adverse weather as defined
10 in section 155.1020 of title 33, Code of Fed-
11 eral Regulations, in calculating, estab-
12 lishing, and verifying compliance with such
13 requirements;

14 (F) ensure response plan updates and vessel
15 compliance when changes occur in response plan-
16 ning criteria, asset and equipment mobilization
17 times, or regional response needs, such as trends
18 in transportation of high gravity oils or changes
19 in vessel traffic volume; and

20 (G) enable effective action by the Coast
21 Guard in the event of a failure to comply with
22 response plan requirements;

23 (4) a determination regarding whether asset and
24 equipment mobilization time requirements under ap-

1 *proved vessel response plans can be met by the vessels*
2 *to which they apply; and*

3 *(5) recommendations for improving the processes*
4 *identified under paragraph (1), including rec-*
5 *ommendations regarding the sufficiency of Coast*
6 *Guard resources dedicated to those processes.*

7 **SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF**
8 **THE UNITED STATES FOR CERTAIN PUR-**
9 **POSES.**

10 *For purposes of the application of subtitle II of title*
11 *46, United States Code, to the Volunteer (Hull Number*
12 *CCA4108), the Illinois and Michigan Canal is deemed to*
13 *not be navigable waters of the United States.*

14 **SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.**

15 *Coast Guard personnel performing nonrecreational*
16 *vessel documentation functions under subchapter II of chap-*
17 *ter 121 of title 46, United States Code, may perform rec-*
18 *reational vessel documentation under section 12114 of such*
19 *title in any fiscal year in which—*

20 *(1) funds available for Coast Guard operating*
21 *expenses may not be used for expenses incurred for*
22 *recreational vessel documentation;*

23 *(2) fees collected from owners of yachts and cred-*
24 *ited to such use are insufficient to pay expenses of*
25 *recreational vessel documentation; and*

1 (3) *there is a backlog of applications for rec-*
2 *reational vessel documentation.*

3 **SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM**
4 **THROWABLE PERSONAL FLOTATION DEVICES**
5 **REQUIREMENT.**

6 *Not later than one year after the date of enactment*
7 *of this Act, the Secretary of the department in which the*
8 *Coast Guard is operating shall—*

9 (1) *prescribe regulations in part 160 of title 46,*
10 *Code of Federal Regulations, that treat a marine*
11 *throw bag, as that term is commonly used in the com-*
12 *mercial whitewater rafting industry, as a type of life-*
13 *saving equipment; and*

14 (2) *revise section 175.17 of title 33, Code of Fed-*
15 *eral Regulations, to exempt rafts that are 16 feet or*
16 *more overall in length from the requirement to carry*
17 *an additional throwable personal flotation device*
18 *when such a marine throw bag is onboard and acces-*
19 *sible.*

20 **SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE**
21 **USE.**

22 (a) *IN GENERAL.—The Secretary of the department in*
23 *which the Coast Guard is operating shall develop a perform-*
24 *ance standard for the alternative use and possession of vis-*
25 *ual distress alerting and locating signals as mandated by*

1 carriage requirements for recreational boats in subpart C
2 of part 175 of title 33, Code of Federal Regulations.

3 (b) REGULATIONS.—Not later than 180 days after the
4 performance standard for alternative use and possession of
5 visual distress alerting and locating signals is finalized, the
6 Secretary shall revise part 175 of title 33, Code of Federal
7 Regulations, to allow for carriage of such alternative signal
8 devices.

9 **SEC. 829. RADAR REFRESHER TRAINING.**

10 Not later than 60 days after the date of enactment of
11 this Act, the Secretary of the department in which the Coast
12 Guard is operating shall prescribe a final rule eliminating
13 the requirement that a mariner actively using the mariner's
14 credential complete an approved refresher or recertification
15 course to maintain a radar observer endorsement. This rule-
16 making shall be exempt from chapters 5 and 6 of title 5,
17 United States Code, and Executive Orders 12866 and
18 13563.

19 **SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NATIONAL**
20 **COMMUNICATIONS PLAN.**

21 (a) REQUIREMENT FOR PLAN.—Not later than 1 year
22 after the date of enactment of this Act, the Secretary of the
23 department in which the Coast Guard is operating shall
24 develop and submit to the Committee on Commerce, Science,
25 and Transportation of the Senate and the Committee on

1 *Transportation and Infrastructure of the House of Rep-*
2 *resentatives a national communications plan for the pur-*
3 *poses of—*

4 (1) *disseminating information to the commercial*
5 *fishing vessel industry;*

6 (2) *conducting outreach with the commercial*
7 *fishing vessel industry;*

8 (3) *facilitating interaction with the commercial*
9 *fishing vessel industry; and*

10 (4) *releasing information collected under section*
11 *15102 of title 46, United States Code, as added by*
12 *this Act, to the commercial fishing vessel industry.*

13 (b) *CONTENT.—The plan required by subsection (a),*
14 *and each annual update, shall—*

15 (1) *identify staff, resources, and systems avail-*
16 *able to the Secretary to ensure the widest dissemina-*
17 *tion of information to the commercial fishing vessel*
18 *industry;*

19 (2) *include a means to document all communica-*
20 *tion and outreach conducted with the commercial*
21 *fishing vessel industry; and*

22 (3) *include a mechanism to measure effectiveness*
23 *of such plan.*

24 (c) *IMPLEMENTATION.—Not later than one year after*
25 *submission of the initial plan, the Secretary of the depart-*

1 *ment in which the Coast Guard is operating shall imple-*
2 *ment the plan and shall at a minimum—*

3 (1) *leverage Coast Guard staff, resources, and*
4 *systems available;*

5 (2) *monitor implementation nationwide to en-*
6 *sure adherence to plan contents;*

7 (3) *allow each Captain of the Port to adopt the*
8 *most effective strategy and means to communicate*
9 *with commercial fishing vessel industry in that Cap-*
10 *tain of the Port Zone;*

11 (4) *document communication and outreach; and*

12 (5) *solicit feedback from the commercial fishing*
13 *vessel industry.*

14 (d) *REPORT AND UPDATES.—The Secretary of the de-*
15 *partment in which the Coast Guard is operating shall—*

16 (1) *submit to the Committee on Commerce,*
17 *Science, and Transportation of the Senate and the*
18 *Committee on Transportation and Infrastructure of*
19 *the House of Representatives a report on the effective-*
20 *ness of the plan to date and any updates to ensure*
21 *maximum impact of the plan one year after the date*
22 *of enactment of this Act, and every 4 years thereafter;*
23 *and*

1 (2) *include in such report input from individual*
2 *Captains of the Port and any feedback received from*
3 *the commercial fishing vessel industry.*

4 **SEC. 831. ATLANTIC COAST PORT ACCESS ROUTE STUDY**
5 **RECOMMENDATIONS.**

6 *Not later than 30 days after the date of the enactment*
7 *of the Act, the Commandant of the Coast Guard shall notify*
8 *the Committee on Transportation and Infrastructure of the*
9 *House of Representatives and the Committee on Commerce,*
10 *Science, and Transportation of the Senate of action taken*
11 *to carry out the recommendations contained in the final*
12 *report issued by the Atlantic Coast Port Access Route Study*
13 *(ACPARS) workgroup for which notice of availability was*
14 *published March 14, 2016 (81 Fed. Reg. 13307).*

15 **SEC. 832. DRAWBRIDGES.**

16 *Section 5 of the Act entitled “An Act making appro-*
17 *priations for the construction, repair, and preservation of*
18 *certain public works on rivers and harbors, and for other*
19 *purposes”, approved August 18, 1894 (33 U.S.C. 499), is*
20 *amended by adding at the end the following:*

21 “(d) **TEMPORARY CHANGES TO DRAWBRIDGE OPER-**
22 **ATING SCHEDULES.**—*Notwithstanding section 553 of title*
23 *5, United States Code, whenever a temporary change to the*
24 *operating schedule of a drawbridge, lasting 180 days or*
25 *less—*

1 “(1) is approved—

2 “(A) the Secretary of the department in
3 which the Coast Guard is operating shall—

4 “(i) issue a deviation approval letter to
5 the bridge owner; and

6 “(ii) announce the temporary change
7 in—

8 “(I) the Local Notice to Mariners;

9 “(II) a broadcast notice to mari-
10 ners and through radio stations; or

11 “(III) such other local media as
12 the Secretary considers appropriate;
13 and

14 “(B) the bridge owner, except a railroad
15 bridge owner, shall notify—

16 “(i) the public by publishing notice of
17 the temporary change in a newspaper of
18 general circulation published in the place
19 where the bridge is located;

20 “(ii) the department, agency, or office
21 of transportation with jurisdiction over the
22 roadway that abuts the approaches to the
23 bridge; and

1 “(iii) the law enforcement organization
2 with jurisdiction over the roadway that
3 abuts the approaches to the bridge; or

4 “(2) is denied, the Secretary of the department
5 in which the Coast Guard is operating shall—

6 “(A) not later than 10 days after the date
7 of receipt of the request, provide the bridge owner
8 in writing the reasons for the denial, including
9 any supporting data and evidence used to make
10 the determination; and

11 “(B) provide the bridge owner a reasonable
12 opportunity to address each reason for the denial
13 and resubmit the request.

14 “(e) *DRAWBRIDGE MOVEMENTS*.—The Secretary of the
15 department in which the Coast Guard is operating—

16 “(1) shall require a drawbridge operator to
17 record each movement of the drawbridge in a logbook;

18 “(2) may inspect the logbook to ensure draw-
19 bridge movement is in accordance with the posted op-
20 erating schedule;

21 “(3) shall review whether deviations from the
22 posted operating schedule are impairing vehicular
23 and pedestrian traffic; and

1 “(4) may determine if the operating schedule
2 should be adjusted for efficiency of maritime or vehi-
3 cular and pedestrian traffic.

4 “(f) REQUIREMENTS.—

5 “(1) LOGBOOKS.—An operator of a drawbridge
6 built across a navigable river or other water of the
7 United States—

8 “(A) that opens the draw of such bridge for
9 the passage of a vessel, shall record in a log-
10 book—

11 “(i) the bridge identification and date
12 of each opening;

13 “(ii) the bridge tender or operator for
14 each opening;

15 “(iii) each time it is opened for navi-
16 gation;

17 “(iv) each time it is closed for naviga-
18 tion;

19 “(v) the number and direction of ves-
20 sels passing through during each opening;

21 “(vi) the types of vessels passing
22 through during each opening;

23 “(vii) an estimated or known size
24 (height, length, and beam) of the largest ves-
25 sel passing through during each opening;

1 “(viii) for each vessel, the vessel name
2 and registration number if easily observ-
3 able; and

4 “(ix) all maintenance openings, mal-
5 functions, or other comments; and

6 “(B) that remains open to navigation but
7 closes to allow for trains to cross, shall record in
8 a logbook—

9 “(i) the bridge identification and date
10 of each opening and closing;

11 “(ii) the bridge tender or operator;

12 “(iii) each time it is opened to naviga-
13 tion;

14 “(iv) each time it is closed to naviga-
15 tion; and

16 “(v) all maintenance openings, clos-
17 ings, malfunctions, or other comments.

18 “(2) MAINTENANCE OF LOGBOOKS.—A draw-
19 bridge operator shall maintain logbooks required
20 under paragraph (1) for not less than 5 years.

21 “(3) SUBMISSION OF LOGBOOKS.—At the request
22 of the Secretary of the department in which the Coast
23 Guard is operating, a drawbridge operator shall sub-
24 mit to the Secretary the logbook required under para-

1 *graph (1) as the Secretary considers necessary to*
 2 *carry out this section.*

3 “(4) *EXEMPTION.*—*The requirements under*
 4 *paragraph (1) shall be exempt from sections 3501 to*
 5 *3521 of title 44, United States Code.”*

6 **SEC. 833. WAIVER.**

7 *Section 8902 of title 46, United States Code, shall not*
 8 *apply to the chain ferry DIANE (United States official*
 9 *number CG002692) when such vessel is operating on the*
 10 *Kalamazoo River in Saugatuck, Michigan.*

11 **SEC. 834. FIRE-RETARDANT MATERIALS.**

12 *Section 3503 of title 46, United States Code, is amend-*
 13 *ed to read as follows:*

14 **“§ 3503. Fire-retardant materials**

15 “(a)(1) *A passenger vessel of the United States having*
 16 *berth or stateroom accommodations for at least 50 pas-*
 17 *sengers shall be granted a certificate of inspection only if—*

18 “(A) *the vessel is constructed of fire-retard-*
 19 *ant materials; and*

20 “(B) *the vessel—*

21 “(i) *is operating engines, boilers, main*
 22 *electrical distribution panels, fuel tanks, oil*
 23 *tanks, and generators that meet current*
 24 *Coast Guard regulations; and*

1 “(ii) is operating boilers and main
2 electrical generators that are contained
3 within noncombustible enclosures equipped
4 with fire suppression systems.

5 “(2) Before December 1, 2028, this subsection
6 does not apply to any vessel in operation before Janu-
7 ary 1, 1968, and operating only within the Boundary
8 Line.

9 “(b)(1) The owner or managing operator of an exempt-
10 ed vessel described in subsection (a)(2) shall—

11 “(A) notify in writing prospective pas-
12 sengers, prior to purchase, and each crew mem-
13 ber that the vessel does not comply with applica-
14 ble fire safety standards due primarily to the
15 wooden construction of passenger berthing areas;

16 “(B) display in clearly legible font promi-
17 nently throughout the vessel, including in each
18 state room the following: *‘THIS VESSEL*
19 *FAILS TO COMPLY WITH SAFETY RULES*
20 *AND REGULATIONS OF THE U.S. COAST*
21 *GUARD.’;*

22 “(C) acquire prior to the vessel entering
23 service, and maintain, liability insurance in an
24 amount to be prescribed by the Federal Maritime
25 Commission;

1 “(D) make annual structural alteration to
2 not less than 10 percent of the areas of the vessel
3 that are not constructed of fire retardant mate-
4 rials;

5 “(E) prioritize alterations in galleys, engi-
6 neering areas of the vessel, including all spaces
7 and compartments containing, or adjacent to
8 spaces and compartments containing, engines,
9 boilers, main electrical distribution panels, fuel
10 tanks, oil tanks, and generators;

11 “(F) ensure, to the satisfaction of the Sec-
12 retary, that the combustible fire-load has been re-
13 duced pursuant to subparagraph (D) during
14 each annual inspection for certification;

15 “(G) ensure the vessel has multiple forms of
16 egress off the vessel’s bow and stern;

17 “(H) provide advance notice to the Coast
18 Guard regarding the structural alterations made
19 pursuant to subparagraph (D) and comply with
20 any noncombustible material requirements pre-
21 scribed by the Coast Guard;

22 “(I) annually notify all ports of call and
23 State emergency management offices of jurisdic-
24 tion that the vessel does not comply with the re-
25 quirement under subsection (a)(1);

1 “(J) provide crewmembers manning such
2 vessel shipboard training that—

3 “(i) is specialized for exempted vessels;

4 “(ii) exceeds requirements related to
5 standards for firefighting training under
6 chapter I of title 46, Code of Federal Regu-
7 lations, as in effect on October 1, 2017; and

8 “(iii) is approved by the Coast Guard;

9 and

10 “(K) to the extent practicable, take all steps
11 to retain previously trained crew knowledgeable
12 of such vessel or to hire crew trained in oper-
13 ations aboard exempted vessels.

14 “(2) The owner or managing operator of an ex-
15 empted vessel described in subsection (a)(2) may not
16 disclaim liability to a passenger or crew member of
17 such vessel for death, injury, or any other loss caused
18 by fire due to the negligence of the owner or man-
19 aging operator.

20 “(3) The Secretary shall—

21 “(A) conduct an annual audit and inspec-
22 tion of each exempted vessel described in sub-
23 section (a)(2);

24 “(B) in implementing subparagraph
25 (b)(1)(F), consider, to the extent practicable, the

1 *goal of preservation of the historic integrity of*
 2 *such vessel in areas carrying or accessible to pas-*
 3 *sengers or generally visible to the public; and*

4 “(C) *prescribe regulations to carry out this*
 5 *section, including to prescribe the manner in*
 6 *which prospective passengers are to be notified*
 7 *under paragraph (1)(A).*”

8 “(4) *The penalties provided in section 3504(c) of*
 9 *this title shall apply to a violation of this subsection.*”

10 “(c) *In addition to otherwise applicable penalties, the*
 11 *Secretary may immediately withdraw a certificate of in-*
 12 *spection for an exempted vessel described in subsection*
 13 *(a)(2) that does not comply with any requirement under*
 14 *subsection (b).”.*”

15 **SEC. 835. VESSEL WAIVER.**

16 (a) *IN GENERAL.*—*Upon the date of enactment of this*
 17 *Act and notwithstanding sections 12112(a)(2)(A) and*
 18 *12113(a)(2) of title 46, United States Code, the Secretary*
 19 *shall issue a certificate of documentation with coastwise*
 20 *and fishery endorsements to the certificated vessel.*

21 (b) *REPLACEMENT VESSEL.*—*The certificated vessel*
 22 *shall qualify as a replacement vessel for the vessel “AMER-*
 23 *ICA NO.1” (United States official number 610654) and not*
 24 *be precluded from operating as an Amendment 80 replace-*

1 *ment vessel under the provisions of part 679 of title 50,*
2 *Code of Federal Regulations.*

3 *(c) COAST GUARD REVIEW AND DETERMINATION.—*

4 *(1) REVIEW.—Not later than 30 days after the*
5 *date of enactment of this Act, the Secretary shall con-*
6 *duct a review of the use of certain foreign fabricated*
7 *steel components in the hull or superstructure of the*
8 *certificated vessel.*

9 *(2) DETERMINATION.—Based on the review con-*
10 *ducted under paragraph (1), the Secretary shall deter-*
11 *mine whether the shipyard that constructed the cer-*
12 *tificated vessel or the purchaser of the certificated ves-*
13 *sel knew before such components were procured or in-*
14 *stalled that the use of such components would violate*
15 *requirements under sections 12112(a)(2)(A) and*
16 *12113(a)(2) of title 46, United States Code.*

17 *(3) REVOCATION.—If the Secretary determines*
18 *under paragraph (2) that the shipyard that con-*
19 *structed the certificated vessel or the purchaser of the*
20 *certificated vessel knew before such components were*
21 *procured or installed that the use of such components*
22 *would violate requirements under sections*
23 *12112(a)(2)(A) and 12113(a)(2) of title 46, United*
24 *States Code, the Secretary shall immediately revoke*

1 *the certificate of documentation issued under sub-*
2 *section (a).*

3 (4) *USE OF DOCUMENTS.*—*In conducting the re-*
4 *view required under paragraph (1), the Secretary*
5 *may request and review any information, correspond-*
6 *ence, or documents related to the construction of the*
7 *certificated vessel, including from the shipyard that*
8 *constructed the certificated vessel and the purchaser of*
9 *the certificated vessel.*

10 (d) *TERMINATION.*—*If the contract for purchase of the*
11 *certificated vessel that is in effect on the date of enactment*
12 *of this Act is terminated, the purchasing party to that con-*
13 *tract shall be prohibited from entering into a subsequent*
14 *contract or agreement for purchase of such vessel.*

15 (e) *DEFINITIONS.*—*In this section:*

16 (1) *CERTIFICATED VESSEL.*—*The term “certifi-*
17 *cated vessel” means the vessel America’s Finest*
18 *(United States official number 1276760).*

19 (2) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of the department in which the Coast*
21 *Guard is operating, acting through the Commandant*
22 *of the Coast Guard.*

23 **SEC. 836. TEMPORARY LIMITATIONS.**

24 (a) *LIMITATIONS.*—

1 (1) *IN GENERAL.*—Upon the Coast Guard
2 issuing a certificate of documentation with coastwise
3 and fishery endorsements for the vessel “AMERICA’S
4 FINEST” (United States official number 1276760)
5 and during any period such certificate is in effect,
6 and subject to subsection (b), the total amount of
7 groundfish harvested with respect to subparagraph
8 (A) or the total amount of deliveries processed from
9 other vessels with respect to subparagraph (B) by the
10 vessels described in paragraph (2) shall not collec-
11 tively exceed—

12 (A) the percentage of the harvest available
13 in any Gulf of Alaska groundfish fisheries (other
14 than fisheries subject to a limited access privilege
15 program created by the North Pacific Fishery
16 Management Council) that is equivalent to the
17 total harvest by the vessels described in para-
18 graph (2) in those fisheries in the calendar years
19 that a vessel described in paragraph (2) had har-
20 vest from 2012 through 2017 relative to the total
21 allowable catch available to such vessels in the
22 calendar years 2012 through 2017; or

23 (B) the percentage of processing of deliveries
24 from other vessels in any Bering Sea, Aleutian
25 Islands, and Gulf of Alaska groundfish fisheries

1 *(including fisheries subject to a limited access*
2 *privilege program created by the North Pacific*
3 *Fishery Management Council, or community de-*
4 *velopment quotas as described in section 305(i)*
5 *of the Magnuson-Stevens Fishery Conservation*
6 *and Management Act (16 U.S.C. 1855(i)) that*
7 *is equivalent to the total processing of such deliv-*
8 *eries by the vessels described in paragraph (2) in*
9 *those fisheries in the calendar years 2012*
10 *through 2017 relative to the total allowable catch*
11 *available in the calendar years 2012 through*
12 *2017.*

13 (2) *APPLICABLE VESSELS.—The limitations de-*
14 *scribed in paragraph (1) shall apply, in the aggre-*
15 *gate, to—*

16 (A) *the vessel AMERICA'S FINEST*
17 *(United States official number 1276760);*

18 (B) *the vessel US INTREPID (United*
19 *States official number 604439);*

20 (C) *the vessel AMERICAN NO. 1 (United*
21 *States official number 610654);*

22 (D) *any replacement of a vessel described in*
23 *subparagraph (A), (B), or (C); and*

24 (E) *any vessel assigned license number*
25 *LLG3217 under the license limitation program*

1 under part 679 of title 50, Code of Federal Regu-
2 lations.

3 (b) *EXPIRATION.*—The limitations described in sub-
4 section (a) shall apply to a groundfish species in Bering
5 Sea, Aleutian Islands, and Gulf of Alaska only until the
6 earlier of—

7 (1) the end of the 6-year period beginning on the
8 date of enactment of this Act; or

9 (2) the date on which the Secretary of Commerce
10 issues a final rule, based on recommendations devel-
11 oped by the North Pacific Fishery Management Coun-
12 cil consistent with the Magnuson-Stevens Fishery
13 Conservation and Management Act (16 U.S.C. 1801
14 et seq.), that limits processing deliveries of that
15 groundfish species from other vessels in any Bering
16 Sea, Aleutian Islands, and Gulf of Alaska groundfish
17 fisheries that are not subject to conservation and
18 management measures under section 206 of the Amer-
19 ican Fisheries Act (16 U.S.C. 1851 note).

20 (c) *EXISTING AUTHORITY.*—Except for the measures
21 required by this section, nothing in this title shall be con-
22 strued to limit the authority of the North Pacific Fishery
23 Management Council or the Secretary of Commerce under
24 the Magnuson-Stevens Fishery Conservation and Manage-
25 ment Act (16 U.S.C. 1801 et seq.).

1 **SEC. 837. TRANSFER OF COAST GUARD PROPERTY IN JUPI-**
2 **TER ISLAND, FLORIDA, FOR INCLUSION IN**
3 **HOBE SOUND NATIONAL WILDLIFE REFUGE.**

4 (a) *TRANSFER.*—*Administrative jurisdiction over the*
5 *property described in subsection (b) is transferred to the*
6 *Secretary of the Interior.*

7 (b) *PROPERTY DESCRIBED.*—*The property described*
8 *in this subsection is real property administered by the*
9 *Coast Guard in the Town of Jupiter Island, Florida, com-*
10 *prising Parcel #35-38-42-004-000-02590-6 (Bon Air*
11 *Beach lots 259 and 260 located at 83 North Beach Road)*
12 *and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach*
13 *lots 261 to 267), including any improvements thereon that*
14 *are not authorized or required by another provision of law*
15 *to be conveyed to another person.*

16 (c) *ADMINISTRATION.*—*The property described in sub-*
17 *section (b) is included in Hobe Sound National Wildlife*
18 *Refuge, and shall be administered by the Secretary of the*
19 *Interior acting through the United States Fish and Wildlife*
20 *Service.*

21 **SEC. 838. EMERGENCY RESPONSE.**

22 *Not later than 90 days after the date of enactment of*
23 *this Act, the Commandant of the Coast Guard shall request*
24 *the National Offshore Safety Advisory Committee to exam-*
25 *ine whether there are unnecessary regulatory barriers to the*
26 *use of small passenger vessels, crewboats, and offshore sup-*

1 *ply vessels in disaster response and provide recommenda-*
2 *tions, as appropriate, to reduce such barriers.*

3 **SEC. 839. DRAWBRIDGES CONSULTATION.**

4 (a) *CONSULTATION.*—*In addition and subsequent to*
5 *any rulemaking conducted under section 117.8 of title 33,*
6 *Code of Federal Regulations, related to permanent changes*
7 *to drawbridge openings that result from Amtrak service be-*
8 *tween New Orleans, Louisiana and Orlando, Florida, the*
9 *Commandant shall consult with owners or operators of rail*
10 *lines used for Amtrak passenger service between New Orle-*
11 *ans, Louisiana and Orlando, Florida and affected water-*
12 *way users on changes to drawbridge operating schedules*
13 *necessary to facilitate the On Time Performance of pas-*
14 *senger trains. These changes to schedules shall not impact*
15 *Coast Guard response times to operational missions.*

16 (b) *TIMING.*—*Consultation in subsection (a) shall*
17 *occur after commencement of Amtrak passenger service on*
18 *the rail lines between New Orleans, Louisiana and Orlando,*
19 *Florida at the following intervals:*

20 (1) *Not less than 3 months following the com-*
21 *mencement of Amtrak passenger service.*

22 (2) *Not less than 6 months following the com-*
23 *mencement of Amtrak passenger service.*

24 (c) *REPORT.*—*If after conducting the consultations re-*
25 *quired by subsection (b)(2), the Commandant finds that*

1 *permanent changes to drawbridge operations are necessary*
 2 *to mitigate delays in the movement of trains described in*
 3 *subsection (a) and that those changes do not unreasonably*
 4 *obstruct the navigability of the affected waterways, then the*
 5 *Commandant shall submit those findings to the Committee*
 6 *on Commerce, Science, and Transportation of the Senate*
 7 *and the Committee on Transportation and Infrastructure*
 8 *of the House of Representatives.*

9 ***TITLE IX—VESSEL INCIDENTAL***
 10 ***DISCHARGE ACT***

11 ***SEC. 901. SHORT TITLE.***

12 *This title may be cited as the “Vessel Incidental Dis-*
 13 *charge Act of 2018”.*

14 ***SEC. 902. PURPOSES; FINDINGS.***

15 *(a) PURPOSES.—The purposes of this title are—*

16 *(1) to provide for the establishment of uniform,*
 17 *environmentally sound standards and requirements*
 18 *for the management of discharges incidental to the*
 19 *normal operation of a vessel;*

20 *(2) to charge the Environmental Protection*
 21 *Agency with primary responsibility for establishing*
 22 *standards relating to the discharge of pollutants from*
 23 *vessels;*

24 *(3) to charge the Coast Guard with primary re-*
 25 *sponsibility for prescribing, administering, and en-*

1 *forcing regulations, consistent with the discharge*
2 *standards established by the Environmental Protec-*
3 *tion Agency, for the design, construction, installation,*
4 *and operation of the equipment and management*
5 *practices required onboard vessels; and*

6 *(4) to preserve the flexibility of States, political*
7 *subdivisions, and certain regions with respect to the*
8 *administration and enforcement of standards relating*
9 *to the discharge of pollutants from vessels engaged in*
10 *maritime commerce and transportation.*

11 *(b) FINDINGS.—Congress finds that—*

12 *(1) the Environmental Protection Agency is the*
13 *principal Federal authority charged under the Fed-*
14 *eral Water Pollution Control Act (33 U.S.C. 1251 et*
15 *seq.) with regulating through the issuance of permits*
16 *for the discharge of pollutants into the navigable*
17 *waters of the United States;*

18 *(2) the Coast Guard is the principal Federal au-*
19 *thority charged with administering, enforcing, and*
20 *prescribing regulations relating to the discharge of*
21 *pollutants from vessels; and*

22 *(3) during the period of 1973 to 2010—*

23 *(A) the Environmental Protection Agency*
24 *promulgated regulations exempting certain dis-*
25 *charges incidental to the normal operation of*

1 vessels from otherwise applicable permitting re-
2 quirements of the Federal Water Pollution Con-
3 trol Act (33 U.S.C. 1251 et seq.); and

4 (B) Congress enacted laws on numerous oc-
5 casions governing the regulation of discharges in-
6 cidental to the normal operation of vessels, in-
7 cluding—

8 (i) the Act to Prevent Pollution from
9 Ships (33 U.S.C. 1901 et seq.);

10 (ii) the Nonindigenous Aquatic Nui-
11 sance Prevention and Control Act of 1990
12 (16 U.S.C. 4701 et seq.);

13 (iii) the National Invasive Species Act
14 of 1996 (16 U.S.C. 4701 note; Public Law
15 104–332);

16 (iv) section 415 of the Coast Guard
17 Authorization Act of 1998 (Public Law
18 105–383; 112 Stat. 3434) and section 623 of
19 the Coast Guard and Maritime Transpor-
20 tation Act of 2004 (33 U.S.C. 1901 note;
21 Public Law 108–293), which established in-
22 terim and permanent requirements, respec-
23 tively, for the regulation of vessel discharges
24 of certain bulk cargo residue;

1 (v) title XIV of division B of Appendix
2 D of the Consolidated Appropriations Act,
3 2001 (Public Law 106–554; 114 Stat.
4 2763A–315), which prohibited or limited
5 certain vessel discharges in certain areas of
6 Alaska;

7 (vi) section 204 of the Maritime Trans-
8 portation Security Act of 2002 (33 U.S.C.
9 1902a), which established requirements for
10 the regulation of vessel discharges of agri-
11 cultural cargo residue material in the form
12 of hold washings; and

13 (vii) title X of the Coast Guard Au-
14 thorization Act of 2010 (33 U.S.C. 3801 et
15 seq.), which provided for the implementa-
16 tion of the International Convention on the
17 Control of Harmful Anti-Fouling Systems
18 on Ships, 2001.

19 **SEC. 903. STANDARDS FOR DISCHARGES INCIDENTAL TO**
20 **NORMAL OPERATION OF VESSELS.**

21 (a) *UNIFORM NATIONAL STANDARDS.*—

22 (1) *IN GENERAL.*—Section 312 of the Federal
23 Water Pollution Control Act (33 U.S.C. 1322) is
24 amended by adding at the end the following:

1 “(p) *UNIFORM NATIONAL STANDARDS FOR DIS-*
 2 *CHARGES INCIDENTAL TO NORMAL OPERATION OF VES-*
 3 *SELS.—*

4 “(1) *DEFINITIONS.—In this subsection:*

5 “(A) *AQUATIC NUISANCE SPECIES.—The*
 6 *term ‘aquatic nuisance species’ means a non-*
 7 *indigenous species that threatens—*

8 “(i) *the diversity or abundance of a*
 9 *native species;*

10 “(ii) *the ecological stability of—*

11 “(I) *waters of the United States;*

12 *or*

13 “(II) *waters of the contiguous*

14 *zone; or*

15 “(iii) *a commercial, agricultural,*
 16 *aquacultural, or recreational activity that*
 17 *is dependent on—*

18 “(I) *waters of the United States;*

19 *or*

20 “(II) *waters of the contiguous*

21 *zone.*

22 “(B) *BALLAST WATER.—*

23 “(i) *IN GENERAL.—The term ‘ballast*
 24 *water’ means any water, suspended matter,*

1 *and other materials taken onboard a ves-*
2 *sel—*

3 “(I) *to control or maintain trim,*
4 *draught, stability, or stresses of the ves-*
5 *sel, regardless of the means by which*
6 *any such water or suspended matter is*
7 *carried; or*

8 “(II) *during the cleaning, mainte-*
9 *nance, or other operation of a ballast*
10 *tank or ballast water management sys-*
11 *tem of the vessel.*

12 “(ii) *EXCLUSION.—The term ‘ballast*
13 *water’ does not include any substance that*
14 *is added to the water described in clause (i)*
15 *that is directly related to the operation of a*
16 *properly functioning ballast water manage-*
17 *ment system.*

18 “(C) *BALLAST WATER DISCHARGE STAND-*
19 *ARD.—The term ‘ballast water discharge stand-*
20 *ard’ means—*

21 “(i) *the numerical ballast water dis-*
22 *charge standard established by section*
23 *151.1511 or 151.2030 of title 33, Code of*
24 *Federal Regulations (or successor regula-*
25 *tions); or*

1 “(i) if a standard referred to in clause
2 (i) is superseded by a numerical standard
3 of performance under this subsection, that
4 superseding standard.

5 “(D) *BALLAST WATER EXCHANGE*.—The
6 term ‘ballast water exchange’ means the replace-
7 ment of water in a ballast water tank using 1
8 of the following methods:

9 “(i) *Flow-through exchange*, in which
10 ballast water is flushed out by pumping in
11 midocean water at the bottom of the tank if
12 practicable, and continuously overflowing
13 the tank from the top, until 3 full volumes
14 of water have been changed to minimize the
15 number of original organisms remaining in
16 the tank.

17 “(ii) *Empty and refill exchange*, in
18 which ballast water taken on in ports, estu-
19 arine waters, or territorial waters is
20 pumped out until the pump loses suction,
21 after which the ballast tank is refilled with
22 midocean water.

23 “(E) *BALLAST WATER MANAGEMENT SYS-*
24 *TEM*.—The term ‘ballast water management sys-
25 tem’ means any marine pollution control device

1 *(including all ballast water treatment equip-*
2 *ment, ballast tanks, pipes, pumps, and all asso-*
3 *ciated control and monitoring equipment) that*
4 *processes ballast water—*

5 *“(i) to kill, render nonviable, or re-*
6 *move organisms; or*

7 *“(ii) to avoid the uptake or discharge*
8 *of organisms.*

9 *“(F) BEST AVAILABLE TECHNOLOGY ECO-*
10 *NOMICALLY ACHIEVABLE.—The term ‘best avail-*
11 *able technology economically achievable’*
12 *means—*

13 *“(i) best available technology economi-*
14 *cally achievable (within the meaning of sec-*
15 *tion 301(b)(2)(A));*

16 *“(ii) best available technology (within*
17 *the meaning of section 304(b)(2)(B)); and*

18 *“(iii) best available technology, as de-*
19 *termined in accordance with section*
20 *125.3(d)(3) of title 40, Code of Federal Reg-*
21 *ulations (or successor regulations).*

22 *“(G) BEST CONVENTIONAL POLLUTANT CON-*
23 *TROL TECHNOLOGY.—The term ‘best conven-*
24 *tional pollutant control technology’ means—*

1 “(i) *best conventional pollutant control*
2 *technology (within the meaning of section*
3 *301(b)(2)(E));*

4 “(ii) *best conventional pollutant con-*
5 *trol technology (within the meaning of sec-*
6 *tion 304(b)(4)); and*

7 “(iii) *best conventional pollutant con-*
8 *trol technology, as determined in accordance*
9 *with section 125.3(d)(2) of title 40, Code of*
10 *Federal Regulations (or successor regula-*
11 *tions).*

12 “(H) *BEST MANAGEMENT PRACTICE.—*

13 “(i) *IN GENERAL.—The term ‘best*
14 *management practice’ means a schedule of*
15 *activities, prohibitions of practices, mainte-*
16 *nance procedures, and other management*
17 *practices to prevent or reduce the pollution*
18 *of—*

19 “(I) *the waters of the United*
20 *States; or*

21 “(II) *the waters of the contiguous*
22 *zone.*

23 “(ii) *INCLUSIONS.—The term ‘best*
24 *management practice’ includes any treat-*

1 *ment requirement, operating procedure, or*
 2 *practice to control—*

3 “(I) *vessel runoff;*

4 “(II) *spillage or leaks;*

5 “(III) *sludge or waste disposal; or*

6 “(IV) *drainage from raw material*
 7 *storage.*

8 “(I) *BEST PRACTICABLE CONTROL TECH-*
 9 *NOLOGY CURRENTLY AVAILABLE.—The term ‘best*
 10 *practicable control technology currently avail-*
 11 *able’ means—*

12 “(i) *best practicable control technology*
 13 *currently available (within the meaning of*
 14 *section 301(b)(1)(A));*

15 “(ii) *best practicable control technology*
 16 *currently available (within the meaning of*
 17 *section 304(b)(1)); and*

18 “(iii) *best practicable control tech-*
 19 *nology currently available, as determined in*
 20 *accordance with section 125.3(d)(1) of title*
 21 *40, Code of Federal Regulations (or suc-*
 22 *cessor regulations).*

23 “(J) *CAPTAIN OF THE PORT ZONE.—The*
 24 *term ‘Captain of the Port Zone’ means a Cap-*
 25 *tain of the Port Zone established by the Sec-*

1 *retary pursuant to sections 92, 93, and 633 of*
2 *title 14, United States Code.*

3 “(K) *EMPTY BALLAST TANK.*—*The term*
4 *‘empty ballast tank’ means a tank that—*

5 “(i) *has previously held ballast water*
6 *that has been drained to the limit of the*
7 *functional or operational capabilities of the*
8 *tank (such as loss of suction);*

9 “(ii) *is recorded as empty on a vessel*
10 *log; and*

11 “(iii) *contains unpumpable residual*
12 *ballast water and sediment.*

13 “(L) *GREAT LAKES COMMISSION.*—*The term*
14 *‘Great Lakes Commission’ means the Great*
15 *Lakes Commission established by article IV A of*
16 *the Great Lakes Compact to which Congress*
17 *granted consent in the Act of July 24, 1968*
18 *(Public Law 90–419; 82 Stat. 414).*

19 “(M) *GREAT LAKES STATE.*—*The term*
20 *‘Great Lakes State’ means any of the States of—*

21 “(i) *Illinois;*

22 “(ii) *Indiana;*

23 “(iii) *Michigan;*

24 “(iv) *Minnesota;*

25 “(v) *New York;*

1 “(vi) Ohio;

2 “(vii) Pennsylvania; and

3 “(viii) Wisconsin.

4 “(N) GREAT LAKES SYSTEM.—The term
5 ‘Great Lakes System’ has the meaning given the
6 term in section 118(a)(3).

7 “(O) INTERNAL WATERS.—The term ‘inter-
8 nal waters’ has the meaning given the term in
9 section 2.24 of title 33, Code of Federal Regula-
10 tions (or a successor regulation).

11 “(P) MARINE POLLUTION CONTROL DE-
12 VICE.—The term ‘marine pollution control de-
13 vice’ means any equipment or management prac-
14 tice (or combination of equipment and a man-
15 agement practice), for installation or use on-
16 board a vessel, that is—

17 “(i) designed to receive, retain, treat,
18 control, or discharge a discharge incidental
19 to the normal operation of a vessel; and

20 “(ii) determined by the Administrator
21 and the Secretary to be the most effective
22 equipment or management practice (or com-
23 bination of equipment and a management
24 practice) to reduce the environmental im-
25 pacts of the discharge, consistent with the

1 *factors for consideration described in para-*
 2 *graphs (4) and (5).*

3 “(Q) *NONINDIGENOUS SPECIES.*—*The term*
 4 *‘nonindigenous species’ means an organism of a*
 5 *species that enters an ecosystem beyond the his-*
 6 *toric range of the species.*

7 “(R) *ORGANISM.*—*The term ‘organism’ in-*
 8 *cludes—*

9 “(i) *an animal, including fish and fish*
 10 *eggs and larvae;*

11 “(ii) *a plant;*

12 “(iii) *a pathogen;*

13 “(iv) *a microbe;*

14 “(v) *a virus;*

15 “(vi) *a prokaryote (including any*
 16 *archean or bacterium);*

17 “(vii) *a fungus; and*

18 “(viii) *a protist.*

19 “(S) *PACIFIC REGION.*—

20 “(i) *IN GENERAL.*—*The term ‘Pacific*
 21 *Region’ means any Federal or State*
 22 *water—*

23 “(I) *adjacent to the State of Alas-*
 24 *ka, California, Hawaii, Oregon, or*
 25 *Washington; and*

1 “(II) *extending from shore.*

2 “(ii) *INCLUSION.—The term ‘Pacific*
3 *Region’ includes the entire exclusive eco-*
4 *nomie zone (as defined in section 1001 of*
5 *the Oil Pollution Act of 1990 (33 U.S.C.*
6 *2701)) adjacent to each State described in*
7 *clause (i)(I).*

8 “(T) *PORT OR PLACE OF DESTINATION.—*
9 *The term ‘port or place of destination’ means a*
10 *port or place to which a vessel is bound to an-*
11 *chor or moor.*

12 “(U) *RENDER NONVIABLE.—The term*
13 *‘render nonviable’, with respect to an organism*
14 *in ballast water, means the action of a ballast*
15 *water management system that renders the orga-*
16 *nism permanently incapable of reproduction fol-*
17 *lowing treatment.*

18 “(V) *SALTWATER FLUSH.—*

19 “(i) *IN GENERAL.—The term ‘saltwater*
20 *flush’ means—*

21 “(I)(aa) *the addition of as much*
22 *midocean water into each empty bal-*
23 *last tank of a vessel as is safe for the*
24 *vessel and crew; and*

1 “(bb) *the mixing of the flushwater*
2 *with residual ballast water and sedi-*
3 *ment through the motion of the vessel;*
4 *and*

5 “(II) *the discharge of that mixed*
6 *water, such that the resultant residual*
7 *water remaining in the tank—*

8 “(aa) *has the highest salinity*
9 *possible; and*

10 “(bb) *is at least 30 parts per*
11 *thousand.*

12 “(ii) *MULTIPLE SEQUENCES.—For*
13 *purposes of clause (i), a saltwater flush may*
14 *require more than 1 fill-mix-empty se-*
15 *quence, particularly if only small quantities*
16 *of water can be safely taken onboard a ves-*
17 *sel at 1 time.*

18 “(W) *SECRETARY.—The term ‘Secretary’*
19 *means the Secretary of the department in which*
20 *the Coast Guard is operating.*

21 “(X) *SMALL VESSEL GENERAL PERMIT.—*
22 *The term ‘Small Vessel General Permit’ means*
23 *the permit that is the subject of the notice of*
24 *final permit issuance entitled ‘Final National*
25 *Pollutant Discharge Elimination System*

1 *(NPDES) Small Vessel General Permit for Dis-*
2 *charges Incidental to the Normal Operation of*
3 *Vessels Less Than 79 Feet’ (79 Fed. Reg. 53702*
4 *(September 10, 2014)).*

5 “(Y) *SMALL VESSEL OR FISHING VESSEL.*—
6 *The term ‘small vessel or fishing vessel’ means a*
7 *vessel that is—*

8 “(i) *less than 79 feet in length; or*

9 “(ii) *a fishing vessel, fish processing*
10 *vessel, or fish tender vessel (as those terms*
11 *are defined in section 2101 of title 46,*
12 *United States Code), regardless of the length*
13 *of the vessel.*

14 “(Z) *VESSEL GENERAL PERMIT.*—*The term*
15 *‘Vessel General Permit’ means the permit that is*
16 *the subject of the notice of final permit issuance*
17 *entitled ‘Final National Pollutant Discharge*
18 *Elimination System (NPDES) General Permit*
19 *for Discharges Incidental to the Normal Oper-*
20 *ation of a Vessel’ (78 Fed. Reg. 21938 (April 12,*
21 *2013)).*

22 “(2) *APPLICABILITY.*—

23 “(A) *IN GENERAL.*—*Except as provided in*
24 *subparagraph (B), this subsection applies to—*

1 “(i) any discharge incidental to the
2 normal operation of a vessel; and

3 “(ii) any discharge incidental to the
4 normal operation of a vessel (such as most
5 graywater) that is commingled with sewage,
6 subject to the conditions that—

7 “(I) nothing in this subsection
8 prevents a State from regulating sew-
9 age discharges; and

10 “(II) any such commingled dis-
11 charge shall comply with all applicable
12 requirements of—

13 “(aa) this subsection; and

14 “(bb) any law applicable to
15 discharges of sewage.

16 “(B) *EXCLUSION.*—This subsection does not
17 apply to any discharge incidental to the normal
18 operation of a vessel—

19 “(i) from—

20 “(I) a vessel of the Armed Forces
21 subject to subsection (n);

22 “(II) a recreational vessel subject
23 to subsection (o);

24 “(III) a small vessel or fishing
25 vessel, except that this subsection shall

1 *apply to any discharge of ballast water*
2 *from a small vessel or fishing vessel; or*

3 *“(IV) a floating craft that is per-*
4 *manently moored to a pier, including*
5 *a ‘floating’ casino, hotel, restaurant, or*
6 *bar;*

7 *“(ii) of ballast water from a vessel—*

8 *“(I) that continuously takes on*
9 *and discharges ballast water in a flow-*
10 *through system, if the Administrator*
11 *determines that system cannot materi-*
12 *ally contribute to the spread or intro-*
13 *duction of an aquatic nuisance species*
14 *into waters of the United States;*

15 *“(II) in the National Defense Re-*
16 *serve Fleet that is scheduled for dis-*
17 *posal, if the vessel does not have an op-*
18 *erable ballast water management sys-*
19 *tem;*

20 *“(III) that discharges ballast*
21 *water consisting solely of water taken*
22 *onboard from a public or commercial*
23 *source that, at the time the water is*
24 *taken onboard, meets the applicable re-*
25 *quirements or permit requirements of*

1 *the Safe Drinking Water Act (42*
 2 *U.S.C. 300f et seq.);*

3 “(IV) *that carries all permanent*
 4 *ballast water in sealed tanks that are*
 5 *not subject to discharge; or*

6 “(V) *that only discharges ballast*
 7 *water into a reception facility; or*

8 “(iii) *that results from, or contains*
 9 *material derived from, an activity other*
 10 *than the normal operation of the vessel,*
 11 *such as material resulting from an indus-*
 12 *trial or manufacturing process onboard the*
 13 *vessel.*

14 “(3) *CONTINUATION IN EFFECT OF EXISTING RE-*
 15 *QUIREMENTS.—*

16 “(A) *VESSEL GENERAL PERMIT.—Notwith-*
 17 *standing the expiration date of the Vessel Gen-*
 18 *eral Permit or any other provision of law, all*
 19 *provisions of the Vessel General Permit shall re-*
 20 *main in force and effect, and shall not be modi-*
 21 *fied, until the applicable date described in sub-*
 22 *paragraph (C).*

23 “(B) *NONINDIGENOUS AQUATIC NUISANCE*
 24 *PREVENTION AND CONTROL ACT REGULATIONS.—*

25 *Notwithstanding section 903(a)(2)(A) of the Ves-*

1 *sel Incidental Discharge Act of 2018, all regula-*
2 *tions promulgated by the Secretary pursuant to*
3 *section 1101 of the Nonindigenous Aquatic Nui-*
4 *sance Prevention and Control Act of 1990 (16*
5 *U.S.C. 4711) (as in effect on the day before the*
6 *date of enactment of this subsection), including*
7 *the regulations contained in subparts C and D*
8 *of part 151 of title 33, Code of Federal Regula-*
9 *tions, and subpart 162.060 of part 162 of title*
10 *46, Code of Federal Regulations (as in effect on*
11 *the day before that date of enactment), shall re-*
12 *main in force and effect until the applicable date*
13 *described in subparagraph (C).*

14 *“(C) REPEAL ON EXISTENCE OF FINAL, EF-*
15 *FECTIVE, AND ENFORCEABLE REQUIREMENTS.—*
16 *Effective beginning on the date on which the re-*
17 *quirements promulgated by the Secretary under*
18 *subparagraphs (A), (B), and (C) of paragraph*
19 *(5) with respect to every discharge incidental to*
20 *the normal operation of a vessel that is subject*
21 *to regulation under this subsection are final, ef-*
22 *fective, and enforceable, the requirements of the*
23 *Vessel General Permit and the regulations de-*
24 *scribed in subparagraph (B) shall have no force*
25 *or effect.*

1 “(4) NATIONAL STANDARDS OF PERFORMANCE
2 FOR MARINE POLLUTION CONTROL DEVICES AND
3 WATER QUALITY ORDERS.—

4 “(A) ESTABLISHMENT.—

5 “(i) IN GENERAL.—Not later than 2
6 years after the date of enactment of this
7 subsection, the Administrator, in concu-
8 rence with the Secretary (subject to clause
9 (ii)), and in consultation with interested
10 Governors (subject to clause (iii)), shall pro-
11 mulgate Federal standards of performance
12 for marine pollution control devices for each
13 type of discharge incidental to the normal
14 operation of a vessel that is subject to regu-
15 lation under this subsection.

16 “(ii) CONCURRENCE WITH SEC-
17 RETARY.—

18 “(I) REQUEST.—The Adminis-
19 trator shall submit to the Secretary a
20 request for written concurrence with
21 respect to a proposed standard of per-
22 formance under clause (i).

23 “(II) EFFECT OF FAILURE TO
24 CONCUR.—A failure by the Secretary
25 to concur with the Administrator

1 *under clause (i) by the date that is 60*
2 *days after the date on which the Ad-*
3 *ministrator submits a request for con-*
4 *currence under subclause (I) shall not*
5 *prevent the Administrator from pro-*
6 *mulgating the relevant standard of*
7 *performance in accordance with the*
8 *deadline under clause (i), subject to the*
9 *condition that the Administrator shall*
10 *include in the administrative record of*
11 *the promulgation—*

12 *“(aa) documentation of the*
13 *request submitted under subclause*
14 *(I); and*

15 *“(bb) the response of the Ad-*
16 *ministrator to any written objec-*
17 *tions received from the Secretary*
18 *relating to the proposed standard*
19 *of performance during the 60-day*
20 *period beginning on the date of*
21 *submission of the request.*

22 *“(iii) CONSULTATION WITH GOV-*
23 *ERNORS.—*

24 *“(I) IN GENERAL.—The Adminis-*
25 *trator, in promulgating a standard of*

1 *performance under clause (i), shall de-*
2 *velop the standard of performance—*

3 *“(aa) in consultation with*
4 *interested Governors; and*

5 *“(bb) in accordance with the*
6 *deadlines under that clause.*

7 *“(II) PROCESS.—The Adminis-*
8 *trator shall develop a process for solici-*
9 *ting input from interested Governors,*
10 *including information sharing relevant*
11 *to such process, to allow interested*
12 *Governors to inform the development of*
13 *standards of performance under clause*
14 *(i).*

15 *“(III) OBJECTION BY GOV-*
16 *ERNORS.—*

17 *“(aa) SUBMISSION.—An in-*
18 *terested Governor that objects to a*
19 *proposed standard of performance*
20 *under clause (i) may submit to*
21 *the Administrator in writing a*
22 *detailed objection to the proposed*
23 *standard of performance, describ-*
24 *ing the scientific, technical, or*

1 *operational factors that form the*
2 *basis of the objection.*

3 “(bb) *RESPONSE.*—*Before fi-*
4 *nalizing a standard of perform-*
5 *ance under clause (i) that is sub-*
6 *ject to an objection under item*
7 *(aa) from 1 or more interested*
8 *Governors, the Administrator*
9 *shall provide a written response to*
10 *each interested Governor that sub-*
11 *mitted an objection under that*
12 *item that details the scientific,*
13 *technical, or operational factors*
14 *that form the basis for that stand-*
15 *ard of performance.*

16 “(cc) *JUDICIAL REVIEW.*—*A*
17 *response of the Administrator*
18 *under item (bb) shall not be sub-*
19 *ject to judicial review.*

20 “(iv) *PROCEDURE.*—*The Adminis-*
21 *trator shall promulgate the standards of*
22 *performance under this subparagraph in ac-*
23 *cordance with—*

24 *“(I) this paragraph; and*

1 “(II) section 553 of title 5, United
2 States Code.

3 “(B) STRINGENCY.—

4 “(i) IN GENERAL.—Subject to clause
5 (iii), the standards of performance promul-
6 gated under this paragraph shall require—

7 “(I) with respect to conventional
8 pollutants, toxic pollutants, and non-
9 conventional pollutants (including
10 aquatic nuisance species), the applica-
11 tion of the best practicable control tech-
12 nology currently available;

13 “(II) with respect to conventional
14 pollutants, the application of the best
15 conventional pollutant control tech-
16 nology; and

17 “(III) with respect to toxic pollut-
18 ants and nonconventional pollutants
19 (including aquatic nuisance species),
20 the application of the best available
21 technology economically achievable for
22 categories and classes of vessels, which
23 shall result in reasonable progress to-
24 ward the national goal of eliminating
25 discharges of all pollutants.

1 “(i) *BEST MANAGEMENT PRAC-*
2 *TICES.—The Administrator shall require the*
3 *use of best management practices to control*
4 *or abate any discharge incidental to the*
5 *normal operation of a vessel if—*

6 “(I) *numeric standards of per-*
7 *formance are infeasible under clause*
8 *(i); or*

9 “(II) *the best management prac-*
10 *tices are reasonably necessary—*

11 “(aa) *to achieve the stand-*
12 *ards of performance; or*

13 “(bb) *to carry out the pur-*
14 *pose and intent of this subsection.*

15 “(iii) *MINIMUM REQUIREMENTS.—*
16 *Subject to subparagraph (D)(i)(II), the*
17 *combination of any equipment or best man-*
18 *agement practice comprising a marine pol-*
19 *lution control device shall not be less strin-*
20 *gent than the following provisions of the*
21 *Vessel General Permit:*

22 “(I) *All requirements contained in*
23 *parts 2.1 and 2.2 (relating to effluent*
24 *limits and related requirements), in-*
25 *cluding with respect to waters subject*

1 to Federal protection, in whole or in
2 part, for conservation purposes.

3 “(II) All requirements contained
4 in part 5 (relating to vessel class-spe-
5 cific requirements) that concern efflu-
6 ent limits and authorized discharges
7 (within the meaning of that part), in-
8 cluding with respect to waters subject
9 to Federal protection, in whole or in
10 part, for conservation purposes.

11 “(C) CLASSES, TYPES, AND SIZES OF VES-
12 SELS.—The standards promulgated under this
13 paragraph may distinguish—

14 “(i) among classes, types, and sizes of
15 vessels; and

16 “(ii) between new vessels and existing
17 vessels.

18 “(D) REVIEW AND REVISION.—

19 “(i) IN GENERAL.—Not less frequently
20 than once every 5 years, the Administrator,
21 in consultation with the Secretary, shall—

22 “(I) review the standards of per-
23 formance in effect under this para-
24 graph; and

1 “(II) if appropriate, revise those
2 standards of performance—

3 “(aa) in accordance with
4 subparagraphs (A) through (C);
5 and

6 “(bb) as necessary to estab-
7 lish requirements for any dis-
8 charge that is subject to regulation
9 under this subsection.

10 “(ii) MAINTAINING PROTECTIVE-
11 NESS.—

12 “(I) IN GENERAL.—Except as pro-
13 vided in subclause (II), the Adminis-
14 trator shall not revise a standard of
15 performance under this subsection to be
16 less stringent than an applicable exist-
17 ing requirement.

18 “(II) EXCEPTIONS.—The Admin-
19 istrator may revise a standard of per-
20 formance to be less stringent than an
21 applicable existing requirement—

22 “(aa) if information becomes
23 available that—

24 “(AA) was not reason-
25 ably available when the Ad-

1 *ministrator promulgated the*
2 *initial standard of perform-*
3 *ance or comparable require-*
4 *ment of the Vessel General*
5 *Permit, as applicable (in-*
6 *cluding the subsequent scar-*
7 *city or unavailability of ma-*
8 *terials used to control the rel-*
9 *evant discharge); and*

10 *“(BB) would have justi-*
11 *fied the application of a less-*
12 *stringent standard of per-*
13 *formance at the time of pro-*
14 *mulgation; or*

15 *“(bb) if the Administrator*
16 *determines that a material tech-*
17 *nical mistake or misinterpretation*
18 *of law occurred when promul-*
19 *gating the existing standard of*
20 *performance or comparable re-*
21 *quirement of the Vessel General*
22 *Permit, as applicable.*

23 *“(E) BEST MANAGEMENT PRACTICES FOR*
24 *AQUATIC NUISANCE SPECIES EMERGENCIES AND*
25 *FURTHER PROTECTION OF WATER QUALITY.—*

1 “(i) *IN GENERAL.*—*Notwithstanding*
2 *any other provision of this subsection, the*
3 *Administrator, in concurrence with the Sec-*
4 *retary (subject to clause (ii)), and in con-*
5 *sultation with States, may require, by*
6 *order, the use of an emergency best manage-*
7 *ment practice for any region or category of*
8 *vessels in any case in which the Adminis-*
9 *trator determines that such a best manage-*
10 *ment practice—*

11 “(I) *is necessary to reduce the rea-*
12 *sonably foreseeable risk of introduction*
13 *or establishment of an aquatic nui-*
14 *sance species; or*

15 “(II) *will mitigate the adverse ef-*
16 *fects of a discharge that contributes to*
17 *a violation of a water quality require-*
18 *ment under section 303, other than a*
19 *requirement based on the presence of*
20 *an aquatic nuisance species.*

21 “(ii) *CONCURRENCE WITH SEC-*
22 *RETARY.*—

23 “(I) *REQUEST.*—*The Adminis-*
24 *trator shall submit to the Secretary a*

1 *request for written concurrence with*
2 *respect to an order under clause (i).*

3 “(II) *EFFECT OF FAILURE TO*
4 *CONCUR.—A failure by the Secretary*
5 *to concur with the Administrator*
6 *under clause (i) by the date that is 60*
7 *days after the date on which the Ad-*
8 *ministrator submits a request for con-*
9 *currence under subclause (I) shall not*
10 *prevent the Administrator from issuing*
11 *the relevant order, subject to the condi-*
12 *tion that the Administrator shall in-*
13 *clude in the administrative record of*
14 *the issuance—*

15 “(aa) *documentation of the*
16 *request submitted under subclause*
17 *(I); and*

18 “(bb) *the response of the Ad-*
19 *ministrator to any written objec-*
20 *tions received from the Secretary*
21 *relating to the proposed order*
22 *during the 60-day period begin-*
23 *ning on the date of submission of*
24 *the request.*

1 “(iii) *DURATION.*—An order issued by
2 the Administrator under clause (i) shall ex-
3 pire not later than the date that is 4 years
4 after the date of issuance.

5 “(iv) *EXTENSIONS.*—The Adminis-
6 trator may reissue an order under clause (i)
7 for such subsequent periods of not longer
8 than 4 years as the Administrator deter-
9 mines to be appropriate.

10 “(5) *IMPLEMENTATION, COMPLIANCE, AND EN-*
11 *FORCEMENT REQUIREMENTS.*—

12 “(A) *ESTABLISHMENT.*—

13 “(i) *IN GENERAL.*—As soon as prac-
14 ticable, but not later than 2 years, after the
15 date on which the Administrator promul-
16 gates any new or revised standard of per-
17 formance under paragraph (4) with respect
18 to a discharge, the Secretary, in consulta-
19 tion with States, shall promulgate the regu-
20 lations required under this paragraph with
21 respect to that discharge.

22 “(ii) *MINIMUM REQUIREMENTS.*—Sub-
23 ject to subparagraph (C)(ii)(II), the regula-
24 tions promulgated under this paragraph
25 shall not be less stringent with respect to en-

1 *asuring, monitoring, and enforcing compli-*
2 *ance than—*

3 *“(I) the requirements contained in*
4 *part 3 of the Vessel General Permit*
5 *(relating to corrective actions);*

6 *“(II) the requirements contained*
7 *in part 4 of the Vessel General Permit*
8 *(relating to inspections, monitoring,*
9 *reporting, and recordkeeping), includ-*
10 *ing with respect to waters subject to*
11 *Federal protection, in whole or in part,*
12 *for conservation purposes;*

13 *“(III) the requirements contained*
14 *in part 5 of the Vessel General Permit*
15 *(relating to vessel class-specific require-*
16 *ments) regarding monitoring, inspec-*
17 *tion, and educational and training re-*
18 *quirements (within the meaning of*
19 *that part), including with respect to*
20 *waters subject to Federal protection, in*
21 *whole or in part, for conservation pur-*
22 *poses; and*

23 *“(IV) any comparable, existing re-*
24 *quirements promulgated under the*
25 *Nonindigenous Aquatic Nuisance Pre-*

1 *vention and Control Act of 1990 (16*
2 *U.S.C. 4701 et seq.) (including section*
3 *1101 of that Act (16 U.S.C. 4711) (as*
4 *in effect on the day before the date of*
5 *enactment of this subsection)) applica-*
6 *ble to that discharge.*

7 “(iii) *COORDINATION WITH STATES.—*
8 *The Secretary, in coordination with the*
9 *Governors of the States, shall develop, pub-*
10 *lish, and periodically update inspection,*
11 *monitoring, data management, and enforce-*
12 *ment procedures for the enforcement by*
13 *States of Federal standards and require-*
14 *ments under this subsection.*

15 “(iv) *EFFECTIVE DATE.—In deter-*
16 *mining the effective date of a regulation*
17 *promulgated under this paragraph, the Sec-*
18 *retary shall take into consideration the pe-*
19 *riod of time necessary—*

20 *“(I) to communicate to affected*
21 *persons the applicability of the regula-*
22 *tion; and*

23 *“(II) for affected persons reason-*
24 *ably to comply with the regulation.*

1 “(v) *PROCEDURE.*—*The Secretary shall*
2 *promulgate the regulations under this sub-*
3 *paragraph in accordance with—*

4 “(I) *this paragraph; and*

5 “(II) *section 553 of title 5, United*
6 *States Code.*

7 “(B) *IMPLEMENTATION REGULATIONS FOR*
8 *MARINE POLLUTION CONTROL DEVICES.*—*The*
9 *Secretary shall promulgate such regulations gov-*
10 *erning the design, construction, testing, ap-*
11 *proval, installation, and use of marine pollution*
12 *control devices as are necessary to ensure compli-*
13 *ance with the standards of performance promul-*
14 *gated under paragraph (4).*

15 “(C) *COMPLIANCE ASSURANCE.*—

16 “(i) *IN GENERAL.*—*The Secretary shall*
17 *promulgate requirements (including re-*
18 *quirements for vessel owners and operators*
19 *with respect to inspections, monitoring, re-*
20 *porting, sampling, and recordkeeping) to*
21 *ensure, monitor, and enforce compliance*
22 *with—*

23 “(I) *the standards of performance*
24 *promulgated by the Administrator*
25 *under paragraph (4); and*

1 “(II) *the implementation regula-*
2 *tions promulgated by the Secretary*
3 *under subparagraph (B).*

4 “(ii) *MAINTAINING PROTECTIVE-*
5 *NESS.—*

6 “(I) *IN GENERAL.—Except as pro-*
7 *vided in subclause (II), the Secretary*
8 *shall not revise a requirement under*
9 *this subparagraph or subparagraph*
10 *(B) to be less stringent with respect to*
11 *ensuring, monitoring, or enforcing*
12 *compliance than an applicable existing*
13 *requirement.*

14 “(II) *EXCEPTIONS.—The Sec-*
15 *retary may revise a requirement under*
16 *this subparagraph or subparagraph*
17 *(B) to be less stringent than an appli-*
18 *cable existing requirement—*

19 “(aa) *in accordance with this*
20 *subparagraph or subparagraph*
21 *(B), as applicable;*

22 “(bb) *if information becomes*
23 *available that—*

24 “(AA) *the Adminis-*
25 *trator determines was not*

1 *reasonably available when*
2 *the Administrator promul-*
3 *gated the existing require-*
4 *ment of the Vessel General*
5 *Permit, or that the Secretary*
6 *determines was not reason-*
7 *ably available when the Sec-*
8 *retary promulgated the exist-*
9 *ing requirement under the*
10 *Nonindigenous Aquatic Nui-*
11 *sance Prevention and Control*
12 *Act of 1990 (16 U.S.C. 4701*
13 *et seq.) or the applicable ex-*
14 *isting requirement under this*
15 *subparagraph, as applicable*
16 *(including subsequent scar-*
17 *city or unavailability of ma-*
18 *terials used to control the rel-*
19 *evant discharge); and*

20 “(BB) would have justi-

21 *fied the application of a less-*

22 *stringent requirement at the*

23 *time of promulgation; or*

24 “(cc) if the Administrator de-

25 *termines that a material technical*

1 *mistake or misinterpretation of*
2 *law occurred when promulgating*
3 *an existing requirement of the*
4 *Vessel General Permit, or if the*
5 *Secretary determines that a mate-*
6 *rial mistake or misinterpretation*
7 *of law occurred when promul-*
8 *gating an existing requirement*
9 *under the Nonindigenous Aquatic*
10 *Nuisance Prevention and Control*
11 *Act of 1990 (16 U.S.C. 4701 et*
12 *seq.) or this subsection.*

13 *“(D) DATA AVAILABILITY.—Beginning not*
14 *later than 1 year after the date of enactment of*
15 *this subsection, the Secretary shall provide to the*
16 *Governor of a State, on request by the Governor,*
17 *access to Automated Identification System ar-*
18 *ival data for inbound vessels to specific ports or*
19 *places of destination in the State.*

20 *“(6) ADDITIONAL PROVISIONS REGARDING BAL-*
21 *LAST WATER.—*

22 *“(A) IN GENERAL.—In addition to the other*
23 *applicable requirements of this subsection, the re-*
24 *quirements of this paragraph shall apply with*
25 *respect to any discharge incidental to the normal*

1 *operation of a vessel that is a discharge of ballast*
2 *water.*

3 “(B) *EMPTY BALLAST TANKS.*—

4 “(i) *REQUIREMENTS.*—*Except as pro-*
5 *vided in clause (ii), the owner or operator*
6 *of a vessel with empty ballast tanks bound*
7 *for a port or place of destination subject to*
8 *the jurisdiction of the United States shall,*
9 *prior to arriving at that port or place of*
10 *destination, conduct a ballast water ex-*
11 *change or saltwater flush—*

12 “(I) *not less than 200 nautical*
13 *miles from any shore for a voyage orig-*
14 *inating outside the United States or*
15 *Canadian exclusive economic zone; or*

16 “(II) *not less than 50 nautical*
17 *miles from any shore for a voyage orig-*
18 *inating within the United States or*
19 *Canadian exclusive economic zone.*

20 “(ii) *EXCEPTIONS.*—*Clause (i) shall*
21 *not apply—*

22 “(I) *if the unpumpable residual*
23 *waters and sediments of an empty bal-*
24 *last tank were subject to treatment, in*
25 *compliance with applicable require-*

1 *ments, through a type-approved ballast*
2 *water management system approved by*
3 *the Secretary;*

4 “(II) *except as otherwise required*
5 *under this subsection, if the*
6 *unpumpable residual waters and sedi-*
7 *ments of an empty ballast tank were*
8 *sourced within—*

9 “(aa) *the same port or place*
10 *of destination; or*

11 “(bb) *contiguous portions of*
12 *a single Captain of the Port Zone;*

13 “(III) *if complying with an ap-*
14 *plicable requirement of clause (i)—*

15 “(aa) *would compromise the*
16 *safety of the vessel; or*

17 “(bb) *is otherwise prohibited*
18 *by any Federal, Canadian, or*
19 *international law (including regu-*
20 *lations) pertaining to vessel safe-*
21 *ty;*

22 “(IV) *if design limitations of the*
23 *vessel prevent a ballast water exchange*
24 *or saltwater flush from being conducted*
25 *in accordance with clause (i); or*

1 “(V) if the vessel is operating ex-
2 clusively within the internal waters of
3 the United States or Canada.

4 “(C) PERIOD OF USE OF INSTALLED BAL-
5 LAST WATER MANAGEMENT SYSTEMS.—

6 “(i) IN GENERAL.—Except as provided
7 in clause (ii), a vessel shall be deemed to be
8 in compliance with a standard of perform-
9 ance for a marine pollution control device
10 that is a ballast water management system
11 if the ballast water management system—

12 “(I) is maintained in proper
13 working condition, as determined by
14 the Secretary;

15 “(II) is maintained and used in
16 accordance with manufacturer speci-
17 fications;

18 “(III) continues to meet the bal-
19 last water discharge standard applica-
20 ble to the vessel at the time of installa-
21 tion, as determined by the Secretary;
22 and

23 “(IV) has in effect a valid type-
24 approval certificate issued by the Sec-
25 retary.

1 “(i) *LIMITATION.*—Clause (i) shall
2 *cease to apply with respect to any vessel on,*
3 *as applicable—*

4 “(I) *the expiration of the service*
5 *life, as determined by the Secretary,*
6 *of—*

7 “(aa) *the ballast water man-*
8 *agement system; or*

9 “(bb) *the vessel;*

10 “(II) *the completion of a major*
11 *conversion (as defined in section 2101*
12 *of title 46, United States Code) of the*
13 *vessel; or*

14 “(III) *a determination by the Sec-*
15 *retary that there are other type-ap-*
16 *proved systems for the vessel or cat-*
17 *egory of vessels, with respect to the use*
18 *of which the environmental, health,*
19 *and economic benefits would exceed the*
20 *costs.*

21 “(D) *REVIEW OF BALLAST WATER MANAGE-*
22 *MENT SYSTEM TYPE-APPROVAL TESTING METH-*
23 *ODS.—*

24 “(i) *DEFINITION OF LIVE; LIVING.—*
25 *Notwithstanding any other provision of law*

1 *(including regulations), for purposes of sec-*
2 *tion 151.1511 of title 33, and part 162 of*
3 *title 46, Code of Federal Regulations (or*
4 *successor regulations), the terms ‘live’ and*
5 *‘living’ shall not—*

6 *“(I) include an organism that has*
7 *been rendered nonviable; or*

8 *“(II) preclude the consideration of*
9 *any method of measuring the con-*
10 *centration of organisms in ballast*
11 *water that are capable of reproduction.*

12 *“(ii) DRAFT POLICY.—Not later than*
13 *180 days after the date of enactment of this*
14 *subsection, the Secretary, in coordination*
15 *with the Administrator, shall publish a*
16 *draft policy letter, based on the best avail-*
17 *able science, describing type-approval test-*
18 *ing methods and protocols for ballast water*
19 *management systems, if any, that—*

20 *“(I) render nonviable organisms*
21 *in ballast water; and*

22 *“(II) may be used in addition to*
23 *the methods established under subpart*
24 *162.060 of title 46, Code of Federal*

1 *Regulations (or successor regula-*
2 *tions)—*

3 “*(aa) to measure the con-*
4 *centration of organisms in ballast*
5 *water that are capable of repro-*
6 *duction;*

7 “*(bb) to certify the perform-*
8 *ance of each ballast water man-*
9 *agement system under this sub-*
10 *section; and*

11 “*(cc) to certify laboratories*
12 *to evaluate applicable treatment*
13 *technologies.*

14 “*(iii) PUBLIC COMMENT.—The Sec-*
15 *retary shall provide a period of not more*
16 *than 60 days for public comment regarding*
17 *the draft policy letter published under*
18 *clause (i).*

19 “*(iv) FINAL POLICY.—*

20 “*(I) IN GENERAL.—Not later than*
21 *1 year after the date of enactment of*
22 *this subsection, the Secretary, in co-*
23 *ordination with the Administrator,*
24 *shall publish a final policy letter de-*
25 *scribing type-approval testing methods,*

1 *if any, for ballast water management*
2 *systems that render nonviable orga-*
3 *nisms in ballast water.*

4 “(II) *METHOD OF EVALUATION.*—
5 *The ballast water management systems*
6 *under subclause (I) shall be evaluated*
7 *by measuring the concentration of or-*
8 *ganisms in ballast water that are ca-*
9 *capable of reproduction based on the best*
10 *available science that may be used in*
11 *addition to the methods established*
12 *under subpart 162.060 of title 46, Code*
13 *of Federal Regulations (or successor*
14 *regulations).*

15 “(III) *REVISIONS.*—*The Secretary*
16 *shall revise the final policy letter under*
17 *subclause (I) in any case in which the*
18 *Secretary, in coordination with the*
19 *Administrator, determines that addi-*
20 *tional testing methods are capable of*
21 *measuring the concentration of orga-*
22 *nisms in ballast water that have not*
23 *been rendered nonviable.*

24 “(v) *FACTORS FOR CONSIDERATION.*—
25 *In developing a policy letter under this sub-*

1 paragraph, the Secretary, in coordination
2 with the Administrator—

3 “(I) shall take into consideration
4 a testing method that uses organism
5 grow-out and most probable number
6 statistical analysis to determine the
7 concentration of organisms in ballast
8 water that are capable of reproduction;
9 and

10 “(II) shall not take into consider-
11 ation a testing method that relies on a
12 staining method that measures the con-
13 centration of—

14 “(aa) organisms greater than
15 or equal to 10 micrometers; and

16 “(bb) organisms less than or
17 equal to 50 micrometers.

18 “(E) INTERGOVERNMENTAL RESPONSE
19 FRAMEWORK.—

20 “(i) IN GENERAL.—The Secretary, in
21 consultation with the Administrator and
22 acting in coordination with, or through, the
23 Aquatic Nuisance Species Task Force estab-
24 lished by section 1201(a) of the Nonindige-
25 nous Aquatic Nuisance Prevention and

1 *Control Act of 1990 (16 U.S.C. 4721(a)),*
2 *shall establish a framework for Federal and*
3 *intergovernmental response to aquatic nu-*
4 *isance species risks from discharges from ves-*
5 *sels subject to ballast water and incidental*
6 *discharge compliance requirements under*
7 *this subsection, including the introduction,*
8 *spread, and establishment of aquatic nu-*
9 *isance species populations.*

10 “(i) *BALLAST DISCHARGE RISK RE-*
11 *SPONSE.—The Administrator, in coordina-*
12 *tion with the Secretary and taking into*
13 *consideration information from the Na-*
14 *tional Ballast Information Clearinghouse*
15 *developed under section 1102(f) of the Non-*
16 *indigenous Aquatic Nuisance Prevention*
17 *and Control Act of 1990 (16 U.S.C.*
18 *4712(f)), shall establish a risk assessment*
19 *and response framework using ballast water*
20 *discharge data and aquatic nuisance species*
21 *monitoring data for the purposes of—*

22 “(I) *identifying and tracking pop-*
23 *ulations of aquatic invasive species;*

24 “(II) *evaluating the risk of any*
25 *aquatic nuisance species population*

1 *tracked under subclause (I) estab-*
2 *lishing and spreading in waters of the*
3 *United States or waters of the contig-*
4 *uous zone; and*

5 *“(III) establishing emergency best*
6 *management practices that may be de-*
7 *ployed rapidly, in a local or regional*
8 *manner, to respond to emerging aquat-*
9 *ic nuisance species threats.*

10 “(7) *PETITIONS BY GOVERNORS FOR REVIEW.—*

11 *“(A) IN GENERAL.—The Governor of a*
12 *State (or a designee) may submit to the Admin-*
13 *istrator or the Secretary a petition—*

14 *“(i) to issue an order under paragraph*
15 *(4)(E); or*

16 *“(ii) to review any standard of per-*
17 *formance, regulation, or policy promulgated*
18 *under paragraph (4), (5), or (6), respec-*
19 *tively, if there exists new information that*
20 *could reasonably result in a change to—*

21 *“(I) the standard of performance,*
22 *regulation, or policy; or*

23 *“(II) a determination on which*
24 *the standard of performance, regula-*
25 *tion, or policy was based.*

1 “(B) *INCLUSION.*—A petition under sub-
2 paragraph (A) shall include a description of any
3 applicable scientific or technical information
4 that forms the basis of the petition.

5 “(C) *DETERMINATION.*—

6 “(i) *TIMING.*—The Administrator or
7 the Secretary, as applicable, shall grant or
8 deny—

9 “(I) a petition under subpara-
10 graph (A)(i) by not later than the date
11 that is 180 days after the date on
12 which the petition is submitted; and

13 “(II) a petition under subpara-
14 graph (A)(ii) by not later than the
15 date that is 1 year after the date on
16 which the petition is submitted.

17 “(ii) *EFFECT OF GRANT.*—If the Ad-
18 ministrator or the Secretary determines
19 under clause (i) to grant a petition—

20 “(I) in the case of a petition
21 under subparagraph (A)(i), the Ad-
22 ministrator shall immediately issue the
23 relevant order under paragraph (4)(E);
24 or

1 “(II) in the case of a petition
2 under subparagraph (A)(i), the Ad-
3 ministrator or Secretary shall publish
4 in the Federal Register, by not later
5 than 30 days after the date of that de-
6 termination, a notice of proposed rule-
7 making to revise the relevant standard,
8 requirement, regulation, or policy
9 under paragraph (4), (5), or (6), as
10 applicable.

11 “(iii) NOTICE OF DENIAL.—If the Ad-
12 ministrator or the Secretary determines
13 under clause (i) to deny a petition, the Ad-
14 ministrator or Secretary shall publish in
15 the Federal Register, by not later than 30
16 days after the date of that determination, a
17 detailed explanation of the scientific, tech-
18 nical, or operational factors that form the
19 basis of the determination.

20 “(iv) REVIEW.—A determination by
21 the Administrator or the Secretary under
22 clause (i) to deny a petition shall be—

23 “(I) considered to be a final agen-
24 cy action; and

1 “(II) *subject to judicial review in*
2 *accordance with section 509, subject to*
3 *clause (v).*

4 “(v) *EXCEPTIONS.—*

5 “(I) *VENUE.—Notwithstanding*
6 *section 509(b), a petition for review of*
7 *a determination by the Administrator*
8 *or the Secretary under clause (i) to*
9 *deny a petition submitted by the Gov-*
10 *ernor of a State under subparagraph*
11 *(A) may be filed in any United States*
12 *district court of competent jurisdiction.*

13 “(II) *DEADLINE FOR FILING.—*
14 *Notwithstanding section 509(b), a peti-*
15 *tion for review of a determination by*
16 *the Administrator or the Secretary*
17 *under clause (i) shall be filed by not*
18 *later than 180 days after the date on*
19 *which the justification for the deter-*
20 *mination is published in the Federal*
21 *Register under clause (iii).*

22 “(8) *PROHIBITION.—*

23 “(A) *IN GENERAL.—It shall be unlawful for*
24 *any person to violate—*

1 “(i) a provision of the Vessel General
2 Permit in force and effect under paragraph
3 (3)(A);

4 “(ii) a regulation promulgated pursu-
5 ant to section 1101 of the Nonindigenous
6 Aquatic Nuisance Prevention and Control
7 Act of 1990 (16 U.S.C. 4711) (as in effect
8 on the day before the date of enactment of
9 this subsection) in force and effect under
10 paragraph (3)(B); or

11 “(iii) an applicable requirement or
12 regulation under this subsection.

13 “(B) COMPLIANCE WITH REGULATIONS.—
14 Effective beginning on the effective date of a reg-
15 ulation promulgated under paragraph (4), (5),
16 (6), or (10), as applicable, it shall be unlawful
17 for the owner or operator of a vessel subject to
18 the regulation—

19 “(i) to discharge any discharge inci-
20 dental to the normal operation of the vessel
21 into waters of the United States or waters
22 of the contiguous zone, except in compliance
23 with the regulation; or

24 “(ii) to operate in waters of the United
25 States or waters of the contiguous zone, if

1 *the vessel is not equipped with a required*
2 *marine pollution control device that com-*
3 *plies with the requirements established*
4 *under this subsection, unless—*

5 *“(I) the owner or operator of the*
6 *vessel denotes in an entry in the offi-*
7 *cial logbook of the vessel that the equip-*
8 *ment was not operational; and*

9 *“(II) either—*

10 *“(aa) the applicable dis-*
11 *charge was avoided; or*

12 *“(bb) an alternate compli-*
13 *ance option approved by the Sec-*
14 *retary as meeting the applicable*
15 *standard was employed.*

16 *“(C) AFFIRMATIVE DEFENSE.—No person*
17 *shall be found to be in violation of this para-*
18 *graph if—*

19 *“(i) the violation was in the interest of*
20 *ensuring the safety of life at sea, as deter-*
21 *mined by the Secretary; and*

22 *“(ii) the applicable emergency cir-*
23 *cumstance was not the result of negligence*
24 *or malfeasance on the part of—*

1 “(I) the owner or operator of the
2 vessel;

3 “(II) the master of the vessel; or

4 “(III) the person in charge of the
5 vessel.

6 “(D) TREATMENT.—Each day of continuing
7 violation of an applicable requirement of this
8 subsection shall constitute a separate offense.

9 “(E) IN REM LIABILITY.—A vessel operated
10 in violation of this subsection is liable in rem for
11 any civil penalty assessed for the violation.

12 “(F) REVOCATION OF CLEARANCE.—The
13 Secretary shall withhold or revoke the clearance
14 of a vessel required under section 60105 of title
15 46, United States Code, if the owner or operator
16 of the vessel is in violation of this subsection.

17 “(9) EFFECT ON OTHER LAWS.—

18 “(A) STATE AUTHORITY.—

19 “(i) IN GENERAL.—Except as provided
20 in clauses (ii) through (v) and paragraph
21 (10), effective beginning on the date on
22 which the requirements promulgated by the
23 Secretary under subparagraphs (A), (B),
24 and (C) of paragraph (5) with respect to
25 every discharge incidental to the normal op-

1 *eration of a vessel that is subject to regula-*
2 *tion under this subsection are final, effec-*
3 *tive, and enforceable, no State, political*
4 *subdivision of a State, or interstate agency*
5 *may adopt or enforce any law, regulation,*
6 *or other requirement of the State, political*
7 *subdivision, or interstate agency with re-*
8 *spect to any such discharge.*

9 *“(ii) IDENTICAL OR LESSER STATE*
10 *LAWS.—Clause (i) shall not apply to any*
11 *law, regulation, or other requirement of a*
12 *State, political subdivision of a State, or*
13 *interstate agency in effect on or after the*
14 *date of enactment of this subsection—*

15 *“(I) that is identical to a Federal*
16 *requirement under this subsection ap-*
17 *plicable to the relevant discharge; or*

18 *“(II) compliance with which*
19 *would be achieved concurrently in*
20 *achieving compliance with a Federal*
21 *requirement under this subsection ap-*
22 *plicable to the relevant discharge.*

23 *“(iii) STATE ENFORCEMENT OF FED-*
24 *ERAL REQUIREMENTS.—A State may en-*
25 *force any standard of performance or other*

1 *Federal requirement of this subsection in*
2 *accordance with subsection (k) or other ap-*
3 *plicable Federal authority.*

4 “(iv) *EXCEPTION FOR CERTAIN*
5 *FEES.—*

6 “(I) *IN GENERAL.—Subject to*
7 *subclauses (II) and (III), a State that*
8 *assesses any fee pursuant to any State*
9 *or Federal law relating to the regula-*
10 *tion of a discharge incidental to the*
11 *normal operation of a vessel before the*
12 *date of enactment of this subsection*
13 *may assess or retain a fee to cover the*
14 *costs of administration, inspection,*
15 *monitoring, and enforcement activities*
16 *by the State to achieve compliance*
17 *with the applicable requirements of*
18 *this subsection.*

19 “(II) *MAXIMUM AMOUNT.—*

20 “(aa) *IN GENERAL.—Except*
21 *as provided in item (bb), a State*
22 *may assess a fee for activities*
23 *under this clause equal to not*
24 *more than \$1,000 against the*

1 owner or operator of a vessel
2 that—

3 “(AA) has operated out-
4 side of that State; and

5 “(BB) arrives at a port
6 or place of destination in the
7 State (excluding movement
8 entirely within a single port
9 or place of destination).

10 “(bb) *VESSELS ENGAGED IN*
11 *COASTWISE TRADE.*—A State may
12 assess against the owner or oper-
13 ator of a vessel registered in ac-
14 cordance with applicable Federal
15 law and lawfully engaged in the
16 coastwise trade not more than
17 \$5,000 in fees under this clause
18 per vessel during a calendar year.

19 “(III) *ADJUSTMENT FOR INFLA-*
20 *TION.*—

21 “(aa) *IN GENERAL.*—A State
22 may adjust the amount of a fee
23 authorized under this clause not
24 more frequently than once every 5
25 years to reflect the percentage by

1 *which the Consumer Price Index*
2 *for All Urban Consumers pub-*
3 *lished by the Department of Labor*
4 *for the month of October imme-*
5 *diately preceding the date of ad-*
6 *justment exceeds the Consumer*
7 *Price Index for All Urban Con-*
8 *sumers published by the Depart-*
9 *ment of Labor for the month of*
10 *October that immediately precedes*
11 *the date that is 5 years before the*
12 *date of adjustment.*

13 “(bb) *EFFECT OF SUB-*
14 *CLAUSE.—Nothing in this sub-*
15 *clause prevents a State from ad-*
16 *justing a fee in effect before the*
17 *date of enactment of this sub-*
18 *section to the applicable max-*
19 *imum amount under subclause*
20 *(II).*

21 “(cc) *APPLICABILITY.—This*
22 *subclause applies only to increases*
23 *in fees to amounts greater than*
24 *the applicable maximum amount*
25 *under subclause (II).*

1 “(v) *ALASKA GRAYWATER.*—Clause (i)
2 *shall not apply with respect to any dis-*
3 *charge of graywater (as defined in section*
4 *1414 of the Consolidated Appropriations*
5 *Act, 2001 (Public Law 106–554; 114 Stat.*
6 *2763A–323)) from a passenger vessel (as de-*
7 *fined in section 2101 of title 46, United*
8 *States Code) in the State of Alaska (includ-*
9 *ing all waters in the Alexander Archi-*
10 *pelago) carrying 50 or more passengers.*

11 “(vi) *PRESERVATION OF AUTHORITY.*—
12 *Nothing in this subsection preempts any*
13 *State law, public initiative, referendum,*
14 *regulation, requirement, or other State ac-*
15 *tion, except as expressly provided in this*
16 *subsection.*

17 “(B) *ESTABLISHED REGIMES.*—*Except as*
18 *expressly provided in this subsection, nothing in*
19 *this subsection affects the applicability to a ves-*
20 *sel of any other provision of Federal law, includ-*
21 *ing—*

22 “(i) *this section;*

23 “(ii) *section 311;*

24 “(iii) *the Act to Prevent Pollution*
25 *from Ships (33 U.S.C. 1901 et seq.); and*

1 “(iv) title X of the Coast Guard Au-
2 thorization Act of 2010 (33 U.S.C. 3801 et
3 seq.).

4 “(C) PERMITTING.—Effective beginning on
5 the date of enactment of this subsection—

6 “(i) the Small Vessel General Permit is
7 repealed; and

8 “(ii) the Administrator, or a State in
9 the case of a permit program approved
10 under section 402, shall not require, or in
11 any way modify, a permit under that sec-
12 tion for—

13 “(I) any discharge that is subject
14 to regulation under this subsection;

15 “(II) any discharge incidental to
16 the normal operation of a vessel from
17 a small vessel or fishing vessel, regard-
18 less of whether that discharge is subject
19 to regulation under this subsection; or

20 “(III) any discharge described in
21 paragraph (2)(B)(i).

22 “(D) NO EFFECT ON CIVIL OR CRIMINAL AC-
23 TIONS.—Nothing in this subsection, or any
24 standard, regulation, or requirement established

1 *under this subsection, modifies or otherwise af-*
 2 *fects, preempts, or displaces—*

3 “(i) *any cause of action; or*

4 “(ii) *any provision of Federal or State*
 5 *law establishing a remedy for civil relief or*
 6 *criminal penalty.*

7 “(E) *NO EFFECT ON CERTAIN SECRETARIAL*
 8 *AUTHORITY.—Nothing in this subsection affects*
 9 *the authority of the Secretary of Commerce or*
 10 *the Secretary of the Interior to administer any*
 11 *land or waters under the administrative control*
 12 *of the Secretary of Commerce or the Secretary of*
 13 *the Interior, respectively.*

14 “(F) *NO LIMITATION ON STATE INSPECTION*
 15 *AUTHORITY.—Nothing in this subsection limits*
 16 *the authority of a State to inspect a vessel pur-*
 17 *suant to paragraph (5)(A)(iii) in order to mon-*
 18 *itor compliance with an applicable requirement*
 19 *of this section.*

20 “(10) *ADDITIONAL REGIONAL REQUIREMENTS.—*

21 “(A) *MINIMUM GREAT LAKES SYSTEM RE-*
 22 *QUIREMENTS.—*

23 “(i) *IN GENERAL.—Except as provided*
 24 *in clause (ii), the owner or operator of a*
 25 *vessel entering the St. Lawrence Seaway*

1 *through the mouth of the St. Lawrence*
2 *River shall conduct a complete ballast water*
3 *exchange or saltwater flush—*

4 “(I) *not less than 200 nautical*
5 *miles from any shore for a voyage orig-*
6 *inating outside the United States or*
7 *Canadian exclusive economic zone; or*

8 “(II) *not less than 50 nautical*
9 *miles from any shore for a voyage orig-*
10 *inating within the United States or*
11 *Canadian exclusive economic zone.*

12 “(ii) *EXCEPTIONS.—Clause (i) shall*
13 *not apply to a vessel if—*

14 “(I) *complying with an applicable*
15 *requirement of clause (i)—*

16 “(aa) *would compromise the*
17 *safety of the vessel; or*

18 “(bb) *is otherwise prohibited*
19 *by any Federal, Canadian, or*
20 *international law (including regu-*
21 *lations) pertaining to vessel safe-*
22 *ty;*

23 “(II) *design limitations of the ves-*
24 *sel prevent a ballast water exchange*
25 *from being conducted in accordance*

1 with an applicable requirement of
2 clause (i);

3 “(III) the vessel—

4 “(aa) is certified by the Sec-
5 retary as having no residual bal-
6 last water or sediments onboard;
7 or

8 “(bb) retains all ballast
9 water while in waters subject to
10 the requirement; or

11 “(IV) empty ballast tanks on the
12 vessel are sealed and certified by the
13 Secretary in a manner that ensures
14 that—

15 “(aa) no discharge or uptake
16 occurs; and

17 “(bb) any subsequent dis-
18 charge of ballast water is subject
19 to the requirement.

20 “(B) ENHANCED GREAT LAKES SYSTEM RE-
21 QUIREMENTS.—

22 “(i) PETITIONS BY GOVERNORS FOR
23 PROPOSED ENHANCED STANDARDS AND RE-
24 QUIREMENTS.—

1 “(I) *IN GENERAL.*—*The Governor*
2 *of a Great Lakes State (or a State em-*
3 *ployee designee) may submit a petition*
4 *in accordance with subclause (II) to*
5 *propose that other Governors of Great*
6 *Lakes States endorse an enhanced*
7 *standard of performance or other re-*
8 *quirement with respect to any dis-*
9 *charge that—*

10 “(aa) *is subject to regulation*
11 *under this subsection; and*

12 “(bb) *occurs within the Great*
13 *Lakes System.*

14 “(II) *SUBMISSION.*—*A Governor*
15 *shall submit a petition under subclause*
16 *(I), in writing, to—*

17 “(aa) *the Executive Director*
18 *of the Great Lakes Commission,*
19 *in such manner as may be pre-*
20 *scribed by the Great Lakes Com-*
21 *mission;*

22 “(bb) *the Governor of each*
23 *other Great Lakes State; and*

24 “(cc) *the Director of the*
25 *Great Lakes National Program*

1 *Office established by section*
2 *118(b).*

3 *“(III) PRELIMINARY ASSESSMENT*
4 *BY GREAT LAKES COMMISSION.—*

5 *“(aa) IN GENERAL.—After*
6 *the date of receipt of a petition*
7 *under subclause (II)(aa), the*
8 *Great Lakes Commission (acting*
9 *through the Great Lakes Panel on*
10 *Aquatic Nuisance Species, to the*
11 *maximum extent practicable) may*
12 *develop a preliminary assessment*
13 *regarding each enhanced standard*
14 *of performance or other require-*
15 *ment described in the petition.*

16 *“(bb) PROVISIONS.—The pre-*
17 *liminary assessment developed by*
18 *the Great Lakes Commission*
19 *under item (aa)—*

20 *“(AA) may be developed*
21 *in consultation with relevant*
22 *experts and stakeholders;*

23 *“(BB) may be narrative*
24 *in nature;*

1 “(CC) may include the
2 preliminary views, if any, of
3 the Great Lakes Commission
4 on the propriety of the pro-
5 posed enhanced standard of
6 performance or other require-
7 ment;

8 “(DD) shall be sub-
9 mitted, in writing, to the
10 Governor of each Great Lakes
11 State and the Director of the
12 Great Lakes National Pro-
13 gram Office and published on
14 the internet website of the
15 Great Lakes National Pro-
16 gram Office; and

17 “(EE) except as pro-
18 vided in clause (iii), shall
19 not be taken into consider-
20 ation, or provide a basis for
21 review, by the Administrator
22 or the Secretary for purposes
23 of that clause.

24 “(ii) PROPOSED ENHANCED STAND-
25 ARDS AND REQUIREMENTS.—

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“(I) *PUBLICATION IN FEDERAL REGISTER.*—

“(aa) *REQUEST BY GOVERNOR.*—*Not earlier than the date that is 90 days after the date on which the Executive Director of the Great Lakes Commission receives from a Governor of a Great Lakes State a petition under clause (i)(II)(aa), the Governor may request the Director of the Great Lakes National Program Office to publish, for a period requested by the Governor of not less than 30 days, and the Director shall so publish, in the Federal Register for public comment—*

“(AA) *a copy of the petition; and*

“(BB) *if applicable as of the date of publication, any preliminary assessment of the Great Lakes Commission developed under clause*

1 (i)(III) relating to the peti-
2 tion.

3 “(bb) REVIEW OF PUBLIC
4 COMMENTS.—On receipt of a writ-
5 ten request of a Governor of a
6 Great Lakes State, the Director of
7 the Great Lakes National Pro-
8 gram Office shall make available
9 all public comments received in
10 response to the notice under item
11 (aa).

12 “(cc) NO RESPONSE RE-
13 QUIRED.—Notwithstanding any
14 other provision of law, a Governor
15 of a Great Lakes State or the Di-
16 rector of the Great Lakes National
17 Program Office shall not be re-
18 quired to provide a response to
19 any comment received in response
20 to the publication of a petition or
21 preliminary assessment under
22 item (aa).

23 “(dd) PURPOSE.—Any public
24 comments received in response to
25 the publication of a petition or

1 *preliminary assessment under*
2 *item (aa) shall be used solely for*
3 *the purpose of providing informa-*
4 *tion and feedback to the Governor*
5 *of each Great Lakes State regard-*
6 *ing the decision to endorse the*
7 *proposed standard or requirement.*

8 *“(ee) EFFECT OF PETI-*
9 *TION.—A proposed standard or*
10 *requirement developed under sub-*
11 *clause (II) may differ from the*
12 *proposed standard or requirement*
13 *described in a petition published*
14 *under item (aa).*

15 *“(II) COORDINATION TO DEVELOP*
16 *PROPOSED STANDARD OR REQUIRE-*
17 *MENT.—After the expiration of the*
18 *public comment period for the petition*
19 *under subclause (I), any interested*
20 *Governor of a Great Lakes State may*
21 *work in coordination with the Great*
22 *Lakes Commission to develop a pro-*
23 *posed standard of performance or other*
24 *requirement applicable to a discharge*
25 *referred to in the petition.*

1 “(III) *REQUIREMENTS.*—A pro-
2 posed standard of performance or other
3 requirement under subclause (II)—

4 “(aa) shall be developed—

5 “(AA) in consultation
6 with representatives from the
7 Federal and provincial gov-
8 ernments of Canada;

9 “(BB) after notice and
10 opportunity for public com-
11 ment on the petition pub-
12 lished under subclause (I);
13 and

14 “(CC) taking into con-
15 sideration the preliminary
16 assessment, if any, of the
17 Great Lakes Commission
18 under clause (i)(III);

19 “(bb) shall be specifically en-
20 dorsed in writing by—

21 “(AA) the Governor of
22 each Great Lakes State, if the
23 proposed standard or re-
24 quirement would impose any

1 *additional equipment re-*
2 *quirement on a vessel; or*

3 “*(BB) not fewer than 5*
4 *Governors of Great Lakes*
5 *States, if the proposed stand-*
6 *ard or requirement would*
7 *not impose any additional*
8 *equipment requirement on a*
9 *vessel; and*

10 “*(cc) in the case of a pro-*
11 *posed requirement to prohibit 1 or*
12 *more types of discharge regulated*
13 *under this subsection, whether*
14 *treated or not treated, into waters*
15 *within the Great Lakes System,*
16 *shall not apply outside the waters*
17 *of the Great Lakes States of the*
18 *Governors endorsing the proposed*
19 *requirement under item (bb).*

20 “*(iii) PROMULGATION BY ADMINIS-*
21 *TRATOR AND SECRETARY.—*

22 “*(I) SUBMISSION.—*

23 “*(aa) IN GENERAL.—The*
24 *Governors endorsing a proposed*
25 *standard or requirement under*

1 *clause (ii)(III)(bb) may jointly*
2 *submit to the Administrator and*
3 *the Secretary for approval each*
4 *proposed standard of performance*
5 *or other requirement developed*
6 *and endorsed pursuant to clause*
7 *(ii).*

8 *“(bb) INCLUSION.—Each sub-*
9 *mission under item (aa) shall in-*
10 *clude an explanation regarding*
11 *why the applicable standard of*
12 *performance or other requirement*
13 *is—*

14 *“(AA) at least as strin-*
15 *gent as a comparable stand-*
16 *ard of performance or other*
17 *requirement under this sub-*
18 *section;*

19 *“(BB) in accordance*
20 *with maritime safety; and*

21 *“(CC) in accordance*
22 *with applicable maritime*
23 *and navigation laws and*
24 *regulations.*

25 *“(cc) WITHDRAWAL.—*

1 “(AA) *IN GENERAL.*—
2 *The Governor of any Great*
3 *Lakes State that endorses a*
4 *proposed standard or re-*
5 *quirement under clause*
6 *(ii)(III)(bb) may withdraw*
7 *the endorsement by not later*
8 *than the date that is 90 days*
9 *after the date on which the*
10 *Administrator and the Sec-*
11 *retary receive the proposed*
12 *standard or requirement.*

13 “(BB) *EFFECT ON FED-*
14 *ERAL REVIEW.*—*If, after the*
15 *withdrawal of an endorse-*
16 *ment under subitem (AA),*
17 *the proposed standard or re-*
18 *quirement does not have the*
19 *applicable number of en-*
20 *dorsements under clause*
21 *(ii)(III)(bb), the Adminis-*
22 *trator and the Secretary*
23 *shall terminate the review*
24 *under this clause.*

1 “(dd) *DISSENTING OPIN-*
2 *IONS.—The Governor of a Great*
3 *Lakes State that does not endorse*
4 *a proposed standard or require-*
5 *ment under clause (ii)(III)(bb)*
6 *may submit to the Administrator*
7 *and the Secretary any dissenting*
8 *opinions of the Governor.*

9 “(II) *JOINT NOTICE.—On receipt*
10 *of a proposed standard of performance*
11 *or other requirement under subclause*
12 *(I), the Administrator and the Sec-*
13 *retary shall publish in the Federal*
14 *Register a joint notice that, at min-*
15 *imum—*

16 “(aa) *states that the proposed*
17 *standard or requirement is pub-*
18 *licly available; and*

19 “(bb) *provides an oppor-*
20 *tunity for public comment regard-*
21 *ing the proposed standard or re-*
22 *quirement during the 90-day pe-*
23 *riod beginning on the date of re-*
24 *ceipt by the Administrator and*

1 *the Secretary of the proposed*
2 *standard or requirement.*

3 “(III) *REVIEW.*—

4 “(aa) *IN GENERAL.*—*As soon*
5 *as practicable after the date of*
6 *publication of a joint notice under*
7 *subclause (II)—*

8 “(AA) *the Adminis-*
9 *trator shall commence a re-*
10 *view of each proposed stand-*
11 *ard of performance or other*
12 *requirement covered by the*
13 *notice to determine whether*
14 *that standard or requirement*
15 *is at least as stringent as*
16 *comparable standards and*
17 *requirements under this sub-*
18 *section; and*

19 “(BB) *the Secretary*
20 *shall commence a review of*
21 *each proposed standard of*
22 *performance or other require-*
23 *ment covered by the notice to*
24 *determine whether that*
25 *standard or requirement is*

1 *in accordance with maritime*
2 *safety and applicable mari-*
3 *time and navigation laws*
4 *and regulations.*

5 “(bb) CONSULTATION.—*In*
6 *carrying out item (aa), the Ad-*
7 *ministrator and the Secretary—*

8 “(AA) *shall consult with*
9 *the Governor of each Great*
10 *Lakes State and representa-*
11 *tives from the Federal and*
12 *provincial governments of*
13 *Canada;*

14 “(BB) *shall take into*
15 *consideration any relevant*
16 *data or public comments re-*
17 *ceived under subclause*
18 *(II)(bb); and*

19 “(CC) *shall not take*
20 *into consideration any pre-*
21 *liminary assessment by the*
22 *Great Lakes Commission*
23 *under clause (i)(III), or any*
24 *dissenting opinion under*
25 *subclause (I)(dd), except to*

1 *the extent that such an as-*
2 *essment or opinion is rel-*
3 *evant to the criteria for the*
4 *applicable determination*
5 *under item (aa).*

6 “(IV) *APPROVAL OR DIS-*
7 *APPROVAL.—Not later than 180 days*
8 *after the date of receipt of each pro-*
9 *posed standard of performance or other*
10 *requirement under subclause (I), the*
11 *Administrator and the Secretary*
12 *shall—*

13 *“(aa) determine, as applica-*
14 *ble, whether each proposed stand-*
15 *ard or other requirement satisfies*
16 *the criteria under subclause*
17 *(III)(aa);*

18 *“(bb) approve each proposed*
19 *standard or other requirement,*
20 *unless the Administrator or the*
21 *Secretary, as applicable, deter-*
22 *mines under item (aa) that the*
23 *proposed standard or other re-*
24 *quirement does not satisfy the cri-*

1 *teria under subclause (III)(aa);*
2 *and*

3 *“(cc) submit to the Governor*
4 *of each Great Lakes State, and*
5 *publish in the Federal Register, a*
6 *notice of the determination under*
7 *item (aa).*

8 *“(V) ACTION ON DISAPPROVAL.—*

9 *“(aa) RATIONALE AND REC-*
10 *COMMENDATIONS.—If the Adminis-*
11 *trator and the Secretary dis-*
12 *approve a proposed standard of*
13 *performance or other requirement*
14 *under subclause (IV)(bb), the no-*
15 *tices under subclause (IV)(cc)*
16 *shall include—*

17 *“(AA) a description of*
18 *the reasons why the standard*
19 *or requirement is, as appli-*
20 *cable, less stringent than a*
21 *comparable standard or re-*
22 *quirement under this sub-*
23 *section, inconsistent with*
24 *maritime safety, or incon-*
25 *sistent with applicable mari-*

1 *time and navigation laws*
2 *and regulations; and*

3 “(BB) *any rec-*
4 *ommendations regarding*
5 *changes the Governors of the*
6 *Great Lakes States could*
7 *make to conform the dis-*
8 *approved portion of the*
9 *standard or requirement to*
10 *the requirements of this sub-*
11 *paragraph.*

12 “(bb) *REVIEW.—Disapproval*
13 *of a proposed standard or require-*
14 *ment by the Administrator and*
15 *the Secretary under this subpara-*
16 *graph shall be considered to be a*
17 *final agency action subject to ju-*
18 *dicial review under section 509.*

19 “(VI) *ACTION ON APPROVAL.—On*
20 *approval by the Administrator and the*
21 *Secretary of a proposed standard of*
22 *performance or other requirement*
23 *under subclause (IV)(bb)—*

24 “(aa) *the Administrator shall*
25 *establish, by regulation, the pro-*

1 *posed standard or requirement*
2 *within the Great Lakes System in*
3 *lieu of any comparable standard*
4 *or other requirement promulgated*
5 *under paragraph (4); and*

6 *“(bb) the Secretary shall es-*
7 *tablish, by regulation, any re-*
8 *quirements necessary to imple-*
9 *ment, ensure compliance with,*
10 *and enforce the standard or re-*
11 *quirement under item (aa), or to*
12 *apply the proposed requirement,*
13 *within the Great Lakes System in*
14 *lieu of any comparable require-*
15 *ment promulgated under para-*
16 *graph (5).*

17 *“(VII) NO JUDICIAL REVIEW FOR*
18 *CERTAIN ACTIONS.—An action or inac-*
19 *tion of a Governor of a Great Lakes*
20 *State or the Great Lakes Commission*
21 *under this subparagraph shall not be*
22 *subject to judicial review.*

23 *“(VIII) GREAT LAKES COM-*
24 *PACT.—Nothing in this subsection lim-*
25 *its, alters, or amends the Great Lakes*

1 *Compact to which Congress granted*
2 *consent in the Act of July 24, 1968*
3 *(Public Law 90-419; 82 Stat. 414).*

4 “(IX) *AUTHORIZATION OF APPRO-*
5 *PRIATIONS.—There is authorized to be*
6 *appropriated to the Great Lakes Com-*
7 *mission \$5,000,000, to be available*
8 *until expended.*

9 “(C) *MINIMUM PACIFIC REGION REQUIRE-*
10 *MENTS.—*

11 “(i) *DEFINITION OF COMMERCIAL VES-*
12 *SEL.—In this subparagraph, the term ‘com-*
13 *mercial vessel’ means a vessel operating be-*
14 *tween—*

15 “(I) *2 ports or places of destina-*
16 *tion within the Pacific Region; or*

17 “(II) *a port or place of destina-*
18 *tion within the Pacific Region and a*
19 *port or place of destination on the Pa-*
20 *cific Coast of Canada or Mexico north*
21 *of parallel 20 degrees north latitude,*
22 *inclusive of the Gulf of California.*

23 “(ii) *BALLAST WATER EXCHANGE.—*

24 “(I) *IN GENERAL.—Except as pro-*
25 *vided in subclause (II) and clause (iv),*

1 *the owner or operator of a commercial*
2 *vessel shall conduct a complete ballast*
3 *water exchange in waters more than 50*
4 *nautical miles from shore.*

5 “(II) *EXEMPTIONS.—Subclause*
6 *(I) shall not apply to a commercial*
7 *vessel—*

8 “(aa) *using, in compliance*
9 *with applicable requirements, a*
10 *type-approved ballast water man-*
11 *agement system approved by the*
12 *Secretary; or*

13 “(bb) *voyaging—*

14 “(AA) *between or to a*
15 *port or place of destination*
16 *in the State of Washington,*
17 *if the ballast water to be dis-*
18 *charged from the commercial*
19 *vessel originated solely from*
20 *waters located between the*
21 *parallel 46 degrees north*
22 *latitude, including the inter-*
23 *nal waters of the Columbia*
24 *River, and the internal*
25 *waters of Canada south of*

1 *parallel 50 degrees north*
2 *latitude, including the waters*
3 *of the Strait of Georgia and*
4 *the Strait of Juan de Fuca;*

5 *“(BB) between ports or*
6 *places of destination in the*
7 *State of Oregon, if the ballast*
8 *water to be discharged from*
9 *the commercial vessel origi-*
10 *nated solely from waters lo-*
11 *cated between the parallel 40*
12 *degrees north latitude and*
13 *the parallel 50 degrees north*
14 *latitude;*

15 *“(CC) between ports or*
16 *places of destination in the*
17 *State of California within*
18 *the San Francisco Bay area*
19 *east of the Golden Gate*
20 *Bridge, including the Port of*
21 *Stockton and the Port of*
22 *Sacramento, if the ballast*
23 *water to be discharged from*
24 *the commercial vessel origi-*

1 *nated solely from ports or*
2 *places within that area;*
3 *“(DD) between the Port*
4 *of Los Angeles, the Port of*
5 *Long Beach, and the El*
6 *Segundo offshore marine oil*
7 *terminal, if the ballast water*
8 *to be discharged from the*
9 *commercial vessel originated*
10 *solely from the Port of Los*
11 *Angeles, the Port of Long*
12 *Beach, or the El Segundo off-*
13 *shore marine oil terminal;*
14 *“(EE) between a port or*
15 *place of destination in the*
16 *State of Alaska within a sin-*
17 *gle Captain of the Port Zone;*
18 *“(FF) between ports or*
19 *places of destination in dif-*
20 *ferent counties of the State of*
21 *Hawaii, if the vessel may*
22 *conduct a complete ballast*
23 *water exchange in waters*
24 *that are more than 10 nau-*

1 *tical miles from shore and at*
 2 *least 200 meters deep; or*

3 “(GG) *between ports or*
 4 *places of destination within*
 5 *the same county of the State*
 6 *of Hawaii, if the vessel does*
 7 *not transit outside State ma-*
 8 *rine waters during the voy-*
 9 *age.*

10 “(iii) *LOW-SALINITY BALLAST*
 11 *WATER.—*

12 “(I) *IN GENERAL.—Except as pro-*
 13 *vided in subclause (II) and clause (iv),*
 14 *the owner or operator of a commercial*
 15 *vessel that transports ballast water*
 16 *sourced from waters with a measured*
 17 *salinity of less than 18 parts per thou-*
 18 *sand and voyages to a Pacific Region*
 19 *port or place of destination with a*
 20 *measured salinity of less than 18 parts*
 21 *per thousand shall conduct a complete*
 22 *ballast water exchange—*

23 “(aa) *not less than 50 nau-*
 24 *tical miles from shore, if the bal-*
 25 *last water was sourced from a Pa-*

1 *cific Region port or place of des-*
2 *tination; or*

3 “(bb) *more than 200 nautical*
4 *miles from shore, if the ballast*
5 *water was not sourced from a Pa-*
6 *cific Region port or place of des-*
7 *tination.*

8 “(II) *EXCEPTION.—Subclause (I)*
9 *shall not apply to a commercial vessel*
10 *voyaging to a port or place of destina-*
11 *tion in the Pacific Region that is*
12 *using, in compliance with applicable*
13 *requirements, a type-approved ballast*
14 *water management system approved by*
15 *the Secretary to achieve standards of*
16 *performance of—*

17 “(aa) *less than 1 organism*
18 *per 10 cubic meters, if that orga-*
19 *nism—*

20 “(AA) *is living, or has*
21 *not been rendered nonviable;*
22 *and*

23 “(BB) *is 50 or more mi-*
24 *crometers in minimum di-*
25 *mension;*

1 “(bb) less than 1 organism
2 per 10 milliliters, if that orga-
3 nism—

4 “(AA) is living, or has
5 not been rendered nonviable;
6 and

7 “(BB) is more than 10,
8 but less than 50, micrometers
9 in minimum dimension;

10 “(cc) concentrations of indi-
11 cator microbes that are less
12 than—

13 “(AA) 1 colony-forming
14 unit of toxicogenic *Vibrio*
15 *cholera* (serotypes O1 and
16 O139) per 100 milliliters or
17 less than 1 colony-forming
18 unit of that microbe per
19 gram of wet weight of zoolog-
20 ical samples;

21 “(BB) 126 colony-form-
22 ing units of *escherichia coli*
23 per 100 milliliters; and

24 “(CC) 33 colony-form-
25 ing units of intestinal

1 *enterococci per 100 milli-*
2 *liters; and*

3 “*(dd) concentrations of such*
4 *additional indicator microbes and*
5 *viruses as may be specified in the*
6 *standards of performance estab-*
7 *lished by the Administrator under*
8 *paragraph (4).*

9 “*(iv) GENERAL EXCEPTIONS.—The re-*
10 *quirements of clauses (ii) and (iii) shall not*
11 *apply to a commercial vessel if—*

12 “*(I) complying with the require-*
13 *ment would compromise the safety of*
14 *the commercial vessel;*

15 “*(II) design limitations of the*
16 *commercial vessel prevent a ballast*
17 *water exchange from being conducted*
18 *in accordance with clause (ii) or (iii),*
19 *as applicable;*

20 “*(III) the commercial vessel—*

21 “*(aa) is certified by the Sec-*
22 *retary as having no residual bal-*
23 *last water or sediments onboard;*
24 *or*

1 “(bb) retains all ballast
2 water while in waters subject to
3 those requirements; or

4 “(IV) empty ballast tanks on the
5 commercial vessel are sealed and cer-
6 tified by the Secretary in a manner
7 that ensures that—

8 “(aa) no discharge or uptake
9 occurs; and

10 “(bb) any subsequent dis-
11 charge of ballast water is subject
12 to those requirements.

13 “(D) ESTABLISHMENT OF STATE NO-DIS-
14 CHARGE ZONES.—

15 “(i) STATE PROHIBITION.—Subject to
16 clause (ii), after the effective date of regula-
17 tions promulgated by the Secretary under
18 paragraph (5), if any State determines that
19 the protection and enhancement of the qual-
20 ity of some or all of the waters within the
21 State require greater environmental protec-
22 tion, the State may prohibit 1 or more
23 types of discharge regulated under this sub-
24 section, whether treated or not treated, into
25 such waters.

1 “(ii) *APPLICABILITY.*—A prohibition
2 by a State under clause (i) shall not apply
3 until the date on which the Administrator
4 makes the applicable determinations de-
5 scribed in clause (iii).

6 “(iii) *PROHIBITION BY ADMINIS-*
7 *TRATOR.*—

8 “(I) *DETERMINATION.*—On appli-
9 cation of a State, the Administrator,
10 in concurrence with the Secretary (sub-
11 ject to subclause (II)), shall, by regula-
12 tion, prohibit the discharge from a ves-
13 sel of 1 or more discharges subject to
14 regulation under this subsection,
15 whether treated or not treated, into the
16 waters covered by the application if the
17 Administrator determines that—

18 “(aa) prohibition of the dis-
19 charge would protect and enhance
20 the quality of the specified waters
21 within the State;

22 “(bb) adequate facilities for
23 the safe and sanitary removal and
24 treatment of the discharge are rea-
25 sonably available for the water

1 *and all vessels to which the prohi-*
2 *bition would apply;*

3 *“(cc) the discharge can be*
4 *safely collected and stored until a*
5 *vessel reaches a discharge facility*
6 *or other location; and*

7 *“(dd) in the case of an appli-*
8 *cation for the prohibition of dis-*
9 *charges of ballast water in a port*
10 *(or in any other location where*
11 *cargo, passengers, or fuel are load-*
12 *ed and unloaded)—*

13 *“(AA) the adequate fa-*
14 *cilities described in item (bb)*
15 *are reasonably available for*
16 *commercial vessels, after con-*
17 *sidering, at a minimum,*
18 *water depth, dock size,*
19 *pumpout facility capacity*
20 *and flow rate, availability of*
21 *year-round operations, prox-*
22 *imity to navigation routes,*
23 *and the ratio of pumpout fa-*
24 *cilities to the population and*
25 *discharge capacity of com-*

1 *mercial vessels operating in*
2 *those waters; and*

3 *“(BB) the prohibition*
4 *will not unreasonably inter-*
5 *fere with the safe loading*
6 *and unloading of cargo, pas-*
7 *sengers, or fuel.*

8 *“(II) CONCURRENCE WITH SEC-*
9 *RETARY.—*

10 *“(aa) REQUEST.—The Ad-*
11 *ministrators shall submit to the*
12 *Secretary a request for written*
13 *concurrence with respect to a pro-*
14 *hibition under subclause (I).*

15 *“(bb) EFFECT OF FAILURE*
16 *TO CONCUR.—A failure by the*
17 *Secretary to concur with the Ad-*
18 *ministrators under subclause (I)*
19 *by the date that is 60 days after*
20 *the date on which the Adminis-*
21 *trators submits a request for con-*
22 *currence under item (aa) shall not*
23 *prevent the Administrator from*
24 *prohibiting the relevant discharge*
25 *in accordance with subclause*

1 (III), subject to the condition that
2 the Administrator shall include in
3 the administrative record of the
4 promulgation—

5 “(AA) documentation of
6 the request submitted under
7 item (aa); and

8 “(BB) the response of
9 the Administrator to any
10 written objections received
11 from the Secretary relating
12 to the proposed standard of
13 performance during the 60-
14 day period beginning on the
15 date of submission of the re-
16 quest.

17 “(III) *TIMING.*—The Adminis-
18 trator shall approve or disapprove an
19 application submitted under subclause
20 (I) by not later than 90 days after the
21 date on which the application is sub-
22 mitted to the Administrator.

23 “(E) *MAINTENANCE IN EFFECT OF MORE-*
24 *STRINGENT STANDARDS.*—In any case in which
25 a requirement established under this paragraph

1 *is more stringent or environmentally protective*
2 *than a comparable requirement established under*
3 *paragraph (4), (5), or (6), the more-stringent or*
4 *more-protective requirement shall control.”.*

5 (2) *REPEALS.—*

6 (A) *IN GENERAL.—Effective beginning on*
7 *the date of enactment of this Act, the following*
8 *provisions of law are repealed:*

9 (i) *Section 1101 of the Nonindigenous*
10 *Aquatic Nuisance Prevention and Control*
11 *Act of 1990 (16 U.S.C. 4711).*

12 (ii) *Public Law 110–299 (33 U.S.C.*
13 *1342 note).*

14 (B) *CONFORMING AMENDMENTS.—Section*
15 *1102 of the Nonindigenous Aquatic Nuisance*
16 *Prevention and Control Act of 1990 (16 U.S.C.*
17 *4712) is amended—*

18 (i) *in subsection (c)(1), by inserting*
19 *“(as in effect on the day before the date of*
20 *enactment of the Vessel Incidental Discharge*
21 *Act of 2018)” after “section 1101(b)”;* and

22 (ii) *in subsection (f)(1)(B), by insert-*
23 *ing “(as in effect on the day before the date*
24 *of enactment of the Vessel Incidental Dis-*

1 *charge Act of 2018)*” after “*section*
2 *1101(c)*”.

3 **(b) REGULATIONS FOR USE OF MARINE POLLUTION**
4 **CONTROL DEVICES.**—*Section 312 of the Federal Water Pol-*
5 *lution Control Act (33 U.S.C. 1322) is amended—*

6 (1) *by striking the section designation and head-*
7 *ing and all that follows through “For the purpose of”*
8 *in subsection (a) and inserting the following:*

9 **“SEC. 312. MARINE SANITATION DEVICES; DISCHARGES IN-**
10 **CIDENTAL TO THE NORMAL OPERATION OF**
11 **VESSELS.**

12 “(a) **DEFINITIONS.**—*In*”;

13 (2) *in subsection (a)—*

14 (A) *in paragraph (7), by striking “devices*
15 *or of vessels” and inserting “devices, marine pol-*
16 *lution control device equipment, or vessels”; and*

17 (B) *in paragraph (13), in the matter pre-*
18 *ceding subparagraph (A), by inserting “, except*
19 *as provided in subsection (p),” after “means”;*

20 (3) *in subsection (g)—*

21 (A) *by inserting “or marine pollution con-*
22 *trol device equipment” after “marine sanitation*
23 *device” each place it appears;*

24 (B) *in paragraph (1)—*

1 (i) by inserting “or equipment” after
2 “such device”; and

3 (ii) by inserting “or equipment” after
4 “test device”; and

5 (C) in paragraph (2)—

6 (i) by inserting “or equipment” after
7 “the device” each place it appears; and

8 (ii) in the fourth sentence, by inserting
9 “or equipment” after “device” each place it
10 appears; and

11 (4) in subsection (h)—

12 (A) in paragraph (1), by inserting “and
13 marine pollution control device equipment” after
14 “marine sanitation device”;

15 (B) in paragraph (2), by inserting “or any
16 certified marine pollution control device equip-
17 ment or element of design of such equipment”
18 after “such device”;

19 (C) by redesignating paragraphs (1)
20 through (4) as subparagraphs (A) through (D),
21 respectively, and indenting the subparagraphs
22 appropriately;

23 (D) by striking “(h) After” and inserting
24 the following:

1 “(h) *SALE AND RESALE OF PROPERLY EQUIPPED VES-*
2 *SELS; OPERABILITY OF CERTIFIED MARINE SANITATION*
3 *DEVICES.*—

4 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
5 *after*”; *and*

6 *(E) by adding at the end the following:*

7 “(2) *EFFECT OF SUBSECTION.*—*Nothing in this*
8 *subsection requires certification of a marine pollution*
9 *control device for use on any vessel of the Armed*
10 *Forces.*”.

11 *(c) ENFORCEMENT AUTHORITY.*—

12 (1) *IN GENERAL.*—*Section 312(k) of the Federal*
13 *Water Pollution Control Act (33 U.S.C. 1322(k)) is*
14 *amended—*

15 *(A) by striking the second sentence and in-*
16 *serting the following:*

17 “(3) *STATES.*—

18 “(A) *IN GENERAL.*—*This section may be en-*
19 *forced by a State or political subdivision of a*
20 *State (including the attorney general of a State),*
21 *including by filing a civil action in an appro-*
22 *priate Federal district court to enforce any viola-*
23 *tion of subsection (p).*

24 “(B) *JURISDICTION.*—*The appropriate Fed-*
25 *eral district court shall have jurisdiction with re-*

1 *spect to a civil action filed pursuant to subpara-*
 2 *graph (A), without regard to the amount in con-*
 3 *troversy or the citizenship of the parties—*

4 *“(i) to enforce the requirements of this*
 5 *section; and*

6 *“(ii) to apply appropriate civil pen-*
 7 *alties under this section or section 309(d),*
 8 *as appropriate.”;*

9 *(B) by striking “(k) The provisions of this”*
 10 *and inserting the following:*

11 *“(k) ENFORCEMENT AUTHORITY.—*

12 *“(1) ADMINISTRATOR.—This section shall be en-*
 13 *forced by the Administrator, to the extent provided in*
 14 *section 309.*

15 *“(2) SECRETARY.—*

16 *“(A) IN GENERAL.—This”; and*

17 *(C) in paragraph (2) (as so designated)—*

18 *(i) in subparagraph (A), by striking*
 19 *“operating and he may utilize by agree-*
 20 *ment” and inserting “operating, who may*
 21 *use, by agreement”; and*

22 *(ii) by adding at the end the following:*

23 *“(B) INSPECTIONS.—For purposes of ensur-*
 24 *ing compliance with this section, the Secretary—*

1 “(i) may carry out an inspection (in-
2 cluding the taking of ballast water samples)
3 of any vessel at any time; and

4 “(ii) shall—

5 “(I) establish procedures for—

6 “(aa) reporting violations of
7 this section; and

8 “(bb) accumulating evidence
9 regarding those violations; and

10 “(II) use appropriate and prac-
11 ticable measures of detection and envi-
12 ronmental monitoring of vessels.

13 “(C) *DETENTION*.—The Secretary may de-
14 tain a vessel if the Secretary—

15 “(i) has reasonable cause to believe
16 that the vessel—

17 “(I) has failed to comply with an
18 applicable requirement of this section;
19 or

20 “(II) is being operated in viola-
21 tion of such a requirement; and

22 “(ii) the Secretary provides to the
23 owner or operator of the vessel a notice of
24 the intent to detain.”.

1 (2) *PRESERVATION OF FEDERAL ENFORCEMENT*
2 *AUTHORITY.*—Section 309 of the Federal Water Pollu-
3 *tion Control Act (33 U.S.C. 1319) is amended—*

4 (A) *in subsection (a)(3), by striking “318”*
5 *and inserting “312(p), 318”;*

6 (B) *in subsection (c), by striking “318”*
7 *each place it appears and inserting “312(p),*
8 *318”;*

9 (C) *in subsection (d), in the first sentence—*

10 (i) *by striking “318” and inserting*
11 *“312(p), 318,”; and*

12 (ii) *by striking “State,,” and inserting*
13 *“State,”; and*

14 (D) *in subsection (g)(1)(A), by striking*
15 *“318” and inserting “312(p), 318”.*

16 (3) *PRESERVATION OF PUBLIC ENFORCEMENT*
17 *AUTHORITY.*—Section 505(f) of the Federal Water
18 *Pollution Control Act (33 U.S.C. 1365(f)) is amended*
19 *by striking “(5) certification” and all that follows*
20 *through the period at the end and inserting the fol-*
21 *lowing: “(5) a standard of performance or require-*
22 *ment under section 312(p); (6) a certification under*
23 *section 401; (7) a permit or condition of a permit*
24 *issued under section 402 that is in effect under this*
25 *Act (including a requirement applicable by reason of*

1 *section 313); or (8) a regulation under section*
2 *405(d).”.*

3 *(4) REVIEW.—Section 509(b) of the Federal*
4 *Water Pollution Control Act (33 U.S.C. 1369(b)) is*
5 *amended by adding at the end the following:*

6 *“(4) DISCHARGES INCIDENTAL TO NORMAL OP-*
7 *ERATION OF VESSELS.—*

8 *“(A) IN GENERAL.—Except as provided in*
9 *subparagraph (B), any interested person may*
10 *file a petition for review of a final agency action*
11 *under section 312(p) of the Administrator or the*
12 *Secretary of the department in which the Coast*
13 *Guard is operating in accordance with the re-*
14 *quirements of this subsection.*

15 *“(B) VENUE EXCEPTION.—Subject to section*
16 *312(p)(7)(C)(v), a petition for review of a final*
17 *agency action under section 312(p) of the Ad-*
18 *ministrator or the Secretary of the department*
19 *in which the Coast Guard is operating may be*
20 *filed only in the United States Court of Appeals*
21 *for the District of Columbia Circuit.”.*

22 *(d) LOGBOOK REQUIREMENTS.—Section 11301(b) of*
23 *title 46, United States Code, is amended by adding at the*
24 *end the following:*

1 “(13) when a vessel fails to carry out ballast
 2 water management requirements as applicable and
 3 pursuant to regulations promulgated by the Sec-
 4 retary, including when the vessel fails to carry out
 5 ballast water management requirements due to an al-
 6 lowed safety exemption, a statement regarding the
 7 failure to comply and the circumstances under which
 8 the failure occurred, made immediately after the fail-
 9 ure, when practicable to do so.”.

10 (e) *QUAGGA MUSSEL*.—Section 42(a)(1) of title 18,
 11 *United States Code*, is amended, in the first sentence, by
 12 inserting “of the quagga mussel of the species *Dreissena*
 13 *rostriformis* or *Dreissena bugensis*,” after “*Dreissena*
 14 *polymorpha*”.

15 (f) *COASTAL AQUATIC INVASIVE SPECIES MITIGATION*
 16 *GRANT PROGRAM AND MITIGATION FUND*.—

17 (1) *DEFINITIONS*.—In this subsection:

18 (A) *COASTAL ZONE*.—The term “coastal
 19 zone” has the meaning given the term in section
 20 304 of the *Coastal Zone Management Act of 1972*
 21 (16 U.S.C. 1453).

22 (B) *ELIGIBLE ENTITY*.—The term “eligible
 23 entity” means—

24 (i) a State;

25 (ii) a unit of local government;

- 1 (iii) an Indian Tribe;
- 2 (iv) a nongovernmental organization;
- 3 and
- 4 (v) an institution of higher education.

5 (C) *EXCLUSIVE ECONOMIC ZONE.*—The term

6 “*Exclusive Economic Zone*” means the *Exclusive*

7 *Economic Zone of the United States*, as estab-

8 *lished by Presidential Proclamation 5030, dated*

9 *March 10, 1983 (16 U.S.C. 1453 note).*

10 (D) *FOUNDATION.*—The term “*Foundation*”

11 means the *National Fish and Wildlife Founda-*

12 *tion established by section 2(a) of the National*

13 *Fish and Wildlife Foundation Establishment Act*

14 *(16 U.S.C. 3701(a)).*

15 (E) *FUND.*—The term “*Fund*” means the

16 *Coastal Aquatic Invasive Species Mitigation*

17 *Fund established by paragraph (3)(A).*

18 (F) *PROGRAM.*—The term “*Program*”

19 means the *Coastal Aquatic Invasive Species*

20 *Mitigation Grant Program established under*

21 *paragraph (2)(A).*

22 (G) *SECRETARY.*—The term “*Secretary*”

23 means the *Secretary of Commerce.*

24 (2) *GRANT PROGRAM.*—

1 (A) *ESTABLISHMENT.*—*The Secretary and*
2 *the Foundation shall establish a program, to be*
3 *known as the “Coastal Aquatic Invasive Species*
4 *Mitigation Grant Program”, under which the*
5 *Secretary and the Foundation shall award*
6 *grants to eligible entities in accordance with this*
7 *paragraph.*

8 (B) *PURPOSES.*—*The purposes of the Pro-*
9 *gram are—*

10 (i) *to improve the understanding, pre-*
11 *vention, and mitigation of, and response to,*
12 *aquatic invasive species in—*

13 (I) *the coastal zone; and*

14 (II) *the Exclusive Economic Zone;*

15 (ii) *to support the prevention and*
16 *mitigation of impacts from aquatic invasive*
17 *species in the coastal zone; and*

18 (iii) *to support the restoration of Pa-*
19 *cific Island habitats, marine, estuarine, and*
20 *Great Lakes environments in the coastal*
21 *zone and the Exclusive Economic Zone that*
22 *are impacted by aquatic invasive species.*

23 (C) *USE OF GRANTS.*—

24 (i) *IN GENERAL.*—*A grant awarded*
25 *under the Program shall be used for an ac-*

1 *tivity to carry out the purposes of the Pro-*
2 *gram, including an activity—*

3 *(I) to develop and implement pro-*
4 *cedures and programs, including per-*
5 *missible State ballast water inspection*
6 *programs, to prevent, detect, control,*
7 *mitigate, and rapidly or progressively*
8 *eradicate aquatic invasive species in*
9 *the coastal zone or the Exclusive Eco-*
10 *nomie Zone, particularly in areas with*
11 *high numbers of established aquatic*
12 *invasive species;*

13 *(II) to restore habitat impacted by*
14 *an aquatic invasive species;*

15 *(III) to develop new shipboard*
16 *and land-based ballast water treatment*
17 *system technologies and performance*
18 *standards to prevent the introduction*
19 *of aquatic invasive species;*

20 *(IV) to develop mitigation meas-*
21 *ures to protect natural and cultural*
22 *living resources, including shellfish,*
23 *from the impacts of aquatic invasive*
24 *species; or*

1 (V) to develop mitigation meas-
2 ures to protect infrastructure, such as
3 hydroelectric infrastructure, from
4 aquatic invasive species.

5 (ii) *PROHIBITION ON FUNDING LITIGA-*
6 *TION.*—A grant awarded under the Pro-
7 gram may not be used to fund litigation in
8 any matter.

9 (D) *ADMINISTRATION.*—Not later than 90
10 days after the date of enactment of this Act, the
11 Foundation, in consultation with the Secretary,
12 shall establish the following:

13 (i) *Application and review procedures*
14 *for awarding grants under the Program.*

15 (ii) *Approval procedures for awarding*
16 *grants under the Program, including a re-*
17 *quirement for consultation with—*

18 (I) *the Secretary of the Interior;*

19 and

20 (II) *the Administrator.*

21 (iii) *Performance accountability and*
22 *monitoring measures for activities funded*
23 *by a grant awarded under the Program.*

24 (iv) *Procedures and methods to ensure*
25 *accurate accounting and appropriate ad-*

1 *ministration of grants awarded under the*
2 *Program, including standards of record-*
3 *keeping.*

4 *(E) MATCHING REQUIREMENT.—Each eligi-*
5 *ble entity that receives a grant under the Pro-*
6 *gram shall provide, in cash or through in-kind*
7 *contributions from non-Federal sources, match-*
8 *ing funds to carry out the activities funded by*
9 *the grant in an amount equal to not less than*
10 *25 percent of the cost of the activities.*

11 *(F) FUNDING.—The Secretary and the*
12 *Foundation are authorized to use the amounts*
13 *available in the Fund to award grants under the*
14 *Program.*

15 *(3) MITIGATION FUND.—*

16 *(A) ESTABLISHMENT.—There is established*
17 *in the Treasury of the United States a trust*
18 *fund, to be known as the “Coastal Aquatic*
19 *Invasive Species Mitigation Fund”, consisting of*
20 *such amounts as are appropriated or credited to*
21 *the Fund in accordance with this paragraph or*
22 *section 9602 of the Internal Revenue Code of*
23 *1986.*

24 *(B) TRANSFERS TO FUND.—*

1 (i) *APPROPRIATION.*—*There is author-*
 2 *ized to be appropriated from the Treasury*
 3 *to the Fund, for each fiscal year, an amount*
 4 *equal to the amount of penalties assessed for*
 5 *violations of subsection (p) of section 312 of*
 6 *the Federal Water Pollution Control Act (33*
 7 *U.S.C. 1322) during the preceding fiscal*
 8 *year.*

9 (ii) *ADDITIONAL AUTHORIZATION.*—*In*
 10 *addition to the amounts transferred to the*
 11 *Fund under clause (i), there is authorized*
 12 *to be appropriated to the Fund \$5,000,000*
 13 *for each fiscal year.*

14 (C) *USE OF FUND.*—*Subject to appropria-*
 15 *tions, the amounts in the Fund shall be available*
 16 *to the Secretary and the Foundation to award*
 17 *grants under the Program.*

18 (g) *GREAT LAKES AND LAKE CHAMPLAIN INVASIVE*
 19 *SPECIES PROGRAM.*—

20 (1) *DEFINITIONS.*—*In this subsection:*

21 (A) *ADMINISTRATOR.*—*The term “Adminis-*
 22 *trator” means the Administrator of the Environ-*
 23 *mental Protection Agency.*

24 (B) *AQUATIC NUISANCE SPECIES.*—*The*
 25 *term “aquatic nuisance species” has the meaning*

1 *given that term in subsection (p)(1) of section*
2 *312 of the Federal Water Pollution Control Act*
3 *(33 U.S.C. 1322).*

4 (C) *DIRECTOR.*—*The term “Director”*
5 *means the Director of the Great Lakes National*
6 *Program Office established by section 118(b) of*
7 *the Federal Water Pollution Control Act (33*
8 *U.S.C. 1268(b)).*

9 (D) *GREAT LAKES AND LAKE CHAMPLAIN*
10 *SYSTEMS.*—*The term “Great Lakes and Lake*
11 *Champlain Systems” includes—*

12 (i) *Lake Champlain; and*

13 (ii) *all bodies of water (including wet-*
14 *lands) within—*

15 (I) *the Great Lakes System (as*
16 *defined in section 118(a)(3) of the Fed-*
17 *eral Water Pollution Control Act (33*
18 *U.S.C. 1268(a)(3)); or*

19 (II) *the Lake Champlain drainage*
20 *basin (as defined in section 120(g) of*
21 *the Federal Water Pollution Control*
22 *Act (33 U.S.C. 1270(g)).*

23 (E) *PROGRAM.*—*The term “Program”*
24 *means the Great Lakes and Lake Champlain*

1 *Invasive Species Program established under*
2 *paragraph (2)(A).*

3 (2) *ESTABLISHMENT OF PROGRAM.—*

4 (A) *IN GENERAL.—The Administrator shall*
5 *establish within the Great Lakes National Pro-*
6 *gram Office a program, to be known as the*
7 *“Great Lakes and Lake Champlain Invasive*
8 *Species Program”—*

9 (i) *in collaboration with—*

10 (I) *the Director of the United*
11 *States Fish and Wildlife Service;*

12 (II) *the Administrator of the Na-*
13 *tional Oceanic and Atmospheric Ad-*
14 *ministration;*

15 (III) *the Director of the United*
16 *States Geological Survey; and*

17 (IV) *the Secretary of the depart-*
18 *ment in which the Coast Guard is op-*
19 *erating; and*

20 (ii) *in consultation with—*

21 (I) *the head of Great Lakes*
22 *Aquatic Nonindigenous Species Infor-*
23 *mation System of the National Oceanic*
24 *and Atmospheric Administration; and*

1 (ii) the head of Great Lakes Envi-
2 ronmental Research Laboratory of the
3 National Oceanic and Atmospheric Ad-
4 ministration.

5 (B) PURPOSES.—The purposes of the Pro-
6 gram shall be—

7 (i) to monitor for the introduction and
8 spread of aquatic nuisance species into or
9 within the Great Lakes and Lake Cham-
10 plain Systems;

11 (ii) to detect newly introduced aquatic
12 nuisance species prior to the establishment
13 of the aquatic nuisance species in the Great
14 Lakes and Lake Champlain Systems;

15 (iii) to inform, and assist with, man-
16 agement and response actions to prevent or
17 stop the establishment or spread of an
18 aquatic nuisance species;

19 (iv) to establish a watch list of can-
20 didate aquatic nuisance species that may be
21 introduced or spread, and that may survive
22 and establish, within the Great Lakes and
23 Lake Champlain Systems;

24 (v) to monitor vectors likely to be con-
25 tributing to the introduction or spread of

1 *aquatic nuisance species, including ballast*
2 *water operations;*

3 *(vi) to work collaboratively with the*
4 *Federal, State, local, and Tribal agencies to*
5 *develop criteria for prioritizing and distrib-*
6 *uting monitoring efforts;*

7 *(vii) to develop, achieve type approval*
8 *for, and pilot shipboard or land-based bal-*
9 *last water management systems installed*
10 *on, or available for use by, commercial ves-*
11 *sels operating solely within the Great Lakes*
12 *and Lake Champlain Systems to prevent*
13 *the spread of aquatic nuisance species popu-*
14 *lations within the Great Lakes and Lake*
15 *Champlain Systems; and*

16 *(viii) to facilitate meaningful Federal*
17 *and State implementation of the regulatory*
18 *framework in this subsection, including*
19 *monitoring, shipboard education, inspec-*
20 *tion, and compliance conducted by States.*

21 (3) *METHODOLOGY.*—*The Program shall seek—*

22 *(A) to build on—*

23 *(i) existing aquatic nuisance species*
24 *monitoring efforts; and*

1 (ii) efforts to develop criteria for
2 prioritizing and distributing monitoring ef-
3 forts, geographically and among taxa, in
4 the Great Lakes and Lake Champlain Sys-
5 tems;

6 (B) to advance early detection and moni-
7 toring, and capacity to control the establishment
8 and spread, of aquatic nuisance species within
9 the Great Lakes and Lake Champlain Systems;

10 (C) to identify opportunities to interdict the
11 introduction and spread of aquatic nuisance spe-
12 cies through sound science and technological ad-
13 vancements;

14 (D) to assess the risk of aquatic nuisance
15 species introduction and spread via the range of
16 vectors active within the Great Lakes and Lake
17 Champlain Systems;

18 (E) to advance the development of type-ap-
19 proved ballast water management system (as de-
20 fined in subsection (p)(1) of section 312 of the
21 Federal Water Pollution Control Act (33 U.S.C.
22 1322) equipment for commercial, non-seagoing
23 vessels that operate solely within the Great Lakes
24 System (as defined in section 118(a)(3) of the

1 *Federal Water Pollution Control Act (33 U.S.C.*
2 *1268(a)(3))*);

3 *(F) to immediately make available to the*
4 *public information regarding—*

5 *(i) the detection of new aquatic nui-*
6 *sance species within the Great Lakes and*
7 *Lake Champlain Systems; or*

8 *(ii) the spread of aquatic nuisance spe-*
9 *cies within the Great Lakes and Lake*
10 *Champlain Systems;*

11 *(G) to annually submit to appropriate indi-*
12 *viduals and entities in each affected region a re-*
13 *port describing the findings and activities of the*
14 *Program;*

15 *(H) to identify roles and responsibilities of*
16 *Federal agencies in aquatic nuisance species*
17 *monitoring and response; and*

18 *(I) to provide resource assistance to States*
19 *implementing State-level programs to enter into*
20 *partnerships with Federal agencies in enforcing*
21 *the requirements under subsection (p) of section*
22 *312 of the Federal Water Pollution Control Act*
23 *(33 U.S.C. 1322).*

1 (4) *COLLABORATION.*—*In carrying out and de-*
2 *veloping the Program, the Director shall collaborate*
3 *with—*

4 (A) *applicable Federal, State, local, and*
5 *Tribal agencies; and*

6 (B) *such other research entities or stake-*
7 *holders as the Director determines to be appro-*
8 *priate.*

9 (5) *DATA AVAILABILITY.*—*The Director shall—*

10 (A) *make the data collected under the Pro-*
11 *gram available on a publicly accessible internet*
12 *website, including in an annual summary re-*
13 *port; and*

14 (B) *in coordination with the entities identi-*
15 *fied under paragraph (4), develop communica-*
16 *tion and notification protocols for the purpose of*
17 *communicating the range of aquatic nuisance*
18 *species and any identification of a new aquatic*
19 *nuisance species introduced to the Great Lakes*
20 *and Lake Champlain Systems.*

21 (6) *REPORT TO CONGRESS.*—

22 (A) *IN GENERAL.*—*Not later than December*
23 *31, 2019, the Director shall submit to Congress*
24 *a report summarizing the outcomes of activities*
25 *carried out under the Program.*

1 (B) *CONTENTS.*—*The report under subpara-*
2 *graph (A) shall include—*

3 (i) *a description of activities carried*
4 *out under the Program, including an expla-*
5 *nation of how those activities help to*
6 *achieve the purposes described in paragraph*
7 *(2)(B);*

8 (ii) *an analysis of Federal, State, and*
9 *local efforts to enhance multidisciplinary*
10 *approaches to achieve the purposes described*
11 *in paragraph (2)(B);*

12 (iii) *recommendations relating to ac-*
13 *tivities that would contribute to achieve-*
14 *ment of the purposes described in para-*
15 *graph (2)(B); and*

16 (iv) *recommendations to improve the*
17 *efficiency and effectiveness of the Program.*

18 (7) *AUTHORIZATION OF APPROPRIATIONS.*—
19 *There is authorized to be appropriated to carry out*
20 *the Program \$50,000,000 for each of fiscal years 2019*
21 *through 2023.*

22 (h) *TECHNICAL AND CONFORMING AMENDMENTS.*—

23 (1) *Section 1102(f) of the Nonindigenous Aquatic*
24 *Nuisance Prevention and Control Act of 1990 (16*

1 *U.S.C. 4712(f) is amended by striking paragraph (2)*
2 *and inserting the following:*

3 “(2) *BALLAST WATER REPORTING REQUIRE-*
4 *MENTS.—*

5 “(A) *IN GENERAL.—The owner or operator*
6 *of a vessel subject to this title shall submit to the*
7 *National Ballast Information Clearinghouse, by*
8 *not later than 6 hours after the arrival of the*
9 *vessel at a United States port or place of des-*
10 *tination, the ballast water management report*
11 *form approved by the Office of Management and*
12 *Budget numbered OMB 1625–0069 (or a suc-*
13 *cessor form), unless the vessel is operating exclu-*
14 *sively on a voyage between ports or places within*
15 *contiguous portions of a single Captain of the*
16 *Port Zone.*

17 “(B) *MULTIPLE DISCHARGES.—The owner*
18 *or operator of a vessel subject to this title may*
19 *submit a single report under subparagraph (A)*
20 *for multiple ballast water discharges within a*
21 *single port or place of destination during the*
22 *same voyage.*

23 “(C) *ADVANCE REPORT TO STATES.—A*
24 *State may require the owner or operator of a*
25 *vessel subject to this title to submit directly to*

1 *the State, or to an appropriate regional forum,*
2 *a ballast water management report form—*

3 “(i) *not later than 24 hours prior to*
4 *arrival at a United States port or place of*
5 *destination in the State, if the voyage of the*
6 *vessel is anticipated to exceed 24 hours; or*

7 “(ii) *before departing the port or place*
8 *of departure, if the voyage of the vessel to*
9 *the United States port or place of destina-*
10 *tion is not anticipated to exceed 24 hours.*

11 “(3) *VESSEL REPORTING DATA.—*

12 “(A) *DISSEMINATION TO STATES.—On re-*
13 *ceipt of a ballast water management report*
14 *under paragraph (2), the National Ballast Infor-*
15 *mation Clearinghouse shall—*

16 “(i) *in the case of a form submitted*
17 *electronically, immediately disseminate the*
18 *report to interested States; or*

19 “(ii) *in the case of a form submitted by*
20 *means other than electronically, disseminate*
21 *the report to interested States as soon as*
22 *practicable.*

23 “(B) *AVAILABILITY TO PUBLIC.—Not later*
24 *than 30 days after the date of receipt of a ballast*
25 *water management report under paragraph (2),*

1 *the National Ballast Information Clearinghouse*
2 *shall make the data in the report fully and read-*
3 *ily available to the public in a searchable and*
4 *fully retrievable electronic format.*

5 “(4) *REPORT.*—

6 “(A) *IN GENERAL.*—*Not later than July 1,*
7 *2019, and annually thereafter, the Secretary*
8 *shall prepare and submit a report in accordance*
9 *with this paragraph.*

10 “(B) *CONTENTS.*—*Each report under this*
11 *paragraph shall synthesize and analyze the data*
12 *described in paragraph (1) for the preceding 2-*
13 *year period to evaluate nationwide status and*
14 *trends relating to—*

15 “(i) *ballast water delivery and man-*
16 *agement; and*

17 “(ii) *invasions of aquatic nuisance*
18 *species resulting from ballast water.*

19 “(C) *DEVELOPMENT.*—*The Secretary shall*
20 *prepare each report under this paragraph in*
21 *consultation and cooperation with—*

22 “(i) *the Task Force; and*

23 “(ii) *the Smithsonian Institution (act-*
24 *ing through the Smithsonian Environ-*
25 *mental Research Center).*

1 “(D) *SUBMISSION.*—*The Secretary shall—*
2 “(i) *submit each report under this*
3 *paragraph to—*
4 “(I) *the Task Force;*
5 “(II) *the Committee on Com-*
6 *merce, Science, and Transportation of*
7 *the Senate; and*
8 “(III) *the Committee on Trans-*
9 *portation and Infrastructure of the*
10 *House of Representatives; and*
11 “(ii) *make each report available to the*
12 *public.*

13 “(5) *WORKING GROUP.*—*Not later than 1 year*
14 *after the date of enactment of this paragraph, the Sec-*
15 *retary shall establish a working group, including*
16 *members from the National Ballast Information*
17 *Clearinghouse and States with ballast water manage-*
18 *ment programs, to establish a process for compiling*
19 *and readily sharing Federal and State commercial*
20 *vessel reporting and enforcement data regarding com-*
21 *pliance with this Act.”.*

22 (2) *Section 1205 of the Nonindigenous Aquatic*
23 *Nuisance Prevention and Control Act of 1990 (16*
24 *U.S.C. 4725) is amended—*

1 (A) in the third sentence, by striking “Com-
2 pliance” and inserting the following:

3 “(c) *EFFECT OF COMPLIANCE.—Compliance*”;

4 (B) in the second sentence, by striking
5 “Nothing” and inserting the following:

6 “(b) *EFFECT OF TITLE.—*

7 “(1) *IN GENERAL.—Except as provided in para-*
8 *graph (2), nothing*”;

9 (C) in the first sentence, by striking “All
10 actions” and inserting the following:

11 “(a) *CONSISTENCY WITH ENVIRONMENTAL LAWS.—All*
12 *actions*”; and

13 (D) in subsection (b) (as so designated), by
14 adding at the end the following:

15 “(2) *EXCEPTION.—Any discharge incidental to*
16 *the normal operation of a vessel, including any dis-*
17 *charge of ballast water (as those terms are defined in*
18 *subsections (a) and (p)(1) of section 312 of the Fed-*
19 *eral Water Pollution Control Act (33 U.S.C. 1322)),*
20 *shall be regulated in accordance with that section.*”.

1 **TITLE X—HYDROGRAPHIC**
2 **SERVICES AND OTHER MATTERS**

3 **SEC. 1001. REAUTHORIZATION OF HYDROGRAPHIC SERV-**
4 **ICES IMPROVEMENT ACT OF 1998.**

5 (a) *REAUTHORIZATIONS.*—Section 306 of the Hydro-
6 graphic Services Improvement Act of 1998 (33 U.S.C. 892d)
7 is amended—

8 (1) *in the matter before paragraph (1), by strik-*
9 *ing “There are” and inserting the following:*

10 “(a) *IN GENERAL.*—*There are*”;

11 (2) *in subsection (a) (as designated by para-*
12 *graph (1))—*

13 (A) *in paragraph (1), by striking “sur-*
14 *veys—” and all that follows through the end of*
15 *the paragraph and inserting “surveys,*
16 *\$70,814,000 for each of fiscal years 2019 through*
17 *2023.”;*

18 (B) *in paragraph (2), by striking “vessels—*
19 *” and all that follows through the end of the*
20 *paragraph and inserting “vessels, \$25,000,000*
21 *for each of fiscal years 2019 through 2023.”;*

22 (C) *in paragraph (3), by striking “Admin-*
23 *istration—” and all that follows through the end*
24 *of the paragraph and inserting “Administration,*

1 \$29,932,000 for each of fiscal years 2019 through
2 2023.”;

3 (D) in paragraph (4), by striking “title—
4 ” and all that follows through the end of the
5 paragraph and inserting “title, \$26,800,000 for
6 each of fiscal years 2019 through 2023.”; and

7 (E) in paragraph (5), by striking “title—
8 ” and all that follows through the end of the
9 paragraph and inserting “title, \$30,564,000 for
10 each of fiscal years 2019 through 2023.”; and

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

12 “(b) *ARCTIC PROGRAMS.*—Of the amount authorized
13 by this section for each fiscal year—

14 “(1) \$10,000,000 is authorized for use in the
15 Arctic—

16 “(A) to acquire hydrographic data;

17 “(B) to provide hydrographic services;

18 “(C) to conduct coastal change analyses nec-
19 essary to ensure safe navigation;

20 “(D) to improve the management of coastal
21 change; and

22 “(E) to reduce risks of harm to subsistence
23 and coastal communities associated with in-
24 creased international maritime traffic; and

1 “(2) \$2,000,000 is authorized for use to acquire
2 hydrographic data and provide hydrographic services
3 in the Arctic necessary to delineate the United States
4 extended Continental Shelf.”.

5 (b) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*
6 *SURVEYS.*—Section 306 of such Act (33 U.S.C. 892d) is fur-
7 ther amended by adding at the end the following:

8 “(c) *LIMITATION ON ADMINISTRATIVE EXPENSES FOR*
9 *SURVEYS.*—Of amounts authorized by this section for each
10 fiscal year for contract hydrographic surveys, not more than
11 5 percent is authorized for administrative costs associated
12 with contract management.”.

13 **SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-IN-**
14 **CLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

15 (a) *IN GENERAL.*—Not later than 1 year after the date
16 of the enactment of this Act, the Secretary of Commerce
17 shall—

18 (1) develop and implement a system to track and
19 report the full cost to the Department of Commerce of
20 hydrographic data collection, including costs relating
21 to vessel acquisition, vessel repair, and administra-
22 tion of contracts to procure data;

23 (2) evaluate measures for comparing cost per
24 unit effort in addition to measures of cost per nau-
25 tical square mile; and

1 (3) *submit to the Committee on Commerce,*
2 *Science, and Transportation of the Senate and the*
3 *Committee on Natural Resources of the House of Rep-*
4 *resentatives a report on which additional measures*
5 *for comparing cost per unit effort the Secretary in-*
6 *tends to use and the rationale for such use.*

7 (b) *DEVELOPMENT OF STRATEGY FOR INCREASED*
8 *CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR*
9 *HYDROGRAPHIC DATA COLLECTION.—Not later than 180*
10 *days after the date on which the Secretary completes the*
11 *activities required by subsection (a), the Secretary shall de-*
12 *velop a strategy for how the National Oceanic and Atmos-*
13 *pheric Administration will increase contracting with non-*
14 *governmental entities for hydrographic data collection in*
15 *a manner that is consistent with the requirements of the*
16 *Ocean and Coastal Mapping Integration Act (Public Law*
17 *111–11; 33 U.S.C. 3501 et seq.).*

18 **SEC. 1003. HOMEPORTR OF CERTAIN RESEARCH VESSELS.**

19 (a) *ACCEPTANCE OF FUNDS AUTHORIZED.—The Sec-*
20 *retary of Commerce may accept non-Federal funds for the*
21 *purpose of the construction of a new port facility, including*
22 *obtaining such cost estimates, designs, and permits as may*
23 *be necessary to facilitate the homeporting of the R/V*
24 *FAIRWEATHER in accordance with title II of the Depart-*
25 *ments of Commerce, Justice, and State, the Judiciary, and*

1 *Related Agencies Appropriations Act, 2002 (Public Law*
2 *107–77; 115 Stat. 775) at a location that during such home-*
3 *porting shall be under the administrative jurisdiction of the*
4 *Under Secretary of Commerce for Oceans and Atmosphere.*

5 **(b) STRATEGIC PLAN REQUIRED.**—*Not later than 180*
6 *days after the date of the enactment of this Act, the Sec-*
7 *retary shall develop and submit to the Committee on Com-*
8 *merce, Science, and Transportation of the Senate and the*
9 *Committee on Natural Resources of the House of Represent-*
10 *atives a strategic plan for implementing subsection (a).*

11 **(c) ACCEPTANCE OF FUNDS AUTHORIZED.**—*The Sec-*
12 *retary may accept non-Federal funds for the purpose of the*
13 *construction of a new port facility, including obtaining*
14 *such cost estimates, designs, and permits as may be nec-*
15 *essary to facilitate the homeporting of a new, existing, or*
16 *reactivated research vessel in the city of St. Petersburg,*
17 *Florida, at a location that during such homeporting shall*
18 *be under the administrative jurisdiction of the Under Sec-*
19 *retary of Commerce for Oceans and Atmosphere.*

20 **(d) STRATEGIC PLAN REQUIRED.**—*Not later than 180*
21 *days after the date of the enactment of this Act, the Sec-*
22 *retary shall develop and submit to Congress a strategic plan*
23 *for construction or acquisition of the facilities needed to*
24 *allow for an oceanographic research vessel to be homeported*

- 1 *in St. Petersburg, Florida. The strategic plan shall include*
- 2 *an estimate of funding needed to construct such facilities.*

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

S. 140

**SENATE AMENDMENT TO
HOUSE AMENDMENT**