

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 140**

To amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Frank LoBiondo Coast

5 Guard Authorization Act of 2018”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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  
 6 parts at the beginning and inserting the following:

7           **“TITLE 14—COAST GUARD**

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

8     **SEC. 102. SUBTITLE I.**

9           Part I of title 14, United States Code, is amended  
 10 by 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**

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

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  
13 table of sections for chapter 1 of such title (as  
14 added by subsection (a)), in the order in which  
15 the sections are presented in the table.

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

18 **SEC. 104. CHAPTER 3.**

19 (a) **INITIAL MATTER.—**Chapter 3 of title 14, United  
20 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 3—COMPOSITION AND**  
4 **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.”.

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  
13 table of sections for chapter 3 of such title (as  
14 added by subsection (a)), in the order in which  
15 the sections are presented in the table.

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

3           (c) ADDITIONAL CHANGES.—

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

6                   (A) by inserting after section 310 (as so  
7                   redesignated and transferred under subsection  
8                   (b)) the following:

9           **“§ 311. Captains of the port**

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

16                   (B) by inserting after section 317 (as so  
17                   redesignated and transferred under subsection  
18                   (b)) the following:

19           **“§ 318. Environmental Compliance and Restoration**  
20                   **Program**

21           “(a) DEFINITIONS.—For the purposes of this sec-  
22           tion—

23                   “(1) ‘environment’, ‘facility’, ‘person’, ‘release’,  
24                   ‘removal’, ‘remedial’, and ‘response’ have the same  
25                   meaning they have in section 101 of the Comprehen-



1       sive Environmental Response, Compensation, and  
2       Liability Act (42 U.S.C. 9601);

3           “(2) ‘hazardous substance’ has the same mean-  
4       ing it has in section 101 of the Comprehensive Envi-  
5       ronmental Response, Compensation, and Liability  
6       Act (42 U.S.C. 9601), except that it also includes  
7       the meaning given ‘oil’ in section 311 of the Federal  
8       Water Pollution Control Act (33 U.S.C. 1321); and

9           “(3) ‘pollutant’ has the same meaning it has in  
10       section 502 of the Federal Water Pollution Control  
11       Act (33 U.S.C. 1362).

12       “(b) PROGRAM.—

13           “(1) The Secretary shall carry out a program  
14       of environmental compliance and restoration at cur-  
15       rent and former Coast Guard facilities.

16           “(2) Program goals include:

17               “(A) Identifying, investigating, and clean-  
18       ing up contamination from hazardous sub-  
19       stances and pollutants.

20               “(B) Correcting other environmental dam-  
21       age that poses an imminent and substantial  
22       danger to the public health or welfare or to the  
23       environment.

1           “(C) Demolishing and removing unsafe  
2 buildings and structures, including buildings  
3 and structures at former Coast Guard facilities.

4           “(D) Preventing contamination from haz-  
5 arduous substances and pollutants at current  
6 Coast Guard facilities.

7           “(3)(A) The Secretary shall respond to releases  
8 of hazardous substances and pollutants—

9           “(i) at each Coast Guard facility the  
10 United States owns, leases, or otherwise pos-  
11 sesses;

12           “(ii) at each Coast Guard facility the  
13 United States owned, leased, or otherwise pos-  
14 sessed when the actions leading to contamina-  
15 tion from hazardous substances or pollutants  
16 occurred; and

17           “(iii) on each vessel the Coast Guard owns  
18 or operates.

19           “(B) Subparagraph (A) of this paragraph does  
20 not apply to a removal or remedial action when a po-  
21 tentially responsible person responds under section  
22 122 of the Comprehensive Environmental Response,  
23 Compensation, and Liability Act (42 U.S.C. 9622).

24           “(C) The Secretary shall pay a fee or charge  
25 imposed by a State authority for permit services for

1 disposing of hazardous substances or pollutants from  
2 Coast Guard facilities to the same extent that non-  
3 governmental entities are required to pay for permit  
4 services. This subparagraph does not apply to a pay-  
5 ment that is the responsibility of a lessee, con-  
6 tractor, or other private person.

7 “(4) The Secretary may agree with another  
8 Federal agency for that agency to assist in carrying  
9 out the Secretary’s responsibilities under this sec-  
10 tion. The Secretary may enter into contracts, coop-  
11 erative agreements, and grant agreements with State  
12 and local governments to assist in carrying out the  
13 Secretary’s responsibilities under this section. Serv-  
14 ices that may be obtained under this paragraph in-  
15 clude identifying, investigating, and cleaning up off-  
16 site contamination that may have resulted from the  
17 release of a hazardous substance or pollutant at a  
18 Coast Guard facility.

19 “(5) Section 119 of the Comprehensive Envi-  
20 ronmental Response, Compensation, and Liability  
21 Act (42 U.S.C. 9619) applies to response action con-  
22 tractors that carry out response actions under this  
23 section. The Coast Guard shall indemnify response  
24 action contractors to the extent that adequate insur-  
25 ance is not generally available at a fair price at the

1 time the contractor enters into the contract to cover  
2 the contractor's reasonable, potential, long-term li-  
3 ability.

4 “(c) AMOUNTS RECOVERED FOR RESPONSE AC-  
5 TIONS.—

6 “(1) All sums appropriated to carry out the  
7 Coast Guard's environmental compliance and res-  
8 toration functions under this section or another law  
9 shall be credited or transferred to an appropriate  
10 Coast Guard account, as determined by the Com-  
11 mandant and remain available until expended.

12 “(2) Funds may be obligated or expended from  
13 such account to carry out the Coast Guard's envi-  
14 ronmental compliance and restoration functions  
15 under this section or another law.

16 “(3) In proposing the budget for any fiscal year  
17 under section 1105 of title 31, the President shall  
18 set forth separately the amount requested for the  
19 Coast Guard's environmental compliance and res-  
20 toration activities under this section or another law.

21 “(4) Amounts recovered under section 107 of  
22 the Comprehensive Environmental Response, Com-  
23 pensation, and Liability Act (42 U.S.C. 9607) for  
24 the Secretary's response actions at current and  
25 former Coast Guard facilities shall be credited to an

1 appropriate Coast Guard account, as determined by  
2 the Commandant.

3 “(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—  
4 The Commandant shall submit to the Committee on  
5 Transportation and Infrastructure of the House of Rep-  
6 resentatives and the Committee on Commerce, Science,  
7 and Transportation of the Senate a prioritized list of  
8 projects eligible for environmental compliance and restora-  
9 tion funding for each fiscal year concurrent with the Presi-  
10 dent’s budget submission for that fiscal year.”.

11 (2) CONFORMING REPEALS.—Sections 634,  
12 690, 691, 692, and 693 of title 14, United States  
13 Code, are repealed.

14 **SEC. 105. CHAPTER 5.**

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

19 **“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  
9 table of sections for chapter 5 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

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  
5 following:

6 “SUBCHAPTER I—GENERAL POWERS”;

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

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  
14 following:

15 “SUBCHAPTER III—AIDS TO NAVIGATION”;

16 and

17 (4) by inserting before section 561 (as so redesi-  
18 gnated and transferred under subsection (b)) the  
19 following:

20 “SUBCHAPTER IV—MISCELLANEOUS”.

21 **SEC. 106. CHAPTER 7.**

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

1                   **“CHAPTER 7—COOPERATION**

“Sec.

“701. Cooperation with other agencies, States, territories, and political subdivisions.

“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.”.

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  
10                  table of sections for chapter 7 of such title (as  
11                  added by subsection (a)), in the order in which  
12                  the sections are presented in the table.

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



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: alter-  
native 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  
9 table of sections for chapter 9 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

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

16 (1) by inserting before section 901 (as so redес-  
17 igned and transferred under subsection (b)) the  
18 following:

19 “SUBCHAPTER I—REAL AND PERSONAL  
20 PROPERTY”;

21 and

22 (2) by inserting before section 931 (as so redес-  
23 igned and transferred under subsection (b)) the  
24 following:

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  
8                   table of sections for chapter 11 of such title (as  
9                   added by subsection (a)), in the order in which  
10                  the sections are presented in the table.

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

13           (c) ADDITIONAL CHANGES.—Chapter 11 of title 14,  
14           United States Code, is further amended—

15                   (1) by striking all subdivision designations and  
16                   headings in such chapter, except for—

17                           (A) the chapter designation and heading  
18                           added by subsection (a);

19                           (B) the subchapter designations and head-  
20                           ings added by this subsection; and

21                           (C) any designation or heading of a section  
22                           or a subdivision of a section;

23                   (2) by inserting before section 1101 (as so re-  
24                   designated and transferred under subsection (b)) the  
25                   following:

1 “SUBCHAPTER I—GENERAL PROVISIONS”;

2 (3) by inserting before section 1131 (as so re-  
3 designated and transferred under subsection (b)) the  
4 following:

5 “SUBCHAPTER II—IMPROVED ACQUISITION  
6 PROCESS AND PROCEDURES”;

7 (4) by inserting before section 1151 (as so re-  
8 designated and transferred under subsection (b)) the  
9 following:

10 “SUBCHAPTER III—PROCUREMENT”;

11 and

12 (5) by inserting before section 1171 (as so re-  
13 designated and transferred under subsection (b)) the  
14 following:

15 “SUBCHAPTER IV—DEFINITIONS”.

16 **SEC. 109. SUBTITLE II.**

17 (a) INITIAL MATTER.—Title 14, United States Code,  
18 is further amended by inserting after chapter 11 (as  
19 amended by section 108) the following:

20 **“Subtitle II—Personnel**

“Chap.	Sec.
<b>“19. Coast Guard Academy .....</b>	<b>1901</b>
<b>“21. Personnel; Officers .....</b>	<b>2101</b>
<b>“23. Personnel; Enlisted .....</b>	<b>2301</b>
<b>“25. Personnel; General Provisions .....</b>	<b>2501</b>
<b>“27. Pay, Allowances, Awards, and Other Rights and Benefits .....</b>	<b>2701</b>
<b>“29. Coast Guard Family Support, Child Care, and Hous- ing .....</b>	<b>2901”.</b>

21 (b) RESERVED CHAPTER NUMBERS.—

1           (1) CHAPTER 13.—Chapter 13 of title 14,  
2           United States Code, is amended by striking the  
3           chapter designation, the chapter heading, and the  
4           table of sections at the beginning.

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

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

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

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

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

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

21           (4) CHAPTER 17.—Chapter 17 of title 14,  
22           United States Code, is amended by striking the  
23           chapter designation, the chapter heading, and the  
24           table of sections at the beginning.

1           (5) CHAPTER 18.—Chapter 18 of title 14,  
2           United States Code, is amended by striking the  
3           chapter designation, the chapter heading, and the  
4           table of sections at the beginning.

5 **SEC. 110. CHAPTER 19.**

6           (a) INITIAL MATTER.—Chapter 19 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 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.”.

11       (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  
8                   table of sections for chapter 19 of such title (as  
9                   added by subsection (a)), in the order in which  
10                  the sections are presented in the table.

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

13           (c) ADDITIONAL CHANGES.—

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

16                           (A) by inserting before section 1901 (as so  
17                           redesignated and transferred under subsection  
18                           (b)) the following:

19                           “SUBCHAPTER I—ADMINISTRATION”;

20                           (B) by inserting before section 1923 (as so  
21                           redesignated and transferred under subsection  
22                           (b)) 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  
6 hundred.

7   **“§ 1922. Appointments**

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

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. Ca-  
6 dets shall be subject to rules governing discipline pre-  
7 scribed by 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  
25 of the commissioned service obligation of the cadet,  
26 the 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  
8           Guard Reserve, and may order to active duty for such pe-  
9           riod of time as the Secretary prescribes (but not to exceed  
10          four years), a cadet who breaches an agreement under  
11          subsection (a). The period of time for which a cadet is  
12          ordered to active duty under this paragraph may be deter-  
13          mined without regard 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  
16          appropriate 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  
23          agreement to complete the course of instruction at the  
24          Coast Guard Academy and accept an appointment as a

1 commissioned officer upon graduation from the Coast  
2 Guard Academy.

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

5 “(1) standards for determining what con-  
6 stitutes, for the purpose of subsection (b), a breach  
7 of an agreement 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 obliga-  
14 tion’, with respect to an officer who is a graduate of the  
15 Academy, means the period beginning on the date of the  
16 officer’s appointment as a commissioned officer and end-  
17 ing on the sixth anniversary of such appointment or, at  
18 the discretion of the Secretary, any later date up to the  
19 eighth anniversary of such appointment.

20 “(e)(1) This section does not apply to a cadet who  
21 is 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  
9 table of sections for chapter 21 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

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

16 (1) by striking all subchapter designations and  
17 headings in such chapter, except for the subchapter  
18 designations and headings added by this subsection;

1 (2) by inserting before section 2101 (as so re-  
2 designated and transferred under subsection (b)) the  
3 following:

4 “SUBCHAPTER I—APPOINTMENT AND  
5 PROMOTION”;

6 (3) by inserting before section 2115 (as so re-  
7 designated and transferred under subsection (b)) the  
8 following:

9 **“§ 2114. United States Deputy Marshals in Alaska**

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

12 (4) by inserting before section 2141 (as so re-  
13 designated and transferred under subsection (b)) the  
14 following:

15 “SUBCHAPTER II—DISCHARGES; RETIRE-  
16 MENTS; REVOCATION OF COMMISSIONS;  
17 SEPARATION FOR CAUSE”;

18 and

19 (5) by inserting before section 2181 (as so re-  
20 designated and transferred under subsection (b)) the  
21 following:

22 “SUBCHAPTER III—GENERAL PROVISIONS”.

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

24 (a) INITIAL MATTER.—Chapter 23 of title 14, United  
25 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 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.”.

4 (b) REDESIGNATIONS AND TRANSFERS.—

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

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

10 (B) by transferring the sections, as nec-  
11 essary, so that the sections appear after the  
12 table of sections for chapter 23 of such title (as  
13 added by subsection (a)), in the order in which  
14 the sections are presented in the table.

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

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:

6 **“CHAPTER 25—PERSONNEL; GENERAL**  
7 **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.”.

8 (b) REDESIGNATIONS AND TRANSFERS.—

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

12 (A) by redesignating the sections as de-  
13 scribed in the table; and

14 (B) by transferring the sections, as nec-  
15 essary, so that the sections appear after the  
16 table of sections for chapter 25 of such title (as

1           added by subsection (a)), in the order in which  
2           the sections are presented in the table.

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

5           (c) ADDITIONAL CHANGES.—Chapter 25 of title 14,  
6           United States Code, is further amended—

7           (1) by inserting before section 2501 (as so re-  
8           designated and transferred under subsection (b)) the  
9           following:

10          “SUBCHAPTER I—GENERAL PROVISIONS”;

11          and

12          (2) by inserting before section 2531 (as so re-  
13          designated and transferred under subsection (b)) the  
14          following:

15          “SUBCHAPTER II—LIGHTHOUSE SERVICE”.

16   **SEC. 115. PART III.**

17          Part III of title 14, United States Code, is amended  
18          by striking the part designation, the part heading, and the  
19          table of chapters at the beginning.

20   **SEC. 116. CHAPTER 27.**

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

1 **“CHAPTER 27—PAY, ALLOWANCES,**  
2 **AWARDS, AND OTHER RIGHTS AND**  
3 **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;  
penalties.

“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

7 (B) by transferring the sections, as nec-  
8 essary, so that the sections appear after the  
9 table of sections for chapter 27 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

14 (c) ADDITIONAL CHANGES.—Chapter 27 of title 14,  
15 United States Code, is further amended—

16 (1) by inserting before section 2701 (as so re-  
17 designated and transferred under subsection (b)) the  
18 following:

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

3 (2) by inserting before section 2731 (as so re-  
4 designated and transferred under subsection (b)) the  
5 following:

6 “SUBCHAPTER II—AWARDS”;

7 and

8 (3) by inserting before section 2761 (as so re-  
9 designated and transferred under subsection (b)) the  
10 following:

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  
9 table of sections for chapter 29 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

14 (c) ADDITIONAL CHANGES.—Chapter 29 of title 14,  
15 United States Code, is further amended—

16 (1) by inserting before section 2901 (as so re-  
17 designated and transferred under subsection (b)) the  
18 following:

1 “SUBCHAPTER I—COAST GUARD FAMILIES”;

2 (2) by inserting before section 2921 (as so re-  
3 designated and transferred under subsection (b)) the  
4 following:

5 “SUBCHAPTER II—COAST GUARD CHILD CARE”;

6 and

7 (3) by inserting before section 2941 (as so re-  
8 designated and transferred under subsection (b)) the  
9 following:

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 amend-  
14 ed by section 117) the following:

15 **“Subtitle III—Coast Guard Reserve**  
16 **and Auxiliary**

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

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  
3 table of sections for chapter 37 of such title (as  
4 added by subsection (a)), in the order in which  
5 the sections are presented in the table.

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

8 (c) ADDITIONAL CHANGES.—Chapter 37 of title 14,  
9 United States Code, is further amended—

10 (1) by inserting before section 3701 (as so re-  
11 designated and transferred under subsection (b)) the  
12 following:

13 “SUBCHAPTER I—ADMINISTRATION”;

14 and

15 (2) by inserting before section 3731 (as so re-  
16 designated and transferred under subsection (b)) the  
17 following:

18 “SUBCHAPTER II—PERSONNEL”.

19 **SEC. 119. CHAPTER 39.**

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

23 **“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  
9                   table of sections for chapter 39 of such title (as  
10                  added by subsection (a)), in the order in which  
11                  the sections are presented in the table.

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

14   **SEC. 120. CHAPTER 41.**

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

18   **“CHAPTER 41—GENERAL PROVISIONS FOR**  
19   **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.”.

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  
9 table of sections for chapter 41 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

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

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

18 **“Subtitle IV—Coast Guard Author-**  
19 **izations and Reports to Con-**  
20 **gress**

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

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  
10           table of sections for chapter 49 of such title (as  
11           added by subsection (a)), in the order in which  
12           the sections are presented in the table.

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

15   **SEC. 122. CHAPTER 51.**

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

19           **“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.”.

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  
9 table of sections for chapter 51 of such title (as  
10 added by subsection (a)), in the order in which  
11 the sections are presented in the table.

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

14 **SEC. 123. REFERENCES.**

15 (a) DEFINITIONS.—In this section, the following defi-  
16 nitions apply:

17 (1) REDESIGNATED SECTION.—The term “re-  
18 designated section” means a section of title 14,  
19 United States Code, that is redesignated by this  
20 title, as that section is so redesignated.

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

1 (b) REFERENCE TO SOURCE SECTION.—

2 (1) TREATMENT OF REFERENCE.—A reference  
3 to a source section, including a reference in a regu-  
4 lation, order, or other law, is deemed to refer to the  
5 corresponding redesignated section.

6 (2) TITLE 14.—In title 14, United States Code,  
7 each reference in the text of such title to a source  
8 section is amended by striking such reference and  
9 inserting a reference to the appropriate, as deter-  
10 mined using the tables located in this title, redesi-  
11 gnated section.

12 (c) OTHER CONFORMING AMENDMENTS.—

13 (1) REFERENCE TO SECTION 182.—Section  
14 1923(e) of title 14, United States Code, as so redesi-  
15 gnated by this title, is further amended by striking  
16 “section 182” and inserting “section 1922”.

17 (2) REFERENCES TO CHAPTER 11.—Title 14,  
18 United States Code, is further amended—

19 (A) in section 2146(d), as so redesignated  
20 by this title, by striking “chapter 11 of this  
21 title” and inserting “this chapter”; and

22 (B) in section 3739, as so redesignated by  
23 this title, by striking “chapter 11” each place  
24 that it appears and inserting “chapter 21”.

1           (3) REFERENCE TO CHAPTER 13.—Section  
2           3705(b) of title 14, United States Code, as so reded-  
3           signed by this title, is further amended by striking  
4           “chapter 13” and inserting “chapter 27”.

5           (4) REFERENCE TO CHAPTER 15.—Section  
6           308(b)(3) of title 14, United States Code, as so re-  
7           designated by this title, is further amended by strik-  
8           ing “chapter 15” and inserting “chapter 11”.

9           (5) REFERENCES TO CHAPTER 19.—Title 14,  
10          United States Code, is further amended—

11                 (A) in section 4901(4), as so redesignated  
12                 by this title, by striking “chapter 19” and in-  
13                 serting “section 318”; and

14                 (B) in section 4902(4), as so redesignated  
15                 by this title, by striking “chapter 19” and in-  
16                 serting “section 318”.

17           (6) REFERENCE TO CHAPTER 23.—Section  
18           701(a) of title 14, United States Code, as so reded-  
19           signed by this title, is further amended by striking  
20           “chapter 23” and inserting “chapter 39”.

21 **SEC. 124. RULE OF CONSTRUCTION.**

22          This title, including the amendments made by this  
23          title, is intended only to reorganize title 14, United States  
24          Code, and may not be construed to alter—





1           “(1) For the operation and maintenance of the  
2           Coast Guard, not otherwise provided for,  
3           \$7,210,313,000 for fiscal year 2018.

4           “(2) For the acquisition, construction, renova-  
5           tion, and improvement of aids to navigation, shore  
6           facilities, vessels, aircraft, and systems, including  
7           equipment related thereto, and for maintenance, re-  
8           habilitation, lease, and operation of facilities and  
9           equipment, \$2,694,745,000 for fiscal year 2018.

10           “(3) For the Coast Guard Reserve program, in-  
11           cluding operations and maintenance of the program,  
12           personnel and training costs, equipment, and serv-  
13           ices, \$114,875,000 for fiscal year 2018.

14           “(4) For the environmental compliance and res-  
15           toration functions of the Coast Guard under chapter  
16           3 of this title, \$13,397,000 for fiscal year 2018.

17           “(5) To the Commandant for research, develop-  
18           ment, test, and evaluation of technologies, materials,  
19           and human factors directly related to improving the  
20           performance of the Coast Guard’s mission with re-  
21           spect to search and rescue, aids to navigation, ma-  
22           rine safety, marine environmental protection, en-  
23           forcement of laws and treaties, ice operations, ocean-  
24           ographic research, and defense readiness, and for  
25           maintenance, rehabilitation, lease, and operation of

1 facilities and equipment, \$29,141,000 for fiscal year  
2 2018.

3 “(b) FISCAL YEAR 2019.—Funds are authorized to  
4 be appropriated for fiscal year 2019 for necessary ex-  
5 penses of the Coast Guard as follows:

6 “(1)(A) For the operation and maintenance of  
7 the Coast Guard, not otherwise provided for,  
8 \$7,914,195,000 for fiscal year 2019.

9 “(B) Of the amount authorized under subpara-  
10 graph (A)—

11 “(i) \$16,701,000 shall be for environ-  
12 mental compliance and restoration; and

13 “(ii) \$199,360,000 shall be for the Coast  
14 Guard’s Medicare-eligible retiree health care  
15 fund contribution to the Department of De-  
16 fense.

17 “(2) For the procurement, construction, renova-  
18 tion, and improvement of aids to navigation, shore  
19 facilities, vessels, aircraft, and systems, including  
20 equipment related thereto, and for maintenance, re-  
21 habilitation, lease, and operation of facilities and  
22 equipment, \$2,694,745,000 for fiscal year 2019.

23 “(3) To the Commandant for research, develop-  
24 ment, test, and evaluation of technologies, materials,  
25 and human factors directly related to improving the

1 performance of the Coast Guard’s mission with re-  
2 spect to search and rescue, aids to navigation, ma-  
3 rine safety, marine environmental protection, en-  
4 forcement of laws and treaties, ice operations, ocean-  
5 ographic research, and defense readiness, and for  
6 maintenance, rehabilitation, lease, and operation of  
7 facilities and equipment, \$29,141,000 for fiscal year  
8 2019.”.

9 (b) REPEAL.—On October 1, 2018—

10 (1) section 4902(a) of title 14, United States  
11 Code, as amended by subsection (a), shall be re-  
12 pealed; and

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

16 **SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
17 **AND TRAINING.**

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

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

23 (2) in subsection (b), by striking “fiscal years  
24 2016 and 2017” and inserting “fiscal years 2018  
25 and 2019”.

1 **SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RE-**  
2 **SPONSE CUTTERS.**

3 (a) IN GENERAL.—Of the amounts authorized under  
4 section 4902 of title 14, United States Code, as amended  
5 by this Act, for each of fiscal years 2018 and 2019 up  
6 to \$167,500,000 is authorized for the acquisition of 3  
7 Fast Response Cutters.

8 (b) TREATMENT OF ACQUIRED CUTTERS.—Any cut-  
9 ters acquired pursuant to subsection (a) shall be in addi-  
10 tion to the 58 cutters approved under the existing acquisi-  
11 tion baseline.

12 **SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE**  
13 **INFRASTRUCTURE.**

14 Of the amounts authorized under section 4902 of title  
15 14, United States Code, as amended by this Act, for each  
16 of fiscal years 2018 and 2019 up to \$167,500,000 is au-  
17 thorized for the Secretary of the department in which the  
18 Coast Guard is operating to fund the acquisition, con-  
19 struction, rebuilding, or improvement of Coast Guard  
20 shoreside infrastructure and facilities necessary to support  
21 Coast Guard operations and readiness.

22 **SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IM-**  
23 **PROVEMENTS.**

24 Of the amounts authorized under section 4902 of title  
25 14, United States Code, as amended by this Act, for each  
26 of fiscal years 2018 and 2019 up to \$3,500,000 is author-

1 ized for the Secretary of the department in which the  
2 Coast Guard is operating to fund analysis and program  
3 development for improvements to or the replacement of  
4 rotary-wing aircraft.

## 5 **TITLE III—COAST GUARD**

### 6 **SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES** 7 **CODE, AS AMENDED BY TITLE I OF THIS ACT.**

8 Except as otherwise expressly provided, whenever in  
9 this title an amendment or repeal is expressed in terms  
10 of an amendment to, or a repeal of, a section or other  
11 provision of title 14, United States Code, the reference  
12 shall be considered to be made to title 14, United States  
13 Code, as amended by title I of this Act.

### 14 **SEC. 302. PRIMARY DUTIES.**

15 Section 102(7) of title 14, United States Code, is  
16 amended to read as follows:

17 “(7) maintain a state of readiness to assist in  
18 the defense of the United States, including when  
19 functioning as a specialized service in the Navy pur-  
20 suant to section 103.”.

### 21 **SEC. 303. NATIONAL COAST GUARD MUSEUM.**

22 Section 316 of title 14, United States Code, is  
23 amended to read as follows:

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

2 “(a) ESTABLISHMENT.—The Commandant may es-  
3 tablish a National Coast Guard Museum, on lands which  
4 will be federally owned and administered by the Coast  
5 Guard, and are located in New London, Connecticut, at,  
6 or in close proximity to, the Coast Guard Academy.

7 “(b) LIMITATION ON EXPENDITURES.—

8 “(1) The Secretary shall not expend any funds  
9 appropriated to the Coast Guard on the construction  
10 of any museum established under this section.

11 “(2) The Secretary shall fund the National  
12 Coast Guard Museum with nonappropriated and  
13 non-Federal funds to the maximum extent prac-  
14 ticable. The priority use of Federal funds should be  
15 to preserve and protect historic Coast Guard arti-  
16 facts, including the design, fabrication, and installa-  
17 tion of exhibits or displays in which such artifacts  
18 are included.

19 “(3) The Secretary may expend funds appro-  
20 priated to the Coast Guard on the engineering and  
21 design of a National Coast Guard Museum.

22 “(c) FUNDING PLAN.—Before the date on which the  
23 Commandant establishes a National Coast Guard Museum  
24 under subsection (a), the Commandant shall provide to the  
25 Committee on Commerce, Science, and Transportation of  
26 the Senate and the Committee on Transportation and In-

1 frastructure of the House of Representatives a plan for  
2 constructing, operating, and maintaining such a museum,  
3 including—

4 “(1) estimated planning, engineering, design,  
5 construction, operation, and maintenance costs;

6 “(2) the extent to which appropriated, non-  
7 appropriated, and non-Federal funds will be used for  
8 such purposes, including the extent to which there is  
9 any shortfall in funding for engineering, design, or  
10 construction; and

11 “(3) a certification by the Inspector General of  
12 the department in which the Coast Guard is oper-  
13 ating that the estimates provided pursuant to para-  
14 graphs (1) and (2) are reasonable and realistic.

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

18 **SEC. 304. UNMANNED AIRCRAFT.**

19 (a) **LAND-BASED UNMANNED AIRCRAFT SYSTEM**  
20 **PROGRAM.**—Chapter 3 of title 14, United States Code, is  
21 amended by adding at the end the following:

22 **“§ 319. Land-based unmanned aircraft system pro-**  
23 **gram**

24 “(a) **IN GENERAL.**—Subject to the availability of ap-  
25 propriations, the Secretary shall establish a land-based un-



1 manned aircraft system program under the control of the  
2 Commandant.

3 “(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In  
4 this section, the term ‘unmanned aircraft system’ has the  
5 meaning given that term in section 331 of the FAA Mod-  
6 ernization and Reform Act of 2012 (49 U.S.C. 40101  
7 note).”.

8 (b) LIMITATION ON UNMANNED AIRCRAFT SYS-  
9 TEMS.—Chapter 11 of title 14, United States Code, is  
10 amended by inserting after section 1155 the following:

11 **“§ 1156. Limitation on unmanned aircraft systems**

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

15 “(1) may not award a contract for design of an  
16 unmanned aircraft system for use by the Coast  
17 Guard; and

18 “(2) may lease, acquire, or acquire the services  
19 of an unmanned aircraft system only if such sys-  
20 tem—

21 “(A) has been part of a program of record  
22 of, procured by, or used by a Federal entity (or  
23 funds for research, development, test, and eval-  
24 uation have been received from a Federal entity  
25 with regard to such system) before the date on

1           which the Commandant leases, acquires, or ac-  
2           quires the services of the system; and

3           “(B) is leased, acquired, or utilized by the  
4           Commandant through an agreement with a  
5           Federal entity, unless such an agreement is not  
6           practicable or would be less cost-effective than  
7           an independent contract action by the Coast  
8           Guard.

9           “(b) SMALL UNMANNED AIRCRAFT EXEMPTION.—  
10          Subsection (a)(2) does not apply to small unmanned air-  
11          craft.

12          “(c) DEFINITIONS.—In this section, the terms ‘small  
13          unmanned aircraft’ and ‘unmanned aircraft system’ have  
14          the meanings given those terms in section 331 of the FAA  
15          Modernization and Reform Act of 2012 (49 U.S.C. 40101  
16          note).”.

17          (c) CLERICAL AMENDMENTS.—

18                 (1) CHAPTER 3.—The analysis for chapter 3 of  
19                 title 14, United States Code, is amended by adding  
20                 at the end the following:

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

21                 (2) CHAPTER 11.—The analysis for chapter 11  
22                 of title 14, United States Code, is amended by in-  
23                 serting after the item relating to section 1155 the  
24                 following:

                  “1156. Limitation on unmanned aircraft systems.”.

1 (d) CONFORMING AMENDMENT.—Subsection (c) of  
2 section 1105 of title 14, United States Code, is repealed.

3 **SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS;**  
4 **LICENSURE PORTABILITY.**

5 (a) IN GENERAL.—Chapter 5 of title 14, United  
6 States Code, is amended by inserting after section 507 the  
7 following:

8 **“§ 508. Coast Guard health-care professionals; licen-**  
9 **sure portability**

10 “(a) IN GENERAL.—Notwithstanding any other pro-  
11 vision of law regarding the licensure of health-care pro-  
12 viders, a health-care professional described in subsection  
13 (b) may practice the health profession or professions of  
14 the health-care professional at any location in any State,  
15 the District of Columbia, or a Commonwealth, territory,  
16 or possession of the United States, regardless of where  
17 such health-care professional or the patient is located, if  
18 the practice is within the scope of the authorized Federal  
19 duties of such health-care professional.

20 “(b) DESCRIBED INDIVIDUALS.—A health-care pro-  
21 fessional described in this subsection is an individual—

22 “(1) who is—

23 “(A) a member of the Coast Guard;

24 “(B) a civilian employee of the Coast  
25 Guard;

1           “(C) a member of the Public Health Serv-  
2           vice who is assigned to the Coast Guard; or

3           “(D) any other health-care professional  
4           credentialed and privileged at a Federal health-  
5           care institution or location specially designated  
6           by the Secretary; and

7           “(2) who—

8           “(A) has a current license to practice med-  
9           icine, osteopathic medicine, dentistry, or an-  
10          other health profession; and

11          “(B) is performing authorized duties for  
12          the Coast Guard.

13          “(c) DEFINITIONS.—In this section, the terms ‘li-  
14          cense’ and ‘health-care professional’ have the meanings  
15          given those terms in section 1094(e) of title 10.”.

16          (b) CLERICAL AMENDMENT.—The analysis for chap-  
17          ter 5 of title 14, United States Code, is amended by insert-  
18          ing after the item relating to section 507 the following:

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

19          (c) ELECTRONIC HEALTH RECORDS.—

20           (1) SYSTEM.—The Commandant of the Coast  
21          Guard is authorized to procure for the Coast Guard  
22          an electronic health record system that—

23           (A) has been competitively awarded by the  
24          Department of Defense; and

1 (B) ensures full integration with the De-  
2 partment of Defense electronic health record  
3 systems.

4 (2) SUPPORT SERVICES.—

5 (A) IN GENERAL.—The Commandant is  
6 authorized to procure support services for the  
7 electronic health record system procured under  
8 paragraph (1) necessary to ensure full integra-  
9 tion with the Department of Defense electronic  
10 health record systems.

11 (B) SCOPE.—Support services procured  
12 pursuant to this paragraph may include services  
13 for the following:

14 (i) System integration support.

15 (ii) Hosting support.

16 (iii) Training, testing, technical, and  
17 data migration support.

18 (iv) Hardware support.

19 (v) Any other support the Com-  
20 mandant considers appropriate.

21 (3) AUTHORIZED PROCUREMENT ACTIONS.—

22 The Commandant is authorized to procure an elec-  
23 tronic health record system under this subsection  
24 through the following:

1 (A) A task order under the Department of  
2 Defense electronic health record contract.

3 (B) A sole source contract award.

4 (C) An agreement made pursuant to sec-  
5 tions 1535 and 1536 of title 31, United States  
6 Code.

7 (D) A contract or other procurement vehi-  
8 cle otherwise authorized.

9 (4) COMPETITION IN CONTRACTING; EXEMP-  
10 TION.—Procurement of an electronic health record  
11 system and support services pursuant to this sub-  
12 section shall be exempt from the competition re-  
13 quirements of section 2304 of title 10, United States  
14 Code.

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

16 (a) IN GENERAL.—Chapter 7 of title 14, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

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

20 “(a) IN GENERAL.—The Commandant may, on a re-  
21 imburseable or a non-reimbursable basis, make a training  
22 available to emergency response providers whenever the  
23 Commandant determines that—

1           “(1) a member of the Coast Guard, who is  
2           scheduled to participate in such training, is unable  
3           or unavailable to participate in such training;

4           “(2) no other member of the Coast Guard, who  
5           is assigned to the unit to which the member of the  
6           Coast Guard who is unable or unavailable to partici-  
7           pate in such training is assigned, is able or available  
8           to participate in such training; and

9           “(3) such training, if made available to such  
10          emergency response providers, would further the  
11          goal of interoperability among Federal agencies,  
12          non-Federal governmental agencies, or both.

13          “(b) EMERGENCY RESPONSE PROVIDERS DE-  
14          FINED.—In this section, the term ‘emergency response  
15          providers’ has the meaning given that term in section 2  
16          of the Homeland Security Act of 2002 (6 U.S.C. 101).

17          “(c) TREATMENT OF REIMBURSEMENT.—Any reim-  
18          bursements for a training that the Coast Guard receives  
19          under this section shall be credited to the appropriation  
20          used to pay the costs for such training.

21          “(d) STATUS; LIMITATION ON LIABILITY.—

22                 “(1) STATUS.—Any individual to whom, as an  
23                 emergency response provider, training is made avail-  
24                 able under this section, who is not otherwise a Fed-  
25                 eral employee, shall not, because of that training, be

1 considered a Federal employee for any purpose (in-  
2 cluding the purposes of chapter 81 of title 5 (relat-  
3 ing to compensation for injury) and sections 2671  
4 through 2680 of title 28 (relating to tort claims)).

5 “(2) LIMITATION ON LIABILITY.—The United  
6 States shall not be liable for actions taken by an in-  
7 dividual in the course of training made available  
8 under this section.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-  
10 ter 7 of title 14, United States Code, is amended by add-  
11 ing at the end the following:

“718. Training; emergency response providers.”.

12 **SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD**  
13 **AND INDUSTRIAL ESTABLISHMENTS.**

14 Section 939 of title 14, United States Code, is  
15 amended—

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

18 (2) in subsection (a), as so designated by para-  
19 graph (1) of this section, by striking the period at  
20 the end of the last sentence and inserting “or in ac-  
21 cordance with subsection (b).”; and

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

23 “(b) INCENTIVE CONTRACTS.—

24 “(1) The parties to an order for industrial work  
25 to be performed by the Coast Guard Yard or a



1 Coast Guard industrial establishment designated  
2 under subsection (a) may enter into an order or a  
3 cost-plus-incentive-fee order in accordance with this  
4 subsection.

5 “(2) If such parties enter into such an order or  
6 a cost-plus-incentive-fee order, an agreed-upon  
7 amount of any adjustment described in subsection  
8 (a) may be distributed as an incentive to the wage-  
9 grade industrial employees who complete the order.

10 “(3) Before entering into such an order or cost-  
11 plus-incentive-fee order such parties must agree that  
12 the wage-grade employees of the Coast Guard Yard  
13 or Coast Guard industrial establishment will take ac-  
14 tion to improve the delivery schedule or technical  
15 performance agreed to in the order for industrial  
16 work to which such parties initially agreed.

17 “(4) Notwithstanding any other provision of  
18 law, if the industrial workforce of the Coast Guard  
19 Yard or Coast Guard industrial establishment satis-  
20 fies the performance target established in such an  
21 order or cost-plus-incentive-fee order—

22 “(A) the adjustment to be made pursuant  
23 to subsection (a) shall be reduced by an agreed-  
24 upon amount and distributed to such wage-  
25 grade industrial employees; and

1                   “(B) the remainder of the adjustment shall  
2                   be credited to the appropriation for such order  
3                   current at that time.”.

4 **SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

5                   Section 944 of title 14, United States Code, is  
6 amended by striking “\$45,000” and inserting  
7 “\$250,000”.

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

9                   Section 2149(a) of title 14, United States Code, is  
10 amended—

11                   (1) by striking “zone is” and inserting “zone,  
12                   or from being placed at the top of the list of select-  
13                   ees promulgated by the Secretary under section  
14                   2121(a) of this title, is”; and

15                   (2) by striking the period at the end and insert-  
16                   ing “or placed at the top of the list of selectees, as  
17                   applicable.”.

18 **SEC. 310. CONVERSION, ALTERATION, AND REPAIR**  
19 **PROJECTS.**

20                   (a) IN GENERAL.—Chapter 9 of title 14, United  
21 States Code, as amended by this Act, is further amended  
22 by inserting after section 951 the following:

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

3 “The assignment of Coast Guard vessel conversion,  
4 alteration, and repair projects shall be based on economic  
5 and military considerations and may not be restricted by  
6 a requirement that certain parts of Coast Guard shipwork  
7 be assigned to a particular type of shipyard or geo-  
8 graphical area or by a similar requirement.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-  
10 ter 9 of title 14, United States Code, is amended by insert-  
11 ing after the item relating to section 951 the following:  
“952. Construction of Coast Guard vessels and assignment of vessel projects.”.

12 **SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PRO-**  
13 **GRAMS.**

14 (a) GENERAL ACQUISITION AUTHORITY.—Section  
15 501(d) of title 14, United States Code, is amended by in-  
16 serting “aircraft, and systems,” after “vessels,”.

17 (b) CONTRACTING AUTHORITY.—Chapter 11 of title  
18 14, United States Code, as amended by this Act, is further  
19 amended by inserting after section 1136 the following:

20 **“§ 1137. Contracting for major acquisitions programs**

21 “(a) IN GENERAL.—In carrying out authorities pro-  
22 vided to the Secretary to design, construct, accept, or oth-  
23 erwise acquire assets and systems under section 501(d),  
24 the Secretary, acting through the Commandant or the  
25 head of an integrated program office established for a

1 major acquisition program, may enter into contracts for  
2 a major acquisition program.

3 “(b) AUTHORIZED METHODS.—Contracts entered  
4 into under subsection (a)—

5 “(1) may be block buy contracts;

6 “(2) may be incrementally funded;

7 “(3) may include combined purchases, also  
8 known as economic order quantity purchases, of—

9 “(A) materials and components; and

10 “(B) long lead time materials; and

11 “(4) as provided in section 2306b of title 10,  
12 may be multiyear contracts.

13 “(c) SUBJECT TO APPROPRIATIONS.—Any contract  
14 entered into under subsection (a) shall provide that any  
15 obligation of the United States to make a payment under  
16 the contract is subject to the availability of amounts spe-  
17 cifically provided in advance for that purpose in subse-  
18 quent appropriations Acts.”.

19 (c) CLERICAL AMENDMENT.—The analysis for chap-  
20 ter 11 of title 14, United States Code, as amended by this  
21 Act, is further amended by inserting after the item relat-  
22 ing to section 1136 the following:

“1137. Contracting for major acquisitions programs.”.

23 (d) CONFORMING AMENDMENTS.—The following pro-  
24 visions are repealed:

1           (1) Section 223 of the Howard Coble Coast  
2       Guard and Maritime Transportation Act of 2014  
3       (14 U.S.C. 1152 note), and the item relating to that  
4       section in the table of contents in section 2 of such  
5       Act.

6           (2) Section 221(a) of the Coast Guard and  
7       Maritime Transportation Act of 2012 (14 U.S.C.  
8       1133 note).

9           (3) Section 207(a) of the Coast Guard Author-  
10      ization Act of 2016 (14 U.S.C. 561 note).

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

18      (f) MULTIYEAR CONTRACTS.—The Secretary of the  
19      department in which the Coast Guard is operating is au-  
20      thorized to enter into a multiyear contract for the procure-  
21      ment of a tenth, eleventh, and twelfth National Security  
22      Cutter 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-  
4 half.”.

5 **SEC. 313. CROSS REFERENCE.**

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

9 **SEC. 314. COMMISSIONED SERVICE RETIREMENT.**

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

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

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

18 (1) by striking “Not later than 1 year” and in-  
19 serting the following:

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

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

23 “(b) LEAVE ASSOCIATED WITH BIRTH OR ADOPTION  
24 OF CHILD.—Notwithstanding subsection (a), sections 701  
25 and 704 of title 10, or any other provision of law, all offi-  
26 cers and enlisted members of the Coast Guard shall be

1 authorized leave associated with the birth or adoption of  
2 a child during the 1-year period immediately following  
3 such birth or adoption and, at the discretion of the Com-  
4 manding Officer, such officer or enlisted member shall be  
5 permitted—

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

7 “(2) to use flexible work schedules (pursuant to  
8 a program established by the Secretary in accord-  
9 ance with chapter 61 of title 5).”.

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

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

17 Section 2705 of title 14, United States Code, and the  
18 item relating to that section in the analysis for chapter  
19 27 of that title, are repealed.

20 **SEC. 317. UNFUNDED PRIORITIES LIST.**

21 (a) IN GENERAL.—Section 5102 of title 14, United  
22 States Code, is amended—

23 (1) by striking subsection (a) and inserting the  
24 following:

1           “(a) IN GENERAL.—Not later than 60 days after the  
2 date on which the President submits to Congress a budget  
3 pursuant to section 1105 of title 31, the Commandant  
4 shall submit to the Committee on Transportation and In-  
5 frastructure of the House of Representatives and the Com-  
6 mittee on Commerce, Science, and Transportation of the  
7 Senate a capital investment plan for the Coast Guard that  
8 identifies for each capital asset for which appropriations  
9 are proposed in that budget—

10           “(1) the proposed appropriations included in  
11 the budget;

12           “(2) the total estimated cost of completion  
13 based on the proposed appropriations included in the  
14 budget;

15           “(3) projected funding levels for each fiscal  
16 year for the next 5 fiscal years or until project com-  
17 pletion, whichever is earlier;

18           “(4) an estimated completion date based on the  
19 proposed appropriations included in the budget;

20           “(5) an acquisition program baseline, as appli-  
21 cable; and

22           “(6) projected commissioning and decommis-  
23 sioning dates for each asset.”; and

24           (2) by striking subsection (c) and inserting the  
25 following:



1           “(c) DEFINITIONS.—In this section, the term ‘new  
2 capital asset’ means—

3                   “(1) an acquisition program that does not have  
4 an approved acquisition program baseline; or

5                   “(2) the acquisition of a capital asset in excess  
6 of the number included in the approved acquisition  
7 program baseline.”.

8           (b) UNFUNDED PRIORITIES.—Chapter 51 of title 14,  
9 United States Code, is amended by adding at the end the  
10 following:

11   **“§ 5108. Unfunded priorities list**

12           “(a) IN GENERAL.—Not later than 60 days after the  
13 date on which the President submits to Congress a budget  
14 pursuant to section 1105 of title 31, the Commandant  
15 shall submit to the Committee on Transportation and In-  
16 frastructure of the House of Representatives and the Com-  
17 mittee on Commerce, Science, and Transportation of the  
18 Senate a list of each unfunded priority for the Coast  
19 Guard.

20           “(b) PRIORITIZATION.—The list required under sub-  
21 section (a) shall present the unfunded priorities in order  
22 from the highest priority to the lowest, as determined by  
23 the Commandant.

1           “(c) UNFUNDED PRIORITY DEFINED.—In this sec-  
2 tion, the term ‘unfunded priority’ means a program or  
3 mission requirement that—

4           “(1) has not been selected for funding in the  
5 applicable proposed budget;

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

8           “(3) the Commandant would have rec-  
9 ommended for inclusion in the applicable proposed  
10 budget had additional resources been available or  
11 had the requirement emerged before the budget was  
12 submitted.”.

13           (c) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 51 of title 14, United States Code, is amended by add-  
15 ing at the end the following:

“5108. Unfunded priorities list.”.

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

17           (a) IN GENERAL.—Section 527 of title 14, United  
18 States Code, is amended—

19           (1) in the heading, by striking “**naval ves-**  
20 **sels**” and inserting “**vessels of the Armed**  
21 **Forces**”;

22           (2) in subsection (a), by striking “United  
23 States naval vessel” and inserting “vessel of the  
24 Armed Forces”;

25           (3) in subsection (b)—

1 (A) by striking “senior naval officer  
2 present in command” and inserting “senior offi-  
3 cer present in command”; and

4 (B) by striking “United States naval ves-  
5 sel” and inserting “vessel of the Armed  
6 Forces”; and

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

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

10 “(1) any vessel owned or operated by the De-  
11 partment of Defense or the Coast Guard, other than  
12 a time- or voyage-chartered vessel; and

13 “(2) any vessel owned and operated by the De-  
14 partment of Transportation that is designated by  
15 the Secretary of the department in which the Coast  
16 Guard is operating as a vessel equivalent to a vessel  
17 described in paragraph (1).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
19 ter 5 of title 14, United States Code, is further amended  
20 by striking the item relating to section 527 and inserting  
21 the following:

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

22 (c) CONFORMING AMENDMENTS.—Section  
23 2510(a)(1) of title 14, United States Code, is amended—

24 (1) by striking “armed forces” and inserting  
25 “Armed Forces”; and

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

3 **SEC. 319. AIR FACILITIES.**

4           Section 912 of title 14, United States Code, is  
5 amended—

6           (1) by striking subsection (a);

7           (2) by redesignating subsections (b) and (c) as  
8 subsections (a) and (b), respectively;

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

10           (A) by amending paragraph (3) to read as  
11 follows:

12           “(3) PUBLIC NOTICE AND COMMENT.—

13           “(A) IN GENERAL.—Prior to closing an air  
14 facility, the Secretary shall provide opportuni-  
15 ties for public comment, including the con-  
16 vening of public meetings in communities in the  
17 area of responsibility of the air facility with re-  
18 gard to the proposed closure or cessation of op-  
19 erations at the air facility.

20           “(B) PUBLIC MEETINGS.—Prior to con-  
21 vening a public meeting under subparagraph  
22 (A), the Secretary shall notify each congress-  
23 sional office representing any portion of the  
24 area of responsibility of the air station that is

1 the subject to such public meeting of the sched-  
2 ule and location of such public meeting.”;

3 (B) in paragraph (4)—

4 (i) in the matter preceding subpara-  
5 graph (A) by striking “2015” and insert-  
6 ing “2017”; and

7 (ii) by amending subparagraph (A) to  
8 read as follows:

9 “(A) submit to the Congress a proposal for  
10 such closure, cessation, or reduction in oper-  
11 ations along with the budget of the President  
12 submitted to Congress under section 1105(a) of  
13 title 31 that includes—

14 “(i) a discussion of the determination  
15 made by the Secretary pursuant to para-  
16 graph (2); and

17 “(ii) a report summarizing the public  
18 comments received by the Secretary under  
19 paragraph (3)”;

20 (C) by adding at the end the following:

21 “(5) CONGRESSIONAL REVIEW.—The Secretary  
22 may not close, cease operations, or significantly re-  
23 duce personnel and use of a Coast Guard air facility  
24 for which a written notice is provided under para-  
25 graph (4)(A) until a period of 18 months beginning

1 on the date on which such notice is provided has  
2 elapsed.”.

3 **TITLE IV—PORTS AND**  
4 **WATERWAYS SAFETY**

5 **SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFE-**  
6 **TY ACT.**

7 (a) CODIFICATION.—Subtitle VII of title 46, United  
8 States Code, is amended by inserting before chapter 701  
9 the following:

10 **“CHAPTER 700—PORTS AND WATERWAYS**  
11 **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.

## 1           “SUBCHAPTER I—VESSEL OPERATIONS

2   **“§ 70001. Vessel traffic services**

3           “(a) Subject to the requirements of section 70004,  
4 the Secretary—

5           “(1) in any port or place under the jurisdiction  
6 of the United States, in the navigable waters of the  
7 United States, or in any area covered by an inter-  
8 national agreement negotiated pursuant to section  
9 70005, may construct, operate, maintain, improve,  
10 or expand vessel traffic services, that consist of  
11 measures for controlling or supervising vessel traffic  
12 or for protecting navigation and the marine environ-  
13 ment and that may include one or more of reporting  
14 and operating requirements, surveillance and com-  
15 munications systems, routing systems, and fairways;

16           “(2) shall require appropriate vessels that oper-  
17 ate in an area of a vessel traffic service to utilize or  
18 comply with that service;

19           “(3)(A) may require vessels to install and use  
20 specified navigation equipment, communications  
21 equipment, electronic relative motion analyzer equip-  
22 ment, or any electronic or other device necessary to  
23 comply with a vessel traffic service or that is nec-  
24 essary in the interests of vessel safety.

1           “(B) Notwithstanding subparagraph (A), the  
2           Secretary shall not require fishing vessels under 300  
3           gross tons as measured under section 14502, or an  
4           alternate tonnage measured under section 14302 as  
5           prescribed by the Secretary under section 14104, or  
6           recreational vessels 65 feet or less to possess or use  
7           the equipment or devices required by this subsection  
8           solely under the authority of this chapter;

9           “(4) may control vessel traffic in areas subject  
10          to the jurisdiction of the United States that the Sec-  
11          retary determines to be hazardous, or under condi-  
12          tions of reduced visibility, adverse weather, vessel  
13          congestion, or other hazardous circumstances, by—

14               “(A) specifying times of entry, movement,  
15               or departure;

16               “(B) establishing vessel traffic routing  
17               schemes;

18               “(C) establishing vessel size, speed, or  
19               draft limitations and vessel operating condi-  
20               tions; and

21               “(D) restricting operation, in any haz-  
22               ardous area or under hazardous conditions, to  
23               vessels that have particular operating character-  
24               istics or capabilities that the Secretary con-



1           siders necessary for safe operation under the  
2           circumstances;

3           “(5) may require the receipt of prearrival mes-  
4           sages from any vessel, destined for a port or place  
5           subject to the jurisdiction of the United States, in  
6           sufficient time to permit advance vessel traffic plan-  
7           ning before port entry, which shall include any infor-  
8           mation that is not already a matter of record and  
9           that the Secretary determines necessary for the con-  
10          trol of the vessel and the safety of the port or the  
11          marine environment; and

12          “(6) may prohibit the use on vessels of elec-  
13          tronic or other devices that interfere with commu-  
14          nication and navigation equipment, except that such  
15          authority shall not apply to electronic or other de-  
16          vices certified to transmit in the maritime services  
17          by the Federal Communications Commission and  
18          used within the frequency bands 157.1875–157.4375  
19          MHz and 161.7875–162.0375 MHz.

20          “(b) COOPERATIVE AGREEMENTS.—

21                 “(1) IN GENERAL.—The Secretary may enter  
22                 into cooperative agreements with public or private  
23                 agencies, authorities, associations, institutions, cor-  
24                 porations, organizations, or other persons to carry  
25                 out the functions under subsection (a)(1).

1           “(2) LIMITATION.—

2                   “(A) A nongovernmental entity may not  
3           under this subsection carry out an inherently  
4           governmental function.

5                   “(B) As used in this paragraph, the term  
6           ‘inherently governmental function’ means any  
7           activity that is so intimately related to the pub-  
8           lic interest as to mandate performance by an  
9           officer or employee of the Federal Government,  
10          including an activity that requires either the ex-  
11          ercise of discretion in applying the authority of  
12          the Government or the use of judgment in mak-  
13          ing a decision for the Government.

14          “(c) LIMITATION OF LIABILITY FOR COAST GUARD  
15          VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL  
16          VESSEL TRAFFIC SERVICE OPERATORS.—

17                   “(1) COAST GUARD VESSEL TRAFFIC SERVICE  
18          PILOTS.—Any pilot, acting in the course and scope  
19          of his or her duties while at a Coast Guard Vessel  
20          Traffic Service, who provides information, advice, or  
21          communication assistance while under the super-  
22          vision of a Coast Guard officer, member, or em-  
23          ployee shall not be liable for damages caused by or  
24          related to such assistance unless the acts or omis-

1 sions of such pilot constitute gross negligence or  
2 willful misconduct.

3 “(2) NON-FEDERAL VESSEL TRAFFIC SERVICE  
4 OPERATORS.—An entity operating a non-Federal  
5 vessel traffic information service or advisory service  
6 pursuant to a duly executed written agreement with  
7 the Coast Guard, and any pilot acting on behalf of  
8 such entity, is not liable for damages caused by or  
9 related to information, advice, or communication as-  
10 sistance provided by such entity or pilot while so op-  
11 erating or acting unless the acts or omissions of  
12 such entity or pilot constitute gross negligence or  
13 willful misconduct.

14 **“§ 70002. Special powers**

15 “The Secretary may order any vessel, in a port or  
16 place subject to the jurisdiction of the United States or  
17 in the navigable waters of the United States, to operate  
18 or anchor in a manner the Secretary directs if—

19 “(1) the Secretary has reasonable cause to be-  
20 lieve such vessel does not comply with any regulation  
21 issued under section 70034 or any other applicable  
22 law or treaty;

23 “(2) the Secretary determines such vessel does  
24 not satisfy the conditions for port entry set forth in  
25 section 70021 of this title; or

1           “(3) by reason of weather, visibility, sea condi-  
2           tions, port congestion, other hazardous cir-  
3           cumstances, or the condition of such vessel, the Sec-  
4           retary is satisfied such direction is justified in the  
5           interest of safety.

6   **“§ 70003. Port access routes**

7           “(a) AUTHORITY TO DESIGNATE.—Except as pro-  
8           vided in subsection (b) and subject to the requirements  
9           of subsection (c), in order to provide safe access routes  
10          for the movement of vessel traffic proceeding to or from  
11          ports or places subject to the jurisdiction of the United  
12          States, the Secretary shall designate necessary fairways  
13          and traffic separation schemes for vessels operating in the  
14          territorial sea of the United States and in high seas ap-  
15          proaches, outside the territorial sea, to such ports or  
16          places. Such a designation shall recognize, within the des-  
17          ignated area, the paramount right of navigation over all  
18          other uses.

19          “(b) LIMITATION.—

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

22                          “(A) the Secretary determines such a des-  
23                          ignation, as implemented, would deprive any  
24                          person of the effective exercise of a right grant-

1 ed by a lease or permit executed or issued  
2 under other applicable provisions of law; and

3 “(B) such right has become vested before  
4 the time of publication of the notice required by  
5 paragraph (1) of subsection (c).

6 “(2) CONSULTATION REQUIRED.—The Sec-  
7 retary shall make the determination under para-  
8 graph (1)(A) after consultation with the head of the  
9 agency responsible for executing the lease or issuing  
10 the permit.

11 “(c) CONSIDERATION OF OTHER USES.—Before  
12 making a designation under subsection (a), and in accord-  
13 ance with the requirements of section 70004, the Sec-  
14 retary shall—

15 “(1) undertake a study of the potential traffic  
16 density and the need for safe access routes for ves-  
17 sels in any area for which fairways or traffic separa-  
18 tion schemes are proposed or that may otherwise be  
19 considered and publish notice of such undertaking in  
20 the Federal Register;

21 “(2) in consultation with the Secretary of State,  
22 the Secretary of the Interior, the Secretary of Com-  
23 merce, the Secretary of the Army, and the Gov-  
24 ernors of affected States, as their responsibilities  
25 may require, take into account all other uses of the

1 area under consideration, including, as appropriate,  
2 the exploration for, or exploitation of, oil, gas, or  
3 other mineral resources, the construction or oper-  
4 ation of deepwater ports or other structures on or  
5 above the seabed or subsoil of the submerged lands  
6 or the Outer Continental Shelf of the United States,  
7 the establishment or operation of marine or estua-  
8 rine sanctuaries, and activities involving recreational  
9 or commercial fishing; and

10 “(3) to the extent practicable, reconcile the  
11 need for safe access routes with the needs of all  
12 other reasonable uses of the area involved.

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

15 “(1) proceed expeditiously to complete any  
16 study undertaken; and

17 “(2) after completion of such a study, prompt-  
18 ly—

19 “(A) issue a notice of proposed rulemaking  
20 for the designation contemplated; or

21 “(B) publish in the Federal Register a no-  
22 tice that no designation is contemplated as a re-  
23 sult of the study and the reason for such deter-  
24 mination.

1           “(e) IMPLEMENTATION OF DESIGNATION.—In con-  
2 nection with a designation made under this section, the  
3 Secretary—

4           “(1) shall issue reasonable rules and regulations  
5 governing the use of such designated areas, includ-  
6 ing rules and regulations regarding the applicability  
7 of rules 9 and 10 of the International Regulations  
8 for Preventing Collisions at Sea, 1972, relating to  
9 narrow channels and traffic separation schemes, re-  
10 spectively, in waters where such regulations apply;

11           “(2) to the extent that the Secretary finds rea-  
12 sonable and necessary to effectuate the purposes of  
13 the designation, make the use of designated fairways  
14 and traffic separation schemes mandatory for spe-  
15 cific types and sizes of vessels, foreign and domestic,  
16 operating in the territorial sea of the United States  
17 and for specific types and sizes of vessels of the  
18 United States operating on the high seas beyond the  
19 territorial sea of the United States;

20           “(3) may, from time to time, as necessary, ad-  
21 just the location or limits of designated fairways or  
22 traffic separation schemes in order to accommodate  
23 the needs of other uses that cannot be reasonably  
24 accommodated otherwise, except that such an ad-  
25 justment may not, in the judgment of the Secretary,

1 unacceptably adversely affect the purpose for which  
2 the existing designation was made and the need for  
3 which continues; and

4 “(4) shall, through appropriate channels—

5 “(A) notify cognizant international organi-  
6 zations of any designation, or adjustment there-  
7 of; and

8 “(B) take action to seek the cooperation of  
9 foreign States in making it mandatory for ves-  
10 sels under their control to use, to the same ex-  
11 tent as required by the Secretary for vessels of  
12 the United States, any fairway or traffic sepa-  
13 ration scheme designated under this section in  
14 any area of the high seas.

15 **“§ 70004. Considerations by Secretary**

16 “In carrying out the duties of the Secretary under  
17 sections 70001, 70002, and 70003, the Secretary shall—

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

22 “(A) the scope and degree of the risk or  
23 hazard involved;

24 “(B) vessel traffic characteristics and  
25 trends, including traffic volume, the sizes and



1 types of vessels involved, potential interference  
2 with the flow of commercial traffic, the presence  
3 of any unusual cargoes, and other similar fac-  
4 tors;

5 “(C) port and waterway configurations and  
6 variations in local conditions of geography, cli-  
7 mate, and other similar factors;

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

13 “(E) the proximity of fishing grounds, oil  
14 and gas drilling and production operations, or  
15 any other potential or actual conflicting activ-  
16 ity;

17 “(F) environmental factors;

18 “(G) economic impact and effects;

19 “(H) existing vessel traffic services; and

20 “(I) local practices and customs, including  
21 voluntary arrangements and agreements within  
22 the maritime community; and

23 “(2) at the earliest possible time, consult with  
24 and receive and consider the views of representatives  
25 of the maritime community, ports and harbor au-

1           thorities or associations, environmental groups, and  
2           other persons who may be affected by the proposed  
3           actions.

4   **“§ 70005. International agreements**

5           “(a) TRANSMITTAL OF REGULATIONS.—The Sec-  
6   retary shall transmit, via the Secretary of State, to appro-  
7   priate international bodies or forums, any regulations  
8   issued under this subchapter, for consideration as inter-  
9   national standards.

10          “(b) AGREEMENTS.—The President is authorized  
11   and encouraged to—

12                 “(1) enter into negotiations and conclude and  
13                 execute agreements with neighboring nations, to es-  
14                 tablish compatible vessel standards and vessel traffic  
15                 services, and to establish, operate, and maintain  
16                 international vessel traffic services, in areas and  
17                 under circumstances of mutual concern; and

18                 “(2) enter into negotiations, through appro-  
19                 priate international bodies, and conclude and execute  
20                 agreements to establish vessel traffic services in ap-  
21                 propriate areas of the high seas.

22          “(c) OPERATIONS.—The Secretary, pursuant to any  
23   agreement negotiated under subsection (b) that is binding  
24   upon the United States in accordance with constitutional  
25   requirements, may—

1           “(1) require vessels operating in an area of a  
2 vessel traffic service to utilize or to comply with the  
3 vessel traffic service, including the carrying or in-  
4 stallation of equipment and devices as necessary for  
5 the use of the service; and

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

18       “(d) SHIP REPORTING SYSTEMS.—The Secretary, in  
19 cooperation with the International Maritime Organization,  
20 may implement and enforce two mandatory ship reporting  
21 systems, consistent with international law, with respect to  
22 vessels subject to such reporting systems entering the fol-  
23 lowing areas of the Atlantic Ocean:

24           “(1) Cape Cod Bay, Massachusetts Bay, and  
25       Great South Channel (in the area generally bounded

1 by a line starting from a point on Cape Ann, Massa-  
2 chusetts at 42 deg. 39' N., 70 deg. 37' W; then  
3 northeast to 42 deg. 45' N., 70 deg. 13' W; then  
4 southeast to 42 deg. 10' N., 68 deg. 31' W, then  
5 south to 41 deg. 00' N., 68 deg. 31' W; then west  
6 to 41 deg. 00' N., 69 deg. 17' W; then northeast to  
7 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg.  
8 04' N., 70 deg. 10' W; and then along the Massa-  
9 chusetts shoreline of Cape Cod Bay and Massachu-  
10 setts Bay back to the point on Cape Ann at 42 deg.  
11 39' N., 70 deg. 37' W).

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

19 “SUBCHAPTER II—PORTS AND WATERWAYS  
20 SAFETY

21 “§ 70011. **Waterfront safety**

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

24 “(1) prevent damage to, or the destruction of,  
25 any bridge or other structure on or in the navigable

1 waters of the United States, or any land structure  
2 or shore area immediately adjacent to such waters;  
3 and

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

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

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

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

20 “(3) establishing water or waterfront safety  
21 zones, or other measures, for limited, controlled, or  
22 conditional access and activity when necessary for  
23 the protection of any vessel, structure, waters, or  
24 shore 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 subdivi-  
6           sion thereof from prescribing higher safety equipment re-  
7           quirements or safety standards than those that may be  
8           prescribed 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 ves-  
12          sel operators to report potential or existing navigational  
13          hazards 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                 fected Federal and State agencies, and vessel owners  
23                 and operators in the pipeline’s vicinity.

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

1 or potential hazard to navigation with respect to a  
2 pipeline, the Secretary shall promptly determine  
3 whether a hazard exists, and if so shall immediately  
4 notify Coast Guard headquarters, the Pipeline and  
5 Hazardous Materials Safety Administration, other  
6 affected Federal and State agencies, vessel owners  
7 and operators in the pipeline’s vicinity, and the  
8 owner 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  
16 knowledge of any release from a vessel or facility into the  
17 navigable waters of the United States of any object that  
18 creates an obstruction prohibited under section 10 of the  
19 Act of March 3, 1899, popularly known as the Rivers and  
20 Harbors Appropriations Act of 1899 (33 U.S.C. 403),  
21 such person shall notify the Secretary and the Secretary  
22 of the Army 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

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

3 “SUBCHAPTER III—CONDITION FOR ENTRY  
4 INTO 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 chap-  
8 ter 37 shall operate in the navigable waters of the United  
9 States or transfer cargo or residue in any port or place  
10 under the jurisdiction of the United States, if such ves-  
11 sel—

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

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

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

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



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

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

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

15          “(b) EXCEPTIONS.—

16                 “(1) IN GENERAL.—The Secretary may allow  
17                 provisional entry of a vessel that is not in compli-  
18                 ance with subsection (a), if the owner or operator of  
19                 such vessel proves, to the satisfaction of the Sec-  
20                 retary, that such vessel is not unsafe or a threat to  
21                 the marine environment, and if such entry is nec-  
22                 essary for the safety of the vessel or persons aboard.

23                 “(2) PROVISIONS NOT APPLICABLE.—Para-  
24                 graphs (1), (2), (3), and (4) of subsection (a) of this  
25                 section shall not apply to a vessel allowed provisional

1 entry under paragraph (1) if the owner or operator  
2 of such vessel proves, to the satisfaction of the Sec-  
3 retary, that such vessel is no longer unsafe or a  
4 threat to the marine environment, and is no longer  
5 in violation of any applicable law, treaty, regulation,  
6 or condition, as appropriate.

7 “SUBCHAPTER IV—DEFINITIONS, REGULA-  
8 TIONS, ENFORCEMENT, INVESTIGATORY  
9 POWERS, APPLICABILITY

10 “§ 70031. Definitions

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

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

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

17 “(B) the waters and fishery resources of  
18 any area over which the United States asserts  
19 exclusive fishery management authority;

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

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

1           “(2) The term ‘Secretary’ means the Secretary  
2           of 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  
5           this 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  
8           the United States as described in Presidential Proc-  
9           lamation No. 5928 of December 27, 1988.

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

11           “The authority granted to the Secretary under sec-  
12           tions 70001, 70002, 70003, 70004, and 70011 may not  
13           be delegated with respect to the Saint Lawrence Seaway  
14           to any agency other than the Saint Lawrence Seaway De-  
15           velopment Corporation. Any other authority granted the  
16           Secretary under subchapters A through C and this sub-  
17           chapter shall be delegated by the Secretary to the Saint  
18           Lawrence Seaway Development Corporation to the extent  
19           the Secretary determines such delegation is necessary for  
20           the proper operation 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  
2 United States and that is in—

3 “(1) innocent passage through the territorial  
4 sea 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  
10 of title 5, the Secretary shall issue, and may from time  
11 to time amend or repeal, regulations necessary to imple-  
12 ment subchapters A through C and this subchapter.

13 “(b) CONSULTATION.—In the exercise of the regu-  
14 latory authority under subchapters A through C and this  
15 subchapter, the Secretary shall consult with, and receive  
16 and consider the views of all interested persons, includ-  
17 ing—

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

20 “(2) officials of State and local governments;

21 “(3) representatives of the maritime commu-  
22 nity;

23 “(4) representatives of port and harbor authori-  
24 ties or associations;

25 “(5) representatives of environmental groups;

1           “(6) any other interested persons who are  
2           knowledgeable or experienced in dealing with prob-  
3           lems involving vessel safety, port and waterways  
4           safety, and protection of the marine environment;  
5           and

6           “(7) advisory committees consisting of all inter-  
7           ested segments of the public when the establishment  
8           of such committees is considered necessary because  
9           the issues involved are highly complex or controver-  
10          sial.

11   **“§ 70035. Investigatory powers**

12          “(a) SECRETARY.—The Secretary may investigate  
13 any incident, accident, or act involving the loss or destruc-  
14 tion of, or damage to, any structure subject to subchapters  
15 A through C and this subchapter, or that affects or may  
16 affect the safety or environmental quality of the ports,  
17 harbors, or navigable waters of the United States.

18          “(b) POWERS.—In an investigation under this sec-  
19 tion, the Secretary may issue subpoenas to require the at-  
20 tendance of witnesses and the production of documents or  
21 other evidence relating to such incident, accident, or act.  
22 If any person refuses to obey a subpoena, the Secretary  
23 may request the Attorney General to invoke the aid of the  
24 appropriate district court of the United States to compel  
25 compliance with the subpoena. Any district court of the

1 United States may, in the case of refusal to obey a sub-  
2 poena, issue an order requiring compliance with the sub-  
3 poena, and failure to obey the order may be punished by  
4 the court as contempt. Witnesses may be paid fees for  
5 travel and attendance at rates not exceeding those allowed  
6 in a district court of the United States.

7 **“§ 70036. Enforcement**

8 “(a) CIVIL PENALTY.—

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

1           “(2) COMPROMISE, MODIFICATION, OR REMIS-  
2           SION.—The Secretary may compromise, modify, or  
3           remit, with or without conditions, any civil penalty  
4           that is subject to imposition or that has been im-  
5           posed under this section.

6           “(3) FAILURE TO PAY PENALTY.—If any per-  
7           son fails to pay an assessment of a civil penalty  
8           after it has become final, the Secretary may refer  
9           the matter to the Attorney General of the United  
10          States, for collection in any appropriate district  
11          court of the United States.

12          “(b) CRIMINAL PENALTY.—

13           “(1) CLASS D FELONY.—Any person who will-  
14           fully and knowingly violates subchapters A through  
15           C or this subchapter or any regulation issued there-  
16           under commits a class D felony.

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

1           “(c) IN REM LIABILITY.—Any vessel that is used in  
2 violation of subchapters A, B, or C or this subchapter,  
3 or any regulations issued under such subchapter, shall be  
4 liable in rem for any civil penalty assessed pursuant to  
5 subsection (a) and may be proceeded against in the United  
6 States district court for any district in which such vessel  
7 may be found.

8           “(d) INJUNCTION.—The United States district courts  
9 shall have jurisdiction to restrain violations of subchapter  
10 A, B, or C or this subchapter or of regulations issued  
11 under such subchapter, for cause shown.

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

18                   “(1) into the navigable waters of the United  
19 States; or

20                   “(2) to any port or place under the jurisdiction  
21 of the United States.

22           “(f) WITHHOLDING OF CLEARANCE.—

23                   “(1) IN GENERAL.—If any owner, operator, or  
24 individual in charge of a vessel is liable for a penalty  
25 or fine under this section, or if reasonable cause ex-



1       ists to believe that the owner, operator, or individual  
 2       in charge may be subject to a penalty or fine under  
 3       this section, the Secretary of the Treasury, upon the  
 4       request of the Secretary, shall with respect to such  
 5       vessel refuse or revoke any clearance required by  
 6       section 60105 of title 46.

7               “(2) GRANTING CLEARANCE REFUSED OR RE-  
 8       VOKED.—Clearance refused or revoked under this  
 9       subsection may be granted upon filing of a bond or  
 10       other surety satisfactory to the Secretary.”.

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

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

14       **SEC. 402. CONFORMING AMENDMENTS.**

15       (a) ELECTRONIC CHARTS.—

16               (1) TRANSFER OF PROVISION.—Section 4A of  
 17       the Ports and Waterways Safety Act (33 U.S.C.  
 18       1223a)—

19               (A) is redesignated as section 3105 of title  
 20       46, United States Code, and transferred to ap-  
 21       pear after section 3104 of that title; and

22               (B) is amended by striking subsection (b)  
 23       and inserting the following:

24       “(b) LIMITATION ON APPLICATION.—Except pursu-  
 25       ant to an international treaty, convention, or agreement,

1 to which the United States is a party, this section shall  
2 not apply to any foreign vessel that is not destined for,  
3 or departing from, a port or place subject to the jurisdic-  
4 tion of the United States and that is in—

5 “(1) innocent passage through the territorial  
6 sea of the United States; or

7 “(2) transit through the navigable waters of the  
8 United States that form a part of an international  
9 strait.”.

10 (2) CLERICAL AMENDMENT.—The analysis at  
11 the beginning of chapter 31 of such title is amended  
12 by adding at the end the following:

“3105. Electronic charts.”.

13 (b) PORT, HARBOR, AND COASTAL FACILITY SECU-  
14 RITY.—

15 (1) TRANSFER OF PROVISIONS.—So much of  
16 section 7 of the Ports and Waterways Safety Act  
17 (33 U.S.C. 1226) as precedes subsection (c) of that  
18 section is redesignated as section 70116 of title 46,  
19 United States Code, and transferred to section  
20 70116 of that title.

21 (2) DEFINITIONS, ADMINISTRATION, AND EN-  
22 FORCEMENT.—Section 70116 of title 46, United  
23 States Code, as amended by paragraph (1) of this  
24 subsection, is amended by adding at the end the fol-  
25 lowing:

1           “(c) DEFINITIONS, ADMINISTRATION, AND EN-  
2 FORCEMENT.—This section shall be treated as part of  
3 chapter 700 for purposes of sections 70031, 70032,  
4 70034, 70035, and 70036.”.

5           (3) CLERICAL AMENDMENT.—The analysis at  
6 the beginning of chapter 701 of such title is amend-  
7 ed by striking the item relating to section 70116 and  
8 inserting the following:

“70116. Port, harbor, and coastal facility security.”.

9           (c) NONDISCLOSURE OF PORT SECURITY PLANS.—  
10 Subsection (c) of section 7 of the Ports and Waterways  
11 Safety Act (33 U.S.C. 1226), as so designated before the  
12 application of subsection (b)(1) of this section—

13           (1) is redesignated as subsection (f) of section  
14 70103 of title 46, United States Code, and trans-  
15 ferred so as to appear after subsection (e) of such  
16 section; and

17           (2) is amended by striking “this Act” and in-  
18 serting “this chapter”.

19           (d) REPEAL.—Section 2307 of title 46, United States  
20 Code, and the item relating to that section in the analysis  
21 at the beginning of chapter 23 of that title, are repealed.

22           (e) REPEAL.—The Ports and Waterways Safety Act  
23 (33 U.S.C. 1221–1231, 1232–1232b), as amended by this  
24 Act, is repealed.

1 **SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.**

2 (a) DEFINITIONS.—In this section:

3 (1) SOURCE PROVISION.—The term “source  
4 provision” means a provision of law that is replaced  
5 by a title 46 provision under this title.

6 (2) TITLE 46 PROVISION.—The term “title 46  
7 provision” means a provision of title 46, United  
8 States Code, that is enacted by section 402.

9 (b) CUTOFF DATE.—The title 46 provisions replace  
10 certain provisions of law enacted before the date of the  
11 enactment of this Act. If a law enacted after that date  
12 amends or repeals a source provision, that law is deemed  
13 to amend or repeal, as the case may be, the corresponding  
14 title 46 provision. If a law enacted after that date is other-  
15 wise inconsistent with a title 46 provision or a provision  
16 of this title, that law supersedes the title 46 provision or  
17 provision of this title to the extent of the inconsistency.

18 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—  
19 For purposes of determining whether one provision of law  
20 supersedes another based on enactment later in time, a  
21 title 46 provision is deemed to have been enacted on the  
22 date of enactment of the source provision that the title  
23 46 provision replaces.

24 (d) REFERENCES TO TITLE 46 PROVISIONS.—A ref-  
25 erence to a title 46 provision, including a reference in a

1 regulation, order, or other law, is deemed to refer to the  
2 corresponding source provision.

3 (e) REFERENCES TO SOURCE PROVISIONS.—A ref-  
4 erence to a source provision, including a reference in a  
5 regulation, order, or other law, is deemed to refer to the  
6 corresponding title 46 provision.

7 (f) REGULATIONS, ORDERS, AND OTHER ADMINIS-  
8 TRATIVE ACTIONS.—A regulation, order, or other admin-  
9 istrative action in effect under a source provision con-  
10 tinues in effect under the corresponding title 46 provision.

11 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—  
12 An action taken or an offense committed under a source  
13 provision is deemed to have been taken or committed  
14 under the corresponding title 46 provision.

15 **SEC. 404. RULE OF CONSTRUCTION.**

16 This title, including the amendments made by this  
17 title, is intended only to transfer provisions of the Ports  
18 and Waterways Safety Act to title 46, United States Code,  
19 and may not be construed to alter—

20 (1) the effect of a provision of the Ports and  
21 Waterways Safety Act, including any authority or  
22 requirement therein;

23 (2) a department or agency interpretation with  
24 respect to the Ports and Waterways Safety Act; or



1 vessel of such department and any private vessel  
2 tendered gratuitously for that purpose.

3 “(c) TRANSFER OF AUTHORITY.—The authority of  
4 the Commandant under this section may be transferred  
5 by the President for any special occasion to the head of  
6 another Federal department or agency whenever in the  
7 President’s judgment such transfer is desirable.

8 “(d) PENALTIES.—

9 “(1) IN GENERAL.—For any violation of regula-  
10 tions issued pursuant to this section the following  
11 penalties shall be incurred:

12 “(A) A licensed officer shall be liable to  
13 suspension or revocation of license in the man-  
14 ner prescribed by law for incompetency or mis-  
15 conduct.

16 “(B) Any person in charge of the naviga-  
17 tion of a vessel other than a licensed officer  
18 shall be liable to a penalty of \$5,000.

19 “(C) The owner of a vessel (including any  
20 corporate officer of a corporation owning the  
21 vessel) actually on board shall be liable to a  
22 penalty of \$5,000, unless the violation of regu-  
23 lations occurred without the owner’s knowledge.

24 “(D) Any other person shall be liable to a  
25 penalty of \$2,500.





1 or insular, subject to the jurisdiction of the United  
2 States.

3 “(2) TERRITORIAL WATERS.—The term ‘terri-  
4 torial waters of the United States’ includes all  
5 waters of the territorial sea of the United States as  
6 described in Presidential Proclamation 5928 of De-  
7 cember 27, 1988.”.

8 (b) REGULATION OF ANCHORAGE AND MOVEMENT  
9 OF VESSELS DURING NATIONAL EMERGENCY.—Section 1  
10 of title II of the Act of June 15, 1917 (40 Stat. 220, chap-  
11 ter 30; 50 U.S.C. 191), is amended—

12 (1) by striking the section designation and all  
13 that follows before “by proclamation” and inserting  
14 the following:

15 **“§ 70051. Regulation of anchorage and movement of**  
16 **vessels during national emergency**

17 “Whenever the President”;

18 (2) by striking “of the Treasury”;

19 (3) by striking “of the department in which the  
20 Coast Guard is operating”;

21 (4) by striking “this title” and inserting “this  
22 subchapter”; and

23 (5) by transferring the section so that the sec-  
24 tion appears before section 70054 of title 46, United

1 States Code (as added by subsection (a) of this sec-  
2 tion).

3 (c) SEIZURE AND FORFEITURE OF VESSEL; FINE  
4 AND IMPRISONMENT.—Section 2 of title II of the Act of  
5 June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192),  
6 is amended—

7 (1) by striking the section designation and all  
8 that follows before “agent,” and inserting the fol-  
9 lowing:

10 **“§ 70052. Seizure and forfeiture of vessel; fine and im-  
11 prisonment**

12 “(a) IN GENERAL.—If any owner,”;

13 (2) by striking “this title” each place it appears  
14 and inserting “this subchapter”; and

15 (3) by transferring the section so that the sec-  
16 tion appears after section 70051 of title 46, United  
17 States Code (as transferred by subsection (b) of this  
18 section).

19 (d) ENFORCEMENT PROVISIONS.—Section 4 of title  
20 II of the Act of June 15, 1917 (40 Stat. 220, chapter  
21 30; 50 U.S.C. 194), is amended—

22 (1) by striking all before “may employ” and in-  
23 serting the following:

24 **“§ 70053. Enforcement provisions**

25 “The President”;



1       “(c) DEFINITIONS, ADMINISTRATION, AND EN-  
2       FORCEMENT.—This section shall be treated as part of  
3       chapter 700 for purposes of sections 70031, 70032,  
4       70034, 70035, and 70036.”.

5       (c) CLERICAL AMENDMENT.—The analysis at the be-  
6       ginning of chapter 701 of such title is amended by insert-  
7       ing after the item relating to section 70102 the following:  
      “70102a. Port, harbor, and coastal facility security.”.

8       (d) NONDISCLOSURE OF PORT SECURITY PLANS.—  
9       Subsection (c) of section 7 of the Ports and Waterways  
10      Safety Act (33 U.S.C. 1226), as so designated before the  
11      application of subsection (b)(1) of this section—

12           (1) is redesignated as subsection (f) of section  
13           70103 of title 46, United States Code, and trans-  
14           ferred so as to appear after subsection (e) of such  
15           section; and

16           (2) is amended by striking “this Act” and in-  
17           serting “this chapter”.

18                   **TITLE V—MARITIME**  
19                   **TRANSPORTATION SAFETY**

20      **SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.**

21      (a) IN GENERAL.—Section 3305 of title 46, United  
22      States Code, is amended by adding at the end the fol-  
23      lowing:

24           “(d)(1) The Commandant of the Coast Guard shall  
25      ensure that Officers in Charge, Marine Inspections con-

1 sistently interpret regulations and standards under this  
2 subtitle and chapter 700 to avoid disruption and undue  
3 expense to industry.

4 “(2)(A) Subject to subparagraph (B), in the event of  
5 a disagreement regarding the condition of a vessel or the  
6 interpretation of a regulation or standard referred to in  
7 subsection (a) between a local Officer in Charge, Marine  
8 Inspection conducting an inspection of the vessel and the  
9 Officer in Charge, Marine Inspection that issued the most  
10 recent certificate of inspection for the vessel, such Officers  
11 shall seek to resolve such disagreement.

12 “(B) If a disagreement described in subparagraph  
13 (A) involves vessel design or plan review, the Coast Guard  
14 marine safety center shall be included in all efforts to re-  
15 solve such disagreement.

16 “(C) If a disagreement described in subparagraph  
17 (A) or (B) cannot be resolved, the local Officer in Charge,  
18 Marine Inspection shall submit to the Commandant of the  
19 Coast Guard, through the cognizant Coast Guard district  
20 commander, a request for a final agency determination of  
21 the matter in disagreement.

22 “(3) The Commandant of the Coast Guard shall—  
23 “(A) provide to each person affected by a deci-  
24 sion or action by an Officer in Charge, Marine In-  
25 spection or by the Coast Guard marine safety center

1 all information necessary for such person to exercise  
2 any right to appeal such decision or action; and

3 “(B) if such an appeal is filed, process such ap-  
4 peal under parts 1 through 4 of title 46, Code of  
5 Federal Regulations, as in effect on the date of en-  
6 actment of the Coast Guard Authorization Act of  
7 2017.

8 “(4) In this section, the term ‘Officer in Charge, Ma-  
9 rine Inspection’ means any person from the civilian or  
10 military branch of the Coast Guard who—

11 “(A) is designated as such by the Commandant;  
12 and

13 “(B) under the superintendence and direction  
14 of the cognizant Coast Guard district commander, is  
15 in charge of an inspection zone for the performance  
16 of duties with respect to the inspections under, and  
17 enforcement and administration of, subtitle II, chap-  
18 ter 700, and regulations under such laws.”.

19 (b) REPORT ON MARINE INSPECTOR TRAINING.—  
20 Not later than 1 year after the date of the enactment of  
21 this Act, the Commandant of the Coast Guard shall sub-  
22 mit to the Committee on Commerce, Science, and Trans-  
23 portation of the Senate and the Committee on Transpor-  
24 tation and Infrastructure of the House of Representatives  
25 a report on the training, experience, and qualifications re-

1 quired for assignment as a marine inspector under section  
2 312 of title 14, United States Code, including—

3 (1) a description of any continuing education  
4 requirement, including a specific list of the required  
5 courses;

6 (2) a description of the training, including a  
7 specific list of the included courses, offered to a  
8 journeyman or an advanced journeyman marine in-  
9 spector to advance inspection expertise;

10 (3) a description of any training that was of-  
11 fered in the 15-year period before the date of the en-  
12 actment of this Act, but is no longer required or of-  
13 fered, including a specific list of the included  
14 courses, including the senior marine inspector course  
15 and any plan review courses;

16 (4) a justification for why a course described in  
17 paragraph (3) is no longer required or offered; and

18 (5) a list of the course content the Com-  
19 mandant considers necessary to promote consistency  
20 among marine inspectors in an environment of in-  
21 creasingly complex vessels and vessel systems.

22 **SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS**  
23 **COUNTY, MINNESOTA.**

24 Section 4105 of title 46, United States Code, amend-  
25 ed—

1           (1) by redesignating subsection (c) as sub-  
2           section (d); and

3           (2) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c) In applying this title with respect to an  
6           uninspected vessel of less than 25 feet overall in length  
7           that carries passengers on Crane Lake or waters contig-  
8           uous to such lake in St. Louis County, Minnesota, the Sec-  
9           retary shall substitute ‘12 passengers’ for ‘6 passengers’  
10          each place it appears in section 2101(51).”.

11   **SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

12          (a) IN GENERAL.—Chapter 43 of title 46, United  
13          States Code, is amended by adding at the end the fol-  
14          lowing:

15    **“§ 4312. Engine cut-off switches**

16          “(a) INSTALLATION REQUIREMENT.—A manufac-  
17          turer, distributor, or dealer that installs propulsion ma-  
18          chinery and associated starting controls on a covered rec-  
19          reational vessel shall equip such vessel with an engine cut-  
20          off switch and engine cut-off switch link that meet Amer-  
21          ican Boat and Yacht Council Standard A-33, as in effect  
22          on the date of the enactment of the Coast Guard Author-  
23          ization Act of 2017.

24          “(b) EDUCATION ON CUT-OFF SWITCHES.—The  
25          Commandant of the Coast Guard, through the National



1 Boating Safety Advisory Committee established under sec-  
2 tion 15105, may initiate a boating safety program on the  
3 use and benefits of cut-off switches for recreational ves-  
4 sels.

5 “(c) AVAILABILITY OF STANDARD FOR INSPEC-  
6 TION.—

7 “(1) IN GENERAL.—Not later than 90 days  
8 after the date of the enactment of this section, the  
9 Commandant shall transmit American Boat and  
10 Yacht Council Standard A-33, as in effect on the  
11 date of enactment of the Coast Guard Authorization  
12 Act of 2017, to—

13 “(A) the Committee on Transportation and  
14 Infrastructure of the House of Representatives;

15 “(B) the Committee on Commerce,  
16 Science, and Transportation of the Senate; and

17 “(C) the Coast Guard Office of Design and  
18 Engineering Standards; and

19 “(D) the National Archives and Records  
20 Administration.

21 “(2) AVAILABILITY.—The standard submitted  
22 under paragraph (1) shall be kept on file and avail-  
23 able for public inspection at such Coast Guard office  
24 and the National Archives and Records Administra-  
25 tion.

1 “(d) DEFINITIONS.—In this section:

2 “(1) COVERED RECREATIONAL VESSEL.—The  
3 term ‘covered recreational vessel’ means a rec-  
4 reational vessel that is—

5 “(A) less than 26 feet overall in length;  
6 and

7 “(B) capable of developing 115 pounds or  
8 more of static thrust.

9 “(2) DEALER.—The term ‘dealer’ means any  
10 person who is engaged in the sale and distribution  
11 of recreational vessels or associated equipment to  
12 purchasers whom the seller in good faith believes to  
13 be purchasing any such vessel or associated equip-  
14 ment for purposes other than resale.

15 “(3) DISTRIBUTOR.—The term ‘distributor’  
16 means any person engaged in the sale and distribu-  
17 tion of recreational vessels and associated equipment  
18 for the purposes of resale.

19 “(4) MANUFACTURER.—The term ‘equipment  
20 manufacturer’ means any person engaged in the  
21 manufacture, construction, or assembly of rec-  
22 reational vessels or associated equipment, or the im-  
23 portation of recreational vessels into the United  
24 States for subsequent sale.



1           “(A) necessary for normal fishing oper-  
2           ations;

3           “(B) readily accessible during an emer-  
4           gency; and

5           “(C) capable, in accordance with the Coast  
6           Guard capacity rating, when applicable, of safe-  
7           ly holding all individuals on board the vessel to  
8           which the craft functions as an auxiliary.”; and

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

10          “(k) For the purposes of this section, the term ‘auxil-  
11          iary craft’ means a vessel that is carried onboard a fishing  
12          vessel and is normally used to support fishing oper-  
13          ations.”.

14          **SEC. 505. SAFETY STANDARDS.**

15          Section 4502(f) of title 46, United States Code, is  
16          amended by striking paragraphs (2) and (3) and inserting  
17          the following:

18                 “(2) shall examine at dockside a vessel de-  
19                 scribed in subsection (b) at least once every 5 years,  
20                 but may require an exam at dockside every 2 years  
21                 for certain vessels described in subsection (b) if re-  
22                 quested by the owner or operator; and

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

1 **SEC. 506. FISHING SAFETY GRANTS.**

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

4 (1) in subsections (i) and (j), by striking “Sec-  
5 retary” each place it appears and inserting “Sec-  
6 retary of Health and Human Services”;

7 (2) in subsection (i)(2), as amended by para-  
8 graph (1), by inserting “, in consultation with and  
9 based on criteria established by the Commandant of  
10 the Coast Guard” after “Health and Human Serv-  
11 ices”;

12 (3) in subsection (i)(3), by striking “75” and  
13 inserting “50”;

14 (4) in subsection (i)(4), by striking  
15 “\$3,000,000 for each of fiscal years 2015 through  
16 2017” and inserting “\$3,000,000 for each of fiscal  
17 years 2018 through 2019”;

18 (5) in subsection (j)(2), as amended by para-  
19 graph (1), by inserting “, in consultation with and  
20 based on criteria established by the Commandant of  
21 the Coast Guard,” after “Health and Human Serv-  
22 ices”;

23 (6) in subsection (j)(3), by striking “75” and  
24 inserting “50”; and

25 (7) in subsection (j)(4), by striking  
26 “\$3,000,000 for each fiscal years 2015 through

1       2017” and inserting “\$3,000,000 for each of fiscal  
2       years 2018 through 2019”.

3       **SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING**  
4                               **VESSEL CERTIFICATION.**

5       (a) NONAPPLICATION.—Section 4503(c)(2)(A) of  
6       title 46, United States Code, is amended by striking “79”  
7       and inserting “180”.

8       (b) DETERMINING WHEN KEEL IS LAID.—Section  
9       4503(f) of title 46, United States Code, as redesignated  
10      by section 508 of this Act, is further amended to read  
11      as follows:

12       “(f)(1) For purposes of this section and section  
13      4503a, the term ‘built’ means, with respect to a vessel,  
14      that the vessel’s construction has reached any of the fol-  
15      lowing stages:

16               “(A) The vessel’s keel is laid.

17               “(B) Construction identifiable with the vessel  
18      has begun and assembly of that vessel has com-  
19      menced comprising of at least 50 metric tons or one  
20      percent of the estimated mass of all structural mate-  
21      rial, whichever is less.

22       “(2) In the case of a vessel greater than 79 feet over-  
23      all in length, for purposes of paragraph (1)(A) a keel is  
24      deemed to be laid when a marine surveyor affirms that  
25      a structure adequate for serving as a keel for such vessel

1 is in place and identified for use in the construction of  
2 such vessel.”.

3 **SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE**  
4 **SAFETY COMPLIANCE PROGRAM.**

5 (a) IN GENERAL.—Section 4503(d) of title 46,  
6 United States Code, is redesignated as section 4503a and  
7 transferred to appear after section 4503 of such title.

8 (b) FISHING, FISH TENDER, AND FISH PROCESSING  
9 VESSEL CERTIFICATION.—Section 4503 of title 46,  
10 United States Code, is amended—

11 (1) by redesignating subsections (e), (f), and  
12 (g) as subsections (d), (e), and (f), respectively;

13 (2) in subsection (b), by striking “subsection  
14 (d)” and inserting “section 4503a”;

15 (3) in subsection (c)(2)(B)(ii)(I), by striking  
16 “subsection (e)” and inserting “subsection (d)”;

17 (4) in subsection (c)(2)(B)(ii)(II), by striking  
18 “subsection (f)” and inserting “subsection (e)”;

19 (5) in subsection (e)(1), as amended by para-  
20 graph (1) of this subsection, by striking “subsection  
21 (e)” each place it appears and inserting “subsection  
22 (d)”;

23 (6) in subsection (e)(2), as amended by para-  
24 graph (1) of this subsection, by striking “subsection

1 (e)” each place it appears and inserting “subsection  
2 (d)”;

3 (c) ALTERNATE SAFETY COMPLIANCE PROGRAM.—  
4 Section 4503a of title 46, United States Code, as redesign-  
5 nated and transferred by subsection (a) of this section,  
6 is amended—

7 (1) by redesignating paragraphs (1), (2), (3),  
8 (4), and (5) as subsections (a), (b), (c), (d), and (e),  
9 respectively;

10 (2) by inserting before subsection (a), as so re-  
11 designated, the following:

12 **“§ 4503a. Alternate safety compliance program”;**

13 (3) in subsection (a), as redesignated by para-  
14 graph (1) of this subsection, by striking “After Jan-  
15 uary 1, 2020,” and all that follows through “the  
16 Secretary, if” and inserting “Subject to subsection  
17 (c), beginning on the date that is 3 years after the  
18 date that the Secretary prescribes an alternate safe-  
19 ty compliance program, a fishing vessel, fish proc-  
20 essing vessel, or fish tender vessel to which section  
21 4502(b) of this title applies shall comply with such  
22 an alternate safety compliance program, if”;

23 (4) in subsection (a), as so redesignated, by re-  
24 designating subparagraphs (A), (B), and (C) as  
25 paragraphs (1), (2), and (3), respectively;



1           (5) in subsection (b), as so redesignated, by  
2           striking “establishes standards for an alternate safe-  
3           ty compliance program, shall comply with such an  
4           alternative safety compliance program that is devel-  
5           oped in cooperation with the commercial fishing in-  
6           dustry and prescribed by the Secretary” and insert-  
7           ing “prescribes an alternate safety compliance pro-  
8           gram under subsection (a), shall comply with such  
9           an alternate safety compliance program”;

10           (6) by amending subsection (c), as so redesign-  
11           ated, to read as follows:

12           “(c) For purposes of subsection (a), a separate alter-  
13           nate safety compliance program may be developed for a  
14           specific region or specific fishery.”;

15           (7) in subsection (d), as so redesignated—

16                   (A) by striking “paragraph (1)” and in-  
17                   serting “subsection (a)”; and

18                   (B) by striking “that paragraph” each  
19                   place it appears and inserting “that sub-  
20                   section”;

21           (8) in subsection (e), as so redesignated, by—

22                   (A) inserting “is not eligible to participate  
23                   in an alternative safety compliance program  
24                   prescribed under subsection (a) and” after  
25                   “July 1, 2012”; and

1 (B) redesignating subparagraphs (A) and  
2 (B) as paragraphs (1) and (2), respectively;  
3 (9) by adding at the end the following:

4 “(f) For the purposes of this section, the term ‘built’  
5 has the meaning given that term in section 4503(f).”.

6 (d) CLERICAL AMENDMENT.—The analysis at the be-  
7 ginning of chapter 45 of such title is amended by inserting  
8 after the item relating to section 4503 the following

“4503a. Alternate safety compliance program.”.

9 (e) CONFORMING AMENDMENT.—Section 3104 of  
10 title 46, United States Code, is amended by striking “sec-  
11 tion 4503(e)” and inserting “section 4503(d)”.

12 (f) FINAL RULE.—Not later than 1 year after the  
13 date of enactment of this Act, the Secretary of the depart-  
14 ment in which the Coast Guard is operating shall issue  
15 a final rule implementing the requirements enumerated in  
16 section 4503(d) of title 46, as amended by subsection  
17 (b)(1) of this section.

18 (g) ALTERNATE SAFETY COMPLIANCE PROGRAM  
19 STATUS REPORT.—

20 (1) IN GENERAL.—Not later than January 1,  
21 2020, the Secretary of the department in which the  
22 Coast Guard is operating shall submit to the Com-  
23 mittee on Transportation and Infrastructure of the  
24 House of Representatives and the Committee on  
25 Commerce, Science, and Transportation of the Sen-

1       ate a report on the status of the development of the  
2       alternate safety compliance program directed by sec-  
3       tion 4503a of title 46, United States Code, as reded-  
4       ignated by subsection (c).

5               (2) CONTENTS.—The report required under  
6       paragraph (1) shall include discussion of—

7               (A) steps taken in the rulemaking process  
8       to establish the alternate safety compliance pro-  
9       gram;

10              (B) communication and collaboration be-  
11       tween the Coast Guard, the department in  
12       which the Coast Guard is operating, and the  
13       commercial fishing vessel industry regarding  
14       the development of the alternate safety compli-  
15       ance program;

16              (C) consideration given to developing alter-  
17       nate safety compliance programs for specific re-  
18       gions and fisheries, as authorized in section  
19       4503a(c) of such title, as redesignated by sub-  
20       section (c);

21              (D) any identified legislative changes nec-  
22       essary to implement an effective alternate safe-  
23       ty compliance program; and

24              (E) the timeline and planned actions that  
25       will be taken to implement regulations nec-



1           (4) in section 7507(b)(2) by striking “merchant  
2           mariner’s document.” and inserting “license or cer-  
3           tificate of registry.”.

4 **SEC. 511. CLARIFICATION OF LOGBOOK ENTRIES.**

5           (a) IN GENERAL.—Section 11304 of title 46, United  
6 States Code, is amended—

7           (1) in subsection (a), by striking “an official  
8           logbook, which” and inserting “a logbook, which  
9           may be in any form, including electronic, and”; and

10           (2) in subsection (b), by amending paragraph  
11           (3) to read as follows:

12           “(3) Each illness of, and injury to, a seaman of  
13           the vessel, the nature of the illness or injury, and  
14           the medical treatment provided for the injury or ill-  
15           ness.”.

16           (b) TECHNICAL AMENDMENT.—Section 11304(b) is  
17 amended by striking “log book” and inserting “logbook”.

18 **SEC. 512. CERTIFICATES OF DOCUMENTATION FOR REC-**

19 **REATIONAL VESSELS.**

20           Section 12105 of title 46, United States Code, is  
21 amended by adding at the end the following:

22           “(e) EFFECTIVE PERIOD.—

23           “(1) IN GENERAL.—Except as provided in para-  
24           graphs (2) and (3), a certificate of documentation

1 issued under this part is valid for a 1-year period  
2 and may be renewed for additional 1-year periods.

3 “(2) RECREATIONAL VESSELS.—

4 “(A) IN GENERAL.—A certificate of docu-  
5 mentation for a recreational vessel and the re-  
6 newal of such a certificate shall be effective for  
7 a 5-year period.

8 “(B) PHASE-IN PERIOD.—During the pe-  
9 riod beginning January 1, 2019, and ending  
10 December 31, 2021, the owner or operator of a  
11 recreational vessel may choose a period of effec-  
12 tiveness of between 1 and 5 years for such a  
13 certificate of documentation for such vessel or  
14 the renewal thereof.

15 “(C) FEES.—

16 “(i) REQUIREMENT.—The Secretary  
17 shall assess and collect a fee—

18 “(I) for the issuance of a certifi-  
19 cate of documentation for a rec-  
20 reational vessel that is equivalent to  
21 the fee established for the issuance of  
22 a certificate of documentation under  
23 section 2110; and

24 “(II) for the renewal of a certifi-  
25 cate of documentation for a rec-

1 reational vessel that is equivalent to  
2 the number of years of effectiveness of  
3 the certificate of documentation multi-  
4 plied by the fee established for the re-  
5 newal of a certificate of documenta-  
6 tion under section 2110.

7 “(ii) TREATMENT.—Fees collected  
8 under this subsection—

9 “(I) shall be credited to the ac-  
10 count from which the costs of such  
11 issuance or renewal were paid; and

12 “(II) may remain available until  
13 expended.

14 “(3) NOTICE OF CHANGE IN INFORMATION.—

15 “(A) REQUIREMENT.—The owner of a ves-  
16 sel shall notify the Coast Guard of each change  
17 in the information on which the issuance of the  
18 certificate of documentation for the vessel is  
19 based that occurs before the expiration of the  
20 certificate under this subsection, by not later  
21 than 30 days after such change.

22 “(B) TERMINATION OF CERTIFICATE.—  
23 The certificate of documentation for a vessel  
24 shall terminate upon the expiration of such 30-  
25 day period if the owner has not notified the

1 Coast Guard of such change before the end of  
2 such period.

3 “(4) STATE AND LOCAL AUTHORITY TO RE-  
4 MOVE ABANDONED AND DERELICT VESSELS.—Not-  
5 hing in this section shall be construed to limit the au-  
6 thority of a State or local authority from taking ac-  
7 tion to remove an abandoned or derelict vessel.”.

8 **SEC. 513. NUMBERING FOR UNDOCUMENTED BARGES.**

9 Section 12301(b) of title 46, United States Code, is  
10 amended—

11 (1) by striking “shall” and inserting “may”;  
12 and

13 (2) by inserting “of” after “barge”.

14 **SEC. 514. BACKUP NATIONAL TIMING SYSTEM.**

15 (a) **SHORT TITLE.**—This section may be cited as the  
16 “National Timing Resilience and Security Act of 2018”.

17 (b) **IN GENERAL.**—Chapter 30 of title 49, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing:

20 **“§ 312. Alternative timing system**

21 “(a) **IN GENERAL.**—Subject to the availability of ap-  
22 propriations, the Secretary of Transportation shall provide  
23 for the establishment, sustainment, and operation of a  
24 land-based, resilient, and reliable alternative timing sys-  
25 tem—



1           “(1) to reduce critical dependencies and provide  
2           a complement to and backup for the timing compo-  
3           nent of the Global Positioning System (referred to in  
4           this section as ‘GPS’); and

5           “(2) to ensure the availability of uncorrupted  
6           and non-degraded timing signals for military and ci-  
7           vilian users in the event that GPS timing signals are  
8           corrupted, degraded, unreliable, or otherwise un-  
9           available.

10          “(b) ESTABLISHMENT OF REQUIREMENTS.—

11           “(1) IN GENERAL.—Not later than 180 days  
12           after the date of enactment of the National Timing  
13           Resilience and Security Act of 2018, the Secretary  
14           of Transportation shall establish requirements for  
15           the procurement of the system required by sub-  
16           section (a) as a complement to and backup for the  
17           timing component of GPS in accordance with the  
18           timing requirements study required by section 1618  
19           of the National Defense Authorization Act for Fiscal  
20           Year 2017 (Public Law 114–328; 130 Stat. 2595).

21           “(2) REQUIREMENTS.—The Secretary of  
22           Transportation shall ensure, to the maximum extent  
23           practicable, that the system established under sub-  
24           section (a) will—

25           “(A) be wireless;

1           “(B) be terrestrial;

2           “(C) provide wide-area coverage;

3           “(D) be synchronized with coordinated uni-  
4           versal time;

5           “(E) be resilient and extremely difficult to  
6           disrupt or degrade;

7           “(F) be able to penetrate underground and  
8           inside buildings;

9           “(G) be capable of deployment to remote  
10          locations;

11          “(H) be developed, constructed, and oper-  
12          ated incorporating applicable private sector ex-  
13          pertise;

14          “(I) work in concert with and complement  
15          any other similar positioning, navigation, and  
16          timing systems, including enhanced long-range  
17          navigation systems and Nationwide Differential  
18          GPS systems;

19          “(J) be available for use by Federal and  
20          non-Federal government agencies for public  
21          purposes at no net cost to the Federal Govern-  
22          ment within 10 years of initiation of operation;

23          “(K) be capable of adaptation and expan-  
24          sion to provide position and navigation capabili-  
25          ties;

1           “(L) incorporate the recommendations  
2           from any GPS back-up demonstration program  
3           initiated and completed by the Secretary, in co-  
4           ordination with other Federal agencies, before  
5           the date specified in subsection (c)(1); and

6           “(M) incorporate such other elements as  
7           the Secretary considers appropriate.

8           “(c) IMPLEMENTATION PLAN.—

9           “(1) PLAN REQUIRED.—Not later than 180  
10          days after the date of enactment of the National  
11          Timing Resilience and Security Act of 2018, the  
12          Secretary of Transportation shall submit to the  
13          Committee on Commerce, Science, and Transpor-  
14          tation of the Senate and the Committee on Trans-  
15          portation and Infrastructure of the House of Rep-  
16          resentatives a report setting forth the following:

17                  “(A) A plan to develop, construct, and op-  
18                  erate the system required by subsection (a).

19                  “(B) A description and assessment of the  
20                  advantages of a system to provide a follow-on  
21                  complementary and backup positioning and  
22                  navigation capability to the timing component  
23                  of GPS.

24           “(2) DEADLINE FOR COMMENCEMENT OF OP-  
25          ERATION.—The system required by subsection (a)

1 shall be in operation by not later than 2 years after  
2 the date of enactment of the National Timing Resil-  
3 ience and Security Act of 2018.

4 “(3) MINIMUM DURATION OF OPERATIONAL CA-  
5 PABILITY.—The system required by subsection (a)  
6 shall be designed to be fully operational for not less  
7 than 20 years.

8 “(d) LORAN FACILITIES.—

9 “(1) IN GENERAL.—If the Secretary of Trans-  
10 portation determines that any LORAN infrastruc-  
11 ture, including the underlying real property and any  
12 spectrum associated with LORAN, in the possession  
13 of the Coast Guard is required by the Department  
14 of Transportation for the purpose of establishing the  
15 system required by subsection (a), the Commandant  
16 shall transfer such property, spectrum, and equip-  
17 ment to the Secretary.

18 “(2) CERCLA NOT AFFECTED.—This sub-  
19 section shall not be construed to limit the applica-  
20 tion of or otherwise affect section 120(h) of the  
21 Comprehensive Environmental Response, Compensa-  
22 tion, and Liability Act of 1980 (42 U.S.C. 9620(h))  
23 with respect to the Federal Government facilities de-  
24 scribed in paragraph (1).

25 “(e) COOPERATIVE AGREEMENT.—

1           “(1) IN GENERAL.—The Secretary of Transpor-  
2           tation may enter into a cooperative agreement (as  
3           that term is described in section 6305 of title 31)  
4           with an entity upon such terms and conditions as  
5           the Secretary of Transportation determines will ful-  
6           fill the purpose and requirements of this section and  
7           be in the public interest.

8           “(2) REQUIREMENTS.—The cooperative agree-  
9           ment under paragraph (1) shall, at a minimum, re-  
10          quire the Secretary of Transportation to—

11                   “(A) authorize the entity to sell timing and  
12                   other services to commercial and non-commer-  
13                   cial third parties, subject to any national secu-  
14                   rity requirements determined by the Secretary,  
15                   in consultation with the Secretary of Defense;

16                   “(B) require the entity to develop, con-  
17                   struct, and operate at private expense the  
18                   backup timing system in accordance with this  
19                   section;

20                   “(C) allow the entity to make any invest-  
21                   ments in technologies necessary over the life of  
22                   such agreement to meet future requirements for  
23                   advanced timing resilience and technologies;

24                   “(D) require the entity to share 25 percent  
25                   of the gross proceeds received by the entity

1 from the sale of timing services to third parties  
2 with the Secretary for at least 10 years after  
3 the date upon which the Secretary enters into  
4 the cooperative agreement;

5 “(E) require the entity—

6 “(i) to assume all financial risk for  
7 the completion and operational capability  
8 of the system, after the Secretary provides  
9 any LORAN facilities necessary for the  
10 system under subsection (d), if required  
11 for the alternative timing system; and

12 “(ii) to furnish performance and pay-  
13 ment bonds in connection with the system  
14 in a reasonable amount as determined by  
15 the Secretary; and

16 “(F) require the entity to make any invest-  
17 ments in technologies necessary over the life of  
18 the agreement to meet future requirements for  
19 advanced timing resiliency.

20 “(3) COMPETITION REQUIRED.—The Secretary  
21 shall use competitive procedures similar to those au-  
22 thorized under section 2667 of title 10 in selecting  
23 an entity to enter into a cooperative agreement pur-  
24 suant to this subsection.

1           “(4) AUTHORIZATION TO PURCHASE SERV-  
2           ICES.—The Secretary may not purchase timing sys-  
3           tem services from the entity for use by the Depart-  
4           ment of Transportation or for provision to other  
5           Federal and non-Federal governmental agencies  
6           until the system achieves operational status, and  
7           then only if the necessary funds for such purchases  
8           are provided for in subsequent yearly appropriations  
9           acts made available to the Secretary for each and  
10          every year in which such purchases are made.

11          “(5) DETERMINATION REQUIREMENT.—The  
12          Secretary may not enter into a cooperative agree-  
13          ment under this subsection unless the Secretary de-  
14          termines that the cooperative agreement is in the  
15          best financial interest of the Federal Government.  
16          The Secretary shall notify the Committee on Com-  
17          mittee on Commerce, Science, and Transportation of  
18          the Senate and the Committee on Transportation  
19          and Infrastructure of the House of Representatives  
20          of such determination not later than 30 days after  
21          the date of the determination.

22          “(6) DEFINITION.—In this subsection the term  
23          ‘entity’ means a non-Federal entity with the dem-  
24          onstrated technical expertise and requisite adminis-  
25          trative and financial resources to meet any terms

1 and conditions established by the Secretary for pur-  
2 poses of this subsection.”.

3 (c) TABLE OF CONTENTS.—The table of contents for  
4 chapter 3 of title 49, United States Code, is amended by  
5 adding at the end the following:

“312. Alternative timing system.”.

6 **SEC. 515. SCIENTIFIC PERSONNEL.**

7 Section 2101(41) of title 46, United States Code, is  
8 amended—

9 (1) by inserting “(A) Subject to subparagraph  
10 (B),” before the text; and

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

12 “(B)(i) Such term includes an individual who is  
13 on board an oceanographic research vessel only to—

14 “(I) engage in scientific research;

15 “(II) instruct in oceanography or lim-  
16 nology; or

17 “(III) receive instruction in oceanography  
18 or limnology.

19 “(ii) For purposes of clause (i), the age of an  
20 individual may not be considered in determining  
21 whether the individual is described in such clause.”.

22 **SEC. 516. TRANSPARENCY.**

23 (a) IN GENERAL.—The Commandant of the Coast  
24 Guard shall publish any letter of determination issued by  
25 the Coast Guard National Vessel Documentation Center



1 after the date of the enactment of this Act on the National  
2 Vessel Documentation Center website not later than 30  
3 days after the date of issuance of such letter of determina-  
4 tion.

5 (b) AUDIT.—

6 (1) IN GENERAL.—The Comptroller General of  
7 the United States shall conduct an audit, the results  
8 of which shall be made publicly available, of—

9 (A) the method or process by which the  
10 Coast Guard National Vessel Documentation  
11 Center develops policy for and documents com-  
12 pliance with the requirements of section 67.97  
13 of title 46, Code of Federal Regulations, for the  
14 purpose of issuing endorsements under section  
15 12112 and 12113 of title 46, United States  
16 Code;

17 (B) the coordination between the Coast  
18 Guard and U.S. Customs and Border Protec-  
19 tion with respect to the enforcement of such re-  
20 quirements; and

21 (C) the extent to which the Secretary of  
22 the department in which the Coast Guard is op-  
23 erating and the Secretary of Transportation,  
24 through the Maritime Administration, have  
25 published and disseminated information to pro-

1           mote compliance with applicable vessel con-  
2           struction requirements.

3           (2) REPORT.—Not later than 90 days after the  
4           audit under paragraph (1) is complete, the Comp-  
5           troller General of the United States shall submit to  
6           the Committee on Commerce, Science, and Trans-  
7           portation of the Senate and the Committee on  
8           Transportation and Infrastructure of the House of  
9           Representatives a report regarding the results of  
10          and recommendations made pursuant to such audit.

11          (c) OUTLINE.—Not later than 180 days after the  
12          date of the submission of the Comptroller General of the  
13          United States report required under subsection (b), the  
14          Commandant of the Coast Guard shall submit to the Com-  
15          mittee on Commerce, Science, and Transportation of the  
16          Senate and the Committee on Transportation and Infra-  
17          structure of the House of Representatives an outline of  
18          plans—

19                 (1) to enhance the transparency of the docu-  
20                 mentation process, and communications with the  
21                 maritime industry regarding such process over the  
22                 next 5 years; and

23                 (2) to implement the recommendations made by  
24                 the Comptroller General of the United States in the  
25                 report required under subsection (b)(2).

1                   **TITLE VI—ADVISORY**  
2                   **COMMITTEES**

3 **SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVI-**  
4                   **SORY COMMITTEES.**

5           (a) IN GENERAL.—Subtitle II of title 46, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8                   **“PART K—NATIONAL MARITIME**  
9                   **TRANSPORTATION ADVISORY COMMITTEES**  
10 **“CHAPTER 151—NATIONAL MARITIME**  
11 **TRANSPORTATION ADVISORY COM-**  
12 **MITTEES**

“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.

13 **“§ 15101. National Chemical Transportation Safety**  
14 **Advisory Committee**

15           “(a) ESTABLISHMENT.—There is established a Na-  
16 tional Chemical Transportation Safety Advisory Com-  
17 mittee (in this section referred to as the ‘Committee’).

18           “(b) FUNCTION.—The Committee shall advise the  
19 Secretary on matters relating to the safe and secure ma-  
20 rine transportation of hazardous materials.

1 “(c) MEMBERSHIP.—

2 “(1) IN GENERAL.—The Committee shall con-  
3 sist of not more than 25 members appointed by the  
4 Secretary in accordance with this section and section  
5 15109 of this chapter.

6 “(2) EXPERTISE.—Each member of the Com-  
7 mittee shall have particular expertise, knowledge,  
8 and experience in matters relating to the function of  
9 the Committee.

10 “(3) REPRESENTATION.—Each member of the  
11 Committee shall represent 1 of the following:

12 “(A) Chemical manufacturing entities.

13 “(B) Entities related to marine handling  
14 or transportation of chemicals.

15 “(C) Vessel design and construction enti-  
16 ties.

17 “(D) Marine safety or security entities.

18 “(E) Marine environmental protection enti-  
19 ties.

20 “(4) DISTRIBUTION.—The Secretary shall,  
21 based on the needs of the Coast Guard, determine  
22 the number of members of the Committee who rep-  
23 resent each entity specified in paragraph (3). Nei-  
24 ther this paragraph nor any other provision of law  
25 shall be construed to require an equal distribution of

1 members representing each entity specified in para-  
2 graph (3).

3 **“§ 15102. National Commercial Fishing Safety Advi-  
4 sory Committee**

5 “(a) ESTABLISHMENT.—There is established a Na-  
6 tional Commercial Fishing Safety Advisory Committee (in  
7 this section referred to as the ‘Committee’).

8 “(b) FUNCTION.—The Committee shall—

9 “(1) advise the Secretary on matters relating to  
10 the safe operation of vessels to which chapter 45 of  
11 this title applies, including the matters of—

12 “(A) navigation safety;

13 “(B) safety equipment and procedures;

14 “(C) marine insurance;

15 “(D) vessel design, construction, mainte-  
16 nance, and operation; and

17 “(E) personnel qualifications and training;

18 and

19 “(2) review regulations proposed under chapter  
20 45 of this title (during preparation of the regula-  
21 tions).

22 “(c) MEMBERSHIP.—

23 “(1) IN GENERAL.—The Committee shall con-  
24 sist of 18 members appointed by the Secretary in ac-

1 cordance with this section and section 15109 of this  
2 chapter.

3 “(2) EXPERTISE.—Each member of the Com-  
4 mittee shall have particular expertise, knowledge,  
5 and experience in matters relating to the function of  
6 the Committee.

7 “(3) REPRESENTATION.—Members of the Com-  
8 mittee shall be appointed as follows:

9 “(A) 10 members shall represent the com-  
10 mercial fishing industry and—

11 “(i) as a group, shall together reflect  
12 a regional and representational balance;  
13 and

14 “(ii) as individuals, shall each have  
15 experience—

16 “(I) in the operation of vessels to  
17 which chapter 45 of this title applies;  
18 or

19 “(II) as a crew member or proc-  
20 essing line worker on a fish processing  
21 vessel.

22 “(B) 1 member shall represent naval archi-  
23 tects and marine engineers.

1           “(C) 1 member shall represent manufac-  
2           turers of equipment for vessels to which chapter  
3           45 of this title applies.

4           “(D) 1 member shall represent education  
5           and training professionals related to fishing ves-  
6           sel, fish processing vessel, and fish tender vessel  
7           safety and personnel qualifications.

8           “(E) 1 member shall represent under-  
9           writers that insure vessels to which chapter 45  
10          of this title applies.

11          “(F) 1 member shall represent owners of  
12          vessels to which chapter 45 of this title applies.

13          “(G) 3 members shall represent the gen-  
14          eral public and, to the extent possible, shall in-  
15          clude—

16                 “(i) an independent expert or consult-  
17                 ant in maritime safety;

18                 “(ii) a marine surveyor who provides  
19                 services to vessels to which chapter 45 of  
20                 this title applies; and

21                 “(iii) a person familiar with issues af-  
22                 fecting fishing communities and the fami-  
23                 lies of fishermen.

1 **“§ 15103. National Merchant Marine Personnel Advi-**  
2 **sory Committee**

3 “(a) ESTABLISHMENT.—There is established a Na-  
4 tional Merchant Marine Personnel Advisory Committee (in  
5 this section referred to as the ‘Committee’).

6 “(b) FUNCTION.—The Committee shall advise the  
7 Secretary on matters relating to personnel in the United  
8 States merchant marine, including the training, qualifica-  
9 tions, certification, documentation, and fitness of mari-  
10 ners.

11 “(c) MEMBERSHIP.—

12 “(1) IN GENERAL.—The Committee shall con-  
13 sist of 19 members appointed by the Secretary in ac-  
14 cordance with this section and section 15109 of this  
15 chapter.

16 “(2) EXPERTISE.—Each member of the Com-  
17 mittee shall have particular expertise, knowledge,  
18 and experience in matters relating to the function of  
19 the Committee.

20 “(3) REPRESENTATION.—Members of the Com-  
21 mittee shall be appointed as follows:

22 “(A) 9 members shall represent mariners  
23 and, of the 9—

24 “(i) each shall—

25 “(I) be a citizen of the United  
26 States; and



1                   “(II) hold an active license or  
2                   certificate issued under chapter 71 of  
3                   this title or a merchant mariner docu-  
4                   ment issued under chapter 73 of this  
5                   title;

6                   “(ii) 3 shall be deck officers who rep-  
7                   resent merchant marine deck officers and,  
8                   of the 3—

9                   “(I) 2 shall be licensed for oceans  
10                  any gross tons;

11                  “(II) 1 shall be licensed for in-  
12                  land river route with a limited or un-  
13                  limited tonnage;

14                  “(III) 2 shall have a master’s li-  
15                  cense or a master of towing vessels li-  
16                  cense;

17                  “(IV) 1 shall have significant  
18                  tanker experience; and

19                  “(V) to the extent practicable—

20                         “(aa) 1 shall represent  
21                         labor; and

22                         “(bb) 1 shall represent man-  
23                         agement;

1                   “(iii) 3 shall be engineering officers  
2                   who represent merchant marine engineer-  
3                   ing officers and, of the 3—

4                   “(I) 2 shall be licensed as chief  
5                   engineer any horsepower;

6                   “(II) 1 shall be licensed as either  
7                   a limited chief engineer or a des-  
8                   ignated duty engineer; and

9                   “(III) to the extent practicable—

10                   “(aa) 1 shall represent  
11                   labor; and

12                   “(bb) 1 shall represent man-  
13                   agement;

14                   “(iv) 2 shall be unlicensed seamen  
15                   who represent merchant marine unlicensed  
16                   seaman and, of the 2—

17                   “(I) 1 shall represent able-bodied  
18                   seamen; and

19                   “(II) 1 shall represent qualified  
20                   members of the engine department;  
21                   and

22                   “(v) 1 shall be a pilot who represents  
23                   merchant marine pilots.

24                   “(B) 6 members shall represent marine  
25                   educators and, of the 6—

1                   “(i) 3 shall be marine educators who  
2                   represent maritime academies and, of the  
3                   3—

4                   “(I) 2 shall represent State mari-  
5                   time academies (and are jointly rec-  
6                   ommended by such academies); and

7                   “(II) 1 shall represent either  
8                   State maritime academies or the  
9                   United States Merchant Marine Acad-  
10                  emy; and

11                  “(ii) 3 shall be marine educators who  
12                  represent other maritime training institu-  
13                  tions and, of the 3, 1 shall represent the  
14                  small vessel industry.

15                  “(C) 2 members shall represent shipping  
16                  companies employed in ship operation manage-  
17                  ment.

18                  “(D) 2 members shall represent the gen-  
19                  eral public.

20   **“§ 15104. National Merchant Mariner Medical Advi-**  
21                   **sory Committee**

22                  “(a) ESTABLISHMENT.—There is established a Na-  
23                  tional Merchant Mariner Medical Advisory Committee (in  
24                  this section referred to as the ‘Committee’).

1           “(b) FUNCTION.—The Committee shall advise the  
2 Secretary on matters relating to—

3           “(1) medical certification determinations for the  
4 issuance of licenses, certification of registry, and  
5 merchant mariners’ documents with respect to mer-  
6 chant mariners;

7           “(2) medical standards and guidelines for the  
8 physical qualifications of operators of commercial  
9 vessels;

10           “(3) medical examiner education; and

11           “(4) medical research.

12           “(c) MEMBERSHIP.—

13           “(1) IN GENERAL.—The Committee shall con-  
14 sist of 14 members appointed by the Secretary in ac-  
15 cordance with this section and section 15109 of this  
16 chapter.

17           “(2) EXPERTISE.—Each member of the Com-  
18 mittee shall have particular expertise, knowledge,  
19 and experience in matters relating to the function of  
20 the Committee.

21           “(3) REPRESENTATION.—Members of the Com-  
22 mittee shall be appointed as follows:

23           “(A) 9 shall represent health-care profes-  
24 sionals and have particular expertise, knowl-  
25 edge, and experience regarding the medical ex-

1           aminations of merchant mariners or occupa-  
2           tional medicine.

3           “(B) 5 shall represent professional mari-  
4           ners and have particular expertise, knowledge,  
5           and experience in occupational requirements for  
6           mariners.

7   **“§ 15105. National Boating Safety Advisory Com-  
8           mittee**

9           “(a) ESTABLISHMENT.—There is established a Na-  
10          tional Boating Safety Advisory Committee (in this section  
11          referred to as the ‘Committee’).

12          “(b) FUNCTION.—The Committee shall advise the  
13          Secretary on matters relating to national boating safety.

14          “(c) MEMBERSHIP.—

15                 “(1) IN GENERAL.—The Committee shall con-  
16                 sist of 21 members appointed by the Secretary in ac-  
17                 cordance with this section and section 15109 of this  
18                 chapter.

19                 “(2) EXPERTISE.—Each member of the Com-  
20                 mittee shall have particular expertise, knowledge,  
21                 and experience in matters relating to the function of  
22                 the Committee.

23                 “(3) REPRESENTATION.—Members of the Com-  
24                 mittee shall be appointed as follows:

1           “(A) 7 members shall represent State offi-  
2           cials responsible for State boating safety pro-  
3           grams.

4           “(B) 7 members shall represent rec-  
5           reational vessel and associated equipment man-  
6           ufacturers.

7           “(C) 7 members shall represent the gen-  
8           eral public or national recreational boating or-  
9           ganizations and, of the 7, at least 5 shall rep-  
10          resent national recreational boating organiza-  
11          tions.

12 **“§ 15106. National Offshore Safety Advisory Com-**  
13 **mittee**

14          “(a) ESTABLISHMENT.—There is established a Na-  
15          tional Offshore Safety Advisory Committee (in this section  
16          referred to as the ‘Committee’).

17          “(b) FUNCTION.—The Committee shall advise the  
18          Secretary on matters relating to activities directly involved  
19          with, or in support of, the exploration of offshore mineral  
20          and energy resources, to the extent that such matters are  
21          within the jurisdiction of the Coast Guard.

22          “(c) MEMBERSHIP.—

23                  “(1) IN GENERAL.—The Committee shall con-  
24          sist of 15 members appointed by the Secretary in ac-

1 cordance with this section and section 15109 of this  
2 chapter.

3 “(2) EXPERTISE.—Each member of the Com-  
4 mittee shall have particular expertise, knowledge,  
5 and experience in matters relating to the function of  
6 the Committee.

7 “(3) REPRESENTATION.—Members of the Com-  
8 mittee shall be appointed as follows:

9 “(A) 2 members shall represent entities  
10 engaged in the production of petroleum.

11 “(B) 2 members shall represent entities  
12 engaged in offshore drilling.

13 “(C) 2 members shall represent entities en-  
14 gaged in the support, by offshore supply vessels  
15 or other vessels, of offshore mineral and oil op-  
16 erations, including geophysical services.

17 “(D) 1 member shall represent entities en-  
18 gaged in the construction of offshore explo-  
19 ration and recovery facilities.

20 “(E) 1 member shall represent entities en-  
21 gaged in diving services related to offshore con-  
22 struction, inspection, and maintenance.

23 “(F) 1 member shall represent entities en-  
24 gaged in safety and training services related to  
25 offshore exploration and construction.

1           “(G) 1 member shall represent entities en-  
2           gaged in pipelaying services related to offshore  
3           construction.

4           “(H) 2 members shall represent individuals  
5           employed in offshore operations and, of the 2,  
6           1 shall have recent practical experience on a  
7           vessel or offshore unit involved in the offshore  
8           mineral and energy industry.

9           “(I) 1 member shall represent national en-  
10          vironmental entities.

11          “(J) 1 member shall represent deepwater  
12          ports.

13          “(K) 1 member shall represent the general  
14          public (but not a specific environmental group).

15   **“§ 15107. National Navigation Safety Advisory Com-**  
16                                   **mittee**

17          “(a) ESTABLISHMENT.—There is established a Na-  
18          tional Navigation Safety Advisory Committee (in this sec-  
19          tion referred to as the ‘Committee’).

20          “(b) FUNCTION.—The Committee shall advise the  
21          Secretary on matters relating to maritime collisions,  
22          rammings, and groundings, Inland Rules of the Road,  
23          International Rules of the Road, navigation regulations  
24          and equipment, routing measures, marine information,  
25          and aids to navigation systems.



1 “(c) MEMBERSHIP.—

2 “(1) IN GENERAL.—The Committee shall con-  
3 sist of not more than 21 members appointed by the  
4 Secretary in accordance with this section and section  
5 15109 of this chapter.

6 “(2) EXPERTISE.—Each member of the Com-  
7 mittee shall have particular expertise, knowledge,  
8 and experience in matters relating to the function of  
9 the Committee.

10 “(3) REPRESENTATION.—Each member of the  
11 Committee shall represent 1 of the following:

12 “(A) Commercial vessel owners or opera-  
13 tors.

14 “(B) Professional mariners.

15 “(C) Recreational boaters.

16 “(D) The recreational boating industry.

17 “(E) State agencies responsible for vessel  
18 or port safety.

19 “(F) The Maritime Law Association.

20 “(4) DISTRIBUTION.—The Secretary shall,  
21 based on the needs of the Coast Guard, determine  
22 the number of members of the Committee who rep-  
23 resent each entity specified in paragraph (3). Nei-  
24 ther this paragraph nor any other provision of law  
25 shall be construed to require an equal distribution of

1 members representing each entity specified in para-  
2 graph (3).

3 **“§ 15108. National Towing Safety Advisory Committee**

4 “(a) ESTABLISHMENT.—There is established a Na-  
5 tional Towing Safety Advisory Committee (in this section  
6 referred to as the ‘Committee’).

7 “(b) FUNCTION.—The Committee shall advise the  
8 Secretary on matters relating to shallow-draft inland navi-  
9 gation, coastal waterway navigation, and towing safety.

10 “(c) MEMBERSHIP.—

11 “(1) IN GENERAL.—The Committee shall con-  
12 sist of 18 members appointed by the Secretary in ac-  
13 cordance with this section and section 15109 of this  
14 chapter.

15 “(2) EXPERTISE.—Each member of the Com-  
16 mittee shall have particular expertise, knowledge,  
17 and experience in matters relating to the function of  
18 the Committee.

19 “(3) REPRESENTATION.—Members of the Com-  
20 mittee shall be appointed as follows:

21 “(A) 7 members shall represent the barge  
22 and towing industry, reflecting a regional geo-  
23 graphic balance.

24 “(B) 1 member shall represent the offshore  
25 mineral and oil supply vessel industry.

1           “(C) 1 member shall represent masters  
2           and pilots of towing vessels who hold active li-  
3           censes and have experience on the Western Riv-  
4           ers and the Gulf Intracoastal Waterway.

5           “(D) 1 member shall represent masters of  
6           towing vessels in offshore service who hold ac-  
7           tive licenses.

8           “(E) 1 member shall represent masters of  
9           active ship-docking or harbor towing vessels.

10          “(F) 1 member shall represent licensed  
11          and unlicensed towing vessel engineers with for-  
12          mal training and experience.

13          “(G) 2 members shall represent port dis-  
14          tricts, authorities, or terminal operators.

15          “(H) 2 members shall represent shippers  
16          and, of the 2, 1 shall be engaged in the ship-  
17          ment of oil or hazardous materials by barge.

18          “(I) 2 members shall represent the general  
19          public.

20        **“§ 15109. Administration**

21          “(a) MEETINGS.—Each committee established under  
22          this chapter shall, at least once each year, meet at the  
23          call of the Secretary or a majority of the members of the  
24          committee.

1           “(b) EMPLOYEE STATUS.—A member of a committee  
2 established under this chapter shall not be considered an  
3 employee of the Federal Government by reason of service  
4 on such committee, except for the purposes of the fol-  
5 lowing:

6           “(1) Chapter 81 of title 5.

7           “(2) Chapter 171 of title 28 and any other  
8 Federal law relating to tort liability.

9           “(c) COMPENSATION.—Notwithstanding subsection  
10 (b), a member of a committee established under this chap-  
11 ter, when actually engaged in the performance of the du-  
12 ties of such committee, may—

13           “(1) receive compensation at a rate established  
14 by the Secretary, not to exceed the maximum daily  
15 rate payable under section 5376 of title 5; or

16           “(2) if not compensated in accordance with  
17 paragraph (1)—

18           “(A) be reimbursed for actual and reason-  
19 able expenses incurred in the performance of  
20 such duties; or

21           “(B) be allowed travel expenses, including  
22 per diem in lieu of subsistence, as authorized by  
23 section 5703 of title 5.

24           “(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A  
25 member of a committee established under this chapter

1 may serve on such committee on a voluntary basis without  
2 pay without regard to section 1342 of title 31 or any other  
3 law.

4 “(e) STATUS OF MEMBERS.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), with respect to a member of a committee  
7 established under this chapter whom the Secretary  
8 appoints to represent an entity or group—

9 “(A) the member is authorized to rep-  
10 resent the interests of the applicable entity or  
11 group; and

12 “(B) requirements under Federal law that  
13 would interfere with such representation and  
14 that apply to a special Government employee  
15 (as defined in section 202(a) of title 18), in-  
16 cluding requirements relating to employee con-  
17 duct, political activities, ethics, conflicts of in-  
18 terest, and corruption, do not apply to the  
19 member.

20 “(2) EXCEPTION.—Notwithstanding subsection  
21 (b), a member of a committee established under this  
22 chapter shall be treated as a special Government em-  
23 ployee for purposes of the committee service of the  
24 member if—

1           “(A) the Secretary appointed the member  
2           to represent the general public; or

3           “(B) the member, without regard to serv-  
4           ice on the committee, is a special Government  
5           employee.

6           “(f) SERVICE ON COMMITTEE.—

7           “(1) SOLICITATION OF NOMINATIONS.—Before  
8           appointing an individual as a member of a com-  
9           mittee established under this chapter, the Secretary  
10          shall publish, in the Federal Register, a timely no-  
11          tice soliciting nominations for membership on such  
12          committee.

13          “(2) APPOINTMENTS.—

14               “(A) IN GENERAL.—After considering  
15               nominations received pursuant to a notice pub-  
16               lished under paragraph (1), the Secretary may,  
17               as necessary, appoint a member to the applica-  
18               ble committee established under this chapter.

19               “(B) PROHIBITION.—The Secretary shall  
20               not seek, consider, or otherwise use information  
21               concerning the political affiliation of a nominee  
22               in making an appointment to any committee es-  
23               tablished under this chapter.

24               “(3) SERVICE AT PLEASURE OF THE SEC-  
25               RETARY.—

1           “(A) IN GENERAL.—Each member of a  
2           committee established under this chapter shall  
3           serve at the pleasure of the Secretary.

4           “(B) EXCEPTION.—Notwithstanding sub-  
5           paragraph (A), a member of the committee es-  
6           tablished under section 15102 may only be re-  
7           moved prior to the end of the term of that  
8           member for just cause.

9           “(4) SECURITY BACKGROUND EXAMINATIONS.—  
10          The Secretary may require an individual to have  
11          passed an appropriate security background examina-  
12          tion before appointment to a committee established  
13          under this chapter.

14          “(5) PROHIBITION.—

15                 “(A) IN GENERAL.—Except as provided in  
16                 subparagraph (B), a Federal employee may not  
17                 be appointed as a member of a committee es-  
18                 tablished under this chapter.

19                 “(B) SPECIAL RULE FOR NATIONAL MER-  
20                 CHANT MARINE PERSONNEL ADVISORY COM-  
21                 MITTEE.—The Secretary may appoint a Federal  
22                 employee to serve as a member of the National  
23                 Merchant Marine Personnel Advisory Com-  
24                 mittee to represent the interests of the United  
25                 States Merchant Marine Academy and, notwith-

1 standing paragraphs (1) and (2), may do so  
2 without soliciting, receiving, or considering  
3 nominations for such appointment.

4 “(6) TERMS.—

5 “(A) IN GENERAL.—The term of each  
6 member of a committee established under this  
7 chapter shall expire on December 31 of the  
8 third full year after the effective date of the ap-  
9 pointment.

10 “(B) CONTINUED SERVICE AFTER TERM.—

11 When the term of a member of a committee es-  
12 tablished under this chapter ends, the member,  
13 for a period not to exceed 1 year, may continue  
14 to serve as a member until a successor is ap-  
15 pointed.

16 “(7) VACANCIES.—A vacancy on a committee

17 established under this chapter shall be filled in the  
18 same manner as the original appointment.

19 “(8) SPECIAL RULE FOR REAPPOINTMENTS.—

20 Notwithstanding paragraphs (1) and (2), the Sec-  
21 retary may reappoint a member of a committee es-  
22 tablished under this chapter for any term, other  
23 than the first term of the member, without solie-  
24 iting, receiving, or considering nominations for such  
25 appointment.



1           “(g) STAFF SERVICES.—The Secretary shall furnish  
2 to each committee established under this chapter any staff  
3 and services considered by the Secretary to be necessary  
4 for the conduct of the committee’s functions.

5           “(h) CHAIRMAN; VICE CHAIRMAN.—

6                 “(1) IN GENERAL.—Each committee established  
7 under this chapter shall elect a Chairman and Vice  
8 Chairman from among the committee’s members.

9                 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—

10           The Vice Chairman shall act as Chairman in the ab-  
11 sence or incapacity of, or in the event of a vacancy  
12 in the office of, the Chairman.

13           “(i) SUBCOMMITTEES AND WORKING GROUPS.—

14                 “(1) IN GENERAL.—The Chairman of a com-  
15 mittee established under this chapter may establish  
16 and disestablish subcommittees and working groups  
17 for any purpose consistent with the function of the  
18 committee.

19                 “(2) PARTICIPANTS.—Subject to conditions im-  
20 posed by the Chairman, members of a committee es-  
21 tablished under this chapter and additional persons  
22 drawn from entities or groups designated by this  
23 chapter to be represented on the committee or the  
24 general public may be assigned to subcommittees

1 and working groups established under paragraph  
2 (1).

3 “(3) CHAIR.—Only committee members may  
4 chair subcommittees and working groups established  
5 under paragraph (1).

6 “(j) CONSULTATION, ADVICE, REPORTS, AND REC-  
7 OMMENDATIONS.—

8 “(1) CONSULTATION.—

9 “(A) IN GENERAL.—Before taking any sig-  
10 nificant action, the Secretary shall consult with,  
11 and consider the information, advice, and rec-  
12 ommendations of, a committee established  
13 under this chapter if the function of the com-  
14 mittee is to advise the Secretary on matters re-  
15 lated to the significant action.

16 “(B) INCLUSION.—For purposes of this  
17 paragraph, regulations proposed under chapter  
18 45 of this title are significant actions.

19 “(2) ADVICE, REPORTS, AND RECOMMENDA-  
20 TIONS.—Each committee established under this  
21 chapter shall submit, in writing, to the Secretary its  
22 advice, reports, and recommendations, in a form and  
23 at a frequency determined appropriate by the com-  
24 mittee.

1           “(3) EXPLANATION OF ACTIONS TAKEN.—Not  
2 later than 60 days after the date on which the Sec-  
3 retary receives recommendations from a committee  
4 under paragraph (2), the Secretary shall—

5           “(A) publish the recommendations on a  
6 website accessible at no charge to the public;

7           “(B) if the recommendations are from the  
8 committee established under section 15102, es-  
9 tablish a mechanism for the submission of pub-  
10 lic comments on the recommendations; and

11           “(C) respond, in writing, to the committee  
12 regarding the recommendations, including by  
13 providing an explanation of actions taken re-  
14 garding the recommendations.

15           “(4) SUBMISSION TO CONGRESS.—

16           “(A) IN GENERAL.—The Secretary shall  
17 submit to the Committee on Transportation and  
18 Infrastructure of the House of Representatives  
19 and the Committee on Commerce, Science, and  
20 Transportation of the Senate the advice, re-  
21 ports, and recommendations received from com-  
22 mittees under paragraph (2).

23           “(B) ADDITIONAL SUBMISSION.—With re-  
24 spect to a committee established under section  
25 70112 and to which this section applies, the

1 Secretary shall submit the advice, reports, and  
 2 recommendations received from the committee  
 3 under paragraph (2) to the Committee on  
 4 Homeland Security of the House of Representa-  
 5 tives in addition to the committees specified in  
 6 subparagraph (A).

7 “(k) OBSERVERS.—Any Federal agency with matters  
 8 under such agency’s administrative jurisdiction related to  
 9 the function of a committee established under this chapter  
 10 may designate a representative to—

11 “(1) attend any meeting of such committee; and

12 “(2) participate as an observer at meetings of  
 13 such committee that relate to such a matter.

14 “(l) TERMINATION.—Each committee established  
 15 under this chapter shall terminate on September 30,  
 16 2027.”.

17 (b) CLERICAL AMENDMENT.—The analysis for sub-  
 18 title II of title 46, United States Code, is amended by in-  
 19 serting after the item relating to chapter 147 the fol-  
 20 lowing:

“Part K—National Maritime Transportation Advisory Committees

**“151. National Maritime Transportation Advisory Com-  
 mittees .....15101”.**

21 (c) CONFORMING AMENDMENTS.—

22 (1) COMMERCIAL FISHING SAFETY ADVISORY  
 23 COMMITTEE.—Section 4508 of title 46, United

1 States Code, and the item relating to that section in  
2 the analysis for chapter 45 of that title, are re-  
3 pealed.

4 (2) MERCHANT MARINER MEDICAL ADVISORY  
5 COMMITTEE.—Section 7115 of title 46, United  
6 States Code, and the item relating to that section in  
7 the analysis for chapter 71 of that title, are re-  
8 pealed.

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  
13 that section in the analysis for chapter 81 of  
14 that title, are repealed.

15 (B) CONFORMING AMENDMENT.—Section  
16 7510(c)(1)(C) of title 46, United States Code,  
17 is amended by inserting “National” before  
18 “Merchant Marine”.

19 (4) NATIONAL BOATING SAFETY ADVISORY  
20 COUNCIL.—

21 (A) REPEAL.—Section 13110 of title 46,  
22 United States Code, and the item relating to  
23 that section in the analysis for chapter 131 of  
24 that title, are repealed.

25 (B) CONFORMING AMENDMENTS.—

1 (i) REGULATIONS.—Section  
2 4302(c)(4) of title 46, United States Code,  
3 is amended by striking “Council estab-  
4 lished under section 13110 of this title”  
5 and inserting “Committee established  
6 under section 15105 of this title”.

7 (ii) REPAIR AND REPLACEMENT OF  
8 DEFECTS.—Section 4310(f) of title 46,  
9 United States Code, is amended by strik-  
10 ing “Advisory Council” and inserting “Ad-  
11 visory 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,  
22 United States Code, is amended by insert-  
23 ing “National” before “Towing Safety”.

24 (ii) SAFETY EQUIPMENT.—Section  
25 4102(f)(1) of title 46, United States Code,

1                   is amended by inserting “National” before  
2                   “Towing Safety”.

3           (d) TREATMENT OF EXISTING COUNCILS AND COM-  
4 MITTEES.—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,  
8 as added by this Act, and that was in force or in ef-  
9 fect on the day before the date of enactment of this  
10 section, including a council or committee the author-  
11 ity for which was repealed under subsection (c), may  
12 remain in force or in effect for a period of 2 years  
13 from the date of enactment of this section, including  
14 that the charter, membership, and other aspects of  
15 the council or committee may remain in force or in  
16 effect; and

17           (2) during the 2-year period referenced in para-  
18 graph (1)—

19           (A) requirements relating to the applicable  
20 advisory committee established under chapter  
21 151 of title 46, United States Code, shall be  
22 treated as satisfied by the substantially similar  
23 advisory council or committee; and

1 (B) the enactment of this section, includ-  
2 ing the amendments made in this section, shall  
3 not be the basis—

4 (i) to deem, find, or declare such  
5 council or committee, including the char-  
6 ter, membership, and other aspects thereof,  
7 void, not in force, or not in effect;

8 (ii) to suspend the activities of such  
9 council or committee; or

10 (iii) to bar the members of such coun-  
11 cil or committee from meeting.

12 **SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.**

13 (a) IN GENERAL.—Section 70112 of title 46, United  
14 States Code, is amended to read as follows:

15 **“§ 70112. Maritime Security Advisory Committees**

16 “(a) NATIONAL MARITIME SECURITY ADVISORY  
17 COMMITTEE.—

18 “(1) ESTABLISHMENT.—There is established a  
19 National Maritime Security Advisory Committee (in  
20 this subsection referred to as the ‘Committee’).

21 “(2) FUNCTION.—The Committee shall advise  
22 the Secretary on matters relating to national mari-  
23 time security, including on enhancing the sharing of  
24 information related to cybersecurity risks that may



1           cause a transportation security incident, between rel-  
2           evant Federal agencies and—

3                   “(A) State, local, and tribal governments;

4                   “(B) relevant public safety and emergency  
5           response agencies;

6                   “(C) relevant law enforcement and security  
7           organizations;

8                   “(D) maritime industry;

9                   “(E) port owners and operators; and

10                   “(F) terminal owners and operators.

11           “(3) MEMBERSHIP.—

12                   “(A) IN GENERAL.—The Committee shall  
13           consist of at least 8 members, but not more  
14           than 21 members, appointed by the Secretary  
15           in accordance with this subsection and section  
16           15109 of this title.

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

21                   “(C) REPRESENTATION.—Each of the fol-  
22           lowing shall be represented by at least 1 mem-  
23           ber of the Committee:

24                           “(i) Port authorities.

25                           “(ii) Facilities owners and operators.

1 “(iii) Terminal owners and operators.

2 “(iv) Vessel owners and operators.

3 “(v) Maritime labor organizations.

4 “(vi) The academic community.

5 “(vii) State and local governments.

6 “(viii) The maritime industry.

7 “(D) DISTRIBUTION.—If the Committee  
8 consists of at least 8 members who, together,  
9 satisfy the minimum representation require-  
10 ments of subparagraph (C), the Secretary shall,  
11 based on the needs of the Coast Guard, deter-  
12 mine the number of additional members of the  
13 Committee who represent each entity specified  
14 in that subparagraph. Neither this subpara-  
15 graph nor any other provision of law shall be  
16 construed to require an equal distribution of  
17 members representing each entity specified in  
18 subparagraph (C).

19 “(4) ADMINISTRATION.—For purposes of sec-  
20 tion 15109 of this title, the Committee shall be  
21 treated as a committee established under chapter  
22 151 of such title.

23 “(b) AREA MARITIME SECURITY ADVISORY COMMIT-  
24 TEES.—

25 “(1) IN GENERAL.—

1           “(A) ESTABLISHMENT.—The Secretary  
2           may—

3                   “(i) establish an Area Maritime Secu-  
4                   rity Advisory Committee for any port area  
5                   of the United States; and

6                   “(ii) request such a committee to re-  
7                   view the proposed Area Maritime Trans-  
8                   portation Security Plan developed under  
9                   section 70103(b) and make recommenda-  
10                  tions to the Secretary that the committee  
11                  considers appropriate.

12           “(B) ADDITIONAL FUNCTIONS AND MEET-  
13           INGS.—A committee established under this sub-  
14           section for an area—

15                   “(i) may advise, consult with, report  
16                   to, and make recommendations to the Sec-  
17                   retary on matters relating to maritime se-  
18                   curity in that area;

19                   “(ii) may make available to the Con-  
20                   gress recommendations that the committee  
21                   makes to the Secretary; and

22                   “(iii) shall meet at the call of—

23                           “(I) the Secretary, who shall call  
24                           such a meeting at least once during  
25                           each calendar year; or

1                   “(II) a majority of the com-  
2                   mittee.

3                   “(2) MEMBERSHIP.—

4                   “(A) IN GENERAL.—Each committee es-  
5                   tablished under this subsection shall consist of  
6                   at least 7 members appointed by the Secretary,  
7                   each of whom has at least 5 years practical ex-  
8                   perience in maritime security operations.

9                   “(B) TERMS.—The term of each member  
10                  of a committee established under this sub-  
11                  section shall be for a period of not more than  
12                  5 years, specified by the Secretary.

13                  “(C) NOTICE.—Before appointing an indi-  
14                  vidual to a position on a committee established  
15                  under this subsection, the Secretary shall pub-  
16                  lish a notice in the Federal Register soliciting  
17                  nominations for membership on the committee.

18                  “(D) BACKGROUND EXAMINATIONS.—The  
19                  Secretary may require an individual to have  
20                  passed an appropriate security background ex-  
21                  amination before appointment to a committee  
22                  established under this subsection.

23                  “(E) REPRESENTATION.—Each committee  
24                  established under this subsection shall be com-  
25                  posed of individuals who represent the interests

1 of the port industry, terminal operators, port  
2 labor organizations, and other users of the port  
3 areas.

4 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—

5 “(A) IN GENERAL.—Each committee es-  
6 tablished under this subsection shall elect 1 of  
7 the committee’s members as the Chairperson  
8 and 1 of the committee’s members as the Vice  
9 Chairperson.

10 “(B) VICE CHAIRPERSON ACTING AS  
11 CHAIRPERSON.—The Vice Chairperson shall act  
12 as Chairperson in the absence or incapacity of  
13 the Chairperson, or in the event of a vacancy in  
14 the office of the Chairperson.

15 “(4) OBSERVERS.—

16 “(A) IN GENERAL.—The Secretary shall,  
17 and the head of any other interested Federal  
18 agency may, designate a representative to par-  
19 ticipate as an observer with a committee estab-  
20 lished under this subsection.

21 “(B) ROLE.—The Secretary’s designated  
22 representative to a committee established under  
23 this subsection shall act as the executive sec-  
24 retary of the committee and shall perform the

1 duties set forth in section 10(c) of the Federal  
2 Advisory Committee Act (5 U.S.C. App.).

3 “(5) CONSIDERATION OF VIEWS.—The Sec-  
4 retary shall consider the information, advice, and  
5 recommendations of each committee established  
6 under this subsection in formulating policy regarding  
7 matters affecting maritime security.

8 “(6) COMPENSATION AND EXPENSES.—

9 “(A) IN GENERAL.—A member of a com-  
10 mittee established under this subsection, when  
11 attending meetings of the committee or when  
12 otherwise engaged in the business of the com-  
13 mittee, is entitled to receive—

14 “(i) compensation at a rate fixed by  
15 the Secretary, not exceeding the daily  
16 equivalent of the current rate of basic pay  
17 in effect for GS-15 of the General Sched-  
18 ule under section 5332 of title 5 including  
19 travel time; and

20 “(ii) travel or transportation expenses  
21 under section 5703 of title 5.

22 “(B) STATUS.—A member of a committee  
23 established under this subsection shall not be  
24 considered to be an officer or employee of the

1 United States for any purpose based on the re-  
2 ceipt of any payment under this paragraph.

3 “(7) FACA.—The Federal Advisory Committee  
4 Act (5 U.S.C. App.) does not apply to a committee  
5 established under this subsection.”.

6 (b) TREATMENT OF EXISTING COMMITTEE.—Not-  
7 withstanding any other provision of law—

8 (1) an advisory committee substantially similar  
9 to the National Maritime Security Advisory Com-  
10 mittee established under section 70112(a) of title  
11 46, United States Code, as amended by this section,  
12 and that was in force or in effect on the day before  
13 the date of enactment of this section, may remain in  
14 force or in effect for a period of 2 years from the  
15 date of enactment of this section, including that the  
16 charter, membership, and other aspects of the com-  
17 mittee may remain in force or in effect; and

18 (2) during the 2-year period referenced in para-  
19 graph (1)—

20 (A) requirements relating to the National  
21 Maritime Security Advisory Committee estab-  
22 lished under section 70112(a) of title 46,  
23 United States Code, as amended by this sec-  
24 tion, shall be treated as satisfied by the sub-  
25 stantially similar advisory committee; and

1 (B) the enactment of this section, includ-  
2 ing the amendments made in this section, shall  
3 not be the basis—

4 (i) to deem, find, or declare such com-  
5 mittee, including the charter, membership,  
6 and other aspects thereof, void, not in  
7 force, or not in effect;

8 (ii) to suspend the activities of such  
9 committee; or

10 (iii) to bar the members of such com-  
11 mittee from meeting.

12 **TITLE VII—FEDERAL MARITIME**  
13 **COMMISSION**

14 **SEC. 701. SHORT TITLE.**

15 This title may be cited as the “Federal Maritime  
16 Commission Authorization Act of 2017”.

17 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 308 of title 46, United States Code, is  
19 amended by striking “\$24,700,000 for each of fiscal years  
20 2016 and 2017” and inserting “\$28,012,310 for fiscal  
21 year 2018 and \$28,544,543 for fiscal year 2019”.

22 **SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COM-**  
23 **PETITION.**

24 Section 306 of title 46, United States Code, is  
25 amended—



1 (1) in subsection (b)—

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

4 (B) in paragraph (5), by striking the pe-  
5 riod at the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(6) an analysis of the impacts on competition  
8 for the purchase of certain covered services by alli-  
9 ances of ocean common carriers acting pursuant to  
10 an agreement under this part between or among  
11 ocean common carriers, including a summary of ac-  
12 tions, including corrective actions, taken by the  
13 Commission to promote such competition.”; and

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

15 “(c) DEFINITION OF CERTAIN COVERED SERV-  
16 ICES.—In this section, the term ‘certain covered services’  
17 has the meaning given the term in section 40102.”.

18 **SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.**

19 Section 40102 of title 46, United States Code, is  
20 amended—

21 (1) by redesignating paragraphs (5) through  
22 (25) as paragraphs (6) through (26), respectively;  
23 and

24 (2) by inserting after paragraph (4), the fol-  
25 lowing:

1           “(5) CERTAIN COVERED SERVICES.—For pur-  
2           poses of sections 41105 and 41307, the term ‘cer-  
3           tain covered services’ means, with respect to a ves-  
4           sel—

5                   “(A) the berthing or bunkering of the ves-  
6           sel;

7                   “(B) the loading or unloading of cargo to  
8           or from the vessel to or from a point on a wharf  
9           or terminal;

10                   “(C) the positioning, removal, or replace-  
11           ment of buoys related to the movement of the  
12           vessel; and

13                   “(D) with respect to injunctive relief under  
14           section 41307, towing vessel services provided  
15           to such a vessel.”.

16 **SEC. 705. REPORTS FILED WITH THE COMMISSION.**

17           Section 40104(a) of title 46, United States Code, is  
18           amended to read as follows:

19           “(a) REPORTS.—

20                   “(1) IN GENERAL.—The Federal Maritime  
21           Commission may require a common carrier or ma-  
22           rine terminal operator, or an officer, receiver, trust-  
23           ee, lessee, agent, or employee of the common carrier  
24           or marine terminal operator to file with the Commis-  
25           sion a periodical or special report, an account,

1 record, rate, or charge, or a memorandum of facts  
2 and transactions related to the business of the com-  
3 mon carrier or marine terminal operator, as applica-  
4 ble.

5 “(2) REQUIREMENTS.—Any report, account,  
6 record, rate, charge, or memorandum required to be  
7 filed under paragraph (1) shall—

8 “(A) be made under oath if the Commis-  
9 sion requires; and

10 “(B) be filed in the form and within the  
11 time prescribed by the Commission.

12 “(3) LIMITATION.—The Commission shall—

13 “(A) limit the scope of any filing ordered  
14 under this section to fulfill the objective of the  
15 order; and

16 “(B) provide a reasonable period of time  
17 for respondents to respond based upon their ca-  
18 pabilities and the scope of the order.”.

19 **SEC. 706. PUBLIC PARTICIPATION.**

20 (a) NOTICE OF FILING.—Section 40304(a) of title  
21 46, United States Code, is amended to read as follows:

22 “(a) NOTICE OF FILING.—Not later than 7 days  
23 after the date an agreement is filed, the Federal Maritime  
24 Commission shall—

1           “(1) transmit a notice of the filing to the Fed-  
2           eral Register for publication; and

3           “(2) request interested persons to submit rel-  
4           evant information and documents.”.

5           (b) REQUEST FOR INFORMATION AND DOCU-  
6           MENTS.—Section 40304(d) of title 46, United States  
7           Code, is amended by striking “section” and inserting  
8           “part”.

9           (c) SAVING CLAUSE.—Nothing in this section, or the  
10          amendments made by this section, may be construed—

11           (1) to prevent the Federal Maritime Commis-  
12          sion from requesting from a person, at any time, any  
13          additional information or documents the Commission  
14          considers necessary to carry out chapter 403 of title  
15          46, United States Code;

16           (2) to prescribe a specific deadline for the sub-  
17          mission of relevant information and documents in re-  
18          sponse to a request under section 40304(a)(2) of  
19          title 46, United States Code; or

20           (3) to limit the authority of the Commission to  
21          request information under section 40304(d) of title  
22          46, United States Code.

1 **SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.**

2 (a) LICENSE REQUIREMENT.—Section 40901(a) of  
3 title 46, United States Code, is amended by inserting “ad-  
4 vertise, hold oneself out, or” after “may not”.

5 (b) APPLICABILITY.—Section 40901 of title 46,  
6 United States Code, is amended by adding at the end the  
7 following:

8 “(c) APPLICABILITY.—Subsection (a) and section  
9 40902 do not apply to a person that performs ocean trans-  
10 portation intermediary services on behalf of an ocean  
11 transportation intermediary for which it is a disclosed  
12 agent.”.

13 (c) FINANCIAL RESPONSIBILITY.—Section 40902(a)  
14 of title 46, United States Code, is amended by inserting  
15 “advertise, hold oneself out, or” after “may not”.

16 **SEC. 708. COMMON CARRIERS.**

17 (a) Section 41104 of title 46, United States Code,  
18 is amended—

19 (1) in the matter preceding paragraph (1), by  
20 inserting “(a) IN GENERAL.—” before “A common  
21 carrier”;

22 (2) in subsection (a), as designated—

23 (A) by amending paragraph (11) to read  
24 as follows:

25 “(11) knowingly and willfully accept cargo from  
26 or transport cargo for the account of a non-vessel-

1 operating common carrier that does not have a tariff  
2 as required by section 40501 of this title, or an  
3 ocean transportation intermediary that does not  
4 have a bond, insurance, or other surety as required  
5 by section 40902 of this title;”;

6 (B) in paragraph (12), by striking the pe-  
7 riod at the end and inserting “; or”; and

8 (C) by adding at the end the following:

9 “(13) continue to participate simultaneously in  
10 a rate discussion agreement and an agreement to  
11 share vessels, in the same trade, if the interplay of  
12 the authorities exercised by the specified agreements  
13 is likely, by a reduction in competition, to produce  
14 an unreasonable reduction in transportation service  
15 or an unreasonable increase in transportation cost.”;  
16 and

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

18 “(b) RULE OF CONSTRUCTION.—Notwithstanding  
19 any other provision of law, there is no private right of ac-  
20 tion to enforce the prohibition under subsection (a)(13).

21 “(c) AGREEMENT VIOLATION.—Participants in an  
22 agreement found by the Commission to violate subsection  
23 (a)(13) shall have 90 days from the date of such Commis-  
24 sion finding to withdraw from the agreement as necessary  
25 to comply with that subsection.”.

1 (b) APPLICATION.—Section 41104(a)(13) of title 46,  
2 United States Code, as amended, shall apply to any agree-  
3 ment filed or with an effective date before, on, or after  
4 the date of enactment of this Act.

5 **SEC. 709. NEGOTIATIONS.**

6 (a) CONCERTED ACTION.—Section 41105 of title 46,  
7 United States Code, is amended—

8 (1) by redesignating paragraphs (5) through  
9 (8) as paragraphs (7) through (10), respectively;  
10 and

11 (2) by inserting after paragraph (4) the fol-  
12 lowing:

13 “(5) negotiate with a tug or towing vessel serv-  
14 ice provider on any matter relating to rates or serv-  
15 ices provided within the United States by those tugs  
16 or towing vessels;

17 “(6) with respect to a vessel operated by an  
18 ocean common carrier within the United States, ne-  
19 gotiate for the purchase of certain covered services,  
20 unless the negotiations and any resulting agreements  
21 are not in violation of the antitrust laws and are  
22 consistent with the purposes of this part, except that  
23 this paragraph does not prohibit the setting and  
24 publishing of a joint through rate by a conference,

1 joint venture, or association of ocean common car-  
2 riers;”.

3 (b) **AUTHORITY.**—Chapter 411 of title 46, United  
4 States Code, is amended—

5 (1) by inserting after section 41105 the fol-  
6 lowing:

7 **“§ 41105A. Authority**

8 “Nothing in section 41105, as amended by the Fed-  
9 eral Maritime Commission Authorization Act of 2017,  
10 shall be construed to limit the authority of the Depart-  
11 ment of Justice regarding antitrust matters.”; and

12 (2) in the analysis at the beginning of chapter  
13 411, by inserting after the item relating to section  
14 41105 the following:

“41105A. Authority.”.

15 (c) **EXEMPTION.**—Section 40307(b)(1) of title 46,  
16 United States Code, is amended by inserting “tug opera-  
17 tors,” after “motor carriers,”.

18 **SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMIS-**  
19 **SION.**

20 (a) **IN GENERAL.**—Section 41307(b) of title 46,  
21 United States Code is amended—

22 (1) in paragraph (1) by inserting “or to sub-  
23 stantially lessen competition in the purchasing of  
24 certain covered services” after “transportation cost”;  
25 and



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

2 “(4) COMPETITION FACTORS.—In making a de-  
3 termination under this subsection regarding whether  
4 an agreement is likely to substantially lessen com-  
5 petition in the purchasing of certain covered serv-  
6 ices, the Commission may consider any relevant  
7 competition factors in affected markets, including,  
8 without limitation, the competitive effect of agree-  
9 ments other than the agreement under review.”.

10 (b) APPLICATION.—Section 41307(b) of title 46,  
11 United States Code, as amended, shall apply to any agree-  
12 ment filed or with an effective date before, on, or after  
13 the date of enactment of this Act.

14 **SEC. 711. DISCUSSIONS.**

15 (a) IN GENERAL.—Section 303 of title 46, United  
16 States Code, is amended to read as follows:

17 **“§ 303. Meetings**

18 “(a) IN GENERAL.—The Federal Maritime Commis-  
19 sion shall be deemed to be an agency for purposes of sec-  
20 tion 552b of title 5.

21 “(b) RECORD.—The Commission, through its sec-  
22 retary, shall keep a record of its meetings and the votes  
23 taken on any action, order, contract, or financial trans-  
24 action of the Commission.

25 “(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

1           “(1) IN GENERAL.—Notwithstanding section  
2           552b of title 5, a majority of the Commissioners  
3           may hold a meeting that is not open to public obser-  
4           vation to discuss official agency business if—

5                   “(A) no formal or informal vote or other  
6                   official agency action is taken at the meeting;

7                   “(B) each individual present at the meet-  
8                   ing is a Commissioner or an employee of the  
9                   Commission;

10                   “(C) at least 1 Commissioner from each  
11                   political party is present at the meeting, if ap-  
12                   plicable; and

13                   “(D) the General Counsel of the Commis-  
14                   sion is present at the meeting.

15           “(2) DISCLOSURE OF NONPUBLIC COLLABO-  
16           RATIVE DISCUSSIONS.—Except as provided under  
17           paragraph (3), not later than 2 business days after  
18           the conclusion of a meeting under paragraph (1),  
19           the Commission shall make available to the public,  
20           in a place easily accessible to the public—

21                   “(A) a list of the individuals present at the  
22                   meeting; and

23                   “(B) a summary of the matters discussed  
24                   at the meeting, except for any matters the  
25                   Commission properly determines may be with-

1           held from the public under section 552b(c) of  
2           title 5.

3           “(3) EXCEPTION.—If the Commission properly  
4           determines matters may be withheld from the public  
5           under section 555b(c) of title 5, the Commission  
6           shall provide a summary with as much general infor-  
7           mation as possible on those matters withheld from  
8           the public.

9           “(4) ONGOING PROCEEDINGS.—If a meeting  
10          under paragraph (1) directly relates to an ongoing  
11          proceeding before the Commission, the Commission  
12          shall make the disclosure under paragraph (2) on  
13          the date of the final Commission decision.

14          “(5) PRESERVATION OF OPEN MEETINGS RE-  
15          QUIREMENTS FOR AGENCY ACTION.—Nothing in this  
16          subsection may be construed to limit the applica-  
17          bility of section 552b of title 5 with respect to a  
18          meeting of the Commissioners other than that de-  
19          scribed in this subsection.

20          “(6) STATUTORY CONSTRUCTION.—Nothing in  
21          this subsection may be construed—

22                  “(A) to limit the applicability of section  
23                  552b of title 5 with respect to any information  
24                  which is proposed to be withheld from the pub-

1           lic under paragraph (2)(B) of this subsection;

2           or

3                   “(B) to authorize the Commission to with-

4           hold from any individual any record that is ac-

5           cessible to that individual under section 552a of

6           title 5.”.

7           (b) **TABLE OF CONTENTS.**—The analysis at the be-  
8           ginning of chapter 3 of title 46, United States Code, is  
9           amended by amending the item relating to section 303 to  
10          read as follows:

        “303. Meetings.”.

11       **SEC. 712. TRANSPARENCY.**

12          (a) **IN GENERAL.**—Beginning not later than 60 days  
13          after the date of enactment of this Act, the Federal Mari-  
14          time Commission shall submit to the Committee on Com-  
15          merce, Science, and Transportation of the Senate and the  
16          Committee on Transportation and Infrastructure of the  
17          House of Representatives biannual reports that describe  
18          the Commission’s progress toward addressing the issues  
19          raised in each unfinished regulatory proceeding, regardless  
20          of whether the proceeding is subject to a statutory or regu-  
21          latory deadline.

22          (b) **FORMAT OF REPORTS.**—Each report under sub-  
23          section (a) shall, among other things, clearly identify for  
24          each unfinished regulatory proceeding—

25                  (1) the popular title;

- 1 (2) the current stage of the proceeding;
- 2 (3) an abstract of the proceeding;
- 3 (4) what prompted the action in question;
- 4 (5) any applicable statutory, regulatory, or judi-
- 5 cial deadline;
- 6 (6) the associated docket number;
- 7 (7) the date the rulemaking was initiated;
- 8 (8) a date for the next action; and
- 9 (9) if a date for next action identified in the
- 10 previous report is not met, the reason for the delay.

11 **SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RE-**  
12 **SPONSE.**

13 (a) **STUDY.**—The Comptroller General of the United  
14 States shall conduct a study that examines the immediate  
15 aftermath of a major ocean carrier bankruptcy and its im-  
16 pact through the supply chain. The study shall consider  
17 any financial mechanisms that could be used to mitigate  
18 the impact of any future bankruptcy events on the supply  
19 chain.

20 (b) **REPORT.**—No later than 1 year after the date  
21 of enactment of this Act, the Comptroller General of the  
22 United States shall submit to the Committee on Com-  
23 merce, Science, and Transportation of the Senate and the  
24 Committee on Transportation and Infrastructure of the  
25 House of Representatives a report containing the findings,

1 conclusions, and recommendations, if any, from the study  
2 required under subsection (a).

3 **SEC. 714. AGREEMENTS UNAFFECTED.**

4 Nothing in this Act may be construed—

5 (1) to limit or amend the definition of “agree-  
6 ment” in section 40102(1) of title 46, United States  
7 Code, with respect to the exclusion of maritime labor  
8 agreements; or

9 (2) to apply to a maritime labor agreement (as  
10 defined in section 40102(15) of that title).

11 **TITLE VIII—MISCELLANEOUS**

12 **SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIRE-**  
13 **MENT.**

14 Subsection (h) of section 888 of the Homeland Secu-  
15 rity Act of 2002 (6 U.S.C. 468) is repealed.

16 **SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY**  
17 **COAST GUARD AUTHORIZATION ACTS.**

18 Section 604(b) of the Howard Coble Coast Guard and  
19 Maritime Transportation Act of 2014 (Public Law 113–  
20 281; 128 Stat. 3061) is amended by inserting “and fishery  
21 endorsement” after “endorsement”.

22 **SEC. 803. OFFICER EVALUATION REPORT.**

23 (a) IN GENERAL.—Not later than 3 years after the  
24 date of the enactment of this Act, the Commandant of  
25 the Coast Guard shall reduce lieutenant junior grade eval-

1 uation reports to the same length as an ensign or place  
2 lieutenant junior grade evaluations on an annual schedule.

3 (b) SURVEYS.—Not later than 1 year after the date  
4 of the enactment of this Act, the Commandant of the  
5 Coast Guard shall conduct surveys of—

6 (1) outgoing promotion board members and as-  
7 signment officers to determine, at a minimum—

8 (A) which sections of the officer evaluation  
9 report were most useful;

10 (B) which sections of the officer evaluation  
11 report were least useful;

12 (C) how to better reflect high performers;  
13 and

14 (D) any recommendations for improving  
15 the officer evaluation report; and

16 (2) at least 10 percent of the officers from each  
17 grade of officers from O1 to O6 to determine how  
18 much time each member of the rating chain spends  
19 on that member's portion of the officer evaluation  
20 report.

21 (c) REVISIONS.—

22 (1) IN GENERAL.—Not later than 4 years after  
23 the date of the completion of the surveys required by  
24 subsection (b), the Commandant of the Coast Guard  
25 shall revise the officer evaluation report, and provide

1       corresponding directions, taking into account the re-  
2       quirements under paragraph (2).

3           (2) REQUIREMENTS.—In revising the officer  
4       evaluation report under paragraph (1), the Com-  
5       mandant shall—

6           (A) consider the findings of the surveys  
7       under subsection (b);

8           (B) improve administrative efficiency;

9           (C) reduce and streamline performance di-  
10       mensions and narrative text;

11          (D) eliminate redundancy with the officer  
12       specialty management system and any other  
13       record information systems that are used dur-  
14       ing the officer assignment or promotion process;

15          (E) provide for fairness and equity for  
16       Coast Guard officers with regard to promotion  
17       boards, selection panels, and the assignment  
18       process; and

19          (F) ensure officer evaluation responsibil-  
20       ities can be accomplished within normal work-  
21       ing hours—

22           (i) to minimize any impact to officer  
23       duties; and



1 (ii) to eliminate any need for an offi-  
2 cer to take liberty or leave for administra-  
3 tive purposes.

4 (d) REPORT.—

5 (1) IN GENERAL.—Not later than 545 days  
6 after the date of the enactment of this Act, the  
7 Commandant of the Coast Guard shall submit to the  
8 Committee on Commerce, Science, and Transpor-  
9 tation of the Senate and the Committee on Trans-  
10 portation and Infrastructure of the House of Rep-  
11 resentatives a report on the findings of the surveys  
12 under subsection (b).

13 (2) FORMAT.—The report under paragraph (1)  
14 shall be formatted by each rank, type of board, and  
15 position, as applicable.

16 **SEC. 804. EXTENSION OF AUTHORITY.**

17 Section 404 of the Coast Guard Authorization Act  
18 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-  
19 ed—

20 (1) in subsection (a), in the text preceding  
21 paragraph (1), by striking “sections 3304, 5333,  
22 and 5753” and inserting “section 3304”; and

23 (2) by striking subsection (b), and redesign-  
24 ating subsection (c) as subsection (b).

1 **SEC. 805. COAST GUARD ROTC PROGRAM.**

2 Not later than 1 year after the date of enactment  
3 of this Act, the Commandant of the Coast Guard shall  
4 submit to the Committee on Commerce, Science, and  
5 Transportation of the Senate and the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives a report on the costs and benefits of creating  
8 a Coast Guard Reserve Officers' Training Corps Program  
9 based on the other Armed Forces programs.

10 **SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) CANINE CURRENCY DETECTION TEAM.—

13 The term “canine currency detection team” means a  
14 canine and a canine handler that are trained to de-  
15 tect currency.

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

19 (b) ESTABLISHMENT.—Not later than 1 year after  
20 the date of enactment of this Act, the Secretary shall es-  
21 tablish a program to allow the use of canine currency de-  
22 tection teams for purposes of Coast Guard maritime law  
23 enforcement, including underway vessel boardings.

24 (c) OPERATION.—The Secretary may cooperate with,  
25 or enter into an agreement with, the head of another Fed-  
26 eral agency to meet the requirements under subsection (b).

1 **SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL**  
2 **SPILL SEARCH AND RESPONSE.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Commandant of the  
5 Coast Guard shall establish a Center of Expertise for  
6 Great Lakes Oil Spill Preparedness and Response (re-  
7 ferred to in this section as the “Center of Expertise”) in  
8 accordance with section 313 of title 14, United States  
9 Code, as amended by this Act.

10 (b) LOCATION.—The Center of Expertise shall be lo-  
11 cated in close proximity to—

12 (1) critical crude oil transportation infrastruc-  
13 ture on and connecting the Great Lakes, such as  
14 submerged pipelines and high-traffic navigation  
15 locks; and

16 (2) an institution of higher education with ade-  
17 quate aquatic research laboratory facilities and capa-  
18 bilities and expertise in Great Lakes aquatic ecology,  
19 environmental chemistry, fish and wildlife, and water  
20 resources.

21 (c) FUNCTIONS.—The Center of Expertise shall—

22 (1) monitor and assess, on an ongoing basis,  
23 the current state of knowledge regarding freshwater  
24 oil spill response technologies and the behavior and  
25 effects of oil spills in the Great Lakes;

1           (2) identify any significant gaps in Great Lakes  
2           oil spill research, including an assessment of major  
3           scientific or technological deficiencies in responses to  
4           past spills in the Great Lakes and other freshwater  
5           bodies, and seek to fill those gaps;

6           (3) conduct research, development, testing, and  
7           evaluation for freshwater oil spill response equip-  
8           ment, technologies, and techniques to mitigate and  
9           respond to oil spills in the Great Lakes;

10          (4) educate and train Federal, State, and local  
11          first responders located in Coast Guard District 9  
12          in—

13                 (A) the incident command system struc-  
14                 ture;

15                 (B) Great Lakes oil spill response tech-  
16                 niques and strategies; and

17                 (C) public affairs; and

18          (5) work with academic and private sector re-  
19          sponse training centers to develop and standardize  
20          maritime oil spill response training and techniques  
21          for use on the Great Lakes.

22          (d) DEFINITION.—In this section, the term “Great  
23          Lakes” means Lake Superior, Lake Michigan, Lake  
24          Huron, Lake Erie, and Lake Ontario.

1 **SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARI-**  
2 **TIME SEARCH AND RESCUE COORDINATION.**

3 Not later than 180 days after the date of the enact-  
4 ment of this Act—

5 (1) the Secretary of the department in which  
6 the Coast Guard is operating acting through the  
7 Commandant of the Coast Guard shall review Coast  
8 Guard policies and procedures for public safety an-  
9 swering points and search-and-rescue coordination  
10 with State and local law enforcement entities in  
11 order to—

12 (A) further minimize the possibility of  
13 maritime 911 calls being improperly routed;  
14 and

15 (B) assure the Coast Guard is able to ef-  
16 fectively carry out the Coast Guard's maritime  
17 search and rescue mission; and

18 (2) the Commandant shall—

19 (A) formulate a national maritime public  
20 safety answering points policy; and

21 (B) submit a report to the Congress on  
22 such assessment and policy, which shall include  
23 an update to the report submitted in accord-  
24 ance with section 233 of the Howard Coble  
25 Coast Guard and Maritime Transportation Act  
26 of 2014.

1 **SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

2 Effective January 1, 2021, section 27 of the Coast  
3 Guard Authorization Act of 1991 (Public Law 102–241;  
4 105 Stat. 2218) is repealed.

5 **SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

6 (a) LAND EXCHANGE; AYAKULIK ISLAND, ALAS-  
7 KA.—If the owner of Ayakulik Island, Alaska, offers to  
8 exchange the Island for the Tract—

9 (1) within 10 days after receiving such offer,  
10 the Secretary shall provide notice of the offer to the  
11 Commandant;

12 (2) within 90 days after receiving the notice  
13 under paragraph (1), the Commandant shall develop  
14 and transmit to the Secretary proposed operational  
15 restrictions on commercial activity conducted on the  
16 Tract, including the right of the Commandant to—

17 (A) order the immediate termination, for a  
18 period of up to 72 hours, of any activity occur-  
19 ring on or from the Tract that violates or  
20 threatens to violate one or more of such restric-  
21 tions; or

22 (B) commence a civil action for appro-  
23 priate relief, including a permanent or tem-  
24 porary injunction enjoining the activity that vio-  
25 lates or threatens to violate such restrictions;

1           (3) within 90 days after receiving the proposed  
2           operational restrictions from the Commandant, the  
3           Secretary shall transmit such restrictions to the  
4           owner of Ayakulik Island; and

5           (4) within 30 days after transmitting the pro-  
6           posed operational restrictions to the owner of  
7           Ayakulik Island, and if the owner agrees to such re-  
8           strictions, the Secretary shall convey all right, title,  
9           and interest of the United States in and to the  
10          Tract to the owner, subject to an easement granted  
11          to the Commandant to enforce such restrictions, in  
12          exchange for all right, title, and interest of such  
13          owner in and to Ayakulik Island.

14          (b) BOUNDARY REVISIONS.—The Secretary may  
15          make technical and conforming revisions to the boundaries  
16          of the Tract before the date of the exchange.

17          (c) PUBLIC LAND ORDER.—Effective on the date of  
18          an exchange under subsection (a), Public Land Order  
19          5550 shall have no force or effect with respect to sub-  
20          merged lands that are part of the Tract.

21          (d) FAILURE TO TIMELY RESPOND TO NOTICE.—If  
22          the Commandant does not transmit proposed operational  
23          restrictions to the Secretary within 30 days after receiving  
24          the notice under subsection (a)(1), the Secretary shall, by  
25          not later than 60 days after transmitting such notice, con-

1 vey all right, title, and interest of the United States in  
2 and to the Tract to the owner of Ayakulik Island in ex-  
3 change for all right, title, and interest of such owner in  
4 and to Ayakulik Island.

5 (e) CERCLA NOT AFFECTED.—This section and an  
6 exchange under this section shall not be construed to limit  
7 the application of or otherwise affect section 120(h) of the  
8 Comprehensive Environmental Response, Compensation,  
9 and Liability Act of 1980 (42 U.S.C. 9620(h)).

10 (f) DEFINITIONS.—In this section:

11 (1) COMMANDANT.—The term “Commandant”  
12 means the Secretary of the department in which the  
13 Coast Guard is operating, acting through the Com-  
14 mandant of the Coast Guard.

15 (2) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (3) TRACT.—The term “Tract” means the land  
18 (including submerged land) depicted as “PRO-  
19 POSED PROPERTY EXCHANGE AREA” on the  
20 survey titled “PROPOSED PROPERTY EX-  
21 CHANGE PARCEL” and dated 3/22/17.

22 **SEC. 811. USE OF TRACT 43.**

23 Section 524(e)(2) of the Pribilof Island Transition  
24 Completion Act of 2016 (Public Law 114–120), as amend-  
25 ed by section 3533 of the Pribilof Island Transition Com-



1 pletion Amendments Act of 2016 (subtitle B of title  
2 XXXV of Public Law 114-328), is amended by—

3 (1) striking “each month” and inserting “each  
4 April and October”; and

5 (2) striking “previous month” and inserting  
6 “previous six months”.

7 **SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.**

8 (a) IN GENERAL.—The Secretary of the department  
9 in which the Coast Guard is operating shall seek to enter  
10 into an arrangement with the National Academy of  
11 Sciences not later than 60 days after the date of the enact-  
12 ment of this Act under which the Academy shall prepare  
13 an assessment of available unmanned, autonomous, or re-  
14 motely controlled maritime domain awareness technologies  
15 for use by the Coast Guard.

16 (b) ASSESSMENT.—The assessment shall—

17 (1) describe the potential limitations of current  
18 and emerging unmanned technologies used in the  
19 maritime domain for—

20 (A) ocean observation;

21 (B) vessel monitoring and identification;

22 (C) weather observation;

23 (D) to the extent practicable for consider-  
24 ation by the Academy, intelligence gathering,  
25 surveillance, and reconnaissance; and

1 (E) communications;

2 (2) examine how technologies described in para-  
3 graph (1) can help prioritize Federal investment by  
4 examining;

5 (A) affordability, including acquisition, op-  
6 erations, and maintenance;

7 (B) reliability;

8 (C) versatility;

9 (D) efficiency; and

10 (E) estimated service life and persistence  
11 of effort; and

12 (3) analyze whether the use of new and emerg-  
13 ing maritime domain awareness technologies can be  
14 used to—

15 (A) carry out Coast Guard missions at  
16 lower costs;

17 (B) expand the scope and range of Coast  
18 Guard maritime domain awareness;

19 (C) allow the Coast Guard to more effi-  
20 ciently and effectively allocate Coast Guard ves-  
21 sels, aircraft, and personnel; and

22 (D) identify adjustments that would be  
23 necessary in Coast Guard policies, procedures,  
24 and protocols to incorporate unmanned tech-  
25 nologies to enhance efficiency.

1           (c) REPORT TO CONGRESS.—Not later than 1 year  
2 after entering into an arrangement with the Secretary  
3 under subsection (a), the National Academy of Sciences  
4 shall submit the assessment prepared under this section  
5 to the Committees on Transportation and Infrastructure  
6 and Homeland Security of the House of Representatives  
7 and the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate.

9           (d) USE OF INFORMATION.—In formulating costs  
10 pursuant to subsection (b), the National Academy of  
11 Sciences may utilize information from other Coast Guard  
12 reports, assessments, or analyses regarding existing Coast  
13 Guard manpower requirements or other reports, assess-  
14 ments, or analyses for the acquisition of unmanned, auton-  
15 omous, or remotely controlled technologies by the Federal  
16 Government.

17 **SEC. 813. MONITORING.**

18           (a) IN GENERAL.—The Secretary of the department  
19 in which the Coast Guard is operating shall conduct a 1-  
20 year pilot program to determine the impact of persistent  
21 use of different types of surveillance systems on illegal  
22 maritime activities, including illegal, unreported, and un-  
23 regulated fishing, in the Western Pacific region.

24           (b) REQUIREMENTS.—The pilot program shall—

1           (1) consider the use of light aircraft-based de-  
2           tection systems that can identify potential illegal ac-  
3           tivity from high altitudes and produce enforcement-  
4           quality evidence at low altitudes; and

5           (2) be directed at detecting and deterring illegal  
6           maritime activities, including illegal, unreported, and  
7           unregulated fishing, and enhancing maritime domain  
8           awareness.

9 **SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CON-**  
10 **STRUCTION COSTS OF CERTAIN AIDS TO**  
11 **NAVIGATION.**

12       (a) IN GENERAL.—Subject to the availability of  
13 amounts specifically provided in advance in subsequent ap-  
14 propriations Acts and in accordance with this section, the  
15 Commandant of the Coast Guard may reimburse a non-  
16 Federal entity for costs incurred by the entity for a cov-  
17 ered project.

18       (b) CONDITIONS.—The Commandant may not pro-  
19 vide reimbursement under subsection (a) with respect to  
20 a covered project unless—

21           (1) the need for the project is a result of the  
22           completion of construction with respect to a federally  
23           authorized navigation channel;

24           (2) the Commandant determines, through an  
25           appropriate navigation safety analysis, that the

1 project is necessary to ensure safe marine transpor-  
2 tation;

3 (3) the Commandant approves the design of the  
4 project to ensure that it meets all applicable Coast  
5 Guard aids-to-navigation standards and require-  
6 ments;

7 (4) the non-Federal entity agrees to transfer  
8 the project upon completion to the Coast Guard for  
9 operation and maintenance by the Coast Guard as a  
10 Federal aid to navigation;

11 (5) the non-Federal entity carries out the  
12 project in accordance with the same laws and regula-  
13 tions that would apply to the Coast Guard if the  
14 Coast Guard carried out the project, including ob-  
15 taining all permits required for the project under  
16 Federal and State law; and

17 (6) the Commandant determines that the  
18 project satisfies such additional requirements as may  
19 be established by the Commandant.

20 (c) LIMITATIONS.—Reimbursements under sub-  
21 section (a) may not exceed the following:

22 (1) For a single covered project, \$5,000,000.

23 (2) For all covered projects in a single fiscal  
24 year, \$5,000,000.

1 (d) EXPIRATION.—The authority granted under this  
2 section shall expire on the date that is 4 years after the  
3 date of enactment of this section.

4 (e) COVERED PROJECT DEFINED.—In this section,  
5 the term “covered project” means a project carried out—

6 (1) by a non-Federal entity to construct and es-  
7 tablish an aid to navigation that facilitates safe and  
8 efficient marine transportation on a Federal naviga-  
9 tion project authorized by title I of the Water Re-  
10 sources Development Act of 2007 (Public Law 110-  
11 114); and

12 (2) in an area that was affected by Hurricane  
13 Harvey.

14 **SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

15 (a) REVIEW.—The Commandant of the Coast Guard  
16 shall—

17 (1) review and compare the costs to the Govern-  
18 ment of—

19 (A) towing vessel inspections performed by  
20 the Coast Guard; and

21 (B) such inspections performed by a third  
22 party; and

23 (2) based on such review and comparison, de-  
24 termine whether the costs to the Government of  
25 such inspections performed by a third party are dif-



1           “(2) CONTENTS.—The report shall include—  
2           “(A) a list of each incident that—  
3           “(i) occurred in the preceding fiscal  
4           year; and  
5           “(ii) resulted in disbursements from  
6           the Fund, for removal costs and damages,  
7           totaling \$500,000 or more;  
8           “(B) a list of each incident that—  
9           “(i) occurred in the fiscal year pre-  
10          ceding the preceding fiscal year; and  
11          “(ii) resulted in disbursements from  
12          the Fund, for removal costs and damages,  
13          totaling \$500,000 or more; and  
14          “(C) an accounting of any amounts reim-  
15          bursed to the Fund in the preceding fiscal year  
16          that were recovered from a responsible party  
17          for an incident that resulted in disbursements  
18          from the Fund, for removal costs and damages,  
19          totaling \$500,000 or more.”.

20 **SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRAT-**  
21 **EGY.**

22          (a) REPORT.—Not later than 1 year after the date  
23 of enactment of this Act, the Secretary of the department  
24 in which the Coast Guard is operating, in consultation  
25 with interested Federal and non-Federal stakeholders,



1 shall submit to the Committee on Commerce, Science, and  
2 Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives a report including—

5 (1) an assessment of Coast Guard at-sea oper-  
6 ational fleet requirements to support its statutory  
7 missions established in the Homeland Security Act  
8 of 2002 (6 U.S.C. 101 et seq.); and

9 (2) a strategic plan for meeting the require-  
10 ments identified under paragraph (1).

11 (b) CONTENTS.—The report under subsection (a)  
12 shall include—

13 (1) an assessment of—

14 (A) the extent to which the Coast Guard  
15 at-sea operational fleet requirements referred to  
16 in subsection (a)(1) are currently being met;

17 (B) the Coast Guard's current fleet, its  
18 operational lifespan, and how the anticipated  
19 changes in the age and distribution of vessels in  
20 the fleet will impact the ability to meet at-sea  
21 operational requirements;

22 (C) fleet operations and recommended im-  
23 provements to minimize costs and extend oper-  
24 ational vessel life spans; and

1 (D) the number of Fast Response Cutters,  
2 Offshore Patrol Cutters, and National Security  
3 Cutters needed to meet at-sea operational re-  
4 quirements as compared to planned acquisitions  
5 under the current programs of record;

6 (2) an analysis of—

7 (A) how the Coast Guard at-sea oper-  
8 ational fleet requirements are currently met, in-  
9 cluding the use of the Coast Guard's current  
10 cutter fleet, agreements with partners, char-  
11 tered vessels, and unmanned vehicle technology;  
12 and

13 (B) whether existing and planned cutter  
14 programs of record (including the Fast Re-  
15 sponse Cutter, Offshore Patrol Cutter, and Na-  
16 tional Security Cutter) will enable the Coast  
17 Guard to meet at-sea operational requirements;  
18 and

19 (3) a description of—

20 (A) planned manned and unmanned vessel  
21 acquisition; and

22 (B) how such acquisitions will change the  
23 extent to which the Coast Guard at-sea oper-  
24 ational requirements are met.

25 (c) CONSULTATION AND TRANSPARENCY.—

1           (1) CONSULTATION.—In consulting with the  
2           Federal and non-Federal stakeholders under sub-  
3           section (a), the Secretary of the department in which  
4           the Coast Guard is operating shall—

5                   (A) provide the stakeholders with opportu-  
6                   nities for input—

7                           (i) prior to initially drafting the re-  
8                           port, including the assessment and stra-  
9                           tegic plan; and

10                           (ii) not later than 3 months prior to  
11                           finalizing the report, including the assess-  
12                           ment and strategic plan, for submission;  
13                           and

14                   (B) document the input and its disposition  
15                   in the report.

16           (2) TRANSPARENCY.—All input provided under  
17           paragraph (1) shall be made available to the public.

18           (d) ENSURING MARITIME COVERAGE.—In order to  
19           meet Coast Guard mission requirements for search and  
20           rescue, ports, waterways, and coastal security, and mari-  
21           time environmental response during recapitalization of  
22           Coast Guard vessels, the Coast Guard shall ensure con-  
23           tinuity of the coverage, to the maximum extent prac-  
24           ticable, in the locations that may lose assets.

1 **SEC. 818. NATIONAL SECURITY CUTTER.**

2 (a) STANDARD METHOD FOR TRACKING.—The Com-  
3 mandant of the Coast Guard may not certify an eighth  
4 National Security Cutter as Ready for Operations before  
5 the date on which the Commandant provides to the Com-  
6 mittee on Transportation and Infrastructure of the House  
7 of Representatives and the Committee on Commerce,  
8 Science, and Transportation of the Senate—

9 (1) a notification of a new standard method for  
10 tracking operational employment of Coast Guard  
11 major cutters that does not include time during  
12 which such a cutter is away from its homeport for  
13 maintenance or repair; and

14 (2) a report analyzing cost and performance for  
15 different approaches to achieving varied levels of  
16 operational employment using the standard method  
17 required by paragraph (1) that, at a minimum—

18 (A) compares over a 30-year period the av-  
19 erage annualized baseline cost and perform-  
20 ances for a certified National Security Cutter  
21 that operated for 185 days away from homeport  
22 or an equivalent alternative measure of oper-  
23 ational tempo—

24 (i) against the cost of a 15 percent in-  
25 crease in days away from homeport or an  
26 equivalent alternative measure of oper-

1                   ational tempo for a National Security Cut-  
2                   ter; and

3                   (ii) against the cost of the acquisition  
4                   and operation of an additional National  
5                   Security Cutter; and

6                   (B) examines the optimal level of oper-  
7                   ational employment of National Security Cut-  
8                   ters to balance National Security Cutter cost  
9                   and mission performance.

10           (b) CONFORMING AMENDMENTS.—

11                   (1) Section 221(b) of the Coast Guard and  
12                   Maritime Transportation Act of 2012 (126 Stat.  
13                   1560) is repealed.

14                   (2) Section 204(c)(1) of the Coast Guard Au-  
15                   thorization Act of 2016 (130 Stat. 35) is repealed.

16 **SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND**  
17                   **RIVER TENDERS AND BAY-CLASS ICE-**  
18                   **BREAKERS.**

19                   (a) ACQUISITION PLAN.—Not later than 270 days  
20                   after the date of the enactment of this Act, the Com-  
21                   mandant of the Coast Guard shall submit to the Com-  
22                   mittee on Commerce, Science, and Transportation of the  
23                   Senate and the Committee on Transportation and Infra-  
24                   structure of the House of Representatives a plan to re-

1 place or extend the life of the Coast Guard fleet of inland  
2 waterway and river tenders, and the Bay-class icebreakers.

3 (b) CONTENTS.—The plan under subsection (a) shall  
4 include—

5 (1) an analysis of the work required to extend  
6 the life of vessels described in subsection (a);

7 (2) recommendations for which, if any, such  
8 vessels it is cost effective to undertake a ship-life ex-  
9 tension or enhanced maintenance program;

10 (3) an analysis of the aids to navigation pro-  
11 gram to determine if advances in navigation tech-  
12 nology may reduce the needs for physical aids to  
13 navigation;

14 (4) recommendations for changes to physical  
15 aids to navigation and the distribution of such aids  
16 that reduce the need for the acquisition of vessels to  
17 replace the vessels described in subsection (a);

18 (5) a schedule for the acquisition of vessels to  
19 replace the vessels described in subsection (a), in-  
20 cluding the date on which the first vessel will be de-  
21 livered;

22 (6) the date such acquisition will be complete;

23 (7) a description of the order and location of re-  
24 placement vessels;

1           (8) an estimate of the cost per vessel and of the  
2           total cost of the acquisition program of record; and

3           (9) an analysis of whether existing vessels can  
4           be used.

5 **SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.**

6           (a) ICEBREAKING ON THE GREAT LAKES.—For fiscal  
7 years 2018 and 2019, the Commandant of the Coast  
8 Guard may use funds made available pursuant to section  
9 4902 of title 14, United States Code, as amended by this  
10 Act, for the construction of an icebreaker that is at least  
11 as capable as the Coast Guard Cutter *Mackinaw* to en-  
12 hance icebreaking capacity on the Great Lakes.

13           (b) ACQUISITION PLAN.—Not later than 45 days  
14 after the date of enactment of this Act, the Commandant  
15 shall submit a plan to the Committee on Commerce,  
16 Science, and Transportation of the Senate and the Com-  
17 mittee on Transportation and Infrastructure of the House  
18 of Representatives for acquiring an icebreaker described  
19 in subsections (a) and (b). Such plan shall include—

20           (1) the details and schedule of the acquisition  
21           activities to be completed; and

22           (2) a description of how the funding for Coast  
23           Guard acquisition, construction, and improvements  
24           that was appropriated under the Consolidated Ap-  
25           propriations Act, 2017 (Public Law 115–31) will be

1 allocated to support the acquisition activities re-  
2 ferred to in paragraph (1).

3 **SEC. 821. POLAR ICEBREAKERS.**

4 (a) ENHANCED MAINTENANCE PROGRAM FOR THE  
5 *POLAR STAR*.—

6 (1) IN GENERAL.—Subject to the availability of  
7 appropriations, the Commandant of the Coast Guard  
8 shall conduct an enhanced maintenance program on  
9 Coast Guard Cutter *Polar Star* (WAGB–10) to ex-  
10 tend the service life of such vessel until at least De-  
11 cember 31, 2025.

12 (2) REQUIREMENT FOR REPORT.—Not later  
13 than 180 days after the date of the enactment of the  
14 Coast Guard Authorization Act of 2017, the Sec-  
15 retary of the department in which the Coast Guard  
16 is operating, in consultation with Naval Sea Systems  
17 Command, shall submit to the Committee on Com-  
18 merce, Science, and Transportation and the Com-  
19 mittee on Armed Services of the Senate and the  
20 Committee on Transportation and Infrastructure  
21 and the Committee on Armed Services of the House  
22 of Representatives a detailed report describing a  
23 plan to extend the service life of the Coast Guard  
24 Cutter *Polar Star* (WAGB–10) until at least Decem-



1       ber 31, 2025, through an enhanced maintenance  
2       program.

3           (3) CONTENT.—The report required by para-  
4       graph (2) shall include the following:

5           (A) An assessment and discussion of the  
6       enhanced maintenance program recommended  
7       by the National Academies of Sciences, Engi-  
8       neering, and Medicine’s Committee on Polar  
9       Icebreaker Cost Assessment in the letter report  
10      “Acquisition and Operation of Polar Ice-  
11      breakers: Fulfilling the Nation’s Needs”.

12          (B) An assessment and discussion of the  
13      Government Accountability Office’s concerns  
14      and recommendations regarding service life ex-  
15      tension work on Coast Guard Cutter *Polar Star*  
16      (WAGB–10) in the report “Status of the Coast  
17      Guard’s Polar Icebreaking Fleet Capability and  
18      Recapitalization Plan”.

19          (C) Based upon a materiel condition as-  
20      sessment of the Coast Guard Cutter *Polar Star*  
21      (WAGB–10)—

22           (i) a description of the service life ex-  
23      tension needs of the vessel;

1 (ii) detailed information regarding  
2 planned shipyard work for each fiscal year  
3 to meet such needs; and

4 (iii) an estimate of the amount needed  
5 to be appropriated to complete the en-  
6 hanced maintenance program.

7 (D) A plan to ensure the vessel will main-  
8 tain seasonally operational status during the  
9 enhanced maintenance program.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 The Commandant of the Coast Guard may use  
12 funds made available pursuant to section 4902 of  
13 title 14, United States Code, as amended by section  
14 202 of this Act, for the enhanced maintenance pro-  
15 gram described in the report required by subsection  
16 (a).

17 (b) COAST GUARD AND MARITIME TRANSPORTATION  
18 ACT OF 2012; AMENDMENT.—Section 222 of the Coast  
19 Guard and Maritime Transportation Act of 2012 (Public  
20 Law 112–213), as amended, is further amended as fol-  
21 lows:

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  
4 Commandant”;

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  
9 the 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  
15 term “Arctic” has the meaning given the term in section  
16 112 of the Arctic Research and Policy Act of 1984 (15  
17 U.S.C. 4111).

18 (b) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress 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 posi-  
24 tioned to respond to any accident, incident, or threat  
25 with appropriate assets.

1           (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the Commandant of the Coast  
3 Guard, in consultation with the Secretary of Defense and  
4 taking into consideration the Department of Defense 2016  
5 Arctic Strategy, shall submit to the Committee on Com-  
6 merce, Science, and Transportation of the Senate and the  
7 Committee on Transportation and Infrastructure of the  
8 House of Representatives a report on the progress toward  
9 implementing the strategic objectives described in the  
10 United States Coast Guard Arctic Strategy dated May  
11 2013.

12           (d) CONTENTS.—The report under subsection (c)  
13 shall include—

14               (1) a description of the Coast Guard’s progress  
15 toward each strategic objective identified in the  
16 United States Coast Guard Arctic Strategy dated  
17 May 2013;

18               (2) an assessment of the assets and infrastruc-  
19 ture necessary to meet the strategic objectives iden-  
20 tified in the United States Coast Guard Arctic  
21 Strategy dated May 2013 based on factors such  
22 as—

23                       (A) response time;

24                       (B) coverage area;

25                       (C) endurance on scene;

1 (D) presence; and

2 (E) deterrence;

3 (3) an analysis of the sufficiency of the dis-  
4 tribution of National Security Cutters, Offshore Pa-  
5 trol Cutters, and Fast Response Cutters both sta-  
6 tioned in various Alaskan ports and in other loca-  
7 tions to meet the strategic objectives identified in  
8 the United States Coast Guard Arctic Strategy,  
9 dated May 2013;

10 (4) plans to provide communications throughout  
11 the entire Coastal Western Alaska Captain of the  
12 Port zone to improve waterway safety and mitigate  
13 close calls, collisions, and other dangerous inter-  
14 actions between the shipping industry and subsist-  
15 ence hunters;

16 (5) plans to prevent marine casualties, when  
17 possible, by ensuring vessels avoid environmentally  
18 sensitive areas and permanent security zones;

19 (6) an explanation of—

20 (A) whether it is feasible to establish a ves-  
21 sel traffic service, using existing resources or  
22 otherwise; and

23 (B) whether an Arctic Response Center of  
24 Expertise is necessary to address the gaps in  
25 experience, skills, equipment, resources, train-

1           ing, and doctrine to prepare, respond to, and  
2           recover spilled oil in the Arctic; and

3           (7) an assessment of whether sufficient agree-  
4           ments are in place to ensure the Coast Guard is re-  
5           ceiving the information it needs to carry out its re-  
6           sponsibilities.

7 **SEC. 823. ARCTIC PLANNING CRITERIA.**

8           (a) ALTERNATIVE PLANNING CRITERIA.—

9           (1) IN GENERAL.—For purposes of the Oil Pol-  
10          lution Act of 1990 (33 U.S.C. 2701 et seq.), the  
11          Commandant of the Coast Guard may approve a  
12          vessel response plan under section 311 of the Fed-  
13          eral Water Pollution Control Act (33 U.S.C. 1321)  
14          for a vessel operating in any area covered by the  
15          Captain of the Port Zone (as established by the  
16          Commandant) that includes the Arctic, if the Com-  
17          mandant verifies that—

18                 (A) equipment required to be available for  
19                 response under the plan has been tested and  
20                 proven capable of operating in the environ-  
21                 mental conditions expected in the area in which  
22                 it is intended to be operated; and

23                 (B) the operators of such equipment have  
24                 conducted training on the equipment within the  
25                 area covered by such Captain of the Port Zone.

1           (2) POST-APPROVAL REQUIREMENTS.—In ap-  
2           proving a vessel response plan under paragraph (1),  
3           the Commandant shall—

4                   (A) require that the oil spill removal orga-  
5                   nization identified in the vessel response plan  
6                   conduct regular exercises and drills using the  
7                   response resources identified in the plan in the  
8                   area covered by the Captain of the Port Zone  
9                   that includes the Arctic; and

10                   (B) allow such oil spill removal organiza-  
11                   tion to take credit for a response to an actual  
12                   spill or release in the area covered by such Cap-  
13                   tain of the Port Zone, instead of conducting an  
14                   exercise or drill required under subparagraph  
15                   (A), if the oil spill removal organization—

16                           (i) documents which exercise or drill  
17                           requirements were met during the re-  
18                           sponse; and

19                           (ii) submits a request for credit to,  
20                           and receives approval from, the Com-  
21                           mandant.

22           (b) REPORT.—

23                   (1) IN GENERAL.—Not later than 120 days  
24                   after the date of enactment of this Act, the Com-  
25                   mandant of the Coast Guard shall submit to the

1 Committee on Commerce, Science, and Transpor-  
2 tation of the Senate and the Committee on Trans-  
3 portation and Infrastructure of the House of Rep-  
4 resentatives a report on the oil spill prevention and  
5 response capabilities for the area covered by the  
6 Captain of the Port Zone (as established by the  
7 Commandant) that includes the Arctic.

8 (2) CONTENTS.—The report submitted under  
9 paragraph (1) shall include the following:

10 (A) A description of equipment and assets  
11 available for response under the vessel response  
12 plans approved for vessels operating in the area  
13 covered by the Captain of the Port Zone, in-  
14 cluding details on any providers of such equip-  
15 ment and assets.

16 (B) A description of the location of such  
17 equipment and assets, including an estimate of  
18 the time to deploy the equipment and assets.

19 (C) A determination of how effectively  
20 such equipment and assets are distributed  
21 throughout the area covered by the Captain of  
22 the Port Zone.

23 (D) A statement regarding whether the  
24 ability to maintain and deploy such equipment  
25 and assets is taken into account when meas-



1           uring the equipment and assets available  
2           throughout the area covered by the Captain of  
3           the Port Zone.

4           (E) A validation of the port assessment  
5           visit process and response resource inventory  
6           for response under the vessel response plans ap-  
7           proved for vessels operating in the area covered  
8           by the Captain of the Port Zone.

9           (F) A determination of the compliance rate  
10          with Federal vessel response plan regulations in  
11          the area covered by the Captain of the Port  
12          Zone during the previous 3 years.

13          (G) A description of the resources needed  
14          throughout the area covered by the Captain of  
15          the Port Zone to conduct port assessments, ex-  
16          ercises, response plan reviews, and spill re-  
17          sponses.

18          (c) DEFINITION OF ARCTIC.—In this section, the  
19          term “Arctic” has the meaning given the term under sec-  
20          tion 112 of the Arctic Research and Policy Act of 1984  
21          (15 U.S.C. 4111).

22          **SEC. 824. VESSEL RESPONSE PLAN AUDIT.**

23          (a) IN GENERAL.—Not later than 1 year after the  
24          date of enactment of this Act, the Comptroller General  
25          of the United States shall complete and submit to the

1 Committee on Commerce, Science, and Transportation of  
2 the Senate and the Committee on Transportation and In-  
3 frastructure of the House of Representatives a comprehen-  
4 sive review of the processes and resources used by the  
5 Coast Guard to implement vessel response plan require-  
6 ments under section 311 of the Federal Water Pollution  
7 Control Act (33 U.S.C. 1321).

8 (b) REQUIRED ELEMENTS OF REVIEW.—The review  
9 required under subsection (a) shall, at a minimum, in-  
10 clude—

11 (1) a study, or an audit if appropriate, of the  
12 processes the Coast Guard uses—

13 (A) to approve the vessel response plans  
14 referred to in subsection (a);

15 (B) to approve alternate planning criteria  
16 used in lieu of National Planning Criteria in  
17 approving such plans;

18 (C) to verify compliance with such plans;

19 and

20 (D) to act in the event of a failure to com-  
21 ply with the requirements of such plans;

22 (2) an examination of all Federal and State  
23 agency resources used by the Coast Guard in car-  
24 rying out the processes identified under paragraph

25 (1), including—

1 (A) the current staffing model and organi-  
2 zation;

3 (B) data, software, simulators, systems, or  
4 other technology, including those pertaining to  
5 weather, oil spill trajectory modeling, and risk  
6 management;

7 (C) the total amount of time per fiscal  
8 year expended by Coast Guard personnel to ap-  
9 prove and verify compliance with vessel re-  
10 sponse plans; and

11 (D) the average amount of time expended  
12 by the Coast Guard for approval of, and  
13 verification of compliance with, a single vessel  
14 response plan;

15 (3) an analysis of how, including by what  
16 means or methods, the processes identified under  
17 paragraph (1)—

18 (A) ensure compliance with applicable law;

19 (B) are implemented by the Coast Guard,  
20 including at the district and sector levels;

21 (C) are informed by public comment and  
22 engagement with States, Indian Tribes, and  
23 other regional stakeholders;

24 (D) ensure availability and adequate oper-  
25 ational capability and capacity of required as-

1 sets and equipment, including in cases in which  
2 contractual obligations may limit the avail-  
3 ability of such assets and equipment for re-  
4 sponse;

5 (E) provide for adequate asset and equip-  
6 ment mobilization time requirements, particu-  
7 larly with respect to—

8 (i) calculation and establishment of  
9 such requirements;

10 (ii) verifying compliance with such re-  
11 quirements; and

12 (iii) factoring in weather, including  
13 specific regional adverse weather as de-  
14 fined in section 155.1020 of title 33, Code  
15 of Federal Regulations, in calculating, es-  
16 tablishing, and verifying compliance with  
17 such requirements;

18 (F) ensure response plan updates and ves-  
19 sel compliance when changes occur in response  
20 planning criteria, asset and equipment mobiliza-  
21 tion times, or regional response needs, such as  
22 trends in transportation of high gravity oils or  
23 changes in vessel traffic volume; and

1 (G) enable effective action by the Coast  
2 Guard in the event of a failure to comply with  
3 response plan requirements;

4 (4) a determination regarding whether asset  
5 and equipment mobilization time requirements under  
6 approved vessel response plans can be met by the  
7 vessels to which they apply; and

8 (5) recommendations for improving the proc-  
9 esses identified under paragraph (1), including rec-  
10 ommendations regarding the sufficiency of Coast  
11 Guard resources dedicated to those processes.

12 **SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF**  
13 **THE UNITED STATES FOR CERTAIN PUR-**  
14 **POSES.**

15 For purposes of the application of subtitle II of title  
16 46, United States Code, to the *Volunteer* (Hull Number  
17 CCA4108), the Illinois and Michigan Canal is deemed to  
18 not be navigable waters of the United States.

19 **SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.**

20 Coast Guard personnel performing nonrecreational  
21 vessel documentation functions under subchapter II of  
22 chapter 121 of title 46, United States Code, may perform  
23 recreational vessel documentation under section 12114 of  
24 such title in any fiscal year in which—

1           (1) funds available for Coast Guard operating  
2           expenses may not be used for expenses incurred for  
3           recreational vessel documentation;

4           (2) fees collected from owners of yachts and  
5           credited to such use are insufficient to pay expenses  
6           of recreational vessel documentation; and

7           (3) there is a backlog of applications for rec-  
8           reational vessel documentation.

9   **SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM**  
10                           **THROWABLE PERSONAL FLOTATION DEVICES**  
11                           **REQUIREMENT.**

12           Not later than one year after the date of enactment  
13           of this Act, the Secretary of the department in which the  
14           Coast Guard is operating shall—

15           (1) prescribe regulations in part 160 of title 46,  
16           Code of Federal Regulations, that treat a marine  
17           throw bag, as that term is commonly used in the  
18           commercial whitewater rafting industry, as a type of  
19           lifesaving equipment; and

20           (2) revise section 175.17 of title 33, Code of  
21           Federal Regulations, to exempt rafts that are 16  
22           feet or more overall in length from the requirement  
23           to carry an additional throwable personal flotation  
24           device when such a marine throw bag is onboard and  
25           accessible.

1 **SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE**  
2 **USE.**

3 (a) IN GENERAL.—The Secretary of the department  
4 in which the Coast Guard is operating shall develop a per-  
5 formance standard for the alternative use and possession  
6 of visual distress alerting and locating signals as man-  
7 dated by carriage requirements for recreational boats in  
8 subpart C of part 175 of title 33, Code of Federal Regula-  
9 tions.

10 (b) REGULATIONS.—Not later than 180 days after  
11 the performance standard for alternative use and posses-  
12 sion of visual distress alerting and locating signals is final-  
13 ized, the Secretary shall revise part 175 of title 33, Code  
14 of Federal Regulations, to allow for carriage of such alter-  
15 native signal devices.

16 **SEC. 829. RADAR REFRESHER TRAINING.**

17 Not later than 60 days after the date of enactment  
18 of this Act, the Secretary of the department in which the  
19 Coast Guard is operating shall prescribe a final rule elimi-  
20 nating the requirement that a mariner actively using the  
21 mariner's credential complete an approved refresher or re-  
22 certification course to maintain a radar observer endorse-  
23 ment. This rulemaking shall be exempt from chapters 5  
24 and 6 of title 5, United States Code, and Executive Orders  
25 12866 and 13563.

1 **SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NA-**  
2 **TIONAL COMMUNICATIONS PLAN.**

3 (a) REQUIREMENT FOR PLAN.—Not later than 1  
4 year after the date of enactment of this Act, the Secretary  
5 of the department in which the Coast Guard is operating  
6 shall develop and submit to the Committee on Commerce,  
7 Science, and Transportation of the Senate and the Com-  
8 mittee on Transportation and Infrastructure of the House  
9 of Representatives a national communications plan for the  
10 purposes of—

11 (1) disseminating information to the commer-  
12 cial fishing vessel industry;

13 (2) conducting outreach with the commercial  
14 fishing vessel industry;

15 (3) facilitating interaction with the commercial  
16 fishing vessel industry; and

17 (4) releasing information collected under section  
18 15102 of title 46, United States Code, as added by  
19 this Act, to the commercial fishing vessel industry.

20 (b) CONTENT.—The plan required by subsection (a),  
21 and each annual update, shall—

22 (1) identify staff, resources, and systems avail-  
23 able to the Secretary to ensure the widest dissemina-  
24 tion of information to the commercial fishing vessel  
25 industry;



1           (2) include a means to document all commu-  
2           nication and outreach conducted with the commer-  
3           cial fishing vessel industry; and

4           (3) include a mechanism to measure effective-  
5           ness of such plan.

6           (c) IMPLEMENTATION.—Not later than one year after  
7           submission of the initial plan, the Secretary of the depart-  
8           ment in which the Coast Guard is operating shall imple-  
9           ment the plan and shall at a minimum—

10           (1) leverage Coast Guard staff, resources, and  
11           systems available;

12           (2) monitor implementation nationwide to en-  
13           sure adherence to plan contents;

14           (3) allow each Captain of the Port to adopt the  
15           most effective strategy and means to communicate  
16           with commercial fishing vessel industry in that Cap-  
17           tain of the Port Zone;

18           (4) document communication and outreach; and

19           (5) solicit feedback from the commercial fishing  
20           vessel industry.

21           (d) REPORT AND UPDATES.—The Secretary of the  
22           department in which the Coast Guard is operating shall—

23           (1) submit to the Committee on Commerce,  
24           Science, and Transportation of the Senate and the  
25           Committee on Transportation and Infrastructure of

1 the House of Representatives a report on the effec-  
2 tiveness of the plan to date and any updates to en-  
3 sure maximum impact of the plan one year after the  
4 date of enactment of this Act, and every 4 years  
5 thereafter; and

6 (2) include in such report input from individual  
7 Captains of the Port and any feedback received from  
8 the commercial fishing vessel industry.

9 **SEC. 831. ATLANTIC COAST PORT ACCESS ROUTE STUDY**  
10 **RECOMMENDATIONS.**

11 Not later than 30 days after the date of the enact-  
12 ment of the Act, the Commandant of the Coast Guard  
13 shall notify the Committee on Transportation and Infra-  
14 structure of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate of action taken to carry out the recommendations  
17 contained in the final report issued by the Atlantic Coast  
18 Port Access Route Study (ACPARS) workgroup for which  
19 notice of availability was published March 14, 2016 (81  
20 Fed. Reg. 13307).

21 **SEC. 832. DRAWBRIDGES.**

22 Section 5 of the Act entitled “An Act making appro-  
23 priations for the construction, repair, and preservation of  
24 certain public works on rivers and harbors, and for other

1 purposes”, approved August 18, 1894 (33 U.S.C. 499),  
2 is amended by adding at the end the following:

3 “(d) TEMPORARY CHANGES TO DRAWBRIDGE OPER-  
4 ATING SCHEDULES.—Notwithstanding section 553 of title  
5 5, United States Code, whenever a temporary change to  
6 the operating schedule of a drawbridge, lasting 180 days  
7 or less—

8 “(1) is approved—

9 “(A) the Secretary of the department in  
10 which the Coast Guard is operating shall—

11 “(i) issue a deviation approval letter  
12 to the bridge owner; and

13 “(ii) announce the temporary change  
14 in—

15 “(I) the Local Notice to Mari-  
16 ners;

17 “(II) a broadcast notice to mari-  
18 ners and through radio stations; or

19 “(III) such other local media as  
20 the Secretary considers appropriate;  
21 and

22 “(B) the bridge owner, except a railroad  
23 bridge owner, shall notify—

24 “(i) the public by publishing notice of  
25 the temporary change in a newspaper of

1           general circulation published in the place  
2           where the bridge is located;

3                   “(ii) the department, agency, or office  
4                   of transportation with jurisdiction over the  
5                   roadway that abuts the approaches to the  
6                   bridge; and

7                   “(iii) the law enforcement organiza-  
8                   tion with jurisdiction over the roadway  
9                   that abuts the approaches to the bridge; or

10           “(2) is denied, the Secretary of the department  
11           in which the Coast Guard is operating shall—

12                   “(A) not later than 10 days after the date  
13                   of receipt of the request, provide the bridge  
14                   owner in writing the reasons for the denial, in-  
15                   cluding any supporting data and evidence used  
16                   to make the determination; and

17                   “(B) provide the bridge owner a reasonable  
18                   opportunity to address each reason for the de-  
19                   nial and resubmit the request.

20           “(e) DRAWBRIDGE MOVEMENTS.—The Secretary of  
21           the department in which the Coast Guard is operating—

22                   “(1) shall require a drawbridge operator to  
23                   record each movement of the drawbridge in a log-  
24                   book;

1           “(2) may inspect the logbook to ensure draw-  
2           bridge movement is in accordance with the posted  
3           operating schedule;

4           “(3) shall review whether deviations from the  
5           posted operating schedule are impairing vehicular  
6           and pedestrian traffic; and

7           “(4) may determine if the operating schedule  
8           should be adjusted for efficiency of maritime or ve-  
9           hicular and pedestrian traffic.

10          “(f) REQUIREMENTS.—

11           “(1) LOGBOOKS.—An operator of a drawbridge  
12           built across a navigable river or other water of the  
13           United States—

14                   “(A) that opens the draw of such bridge  
15                   for the passage of a vessel, shall record in a  
16                   logbook—

17                           “(i) the bridge identification and date  
18                           of each opening;

19                           “(ii) the bridge tender or operator for  
20                           each opening;

21                           “(iii) each time it is opened for navi-  
22                           gation;

23                           “(iv) each time it is closed for naviga-  
24                           tion;

1                   “(v) the number and direction of ves-  
2                   sels passing through during each opening;

3                   “(vi) the types of vessels passing  
4                   through during each opening;

5                   “(vii) an estimated or known size  
6                   (height, length, and beam) of the largest  
7                   vessel passing through during each open-  
8                   ing;

9                   “(viii) for each vessel, the vessel name  
10                  and registration number if easily observ-  
11                  able; and

12                  “(ix) all maintenance openings, mal-  
13                  functions, or other comments; and

14                  “(B) that remains open to navigation but  
15                  closes to allow for trains to cross, shall record  
16                  in a logbook—

17                         “(i) the bridge identification and date  
18                         of each opening and closing;

19                         “(ii) the bridge tender or operator;

20                         “(iii) each time it is opened to naviga-  
21                         tion;

22                         “(iv) each time it is closed to naviga-  
23                         tion; and

24                         “(v) all maintenance openings, clos-  
25                         ings, malfunctions, or other comments.

1           “(2) MAINTENANCE OF LOGBOOKS.—A draw-  
2           bridge operator shall maintain logbooks required  
3           under paragraph (1) for not less than 5 years.

4           “(3) SUBMISSION OF LOGBOOKS.—At the re-  
5           quest of the Secretary of the department in which  
6           the Coast Guard is operating, a drawbridge operator  
7           shall submit to the Secretary the logbook required  
8           under paragraph (1) as the Secretary considers nec-  
9           essary to carry out this section.

10          “(4) EXEMPTION.—The requirements under  
11          paragraph (1) shall be exempt from sections 3501 to  
12          3521 of title 44, United States Code.”.

13   **SEC. 833. WAIVER.**

14          Section 8902 of title 46, United States Code, shall  
15          not apply to the chain ferry DIANE (United States official  
16          number CG002692) when such vessel is operating on the  
17          Kalamazoo River in Saugatuck, Michigan.

18   **SEC. 834. FIRE-RETARDANT MATERIALS.**

19          Section 3503 of title 46, United States Code, is  
20          amended to read as follows:

21   **“§ 3503. Fire-retardant materials**

22          “(a)(1) A passenger vessel of the United States hav-  
23          ing berth or stateroom accommodations for at least 50  
24          passengers shall be granted a certificate of inspection only  
25          if—

1           “(A) the vessel is constructed of fire-re-  
2           tardant materials; and

3           “(B) the vessel—

4                   “(i) is operating engines, boilers, main  
5                   electrical distribution panels, fuel tanks, oil  
6                   tanks, and generators that meet current  
7                   Coast Guard regulations; and

8                   “(ii) is operating boilers and main  
9                   electrical generators that are contained  
10                  within noncombustible enclosures equipped  
11                  with fire suppression systems.

12           “(2) Before December 1, 2028, this subsection  
13           does not apply to any vessel in operation before Jan-  
14           uary 1, 1968, and operating only within the Bound-  
15           ary Line.

16           “(b)(1) The owner or managing operator of an ex-  
17           empted vessel described in subsection (a)(2) shall—

18                   “(A) notify in writing prospective pas-  
19                   sengers, prior to purchase, and each crew mem-  
20                   ber that the vessel does not comply with appli-  
21                   cable fire safety standards due primarily to the  
22                   wooden construction of passenger berthing  
23                   areas;

24                   “(B) display in clearly legible font promi-  
25                   nently throughout the vessel, including in each



1 state room the following: ‘THIS VESSEL  
2 FAILS TO COMPLY WITH SAFETY  
3 RULES AND REGULATIONS OF THE U.S.  
4 COAST GUARD.’;

5 “(C) acquire prior to the vessel entering  
6 service, and maintain, liability insurance in an  
7 amount to be prescribed by the Federal Mari-  
8 time Commission;

9 “(D) make annual structural alteration to  
10 not less than 10 percent of the areas of the ves-  
11 sel that are not constructed of fire retardant  
12 materials;

13 “(E) prioritize alterations in galleys, engi-  
14 neering areas of the vessel, including all spaces  
15 and compartments containing, or adjacent to  
16 spaces and compartments containing, engines,  
17 boilers, main electrical distribution panels, fuel  
18 tanks, oil tanks, and generators;

19 “(F) ensure, to the satisfaction of the Sec-  
20 retary, that the combustible fire-load has been  
21 reduced pursuant to subparagraph (D) during  
22 each annual inspection for certification;

23 “(G) ensure the vessel has multiple forms  
24 of egress off the vessel’s bow and stern;

1           “(H) provide advance notice to the Coast  
2           Guard regarding the structural alterations  
3           made pursuant to subparagraph (D) and com-  
4           ply with any noncombustible material require-  
5           ments prescribed by the Coast Guard;

6           “(I) annually notify all ports of call and  
7           State emergency management offices of juris-  
8           diction that the vessel does not comply with the  
9           requirement under subsection (a)(1);

10          “(J) provide crewmembers manning such  
11          vessel shipboard training that—

12                 “(i) is specialized for exempted ves-  
13                 sels;

14                 “(ii) exceeds requirements related to  
15                 standards for firefighting training under  
16                 chapter I of title 46, Code of Federal Reg-  
17                 ulations, as in effect on October 1, 2017;  
18                 and

19                 “(iii) is approved by the Coast Guard;  
20                 and

21          “(K) to the extent practicable, take all  
22          steps to retain previously trained crew knowl-  
23          edgeable of such vessel or to hire crew trained  
24          in operations aboard exempted vessels.

1           “(2) The owner or managing operator of an ex-  
2           empted vessel described in subsection (a)(2) may not  
3           disclaim liability to a passenger or crew member of  
4           such vessel for death, injury, or any other loss  
5           caused by fire due to the negligence of the owner or  
6           managing operator.

7           “(3) The Secretary shall—

8                   “(A) conduct an annual audit and inspec-  
9                   tion of each exempted vessel described in sub-  
10                   section (a)(2);

11                   “(B) in implementing subparagraph  
12                   (b)(1)(F), consider, to the extent practicable,  
13                   the goal of preservation of the historic integrity  
14                   of such vessel in areas carrying or accessible to  
15                   passengers or generally visible to the public;  
16                   and

17                   “(C) prescribe regulations to carry out this  
18                   section, including to prescribe the manner in  
19                   which prospective passengers are to be notified  
20                   under paragraph (1)(A).

21           “(4) The penalties provided in section 3504(c)  
22           of this title shall apply to a violation of this sub-  
23           section.

24           “(c) In addition to otherwise applicable penalties, the  
25           Secretary may immediately withdraw a certificate of in-

1 spection for an exempted vessel described in subsection  
2 (a)(2) that does not comply with any requirement under  
3 subsection (b).”.

4 **SEC. 835. VESSEL WAIVER.**

5 (a) IN GENERAL.—Upon the date of enactment of  
6 this Act and notwithstanding sections 12112(a)(2)(A) and  
7 12113(a)(2) of title 46, United States Code, the Secretary  
8 shall issue a certificate of documentation with coastwise  
9 and fishery endorsements to the certificated vessel.

10 (b) REPLACEMENT VESSEL.—The certificated vessel  
11 shall qualify as a replacement vessel for the vessel  
12 “AMERICA NO.1” (United States official number  
13 610654) and not be precluded from operating as an  
14 Amendment 80 replacement vessel under the provisions of  
15 part 679 of title 50, Code of Federal Regulations.

16 (c) COAST GUARD REVIEW AND DETERMINATION.—

17 (1) REVIEW.—Not later than 30 days after the  
18 date of enactment of this Act, the Secretary shall  
19 conduct a review of the use of certain foreign fab-  
20 ricated steel components in the hull or super-  
21 structure of the certificated vessel.

22 (2) DETERMINATION.—Based on the review  
23 conducted under paragraph (1), the Secretary shall  
24 determine whether the shipyard that constructed the  
25 certificated vessel or the purchaser of the certifi-

1 cated vessel knew before such components were pro-  
2 cured or installed that the use of such components  
3 would violate requirements under sections  
4 12112(a)(2)(A) and 12113(a)(2) of title 46, United  
5 States Code.

6 (3) REVOCATION.—If the Secretary determines  
7 under paragraph (2) that the shipyard that con-  
8 structed the certificated vessel or the purchaser of  
9 the certificated vessel knew before such components  
10 were procured or installed that the use of such com-  
11 ponents would violate requirements under sections  
12 12112(a)(2)(A) and 12113(a)(2) of title 46, United  
13 States Code, the Secretary shall immediately revoke  
14 the certificate of documentation issued under sub-  
15 section (a).

16 (4) USE OF DOCUMENTS.—In conducting the  
17 review required under paragraph (1), the Secretary  
18 may request and review any information, cor-  
19 respondence, or documents related to the construc-  
20 tion of the certificated vessel, including from the  
21 shipyard that constructed the certificated vessel and  
22 the purchaser of the certificated vessel.

23 (d) TERMINATION.—If the contract for purchase of  
24 the certificated vessel that is in effect on the date of enact-  
25 ment of this Act is terminated, the purchasing party to

1 that contract shall be prohibited from entering into a sub-  
2 sequent contract or agreement for purchase of such vessel.

3 (e) DEFINITIONS.—In this section:

4 (1) CERTIFICATED VESSEL.—The term “certifi-  
5 cated vessel” means the vessel America’s Finest  
6 (United States official number 1276760).

7 (2) SECRETARY.—The term “Secretary” means  
8 the Secretary of the department in which the Coast  
9 Guard is operating, acting through the Commandant  
10 of the Coast Guard.

11 **SEC. 836. TEMPORARY LIMITATIONS.**

12 (a) LIMITATIONS.—

13 (1) IN GENERAL.—Upon the Coast Guard  
14 issuing a certificate of documentation with coastwise  
15 and fishery endorsements for the vessel “AMER-  
16 ICA’S FINEST” (United States official number  
17 1276760) and during any period such certificate is  
18 in effect, and subject to subsection (b), the total  
19 amount of groundfish harvested with respect to sub-  
20 paragraph (A) or the total amount of deliveries proc-  
21 essed from other vessels with respect to subpara-  
22 graph (B) by the vessels described in paragraph (2)  
23 shall not collectively exceed—

24 (A) the percentage of the harvest available  
25 in any Gulf of Alaska groundfish fisheries

1 (other than fisheries subject to a limited access  
2 privilege program created by the North Pacific  
3 Fishery Management Council) that is equivalent  
4 to the total harvest by the vessels described in  
5 paragraph (2) in those fisheries in the calendar  
6 years that a vessel described in paragraph (2)  
7 had harvest from 2012 through 2017 relative to  
8 the total allowable catch available to such ves-  
9 sels in the calendar years 2012 through 2017;  
10 or

11 (B) the percentage of processing of deliv-  
12 eries from other vessels in any Bering Sea,  
13 Aleutian Islands, and Gulf of Alaska groundfish  
14 fisheries (including fisheries subject to a limited  
15 access privilege program created by the North  
16 Pacific Fishery Management Council, or com-  
17 munity development quotas as described in sec-  
18 tion 305(i) of the Magnuson-Stevens Fishery  
19 Conservation and Management Act (16 U.S.C.  
20 1855(i))) that is equivalent to the total proc-  
21 essing of such deliveries by the vessels described  
22 in paragraph (2) in those fisheries in the cal-  
23 endar years 2012 through 2017 relative to the  
24 total allowable catch available in the calendar  
25 years 2012 through 2017.

1           (2) APPLICABLE VESSELS.—The limitations de-  
2       scribed in paragraph (1) shall apply, in the aggre-  
3       gate, to—

4           (A) the vessel AMERICA’S FINEST  
5       (United States official number 1276760);

6           (B) the vessel US INTREPID (United  
7       States official number 604439);

8           (C) the vessel AMERICAN NO. 1 (United  
9       States official number 610654);

10          (D) any replacement of a vessel described  
11       in subparagraph (A), (B), or (C); and

12          (E) any vessel assigned license number  
13       LLG3217 under the license limitation program  
14       under part 679 of title 50, Code of Federal  
15       Regulations.

16       (b) EXPIRATION.—The limitations described in sub-  
17       section (a) shall apply to a groundfish species in Bering  
18       Sea, Aleutian Islands, and Gulf of Alaska only until the  
19       earlier of—

20           (1) the end of the 6-year period beginning on  
21       the date of enactment of this Act; or

22           (2) the date on which the Secretary of Com-  
23       merce issues a final rule, based on recommendations  
24       developed by the North Pacific Fishery Management  
25       Council consistent with the Magnuson-Stevens Fish-





1 lots 261 to 267), including any improvements thereon that  
2 are not authorized or required by another provision of law  
3 to be conveyed to another person.

4 (c) ADMINISTRATION.—The property described in  
5 subsection (b) is included in Hobe Sound National Wildlife  
6 Refuge, and shall be administered by the Secretary of the  
7 Interior acting through the United States Fish and Wild-  
8 life Service.

9 **SEC. 838. EMERGENCY RESPONSE.**

10 Not later than 90 days after the date of enactment  
11 of this Act, the Commandant of the Coast Guard shall  
12 request the National Offshore Safety Advisory Committee  
13 to examine whether there are unnecessary regulatory bar-  
14 riers to the use of small passenger vessels, crewboats, and  
15 offshore supply vessels in disaster response and provide  
16 recommendations, as appropriate, to reduce such barriers.

17 **SEC. 839. DRAWBRIDGES CONSULTATION.**

18 (a) CONSULTATION.—In addition and subsequent to  
19 any rulemaking conducted under section 117.8 of title 33,  
20 Code of Federal Regulations, related to permanent  
21 changes to drawbridge openings that result from Amtrak  
22 service between New Orleans, Louisiana and Orlando,  
23 Florida, the Commandant shall consult with owners or op-  
24 erators of rail lines used for Amtrak passenger service be-  
25 tween New Orleans, Louisiana and Orlando, Florida and

1 affected waterway users on changes to drawbridge oper-  
2 ating schedules necessary to facilitate the On Time Per-  
3 formance of passenger trains. These changes to schedules  
4 shall not impact Coast Guard response times to oper-  
5 ational missions.

6 (b) TIMING.—Consultation in subsection (a) shall  
7 occur after commencement of Amtrak passenger service  
8 on the rail lines between New Orleans, Louisiana and Or-  
9 lando, Florida at the following intervals:

10 (1) Not less than 3 months following the com-  
11 mencement of Amtrak passenger service.

12 (2) Not less than 6 months following the com-  
13 mencement of Amtrak passenger service.

14 (c) REPORT.—If after conducting the consultations  
15 required by subsection (b)(2), the Commandant finds that  
16 permanent changes to drawbridge operations are nec-  
17 essary to mitigate delays in the movement of trains de-  
18 scribed in subsection (a) and that those changes do not  
19 unreasonably obstruct the navigability of the affected wa-  
20 terways, then the Commandant shall submit those find-  
21 ings to the Committee on Commerce, Science, and Trans-  
22 portation of the Senate and the Committee on Transpor-  
23 tation and Infrastructure of the House of Representatives.

1     **TITLE IX—VESSEL INCIDENTAL**  
2                     **DISCHARGE ACT**

3     **SEC. 901. SHORT TITLE.**

4             This title may be cited as the “Vessel Incidental Dis-  
5 charge Act of 2018”.

6     **SEC. 902. PURPOSES; FINDINGS.**

7             (a) PURPOSES.—The purposes of this title are—

8                     (1) to provide for the establishment of uniform,  
9 environmentally sound standards and requirements  
10 for the management of discharges incidental to the  
11 normal operation of a vessel;

12                    (2) to charge the Environmental Protection  
13 Agency with primary responsibility for establishing  
14 standards relating to the discharge of pollutants  
15 from vessels;

16                    (3) to charge the Coast Guard with primary re-  
17 sponsibility for prescribing, administering, and en-  
18 forcing regulations, consistent with the discharge  
19 standards established by the Environmental Protec-  
20 tion Agency, for the design, construction, installa-  
21 tion, and operation of the equipment and manage-  
22 ment practices required onboard vessels; and

23                    (4) to preserve the flexibility of States, political  
24 subdivisions, and certain regions with respect to the  
25 administration and enforcement of standards relat-

1       ing to the discharge of pollutants from vessels en-  
2       gaged in maritime commerce and transportation.

3       (b) FINDINGS.—Congress finds that—

4           (1) the Environmental Protection Agency is the  
5       principal Federal authority charged under the Fed-  
6       eral Water Pollution Control Act (33 U.S.C. 1251 et  
7       seq.) with regulating through the issuance of permits  
8       for the discharge of pollutants into the navigable  
9       waters of the United States;

10          (2) the Coast Guard is the principal Federal  
11       authority charged with administering, enforcing, and  
12       prescribing regulations relating to the discharge of  
13       pollutants from vessels; and

14          (3) during the period of 1973 to 2010—

15           (A) the Environmental Protection Agency  
16       promulgated regulations exempting certain dis-  
17       charges incidental to the normal operation of  
18       vessels from otherwise applicable permitting re-  
19       quirements of the Federal Water Pollution Con-  
20       trol Act (33 U.S.C. 1251 et seq.); and

21           (B) Congress enacted laws on numerous  
22       occasions governing the regulation of discharges  
23       incidental to the normal operation of vessels, in-  
24       cluding—

1 (i) the Act to Prevent Pollution from  
2 Ships (33 U.S.C. 1901 et seq.);

3 (ii) the Nonindigenous Aquatic Nui-  
4 sance Prevention and Control Act of 1990  
5 (16 U.S.C. 4701 et seq.);

6 (iii) the National Invasive Species Act  
7 of 1996 (16 U.S.C. 4701 note; Public Law  
8 104–332);

9 (iv) section 415 of the Coast Guard  
10 Authorization Act of 1998 (Public Law  
11 105–383; 112 Stat. 3434) and section 623  
12 of the Coast Guard and Maritime Trans-  
13 portation Act of 2004 (33 U.S.C. 1901  
14 note; Public Law 108–293), which estab-  
15 lished interim and permanent require-  
16 ments, respectively, for the regulation of  
17 vessel discharges of certain bulk cargo res-  
18 idue;

19 (v) title XIV of division B of Appen-  
20 dix D of the Consolidated Appropriations  
21 Act, 2001 (Public Law 106–554; 114 Stat.  
22 2763A–315), which prohibited or limited  
23 certain vessel discharges in certain areas of  
24 Alaska;

1 (vi) section 204 of the Maritime  
2 Transportation Security Act of 2002 (33  
3 U.S.C. 1902a), which established require-  
4 ments for the regulation of vessel dis-  
5 charges of agricultural cargo residue mate-  
6 rial in the form of hold washings; and

7 (vii) title X of the Coast Guard Au-  
8 thorization Act of 2010 (33 U.S.C. 3801  
9 et seq.), which provided for the implemen-  
10 tation of the International Convention on  
11 the Control of Harmful Anti-Fouling Sys-  
12 tems on Ships, 2001.

13 **SEC. 903. STANDARDS FOR DISCHARGES INCIDENTAL TO**  
14 **NORMAL OPERATION OF VESSELS.**

15 (a) UNIFORM NATIONAL STANDARDS.—

16 (1) IN GENERAL.—Section 312 of the Federal  
17 Water Pollution Control Act (33 U.S.C. 1322) is  
18 amended by adding at the end the following:

19 “(p) UNIFORM NATIONAL STANDARDS FOR DIS-  
20 CHARGES INCIDENTAL TO NORMAL OPERATION OF VES-  
21 SELS.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) AQUATIC NUISANCE SPECIES.—The  
24 term ‘aquatic nuisance species’ means a non-  
25 indigenous species that threatens—

1                   “(i) the diversity or abundance of a  
2 native species;

3                   “(ii) the ecological stability of—

4                   “(I) waters of the United States;  
5 or

6                   “(II) waters of the contiguous  
7 zone; or

8                   “(iii) a commercial, agricultural,  
9 aquacultural, or recreational activity that  
10 is dependent on—

11                   “(I) waters of the United States;  
12 or

13                   “(II) waters of the contiguous  
14 zone.

15                   “(B) BALLAST WATER.—

16                   “(i) IN GENERAL.—The term ‘ballast  
17 water’ means any water, suspended matter,  
18 and other materials taken onboard a ves-  
19 sel—

20                   “(I) to control or maintain trim,  
21 draught, stability, or stresses of the  
22 vessel, regardless of the means by  
23 which any such water or suspended  
24 matter is carried; or



1                   “(II) during the cleaning, main-  
2                   tenance, or other operation of a bal-  
3                   last tank or ballast water manage-  
4                   ment system of the vessel.

5                   “(ii) EXCLUSION.—The term ‘ballast  
6                   water’ does not include any substance that  
7                   is added to the water described in clause  
8                   (i) that is directly related to the operation  
9                   of a properly functioning ballast water  
10                  management system.

11                  “(C) BALLAST WATER DISCHARGE STAND-  
12                  ARD.—The term ‘ballast water discharge stand-  
13                  ard’ means—

14                   “(i) the numerical ballast water dis-  
15                   charge standard established by section  
16                   151.1511 or 151.2030 of title 33, Code of  
17                   Federal Regulations (or successor regula-  
18                   tions); or

19                   “(ii) if a standard referred to in  
20                   clause (i) is superseded by a numerical  
21                   standard of performance under this sub-  
22                   section, that superseding standard.

23                  “(D) BALLAST WATER EXCHANGE.—The  
24                  term ‘ballast water exchange’ means the re-

1 placement of water in a ballast water tank  
2 using 1 of the following methods:

3 “(i) Flow-through exchange, in which  
4 ballast water is flushed out by pumping in  
5 midocean water at the bottom of the tank  
6 if practicable, and continuously overflowing  
7 the tank from the top, until 3 full volumes  
8 of water have been changed to minimize  
9 the number of original organisms remain-  
10 ing in the tank.

11 “(ii) Empty and refill exchange, in  
12 which ballast water taken on in ports, es-  
13 tuarine waters, or territorial waters is  
14 pumped out until the pump loses suction,  
15 after which the ballast tank is refilled with  
16 midocean water.

17 “(E) BALLAST WATER MANAGEMENT SYS-  
18 TEM.—The term ‘ballast water management  
19 system’ means any marine pollution control de-  
20 vice (including all ballast water treatment  
21 equipment, ballast tanks, pipes, pumps, and all  
22 associated control and monitoring equipment)  
23 that processes ballast water—

24 “(i) to kill, render nonviable, or re-  
25 move organisms; or

1                   “(ii) to avoid the uptake or discharge  
2                   of organisms.

3                   “(F) BEST AVAILABLE TECHNOLOGY ECO-  
4                   NOMICALLY ACHIEVABLE.—The term ‘best  
5                   available technology economically achievable’  
6                   means—

7                   “(i) best available technology economi-  
8                   cally achievable (within the meaning of sec-  
9                   tion 301(b)(2)(A));

10                   “(ii) best available technology (within  
11                   the meaning of section 304(b)(2)(B)); and

12                   “(iii) best available technology, as de-  
13                   termined in accordance with section  
14                   125.3(d)(3) of title 40, Code of Federal  
15                   Regulations (or successor regulations).

16                   “(G) BEST CONVENTIONAL POLLUTANT  
17                   CONTROL TECHNOLOGY.—The term ‘best con-  
18                   ventional pollutant control technology’ means—

19                   “(i) best conventional pollutant con-  
20                   trol technology (within the meaning of sec-  
21                   tion 301(b)(2)(E));

22                   “(ii) best conventional pollutant con-  
23                   trol technology (within the meaning of sec-  
24                   tion 304(b)(4)); and

1                   “(iii) best conventional pollutant con-  
2                   trol technology, as determined in accord-  
3                   ance with section 125.3(d)(2) of title 40,  
4                   Code of Federal Regulations (or successor  
5                   regulations).

6                   “(H) BEST MANAGEMENT PRACTICE.—

7                   “(i) IN GENERAL.—The term ‘best  
8                   management practice’ means a schedule of  
9                   activities, prohibitions of practices, mainte-  
10                  nance procedures, and other management  
11                  practices to prevent or reduce the pollution  
12                  of—

13                   “(I) the waters of the United  
14                   States; or

15                   “(II) the waters of the contig-  
16                   uous zone.

17                   “(ii) INCLUSIONS.—The term ‘best  
18                   management practice’ includes any treat-  
19                   ment requirement, operating procedure, or  
20                   practice to control—

21                   “(I) vessel runoff;

22                   “(II) spillage or leaks;

23                   “(III) sludge or waste disposal;

24                   or

1                   “(IV) drainage from raw material  
2                   storage.

3                   “(I) BEST PRACTICABLE CONTROL TECH-  
4                   NOLOGY CURRENTLY AVAILABLE.—The term  
5                   ‘best practicable control technology currently  
6                   available’ means—

7                   “(i) best practicable control tech-  
8                   nology currently available (within the  
9                   meaning of section 301(b)(1)(A));

10                   “(ii) best practicable control tech-  
11                   nology currently available (within the  
12                   meaning of section 304(b)(1)); and

13                   “(iii) best practicable control tech-  
14                   nology currently available, as determined  
15                   in accordance with section 125.3(d)(1) of  
16                   title 40, Code of Federal Regulations (or  
17                   successor regulations).

18                   “(J) CAPTAIN OF THE PORT ZONE.—The  
19                   term ‘Captain of the Port Zone’ means a Cap-  
20                   tain of the Port Zone established by the Sec-  
21                   retary pursuant to sections 92, 93, and 633 of  
22                   title 14, United States Code.

23                   “(K) EMPTY BALLAST TANK.—The term  
24                   ‘empty ballast tank’ means a tank that—

1                   “(i) has previously held ballast water  
2                   that has been drained to the limit of the  
3                   functional or operational capabilities of the  
4                   tank (such as loss of suction);

5                   “(ii) is recorded as empty on a vessel  
6                   log; and

7                   “(iii) contains unpumpable residual  
8                   ballast water and sediment.

9                   “(L) GREAT LAKES COMMISSION.—The  
10                   term ‘Great Lakes Commission’ means the  
11                   Great Lakes Commission established by article  
12                   IV A of the Great Lakes Compact to which  
13                   Congress granted consent in the Act of July 24,  
14                   1968 (Public Law 90–419; 82 Stat. 414).

15                   “(M) GREAT LAKES STATE.—The term  
16                   ‘Great Lakes State’ means any of the States  
17                   of—

18                   “(i) Illinois;

19                   “(ii) Indiana;

20                   “(iii) Michigan;

21                   “(iv) Minnesota;

22                   “(v) New York;

23                   “(vi) Ohio;

24                   “(vii) Pennsylvania; and

25                   “(viii) Wisconsin.

1           “(N) GREAT LAKES SYSTEM.—The term  
2           ‘Great Lakes System’ has the meaning given  
3           the term in section 118(a)(3).

4           “(O) INTERNAL WATERS.—The term ‘in-  
5           ternal waters’ has the meaning given the term  
6           in section 2.24 of title 33, Code of Federal Reg-  
7           ulations (or a successor regulation).

8           “(P) MARINE POLLUTION CONTROL DE-  
9           VICE.—The term ‘marine pollution control de-  
10          vice’ means any equipment or management  
11          practice (or combination of equipment and a  
12          management practice), for installation or use  
13          onboard a vessel, that is—

14               “(i) designed to receive, retain, treat,  
15               control, or discharge a discharge incidental  
16               to the normal operation of a vessel; and

17               “(ii) determined by the Administrator  
18               and the Secretary to be the most effective  
19               equipment or management practice (or  
20               combination of equipment and a manage-  
21               ment practice) to reduce the environmental  
22               impacts of the discharge, consistent with  
23               the factors for consideration described in  
24               paragraphs (4) and (5).

1           “(Q) NONINDIGENOUS SPECIES.—The  
2 term ‘nonindigenous species’ means an orga-  
3 nism of a species that enters an ecosystem be-  
4 yond the historic range of the species.

5           “(R) ORGANISM.—The term ‘organism’ in-  
6 cludes—

7           “(i) an animal, including fish and fish  
8 eggs and larvae;

9           “(ii) a plant;

10           “(iii) a pathogen;

11           “(iv) a microbe;

12           “(v) a virus;

13           “(vi) a prokaryote (including any  
14 archean or bacterium);

15           “(vii) a fungus; and

16           “(viii) a protist.

17           “(S) PACIFIC REGION.—

18           “(i) IN GENERAL.—The term ‘Pacific  
19 Region’ means any Federal or State  
20 water—

21           “(I) adjacent to the State of  
22 Alaska, California, Hawaii, Oregon, or  
23 Washington; and

24           “(II) extending from shore.



1                   “(ii) INCLUSION.—The term ‘Pacific  
2                   Region’ includes the entire exclusive eco-  
3                   nomic zone (as defined in section 1001 of  
4                   the Oil Pollution Act of 1990 (33 U.S.C.  
5                   2701)) adjacent to each State described in  
6                   clause (i)(I).

7                   “(T) PORT OR PLACE OF DESTINATION.—  
8                   The term ‘port or place of destination’ means  
9                   a port or place to which a vessel is bound to an-  
10                  chor or moor.

11                  “(U) RENDER NONVIABLE.—The term  
12                  ‘render nonviable’, with respect to an organism  
13                  in ballast water, means the action of a ballast  
14                  water management system that renders the or-  
15                  ganism permanently incapable of reproduction  
16                  following treatment.

17                  “(V) SALTWATER FLUSH.—

18                  “(i) IN GENERAL.—The term ‘salt-  
19                  water flush’ means—

20                         “(I)(aa) the addition of as much  
21                         midocean water into each empty bal-  
22                         last tank of a vessel as is safe for the  
23                         vessel and crew; and

24                                 “(bb) the mixing of the  
25                                 flushwater with residual ballast water

1 and sediment through the motion of  
2 the vessel; and

3 “(II) the discharge of that mixed  
4 water, such that the resultant residual  
5 water remaining in the tank—

6 “(aa) has the highest salin-  
7 ity possible; and

8 “(bb) is at least 30 parts  
9 per thousand.

10 “(ii) MULTIPLE SEQUENCES.—For  
11 purposes of clause (i), a saltwater flush  
12 may require more than 1 fill-mix-empty se-  
13 quence, particularly if only small quantities  
14 of water can be safely taken onboard a ves-  
15 sel at 1 time.

16 “(W) SECRETARY.—The term ‘Secretary’  
17 means the Secretary of the department in which  
18 the Coast Guard is operating.

19 “(X) SMALL VESSEL GENERAL PERMIT.—  
20 The term ‘Small Vessel General Permit’ means  
21 the permit that is the subject of the notice of  
22 final permit issuance entitled ‘Final National  
23 Pollutant Discharge Elimination System  
24 (NPDES) Small Vessel General Permit for Dis-  
25 charges Incidental to the Normal Operation of

1 Vessels Less Than 79 Feet’ (79 Fed. Reg.  
2 53702 (September 10, 2014)).

3 “(Y) SMALL VESSEL OR FISHING VES-  
4 SEL.—The term ‘small vessel or fishing vessel’  
5 means a vessel that is—

6 “(i) less than 79 feet in length; or

7 “(ii) a fishing vessel, fish processing  
8 vessel, or fish tender vessel (as those terms  
9 are defined in section 2101 of title 46,  
10 United States Code), regardless of the  
11 length of the vessel.

12 “(Z) VESSEL GENERAL PERMIT.—The  
13 term ‘Vessel General Permit’ means the permit  
14 that is the subject of the notice of final permit  
15 issuance entitled ‘Final National Pollutant Dis-  
16 charge Elimination System (NPDES) General  
17 Permit for Discharges Incidental to the Normal  
18 Operation of a Vessel’ (78 Fed. Reg. 21938  
19 (April 12, 2013)).

20 “(2) APPLICABILITY.—

21 “(A) IN GENERAL.—Except as provided in  
22 subparagraph (B), this subsection applies to—

23 “(i) any discharge incidental to the  
24 normal operation of a vessel; and

1           “(ii) any discharge incidental to the  
2           normal operation of a vessel (such as most  
3           graywater) that is commingled with sew-  
4           age, subject to the conditions that—

5                   “(I) nothing in this subsection  
6                   prevents a State from regulating sew-  
7                   age discharges; and

8                   “(II) any such commingled dis-  
9                   charge shall comply with all applicable  
10                  requirements of—

11                           “(aa) this subsection; and

12                           “(bb) any law applicable to  
13                   discharges of sewage.

14           “(B) EXCLUSION.—This subsection does  
15           not apply to any discharge incidental to the  
16           normal operation of a vessel—

17                   “(i) from—

18                           “(I) a vessel of the Armed Forces  
19                   subject to subsection (n);

20                           “(II) a recreational vessel subject  
21                   to subsection (o);

22                           “(III) a small vessel or fishing  
23                   vessel, except that this subsection  
24                   shall apply to any discharge of ballast

1 water from a small vessel or fishing  
2 vessel; or

3 “(IV) a floating craft that is per-  
4 manently moored to a pier, including  
5 a ‘floating’ casino, hotel, restaurant,  
6 or 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  
18 operable ballast water management  
19 system;

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  
25 requirements or permit requirements

1 of 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  
15 REQUIREMENTS.—

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  
20 remain in force and effect, and shall not be  
21 modified, until the applicable date described in  
22 subparagraph (C).

23 “(B) NONINDIGENOUS AQUATIC NUISANCE  
24 PREVENTION AND CONTROL ACT REGULA-  
25 TIONS.—Notwithstanding section 903(a)(2)(A)

1 of the Vessel Incidental Discharge Act of 2018,  
2 all regulations promulgated by the Secretary  
3 pursuant to section 1101 of the Nonindigenous  
4 Aquatic Nuisance Prevention and Control Act  
5 of 1990 (16 U.S.C. 4711) (as in effect on the  
6 day before the date of enactment of this sub-  
7 section), including the regulations contained in  
8 subparts C and D of part 151 of title 33, Code  
9 of Federal Regulations, and subpart 162.060 of  
10 part 162 of title 46, Code of Federal Regula-  
11 tions (as in effect on the day before that date  
12 of enactment), shall remain in force and effect  
13 until the applicable date described in subpara-  
14 graph (C).

15 “(C) REPEAL ON EXISTENCE OF FINAL,  
16 EFFECTIVE, AND ENFORCEABLE REQUIRE-  
17 MENTS.—Effective beginning on the date on  
18 which the requirements promulgated by the  
19 Secretary under subparagraphs (A), (B), and  
20 (C) of paragraph (5) with respect to every dis-  
21 charge incidental to the normal operation of a  
22 vessel that is subject to regulation under this  
23 subsection are final, effective, and enforceable,  
24 the requirements of the Vessel General Permit

1           and the regulations described in subparagraph  
2           (B) shall have no force or effect.

3           “(4) NATIONAL STANDARDS OF PERFORMANCE  
4           FOR MARINE POLLUTION CONTROL DEVICES AND  
5           WATER QUALITY ORDERS.—

6           “(A) ESTABLISHMENT.—

7                   “(i) IN GENERAL.—Not later than 2  
8                   years after the date of enactment of this  
9                   subsection, the Administrator, in concu-  
10                  rence with the Secretary (subject to clause  
11                  (ii)), and in consultation with interested  
12                  Governors (subject to clause (iii)), shall  
13                  promulgate Federal standards of perform-  
14                  ance for marine pollution control devices  
15                  for each type of discharge incidental to the  
16                  normal operation of a vessel that is subject  
17                  to regulation under this subsection.

18                  “(ii) CONCURRENCE WITH SEC-  
19                  RETARY.—

20                   “(I) REQUEST.—The Adminis-  
21                   trator shall submit to the Secretary a  
22                   request for written concurrence with  
23                   respect to a proposed standard of per-  
24                   formance under clause (i).



1                   “(II) EFFECT OF FAILURE TO  
2                   CONCUR.—A failure by the Secretary  
3                   to concur with the Administrator  
4                   under clause (i) by the date that is 60  
5                   days after the date on which the Ad-  
6                   ministrator submits a request for con-  
7                   currence under subclause (I) shall not  
8                   prevent the Administrator from pro-  
9                   mulgating the relevant standard of  
10                  performance in accordance with the  
11                  deadline under clause (i), subject to  
12                  the condition that the Administrator  
13                  shall include in the administrative  
14                  record of the promulgation—

15                               “(aa) documentation of the  
16                               request submitted under sub-  
17                               clause (I); and

18                               “(bb) the response of the  
19                               Administrator to any written ob-  
20                               jections received from the Sec-  
21                               retary relating to the proposed  
22                               standard of performance during  
23                               the 60-day period beginning on  
24                               the date of submission of the re-  
25                               quest.

1                   “(iii) CONSULTATION WITH GOV-  
2                   ERNORS.—

3                   “(I) IN GENERAL.—The Admin-  
4                   istrator, in promulgating a standard  
5                   of performance under clause (i), shall  
6                   develop the standard of perform-  
7                   ance—

8                   “(aa) in consultation with  
9                   interested Governors; and

10                   “(bb) in accordance with the  
11                   deadlines under that clause.

12                   “(II) PROCESS.—The Adminis-  
13                   trator shall develop a process for solie-  
14                   iting input from interested Governors,  
15                   including information sharing relevant  
16                   to such process, to allow interested  
17                   Governors to inform the development  
18                   of standards of performance under  
19                   clause (i).

20                   “(III) OBJECTION BY GOV-  
21                   ERNORS.—

22                   “(aa) SUBMISSION.—An in-  
23                   terested Governor that objects to  
24                   a proposed standard of perform-  
25                   ance under clause (i) may submit

1 to the Administrator in writing a  
2 detailed objection to the proposed  
3 standard of performance, describ-  
4 ing the scientific, technical, or  
5 operational factors that form the  
6 basis of the objection.

7 “(bb) RESPONSE.—Before  
8 finalizing a standard of perform-  
9 ance under clause (i) that is sub-  
10 ject to an objection under item  
11 (aa) from 1 or more interested  
12 Governors, the Administrator  
13 shall provide a written response  
14 to each interested Governor that  
15 submitted an objection under  
16 that item that details the sci-  
17 entific, technical, or operational  
18 factors that form the basis for  
19 that standard of performance.

20 “(cc) JUDICIAL REVIEW.—A  
21 response of the Administrator  
22 under item (bb) shall not be sub-  
23 ject to judicial review.

24 “(iv) PROCEDURE.—The Adminis-  
25 trator shall promulgate the standards of

1 performance under this subparagraph in  
2 accordance with—

3 “(I) this paragraph; and

4 “(II) section 553 of title 5,  
5 United States Code.

6 “(B) STRINGENCY.—

7 “(i) IN GENERAL.—Subject to clause  
8 (iii), the standards of performance promul-  
9 gated under this paragraph shall require—

10 “(I) with respect to conventional  
11 pollutants, toxic pollutants, and non-  
12 conventional pollutants (including  
13 aquatic nuisance species), the applica-  
14 tion of the best practicable control  
15 technology currently available;

16 “(II) with respect to conventional  
17 pollutants, the application of the best  
18 conventional pollutant control tech-  
19 nology; and

20 “(III) with respect to toxic pol-  
21 lutants and nonconventional pollut-  
22 ants (including aquatic nuisance spe-  
23 cies), the application of the best avail-  
24 able technology economically achiev-  
25 able for categories and classes of ves-

1 sels, which shall result in reasonable  
2 progress toward the national goal of  
3 eliminating discharges of all pollut-  
4 ants.

5 “(ii) BEST MANAGEMENT PRAC-  
6 TICES.—The Administrator shall require  
7 the use of best management practices to  
8 control or abate any discharge incidental to  
9 the normal operation of a vessel if—

10 “(I) numeric standards of per-  
11 formance are infeasible under clause  
12 (i); or

13 “(II) the best management prac-  
14 tices are reasonably necessary—

15 “(aa) to achieve the stand-  
16 ards of performance; or

17 “(bb) to carry out the pur-  
18 pose and intent of this sub-  
19 section.

20 “(iii) MINIMUM REQUIREMENTS.—  
21 Subject to subparagraph (D)(ii)(II), the  
22 combination of any equipment or best  
23 management practice comprising a marine  
24 pollution control device shall not be less

1                   stringent than the following provisions of  
2                   the Vessel General Permit:

3                   “(I) All requirements contained  
4                   in parts 2.1 and 2.2 (relating to efflu-  
5                   ent limits and related requirements),  
6                   including with respect to waters sub-  
7                   ject to Federal protection, in whole or  
8                   in part, for conservation purposes.

9                   “(II) All requirements contained  
10                  in part 5 (relating to vessel class-spe-  
11                  cific requirements) that concern efflu-  
12                  ent limits and authorized discharges  
13                  (within the meaning of that part), in-  
14                  cluding with respect to waters subject  
15                  to Federal protection, in whole or in  
16                  part, for conservation purposes.

17                  “(C) CLASSES, TYPES, AND SIZES OF VES-  
18                  SELS.—The standards promulgated under this  
19                  paragraph may distinguish—

20                  “(i) among classes, types, and sizes of  
21                  vessels; and

22                  “(ii) between new vessels and existing  
23                  vessels.

24                  “(D) REVIEW AND REVISION.—

1                   “(i) IN GENERAL.—Not less fre-  
2                   quently than once every 5 years, the Ad-  
3                   ministrators, in consultation with the Sec-  
4                   retary, shall—

5                   “(I) review the standards of per-  
6                   formance in effect under this para-  
7                   graph; and

8                   “(II) if appropriate, revise those  
9                   standards of performance—

10                   “(aa) in accordance with  
11                   subparagraphs (A) through (C);  
12                   and

13                   “(bb) as necessary to estab-  
14                   lish requirements for any dis-  
15                   charge that is subject to regula-  
16                   tion under this subsection.

17                   “(ii) MAINTAINING PROTECTIVE-  
18                   NESS.—

19                   “(I) IN GENERAL.—Except as  
20                   provided in subclause (II), the Admin-  
21                   istrator shall not revise a standard of  
22                   performance under this subsection to  
23                   be less stringent than an applicable  
24                   existing requirement.

1                   “(II) EXCEPTIONS.—The Admin-  
2                   istrator may revise a standard of per-  
3                   formance to be less stringent than an  
4                   applicable existing requirement—

5                   “(aa) if information becomes  
6                   available that—

7                   “(AA) was not reason-  
8                   ably available when the Ad-  
9                   ministrator promulgated the  
10                  initial standard of perform-  
11                  ance or comparable require-  
12                  ment of the Vessel General  
13                  Permit, as applicable (in-  
14                  cluding the subsequent scar-  
15                  city or unavailability of ma-  
16                  terials used to control the  
17                  relevant discharge); and

18                  “(BB) would have justi-  
19                  fied the application of a less-  
20                  stringent standard of per-  
21                  formance at the time of pro-  
22                  mulgation; or

23                  “(bb) if the Administrator  
24                  determines that a material tech-  
25                  nical mistake or misinterpreta-



1                   tion of law occurred when pro-  
2                   mulgating the existing standard  
3                   of performance or comparable re-  
4                   quirement of the Vessel General  
5                   Permit, as applicable.

6                   “(E) BEST MANAGEMENT PRACTICES FOR  
7                   AQUATIC NUISANCE SPECIES EMERGENCIES  
8                   AND FURTHER PROTECTION OF WATER QUAL-  
9                   ITY.—

10                   “(i) IN GENERAL.—Notwithstanding  
11                   any other provision of this subsection, the  
12                   Administrator, in concurrence with the  
13                   Secretary (subject to clause (ii)), and in  
14                   consultation with States, may require, by  
15                   order, the use of an emergency best man-  
16                   agement practice for any region or cat-  
17                   egory of vessels in any case in which the  
18                   Administrator determines that such a best  
19                   management practice—

20                   “(I) is necessary to reduce the  
21                   reasonably foreseeable risk of intro-  
22                   duction or establishment of an aquatic  
23                   nuisance species; or

24                   “(II) will mitigate the adverse ef-  
25                   fects of a discharge that contributes

1 to a violation of a water quality re-  
2 quirement under section 303, other  
3 than a requirement based on the pres-  
4 ence of an aquatic nuisance species.

5 “(ii) CONCURRENCE WITH SEC-  
6 RETARY.—

7 “(I) REQUEST.—The Adminis-  
8 trator shall submit to the Secretary a  
9 request for written concurrence with  
10 respect to an order under clause (i).

11 “(II) EFFECT OF FAILURE TO  
12 CONCUR.—A failure by the Secretary  
13 to concur with the Administrator  
14 under clause (i) by the date that is 60  
15 days after the date on which the Ad-  
16 ministrator submits a request for con-  
17 currence under subclause (I) shall not  
18 prevent the Administrator from  
19 issuing the relevant order, subject to  
20 the condition that the Administrator  
21 shall include in the administrative  
22 record of the issuance—

23 “(aa) documentation of the  
24 request submitted under sub-  
25 clause (I); and

1                   “(bb) the response of the  
2                   Administrator to any written ob-  
3                   jections received from the Sec-  
4                   retary relating to the proposed  
5                   order during the 60-day period  
6                   beginning on the date of submis-  
7                   sion of the request.

8                   “(iii) DURATION.—An order issued by  
9                   the Administrator under clause (i) shall ex-  
10                  pire not later than the date that is 4 years  
11                  after the date of issuance.

12                  “(iv) EXTENSIONS.—The Adminis-  
13                  trator may reissue an order under clause  
14                  (i) for such subsequent periods of not  
15                  longer than 4 years as the Administrator  
16                  determines to be appropriate.

17                  “(5) IMPLEMENTATION, COMPLIANCE, AND EN-  
18                  FORCEMENT REQUIREMENTS.—

19                  “(A) ESTABLISHMENT.—

20                  “(i) IN GENERAL.—As soon as prac-  
21                  ticable, but not later than 2 years, after  
22                  the date on which the Administrator pro-  
23                  mulgates any new or revised standard of  
24                  performance under paragraph (4) with re-  
25                  spect to a discharge, the Secretary, in con-

1                   sultation with States, shall promulgate the  
2                   regulations required under this paragraph  
3                   with respect to that discharge.

4                   “(ii) MINIMUM REQUIREMENTS.—  
5                   Subject to subparagraph (C)(ii)(II), the  
6                   regulations promulgated under this para-  
7                   graph shall not be less stringent with re-  
8                   spect to ensuring, monitoring, and enforce-  
9                   ing compliance than—

10                   “(I) the requirements contained  
11                   in part 3 of the Vessel General Permit  
12                   (relating to corrective actions);

13                   “(II) the requirements contained  
14                   in part 4 of the Vessel General Permit  
15                   (relating to inspections, monitoring,  
16                   reporting, and recordkeeping), includ-  
17                   ing with respect to waters subject to  
18                   Federal protection, in whole or in  
19                   part, for conservation purposes;

20                   “(III) the requirements contained  
21                   in part 5 of the Vessel General Permit  
22                   (relating to vessel class-specific re-  
23                   quirements) regarding monitoring, in-  
24                   spection, and educational and training  
25                   requirements (within the meaning of

1 that part), including with respect to  
2 waters subject to Federal protection,  
3 in whole or in part, for conservation  
4 purposes; and

5 “(IV) any comparable, existing  
6 requirements promulgated under the  
7 Nonindigenous Aquatic Nuisance Pre-  
8 vention and Control Act of 1990 (16  
9 U.S.C. 4701 et seq.) (including sec-  
10 tion 1101 of that Act (16 U.S.C.  
11 4711) (as in effect on the day before  
12 the date of enactment of this sub-  
13 section)) applicable to that discharge.

14 “(iii) COORDINATION WITH STATES.—  
15 The Secretary, in coordination with the  
16 Governors of the States, shall develop,  
17 publish, and periodically update inspection,  
18 monitoring, data management, and en-  
19 forcement procedures for the enforcement  
20 by States of Federal standards and re-  
21 quirements under this subsection.

22 “(iv) EFFECTIVE DATE.—In deter-  
23 mining the effective date of a regulation  
24 promulgated under this paragraph, the

1 Secretary shall take into consideration the  
2 period of time necessary—

3 “(I) to communicate to affected  
4 persons the applicability of the regula-  
5 tion; and

6 “(II) for affected persons reason-  
7 ably to comply with the regulation.

8 “(v) PROCEDURE.—The Secretary  
9 shall promulgate the regulations under this  
10 subparagraph in accordance with—

11 “(I) this paragraph; and

12 “(II) section 553 of title 5,  
13 United States Code.

14 “(B) IMPLEMENTATION REGULATIONS FOR  
15 MARINE POLLUTION CONTROL DEVICES.—The  
16 Secretary shall promulgate such regulations  
17 governing the design, construction, testing, ap-  
18 proval, installation, and use of marine pollution  
19 control devices as are necessary to ensure com-  
20 pliance with the standards of performance pro-  
21 mulgated under paragraph (4).

22 “(C) COMPLIANCE ASSURANCE.—

23 “(i) IN GENERAL.—The Secretary  
24 shall promulgate requirements (including  
25 requirements for vessel owners and opera-

1           tors with respect to inspections, moni-  
2           toring, reporting, sampling, and record-  
3           keeping) to ensure, monitor, and enforce  
4           compliance with—

5                   “(I) the standards of perform-  
6                   ance promulgated by the Adminis-  
7                   trator under paragraph (4); and

8                   “(II) the implementation regula-  
9                   tions promulgated by the Secretary  
10                  under subparagraph (B).

11                 “(ii) MAINTAINING PROTECTIVE-  
12                 NESS.—

13                   “(I) IN GENERAL.—Except as  
14                   provided in subclause (II), the Sec-  
15                   retary shall not revise a requirement  
16                   under this subparagraph or subpara-  
17                   graph (B) to be less stringent with re-  
18                   spect to ensuring, monitoring, or en-  
19                   forcing compliance than an applicable  
20                   existing requirement.

21                   “(II) EXCEPTIONS.—The Sec-  
22                   retary may revise a requirement under  
23                   this subparagraph or subparagraph  
24                   (B) to be less stringent than an appli-  
25                   cable existing requirement—

1                   “(aa) in accordance with  
2                   this subparagraph or subpara-  
3                   graph (B), as applicable;

4                   “(bb) if information becomes  
5                   available that—

6                   “(AA) the Adminis-  
7                   trator determines was not  
8                   reasonably available when  
9                   the Administrator promul-  
10                  gated the existing require-  
11                  ment of the Vessel General  
12                  Permit, or that the Sec-  
13                  retary determines was not  
14                  reasonably available when  
15                  the Secretary promulgated  
16                  the existing requirement  
17                  under the Nonindigenous  
18                  Aquatic Nuisance Preven-  
19                  tion and Control Act of  
20                  1990 (16 U.S.C. 4701 et  
21                  seq.) or the applicable exist-  
22                  ing requirement under this  
23                  subparagraph, as applicable  
24                  (including subsequent scar-  
25                  city or unavailability of ma-



1                   materials used to control the  
2                   relevant discharge); and

3                   “(BB) would have justi-  
4                   fied the application of a less-  
5                   stringent requirement at the  
6                   time of promulgation; or

7                   “(cc) if the Administrator  
8                   determines that a material tech-  
9                   nical mistake or misinterpreta-  
10                  tion of law occurred when pro-  
11                  mulgating an existing require-  
12                  ment of the Vessel General Per-  
13                  mit, or if the Secretary deter-  
14                  mines that a material mistake or  
15                  misinterpretation of law occurred  
16                  when promulgating an existing  
17                  requirement under the Non-  
18                  indigenous Aquatic Nuisance  
19                  Prevention and Control Act of  
20                  1990 (16 U.S.C. 4701 et seq.) or  
21                  this subsection.

22                  “(D) DATA AVAILABILITY.—Beginning not  
23                  later than 1 year after the date of enactment of  
24                  this subsection, the Secretary shall provide to  
25                  the Governor of a State, on request by the Gov-

1           ernor, access to Automated Identification Sys-  
2           tem arrival data for inbound vessels to specific  
3           ports or places of destination in the State.

4           “(6) ADDITIONAL PROVISIONS REGARDING BAL-  
5           LAST WATER.—

6                   “(A) IN GENERAL.—In addition to the  
7                   other applicable requirements of this subsection,  
8                   the requirements of this paragraph shall apply  
9                   with respect to any discharge incidental to the  
10                  normal operation of a vessel that is a discharge  
11                  of ballast water.

12                  “(B) EMPTY BALLAST TANKS.—

13                          “(i) REQUIREMENTS.—Except as pro-  
14                          vided in clause (ii), the owner or operator  
15                          of a vessel with empty ballast tanks bound  
16                          for a port or place of destination subject to  
17                          the jurisdiction of the United States shall,  
18                          prior to arriving at that port or place of  
19                          destination, conduct a ballast water ex-  
20                          change or saltwater flush—

21                                  “(I) not less than 200 nautical  
22                                  miles from any shore for a voyage  
23                                  originating outside the United States  
24                                  or Canadian exclusive economic zone;  
25                                  or

1                   “(II) not less than 50 nautical  
2                   miles from any shore for a voyage  
3                   originating within the United States  
4                   or Canadian exclusive economic zone.

5                   “(ii) EXCEPTIONS.—Clause (i) shall  
6                   not apply—

7                   “(I) if the unpumpable residual  
8                   waters and sediments of an empty  
9                   ballast tank were subject to treat-  
10                  ment, in compliance with applicable  
11                  requirements, through a type-ap-  
12                  proved ballast water management sys-  
13                  tem approved by the Secretary;

14                  “(II) except as otherwise re-  
15                  quired under this subsection, if the  
16                  unpumpable residual waters and sedi-  
17                  ments of an empty ballast tank were  
18                  sourced within—

19                         “(aa) the same port or place  
20                         of destination; or

21                         “(bb) contiguous portions of  
22                         a single Captain of the Port  
23                         Zone;

24                         “(III) if complying with an appli-  
25                         cable requirement of clause (i)—

1                   “(aa) would compromise the  
2                   safety of the vessel; or

3                   “(bb) is otherwise prohibited  
4                   by any Federal, Canadian, or  
5                   international law (including regu-  
6                   lations) pertaining to vessel safe-  
7                   ty;

8                   “(IV) if design limitations of the  
9                   vessel prevent a ballast water ex-  
10                  change or saltwater flush from being  
11                  conducted in accordance with clause  
12                  (i); or

13                  “(V) if the vessel is operating ex-  
14                  clusively within the internal waters of  
15                  the United States or Canada.

16                  “(C) PERIOD OF USE OF INSTALLED BAL-  
17                  LAST WATER MANAGEMENT SYSTEMS.—

18                  “(i) IN GENERAL.—Except as pro-  
19                  vided in clause (ii), a vessel shall be  
20                  deemed to be in compliance with a stand-  
21                  ard of performance for a marine pollution  
22                  control device that is a ballast water man-  
23                  agement system if the ballast water man-  
24                  agement system—

1                   “(I) is maintained in proper  
2                   working condition, as determined by  
3                   the Secretary;

4                   “(II) is maintained and used in  
5                   accordance with manufacturer speci-  
6                   fications;

7                   “(III) continues to meet the bal-  
8                   last water discharge standard applica-  
9                   ble to the vessel at the time of instal-  
10                  lation, as determined by the Sec-  
11                  retary; and

12                  “(IV) has in effect a valid type-  
13                  approval certificate issued by the Sec-  
14                  retary.

15                  “(ii) LIMITATION.—Clause (i) shall  
16                  cease to apply with respect to any vessel  
17                  on, as applicable—

18                  “(I) the expiration of the service  
19                  life, as determined by the Secretary,  
20                  of—

21                  “(aa) the ballast water man-  
22                  agement system; or

23                  “(bb) the vessel;

24                  “(II) the completion of a major  
25                  conversion (as defined in section 2101

1 of title 46, United States Code) of the  
2 vessel; or

3 “(III) a determination by the  
4 Secretary that there are other type-  
5 approved systems for the vessel or  
6 category of vessels, with respect to the  
7 use of which the environmental,  
8 health, and economic benefits would  
9 exceed the costs.

10 “(D) REVIEW OF BALLAST WATER MAN-  
11 AGEMENT SYSTEM TYPE-APPROVAL TESTING  
12 METHODS.—

13 “(i) DEFINITION OF LIVE; LIVING.—  
14 Notwithstanding any other provision of law  
15 (including regulations), for purposes of  
16 section 151.1511 of title 33, and part 162  
17 of title 46, Code of Federal Regulations (or  
18 successor regulations), the terms ‘live’ and  
19 ‘living’ shall not—

20 “(I) include an organism that  
21 has been rendered nonviable; or

22 “(II) preclude the consideration  
23 of any method of measuring the con-  
24 centration of organisms in ballast

1 water that are capable of reproduc-  
2 tion.

3 “(ii) DRAFT POLICY.—Not later than  
4 180 days after the date of enactment of  
5 this subsection, the Secretary, in coordina-  
6 tion with the Administrator, shall publish a  
7 draft policy letter, based on the best avail-  
8 able science, describing type-approval test-  
9 ing methods and protocols for ballast water  
10 management systems, if any, that—

11 “(I) render nonviable organisms  
12 in ballast water; and

13 “(II) may be used in addition to  
14 the methods established under sub-  
15 part 162.060 of title 46, Code of Fed-  
16 eral Regulations (or successor regula-  
17 tions)—

18 “(aa) to measure the con-  
19 centration of organisms in ballast  
20 water that are capable of repro-  
21 duction;

22 “(bb) to certify the perform-  
23 ance of each ballast water man-  
24 agement system under this sub-  
25 section; and

1                   “(cc) to certify laboratories  
2                   to evaluate applicable treatment  
3                   technologies.

4                   “(iii) PUBLIC COMMENT.—The Sec-  
5                   retary shall provide a period of not more  
6                   than 60 days for public comment regarding  
7                   the draft policy letter published under  
8                   clause (ii).

9                   “(iv) FINAL POLICY.—

10                   “(I) IN GENERAL.—Not later  
11                   than 1 year after the date of enact-  
12                   ment of this subsection, the Secretary,  
13                   in coordination with the Adminis-  
14                   trator, shall publish a final policy let-  
15                   ter describing type-approval testing  
16                   methods, if any, for ballast water  
17                   management systems that render non-  
18                   viable organisms in ballast water.

19                   “(II) METHOD OF EVALUA-  
20                   TION.—The ballast water manage-  
21                   ment systems under subclause (I)  
22                   shall be evaluated by measuring the  
23                   concentration of organisms in ballast  
24                   water that are capable of reproduction  
25                   based on the best available science



1 that may be used in addition to the  
2 methods established under subpart  
3 162.060 of title 46, Code of Federal  
4 Regulations (or successor regulations).

5 “(III) REVISIONS.—The Sec-  
6 retary shall revise the final policy let-  
7 ter under subclause (I) in any case in  
8 which the Secretary, in coordination  
9 with the Administrator, determines  
10 that additional testing methods are  
11 capable of measuring the concentra-  
12 tion of organisms in ballast water that  
13 have not been rendered nonviable.

14 “(v) FACTORS FOR CONSIDER-  
15 ATION.—In developing a policy letter under  
16 this subparagraph, the Secretary, in co-  
17 ordination with the Administrator—

18 “(I) shall take into consideration  
19 a testing method that uses organism  
20 grow-out and most probable number  
21 statistical analysis to determine the  
22 concentration of organisms in ballast  
23 water that are capable of reproduc-  
24 tion; and

1                   “(II) shall not take into consider-  
2                   ation a testing method that relies on  
3                   a staining method that measures the  
4                   concentration of—

5                               “(aa) organisms greater  
6                               than or equal to 10 micrometers;  
7                               and

8                               “(bb) organisms less than or  
9                               equal to 50 micrometers.

10                   “(E) INTERGOVERNMENTAL RESPONSE  
11                   FRAMEWORK.—

12                               “(i) IN GENERAL.—The Secretary, in  
13                               consultation with the Administrator and  
14                               acting in coordination with, or through, the  
15                               Aquatic Nuisance Species Task Force es-  
16                               tablished by section 1201(a) of the Non-  
17                               indigenous Aquatic Nuisance Prevention  
18                               and Control Act of 1990 (16 U.S.C.  
19                               4721(a)), shall establish a framework for  
20                               Federal and intergovernmental response to  
21                               aquatic nuisance species risks from dis-  
22                               charges from vessels subject to ballast  
23                               water and incidental discharge compliance  
24                               requirements under this subsection, includ-  
25                               ing the introduction, spread, and establish-

1                   ment of aquatic nuisance species popu-  
2                   lations.

3                   “(ii) BALLAST DISCHARGE RISK RE-  
4                   SPONSE.—The Administrator, in coordina-  
5                   tion with the Secretary and taking into  
6                   consideration information from the Na-  
7                   tional Ballast Information Clearinghouse  
8                   developed under section 1102(f) of the  
9                   Nonindigenous Aquatic Nuisance Preven-  
10                  tion and Control Act of 1990 (16 U.S.C.  
11                  4712(f)), shall establish a risk assessment  
12                  and response framework using ballast  
13                  water discharge data and aquatic nuisance  
14                  species monitoring data for the purposes  
15                  of—

16                               “(I) identifying and tracking  
17                               populations of aquatic invasive spe-  
18                               cies;

19                               “(II) evaluating the risk of any  
20                               aquatic nuisance species population  
21                               tracked under subclause (I) estab-  
22                               lishing and spreading in waters of the  
23                               United States or waters of the contig-  
24                               uous zone; and

1                   “(III) establishing emergency  
2                   best management practices that may  
3                   be deployed rapidly, in a local or re-  
4                   gional manner, to respond to emerg-  
5                   ing aquatic nuisance species threats.

6                   “(7) PETITIONS BY GOVERNORS FOR REVIEW.—

7                   “(A) IN GENERAL.—The Governor of a  
8                   State (or a designee) may submit to the Admin-  
9                   istrator or the Secretary a petition—

10                   “(i) to issue an order under para-  
11                   graph (4)(E); or

12                   “(ii) to review any standard of per-  
13                   formance, regulation, or policy promul-  
14                   gated under paragraph (4), (5), or (6), re-  
15                   spectively, if there exists new information  
16                   that could reasonably result in a change  
17                   to—

18                   “(I) the standard of performance,  
19                   regulation, or policy; or

20                   “(II) a determination on which  
21                   the standard of performance, regula-  
22                   tion, or policy was based.

23                   “(B) INCLUSION.—A petition under sub-  
24                   paragraph (A) shall include a description of any

1 applicable scientific or technical information  
2 that forms the basis of the petition.

3 “(C) DETERMINATION.—

4 “(i) TIMING.—The Administrator or  
5 the Secretary, as applicable, shall grant or  
6 deny—

7 “(I) a petition under subpara-  
8 graph (A)(i) by not later than the  
9 date that is 180 days after the date  
10 on which the petition is submitted;  
11 and

12 “(II) a petition under subpara-  
13 graph (A)(ii) by not later than the  
14 date that is 1 year after the date on  
15 which the petition is submitted.

16 “(ii) EFFECT OF GRANT.—If the Ad-  
17 ministrator or the Secretary determines  
18 under clause (i) to grant a petition—

19 “(I) in the case of a petition  
20 under subparagraph (A)(i), the Ad-  
21 ministrator shall immediately issue  
22 the relevant order under paragraph  
23 (4)(E); or

24 “(II) in the case of a petition  
25 under subparagraph (A)(ii), the Ad-

1                    administrator or Secretary shall publish  
2                    in the Federal Register, by not later  
3                    than 30 days after the date of that  
4                    determination, a notice of proposed  
5                    rulemaking to revise the relevant  
6                    standard, requirement, regulation, or  
7                    policy under paragraph (4), (5), or  
8                    (6), as applicable.

9                    “(iii) NOTICE OF DENIAL.—If the Ad-  
10                   administrator or the Secretary determines  
11                   under clause (i) to deny a petition, the Ad-  
12                   ministrator or Secretary shall publish in  
13                   the Federal Register, by not later than 30  
14                   days after the date of that determination,  
15                   a detailed explanation of the scientific,  
16                   technical, or operational factors that form  
17                   the basis of the determination.

18                   “(iv) REVIEW.—A determination by  
19                   the Administrator or the Secretary under  
20                   clause (i) to deny a petition shall be—

21                   “(I) considered to be a final  
22                   agency action; and

23                   “(II) subject to judicial review in  
24                   accordance with section 509, subject  
25                   to clause (v).

1 “(v) EXCEPTIONS.—

2 “(I) VENUE.—Notwithstanding  
3 section 509(b), a petition for review of  
4 a determination by the Administrator  
5 or the Secretary under clause (i) to  
6 deny a petition submitted by the Gov-  
7 ernor of a State under subparagraph  
8 (A) may be filed in any United States  
9 district court of competent jurisdic-  
10 tion.

11 “(II) DEADLINE FOR FILING.—  
12 Notwithstanding section 509(b), a pe-  
13 tition for review of a determination by  
14 the Administrator or the Secretary  
15 under clause (i) shall be filed by not  
16 later than 180 days after the date on  
17 which the justification for the deter-  
18 mination is published in the Federal  
19 Register under clause (iii).

20 “(8) PROHIBITION.—

21 “(A) IN GENERAL.—It shall be unlawful  
22 for any person to violate—

23 “(i) a provision of the Vessel General  
24 Permit in force and effect under paragraph  
25 (3)(A);

1           “(ii) a regulation promulgated pursu-  
2           ant to section 1101 of the Nonindigenous  
3           Aquatic Nuisance Prevention and Control  
4           Act of 1990 (16 U.S.C. 4711) (as in effect  
5           on the day before the date of enactment of  
6           this subsection) in force and effect under  
7           paragraph (3)(B); or

8           “(iii) an applicable requirement or  
9           regulation under this subsection.

10           “(B) COMPLIANCE WITH REGULATIONS.—  
11           Effective beginning on the effective date of a  
12           regulation promulgated under paragraph (4),  
13           (5), (6), or (10), as applicable, it shall be un-  
14           lawful for the owner or operator of a vessel sub-  
15           ject to the regulation—

16           “(i) to discharge any discharge inci-  
17           dental to the normal operation of the ves-  
18           sel into waters of the United States or  
19           waters of the contiguous zone, except in  
20           compliance with the regulation; or

21           “(ii) to operate in waters of the  
22           United States or waters of the contiguous  
23           zone, if the vessel is not equipped with a  
24           required marine pollution control device



1 that complies with the requirements estab-  
2 lished under this subsection, unless—

3 “(I) the owner or operator of the  
4 vessel denotes in an entry in the offi-  
5 cial logbook of the vessel that the  
6 equipment was not operational; and

7 “(II) either—

8 “(aa) the applicable dis-  
9 charge was avoided; or

10 “(bb) an alternate compli-  
11 ance option approved by the Sec-  
12 retary as meeting the applicable  
13 standard was employed.

14 “(C) AFFIRMATIVE DEFENSE.—No person  
15 shall be found to be in violation of this para-  
16 graph if—

17 “(i) the violation was in the interest  
18 of ensuring the safety of life at sea, as de-  
19 termined by the Secretary; and

20 “(ii) the applicable emergency cir-  
21 cumstance was not the result of negligence  
22 or malfeasance on the part of—

23 “(I) the owner or operator of the  
24 vessel;

25 “(II) the master of the vessel; or

1                   “(III) the person in charge of the  
2                   vessel.

3                   “(D) TREATMENT.—Each day of con-  
4                   tinuing violation of an applicable requirement of  
5                   this subsection shall constitute a separate of-  
6                   fense.

7                   “(E) IN REM LIABILITY.—A vessel oper-  
8                   ated in violation of this subsection is liable in  
9                   rem for any civil penalty assessed for the viola-  
10                  tion.

11                  “(F) REVOCATION OF CLEARANCE.—The  
12                  Secretary shall withhold or revoke the clearance  
13                  of a vessel required under section 60105 of title  
14                  46, United States Code, if the owner or oper-  
15                  ator of the vessel is in violation of this sub-  
16                  section.

17                  “(9) EFFECT ON OTHER LAWS.—

18                         “(A) STATE AUTHORITY.—

19                                 “(i) IN GENERAL.—Except as pro-  
20                                 vided in clauses (ii) through (v) and para-  
21                                 graph (10), effective beginning on the date  
22                                 on which the requirements promulgated by  
23                                 the Secretary under subparagraphs (A),  
24                                 (B), and (C) of paragraph (5) with respect  
25                                 to every discharge incidental to the normal

1 operation of a vessel that is subject to reg-  
2 ulation under this subsection are final, ef-  
3 fective, 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  
9 State or Federal law relating to the  
10 regulation of a discharge incidental to  
11 the normal operation of a vessel be-  
12 fore the date of enactment of this sub-  
13 section may assess or retain a fee to  
14 cover the costs of administration, in-  
15 spection, monitoring, and enforcement  
16 activities by the State to achieve com-  
17 pliance with the applicable require-  
18 ments of 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  
4 outside 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  
12 may assess against the owner or  
13 operator of a vessel registered in  
14 accordance with applicable Fed-  
15 eral law and lawfully engaged in  
16 the coastwise trade not more  
17 than \$5,000 in fees under this  
18 clause per vessel during a cal-  
19 endar year.

20 “(III) ADJUSTMENT FOR INFLA-  
21 TION.—

22 “(aa) IN GENERAL.—A  
23 State may adjust the amount of  
24 a fee authorized under this clause  
25 not more frequently than once

1 every 5 years to reflect the per-  
2 centage by which the Consumer  
3 Price Index for All Urban Con-  
4 sumers published by the Depart-  
5 ment of Labor for the month of  
6 October immediately preceding  
7 the date of adjustment exceeds  
8 the Consumer Price Index for All  
9 Urban Consumers published by  
10 the Department of Labor for the  
11 month of October that imme-  
12 diately precedes the date that is  
13 5 years before the date of adjust-  
14 ment.

15 “(bb) EFFECT OF SUB-  
16 CLAUSE.—Nothing in this sub-  
17 clause prevents a State from ad-  
18 justing a fee in effect before the  
19 date of enactment of this sub-  
20 section to the applicable max-  
21 imum amount under subclause  
22 (II).

23 “(cc) APPLICABILITY.—This  
24 subclause applies only to in-  
25 creases in fees to amounts great-

1                   er than the applicable maximum  
2                   amount under subclause (II).

3                   “(v) ALASKA GRAYWATER.—Clause (i)  
4                   shall not apply with respect to any dis-  
5                   charge of graywater (as defined in section  
6                   1414 of the Consolidated Appropriations  
7                   Act, 2001 (Public Law 106–554; 114 Stat.  
8                   2763A–323)) from a passenger vessel (as  
9                   defined in section 2101 of title 46, United  
10                  States Code) in the State of Alaska (in-  
11                  cluding all waters in the Alexander Archi-  
12                  pelago) carrying 50 or more passengers.

13                  “(vi) PRESERVATION OF AUTHOR-  
14                  ITY.—Nothing in this subsection preempts  
15                  any State law, public initiative, ref-  
16                  erendum, regulation, requirement, or other  
17                  State action, except as expressly provided  
18                  in this subsection.

19                  “(B) ESTABLISHED REGIMES.—Except as  
20                  expressly provided in this subsection, nothing in  
21                  this subsection affects the applicability to a ves-  
22                  sel of any other provision of Federal law, in-  
23                  cluding—

24                               “(i) this section;

25                               “(ii) section 311;

1 “(iii) the Act to Prevent Pollution  
2 from Ships (33 U.S.C. 1901 et seq.); and

3 “(iv) title X of the Coast Guard Au-  
4 thorization Act of 2010 (33 U.S.C. 3801  
5 et seq.).

6 “(C) PERMITTING.—Effective beginning on  
7 the date of enactment of this subsection—

8 “(i) the Small Vessel General Permit  
9 is repealed; and

10 “(ii) the Administrator, or a State in  
11 the case of a permit program approved  
12 under section 402, shall not require, or in  
13 any way modify, a permit under that sec-  
14 tion for—

15 “(I) any discharge that is subject  
16 to regulation under this subsection;

17 “(II) any discharge incidental to  
18 the normal operation of a vessel from  
19 a small vessel or fishing vessel, re-  
20 gardless of whether that discharge is  
21 subject to regulation under this sub-  
22 section; or

23 “(III) any discharge described in  
24 paragraph (2)(B)(ii).



1           “(D) NO EFFECT ON CIVIL OR CRIMINAL  
2           ACTIONS.—Nothing in this subsection, or any  
3           standard, regulation, or requirement established  
4           under this subsection, modifies or otherwise af-  
5           fects, preempts, or displaces—

6                     “(i) any cause of action; or

7                     “(ii) any provision of Federal or State  
8           law establishing a remedy for civil relief or  
9           criminal penalty.

10           “(E) NO EFFECT ON CERTAIN SECRE-  
11           TARIAL AUTHORITY.—Nothing in this sub-  
12           section affects the authority of the Secretary of  
13           Commerce or the Secretary of the Interior to  
14           administer any land or waters under the admin-  
15           istrative control of the Secretary of Commerce  
16           or the Secretary of the Interior, respectively.

17           “(F) NO LIMITATION ON STATE INSPEC-  
18           TION AUTHORITY.—Nothing in this subsection  
19           limits the authority of a State to inspect a ves-  
20           sel pursuant to paragraph (5)(A)(iii) in order to  
21           monitor compliance with an applicable require-  
22           ment of this section.

23           “(10)    ADDITIONAL    REGIONAL    REQUIRE-  
24           MENTS.—

1                   “(A) MINIMUM GREAT LAKES SYSTEM RE-  
2                   QUIREMENTS.—

3                   “(i) IN GENERAL.—Except as pro-  
4                   vided in clause (ii), the owner or operator  
5                   of a vessel entering the St. Lawrence Sea-  
6                   way through the mouth of the St. Law-  
7                   rence River shall conduct a complete bal-  
8                   last water exchange or saltwater flush—

9                   “(I) not less than 200 nautical  
10                  miles from any shore for a voyage  
11                  originating outside the United States  
12                  or Canadian exclusive economic zone;  
13                  or

14                  “(II) not less than 50 nautical  
15                  miles from any shore for a voyage  
16                  originating within the United States  
17                  or Canadian exclusive economic zone.

18                  “(ii) EXCEPTIONS.—Clause (i) shall  
19                  not apply to a vessel if—

20                  “(I) complying with an applicable  
21                  requirement of clause (i)—

22                  “(aa) would compromise the  
23                  safety of the vessel; or

24                  “(bb) is otherwise prohibited  
25                  by any Federal, Canadian, or

1 international law (including regu-  
2 lations) pertaining to vessel safe-  
3 ty;

4 “(II) design limitations of the  
5 vessel prevent a ballast water ex-  
6 change from being conducted in ac-  
7 cordance with an applicable require-  
8 ment of clause (i);

9 “(III) the vessel—

10 “(aa) is certified by the Sec-  
11 retary as having no residual bal-  
12 last water or sediments onboard;  
13 or

14 “(bb) retains all ballast  
15 water while in waters subject to  
16 the requirement; or

17 “(IV) empty ballast tanks on the  
18 vessel are sealed and certified by the  
19 Secretary in a manner that ensures  
20 that—

21 “(aa) no discharge or uptake  
22 occurs; and

23 “(bb) any subsequent dis-  
24 charge of ballast water is subject  
25 to the requirement.

1                   “(B) ENHANCED GREAT LAKES SYSTEM  
2                   REQUIREMENTS.—

3                   “(i) PETITIONS BY GOVERNORS FOR  
4                   PROPOSED ENHANCED STANDARDS AND  
5                   REQUIREMENTS.—

6                   “(I) IN GENERAL.—The Gov-  
7                   ernor of a Great Lakes State (or a  
8                   State employee designee) may submit  
9                   a petition in accordance with sub-  
10                  clause (II) to propose that other Gov-  
11                  ernors of Great Lakes States endorse  
12                  an enhanced standard of performance  
13                  or other requirement with respect to  
14                  any discharge that—

15                  “(aa) is subject to regulation  
16                  under this subsection; and

17                  “(bb) occurs within the  
18                  Great Lakes System.

19                  “(II) SUBMISSION.—A Governor  
20                  shall submit a petition under sub-  
21                  clause (I), in writing, to—

22                  “(aa) the Executive Director  
23                  of the Great Lakes Commission,  
24                  in such manner as may be pre-

1 scribed by the Great Lakes Com-  
2 mission;

3 “(bb) the Governor of each  
4 other Great Lakes State; and

5 “(cc) the Director of the  
6 Great Lakes National Program  
7 Office established by section  
8 118(b).

9 “(III) PRELIMINARY ASSESS-  
10 MENT BY GREAT LAKES COMMIS-  
11 SION.—

12 “(aa) IN GENERAL.—After  
13 the date of receipt of a petition  
14 under subclause (II)(aa), the  
15 Great Lakes Commission (acting  
16 through the Great Lakes Panel  
17 on Aquatic Nuisance Species, to  
18 the maximum extent practicable)  
19 may develop a preliminary as-  
20 sessment regarding each en-  
21 hanced standard of performance  
22 or other requirement described in  
23 the petition.

24 “(bb) PROVISIONS.—The  
25 preliminary assessment developed

1 by the Great Lakes Commission  
2 under item (aa)—

3 “(AA) may be devel-  
4 oped in consultation with  
5 relevant experts and stake-  
6 holders;

7 “(BB) may be narrative  
8 in nature;

9 “(CC) may include the  
10 preliminary views, if any, of  
11 the Great Lakes Commission  
12 on the propriety of the pro-  
13 posed enhanced standard of  
14 performance or other re-  
15 quirement;

16 “(DD) shall be sub-  
17 mitted, in writing, to the  
18 Governor of each Great  
19 Lakes State and the Direc-  
20 tor of the Great Lakes Na-  
21 tional Program Office and  
22 published on the internet  
23 website of the Great Lakes  
24 National Program Office;  
25 and

1                   “(EE) except as pro-  
2                   vided in clause (iii), shall  
3                   not be taken into consider-  
4                   ation, or provide a basis for  
5                   review, by the Administrator  
6                   or the Secretary for pur-  
7                   poses of that clause.

8                   “(ii) PROPOSED ENHANCED STAND-  
9                   ARDS AND REQUIREMENTS.—

10                   “(I) PUBLICATION IN FEDERAL  
11                   REGISTER.—

12                   “(aa) REQUEST BY GOV-  
13                   ERNOR.—Not earlier than the  
14                   date that is 90 days after the  
15                   date on which the Executive Di-  
16                   rector of the Great Lakes Com-  
17                   mission receives from a Governor  
18                   of a Great Lakes State a petition  
19                   under clause (i)(II)(aa), the Gov-  
20                   ernor may request the Director  
21                   of the Great Lakes National Pro-  
22                   gram Office to publish, for a pe-  
23                   riod requested by the Governor of  
24                   not less than 30 days, and the  
25                   Director shall so publish, in the

1 Federal Register for public com-  
2 ment—

3 “(AA) a copy of the pe-  
4 tition; and

5 “(BB) if applicable as  
6 of the date of publication,  
7 any preliminary assessment  
8 of the Great Lakes Commis-  
9 sion developed under clause  
10 (i)(III) relating to the peti-  
11 tion.

12 “(bb) REVIEW OF PUBLIC  
13 COMMENTS.—On receipt of a  
14 written request of a Governor of  
15 a Great Lakes State, the Direc-  
16 tor of the Great Lakes National  
17 Program Office shall make avail-  
18 able all public comments received  
19 in response to the notice under  
20 item (aa).

21 “(cc) NO RESPONSE RE-  
22 QUIRED.—Notwithstanding any  
23 other provision of law, a Gov-  
24 ernor of a Great Lakes State or  
25 the Director of the Great Lakes



1 National Program Office shall  
2 not be required to provide a re-  
3 sponse to any comment received  
4 in response to the publication of  
5 a petition or preliminary assess-  
6 ment under item (aa).

7 “(dd) PURPOSE.—Any pub-  
8 lic comments received in response  
9 to the publication of a petition or  
10 preliminary assessment under  
11 item (aa) shall be used solely for  
12 the purpose of providing informa-  
13 tion and feedback to the Gov-  
14 ernor of each Great Lakes State  
15 regarding the decision to endorse  
16 the proposed standard or require-  
17 ment.

18 “(ee) EFFECT OF PETI-  
19 TION.—A proposed standard or  
20 requirement developed under sub-  
21 clause (II) may differ from the  
22 proposed standard or require-  
23 ment described in a petition pub-  
24 lished under item (aa).

1                   “(II) COORDINATION TO DE-  
2                   VELOP PROPOSED STANDARD OR RE-  
3                   QUIREMENT.—After the expiration of  
4                   the public comment period for the pe-  
5                   tition under subclause (I), any inter-  
6                   ested Governor of a Great Lakes  
7                   State may work in coordination with  
8                   the Great Lakes Commission to de-  
9                   velop a proposed standard of perform-  
10                  ance or other requirement applicable  
11                  to a discharge referred to in the peti-  
12                  tion.

13                  “(III) REQUIREMENTS.—A pro-  
14                  posed standard of performance or  
15                  other requirement under subclause  
16                  (II)—

17                               “(aa) shall be developed—

18                                       “(AA) in consultation  
19                                       with representatives from  
20                                       the Federal and provincial  
21                                       governments of Canada;

22                                       “(BB) after notice and  
23                                       opportunity for public com-  
24                                       ment on the petition pub-

1                   lished under subclause (I);  
2                   and

3                   “(CC) taking into con-  
4                   sideration the preliminary  
5                   assessment, if any, of the  
6                   Great Lakes Commission  
7                   under clause (i)(III);

8                   “(bb) shall be specifically  
9                   endorsed in writing by—

10                   “(AA) the Governor of  
11                   each Great Lakes State, if  
12                   the proposed standard or re-  
13                   quirement would impose any  
14                   additional equipment re-  
15                   quirement on a vessel; or

16                   “(BB) not fewer than 5  
17                   Governors of Great Lakes  
18                   States, if the proposed  
19                   standard or requirement  
20                   would not impose any addi-  
21                   tional equipment require-  
22                   ment on a vessel; and

23                   “(cc) in the case of a pro-  
24                   posed requirement to prohibit 1  
25                   or more types of discharge regu-

1                   lated under this subsection,  
2                   whether treated or not treated,  
3                   into waters within the Great  
4                   Lakes System, shall not apply  
5                   outside the waters of the Great  
6                   Lakes States of the Governors  
7                   endorsing the proposed require-  
8                   ment under item (bb).

9                   “(iii) PROMULGATION BY ADMINIS-  
10                   TRATOR AND SECRETARY.—

11                   “(I) SUBMISSION.—

12                   “(aa) IN GENERAL.—The  
13                   Governors endorsing a proposed  
14                   standard or requirement under  
15                   clause (ii)(III)(bb) may jointly  
16                   submit to the Administrator and  
17                   the Secretary for approval each  
18                   proposed standard of perform-  
19                   ance or other requirement devel-  
20                   oped and endorsed pursuant to  
21                   clause (ii).

22                   “(bb) INCLUSION.—Each  
23                   submission under item (aa) shall  
24                   include an explanation regarding  
25                   why the applicable standard of

1 performance or other require-  
2 ment is—

3 “(AA) at least as strin-  
4 gent as a comparable stand-  
5 ard of performance or other  
6 requirement under this sub-  
7 section;

8 “(BB) in accordance  
9 with maritime safety; and

10 “(CC) in accordance  
11 with applicable maritime  
12 and navigation laws and reg-  
13 ulations.

14 “(cc) WITHDRAWAL.—

15 “(AA) IN GENERAL.—

16 The Governor of any Great  
17 Lakes State that endorses a  
18 proposed standard or re-  
19 quirement under clause  
20 (ii)(III)(bb) may withdraw  
21 the endorsement by not later  
22 than the date that is 90  
23 days after the date on which  
24 the Administrator and the  
25 Secretary receive the pro-

1                   posed standard or require-  
2                   ment.

3                   “(BB) EFFECT ON  
4                   FEDERAL REVIEW.—If, after  
5                   the withdrawal of an en-  
6                   dorsement under subitem  
7                   (AA), the proposed standard  
8                   or requirement does not  
9                   have the applicable number  
10                  of endorsements under  
11                  clause (ii)(III)(bb), the Ad-  
12                  ministrators and the Sec-  
13                  retary shall terminate the  
14                  review under this clause.

15                  “(dd) DISSENTING OPIN-  
16                  IONS.—The Governor of a Great  
17                  Lakes State that does not en-  
18                  dorse a proposed standard or re-  
19                  quirement under clause  
20                  (ii)(III)(bb) may submit to the  
21                  Administrator and the Secretary  
22                  any dissenting opinions of the  
23                  Governor.

24                  “(II) JOINT NOTICE.—On receipt  
25                  of a proposed standard of perform-

1                   ance or other requirement under sub-  
2                   clause (I), the Administrator and the  
3                   Secretary shall publish in the Federal  
4                   Register a joint notice that, at min-  
5                   imum—

6                   “(aa) states that the pro-  
7                   posed standard or requirement is  
8                   publicly available; and

9                   “(bb) provides an oppor-  
10                  tunity for public comment re-  
11                  garding the proposed standard or  
12                  requirement during the 90-day  
13                  period beginning on the date of  
14                  receipt by the Administrator and  
15                  the Secretary of the proposed  
16                  standard or requirement.

17                  “(III) REVIEW.—

18                  “(aa) IN GENERAL.—As  
19                  soon as practicable after the date  
20                  of publication of a joint notice  
21                  under subclause (II)—

22                  “(AA) the Adminis-  
23                  trator shall commence a re-  
24                  view of each proposed stand-  
25                  ard of performance or other

1 requirement covered by the  
2 notice to determine whether  
3 that standard or require-  
4 ment is at least as stringent  
5 as comparable standards  
6 and requirements under this  
7 subsection; and

8 “(BB) the Secretary  
9 shall commence a review of  
10 each proposed standard of  
11 performance or other re-  
12 quirement covered by the  
13 notice to determine whether  
14 that standard or require-  
15 ment is in accordance with  
16 maritime safety and applica-  
17 ble maritime and navigation  
18 laws and regulations.

19 “(bb) CONSULTATION.—In  
20 carrying out item (aa), the Ad-  
21 ministrator and the Secretary—

22 “(AA) shall consult  
23 with the Governor of each  
24 Great Lakes State and rep-  
25 resentatives from the Fed-



1 eral and provincial govern-  
2 ments of Canada;

3 “(BB) shall take into  
4 consideration any relevant  
5 data or public comments re-  
6 ceived under subclause  
7 (II)(bb); and

8 “(CC) shall not take  
9 into consideration any pre-  
10 liminary assessment by the  
11 Great Lakes Commission  
12 under clause (i)(III), or any  
13 dissenting opinion under  
14 subclause (I)(dd), except to  
15 the extent that such an as-  
16 sessment or opinion is rel-  
17 evant to the criteria for the  
18 applicable determination  
19 under item (aa).

20 “(IV) APPROVAL OR DIS-  
21 APPROVAL.—Not later than 180 days  
22 after the date of receipt of each pro-  
23 posed standard of performance or  
24 other requirement under subclause

1 (I), the Administrator and the Sec-  
2 retary shall—

3 “(aa) determine, as applica-  
4 ble, whether each proposed  
5 standard or other requirement  
6 satisfies the criteria under sub-  
7 clause (III)(aa);

8 “(bb) approve each proposed  
9 standard or other requirement,  
10 unless the Administrator or the  
11 Secretary, as applicable, deter-  
12 mines under item (aa) that the  
13 proposed standard or other re-  
14 quirement does not satisfy the  
15 criteria under subclause  
16 (III)(aa); and

17 “(cc) submit to the Gov-  
18 ernor of each Great Lakes State,  
19 and publish in the Federal Reg-  
20 ister, a notice of the determina-  
21 tion under item (aa).

22 “(V) ACTION ON DIS-  
23 APPROVAL.—

24 “(aa) RATIONALE AND REC-  
25 OMMENDATIONS.—If the Admin-

1                    istrator and the Secretary dis-  
2                    approve a proposed standard of  
3                    performance or other require-  
4                    ment under subclause (IV)(bb),  
5                    the notices under subclause  
6                    (IV)(cc) shall include—

7                                 “(AA) a description of  
8                                 the reasons why the stand-  
9                                 ard or requirement is, as ap-  
10                                plicable, less stringent than  
11                                a comparable standard or  
12                                requirement under this sub-  
13                                section, inconsistent with  
14                                maritime safety, or incon-  
15                                sistent with applicable mari-  
16                                time and navigation laws  
17                                and regulations; and

18                                “(BB) any rec-  
19                                ommendations regarding  
20                                changes the Governors of  
21                                the Great Lakes States  
22                                could make to conform the  
23                                disapproved portion of the  
24                                standard or requirement to

1 the requirements of this sub-  
2 paragraph.

3 “(bb) REVIEW.—Dis-  
4 approval of a proposed standard  
5 or requirement by the Adminis-  
6 trator and the Secretary under  
7 this subparagraph shall be con-  
8 sidered to be a final agency ac-  
9 tion subject to judicial review  
10 under section 509.

11 “(VI) ACTION ON APPROVAL.—  
12 On approval by the Administrator and  
13 the Secretary of a proposed standard  
14 of performance or other requirement  
15 under subclause (IV)(bb)—

16 “(aa) the Administrator  
17 shall establish, by regulation, the  
18 proposed standard or require-  
19 ment within the Great Lakes  
20 System in lieu of any comparable  
21 standard or other requirement  
22 promulgated under paragraph  
23 (4); and

24 “(bb) the Secretary shall es-  
25 tablish, by regulation, any re-

1                    requirements necessary to imple-  
2                    ment, ensure compliance with,  
3                    and enforce the standard or re-  
4                    quirement under item (aa), or to  
5                    apply the proposed requirement,  
6                    within the Great Lakes System  
7                    in lieu of any comparable re-  
8                    quirement promulgated under  
9                    paragraph (5).

10                    “(VII) NO JUDICIAL REVIEW FOR  
11                    CERTAIN ACTIONS.—An action or in-  
12                    action of a Governor of a Great Lakes  
13                    State or the Great Lakes Commission  
14                    under this subparagraph shall not be  
15                    subject to judicial review.

16                    “(VIII) GREAT LAKES COM-  
17                    PACT.—Nothing in this subsection  
18                    limits, alters, or amends the Great  
19                    Lakes Compact to which Congress  
20                    granted consent in the Act of July 24,  
21                    1968 (Public Law 90–419; 82 Stat.  
22                    414).

23                    “(IX) AUTHORIZATION OF AP-  
24                    PROPRIATIONS.—There is authorized  
25                    to be appropriated to the Great Lakes

1 Commission \$5,000,000, to be avail-  
2 able until expended.

3 “(C) MINIMUM PACIFIC REGION REQUIRE-  
4 MENTS.—

5 “(i) DEFINITION OF COMMERCIAL  
6 VESSEL.—In this subparagraph, the term  
7 ‘commercial vessel’ means a vessel oper-  
8 ating between—

9 “(I) 2 ports or places of destina-  
10 tion within the Pacific Region; or

11 “(II) a port or place of destina-  
12 tion within the Pacific Region and a  
13 port or place of destination on the Pa-  
14 cific Coast of Canada or Mexico north  
15 of parallel 20 degrees north latitude,  
16 inclusive of the Gulf of California.

17 “(ii) BALLAST WATER EXCHANGE.—

18 “(I) IN GENERAL.—Except as  
19 provided in subclause (II) and clause  
20 (iv), the owner or operator of a com-  
21 mercial vessel shall conduct a com-  
22 plete ballast water exchange in waters  
23 more than 50 nautical miles from  
24 shore.

1                   “(II) EXEMPTIONS.—Subclause  
2                   (I) shall not apply to a commercial  
3                   vessel—

4                   “(aa) using, in compliance  
5                   with applicable requirements, a  
6                   type-approved ballast water man-  
7                   agement system approved by the  
8                   Secretary; or

9                   “(bb) voyaging—

10                   “(AA) between or to a  
11                   port or place of destination  
12                   in the State of Washington,  
13                   if the ballast water to be  
14                   discharged from the com-  
15                   mercial vessel originated  
16                   solely from waters located  
17                   between the parallel 46 de-  
18                   grees north latitude, includ-  
19                   ing the internal waters of  
20                   the Columbia River, and the  
21                   internal waters of Canada  
22                   south of parallel 50 degrees  
23                   north latitude, including the  
24                   waters of the Strait of Geor-

1                   gia and the Strait of Juan  
2                   de Fuca;

3                   “(BB) between ports or  
4                   places of destination in the  
5                   State of Oregon, if the bal-  
6                   last water to be discharged  
7                   from the commercial vessel  
8                   originated solely from waters  
9                   located between the parallel  
10                  40 degrees north latitude  
11                  and the parallel 50 degrees  
12                  north latitude;

13                  “(CC) between ports or  
14                  places of destination in the  
15                  State of California within  
16                  the San Francisco Bay area  
17                  east of the Golden Gate  
18                  Bridge, including the Port  
19                  of Stockton and the Port of  
20                  Sacramento, if the ballast  
21                  water to be discharged from  
22                  the commercial vessel origi-  
23                  nated solely from ports or  
24                  places within that area;



1                   “(DD) between the  
2                   Port of Los Angeles, the  
3                   Port of Long Beach, and the  
4                   El Segundo offshore marine  
5                   oil terminal, if the ballast  
6                   water to be discharged from  
7                   the commercial vessel origi-  
8                   nated solely from the Port  
9                   of Los Angeles, the Port of  
10                  Long Beach, or the El  
11                  Segundo offshore marine oil  
12                  terminal;

13                  “(EE) between a port  
14                  or place of destination in the  
15                  State of Alaska within a sin-  
16                  gle Captain of the Port  
17                  Zone;

18                  “(FF) between ports or  
19                  places of destination in dif-  
20                  ferent counties of the State  
21                  of 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  
8 marine waters during the  
9 voyage.

10 “(iii) LOW-SALINITY BALLAST  
11 WATER.—

12 “(I) IN GENERAL.—Except as  
13 provided in subclause (II) and clause  
14 (iv), the owner or operator of a com-  
15 mercial vessel that transports ballast  
16 water sourced from waters with a  
17 measured salinity of less than 18  
18 parts per thousand and voyages to a  
19 Pacific Region port or place of des-  
20 tination with a measured salinity of  
21 less than 18 parts per thousand shall  
22 conduct a complete ballast water ex-  
23 change—

24 “(aa) not less than 50 nau-  
25 tical miles from shore, if the bal-

1 last water was sourced from a  
2 Pacific Region port or place of  
3 destination; or

4 “(bb) more than 200 nau-  
5 tical miles from shore, if the bal-  
6 last water was not sourced from  
7 a Pacific Region port or place of  
8 destination.

9 “(II) EXCEPTION.—Subclause (I)  
10 shall not apply to a commercial vessel  
11 voyaging to a port or place of destina-  
12 tion in the Pacific Region that is  
13 using, in compliance with applicable  
14 requirements, a type-approved ballast  
15 water management system approved  
16 by the Secretary to achieve standards  
17 of performance of—

18 “(aa) less than 1 organism  
19 per 10 cubic meters, if that orga-  
20 nism—

21 “(AA) is living, or has  
22 not been rendered nonviable;  
23 and

1                   “(BB) is 50 or more  
2                   micrometers in minimum di-  
3                   mension;

4                   “(bb) less than 1 organism  
5                   per 10 milliliters, if that orga-  
6                   nism—

7                   “(AA) is living, or has  
8                   not been rendered nonviable;  
9                   and

10                  “(BB) is more than 10,  
11                  but less than 50, microm-  
12                  eters in minimum dimen-  
13                  sion;

14                  “(cc) concentrations of indi-  
15                  cator microbes that are less  
16                  than—

17                  “(AA) 1 colony-forming  
18                  unit of toxicogenic *Vibrio*  
19                  cholera (serotypes O1 and  
20                  O139) per 100 milliliters or  
21                  less than 1 colony-forming  
22                  unit of that microbe per  
23                  gram of wet weight of zoo-  
24                  logical samples;

1                   “(BB) 126 colony-form-  
2                   ing units of escherichia coli  
3                   per 100 milliliters; and

4                   “(CC) 33 colony-form-  
5                   ing units of intestinal  
6                   enterococci per 100 milli-  
7                   liters; and

8                   “(dd) concentrations of such  
9                   additional indicator microbes and  
10                  viruses as may be specified in the  
11                  standards of performance estab-  
12                  lished by the Administrator  
13                  under paragraph (4).

14                  “(iv) GENERAL EXCEPTIONS.—The  
15                  requirements of clauses (ii) and (iii) shall  
16                  not apply to a commercial vessel if—

17                         “(I) complying with the require-  
18                         ment would compromise the safety of  
19                         the commercial vessel;

20                         “(II) design limitations of the  
21                         commercial vessel prevent a ballast  
22                         water exchange from being conducted  
23                         in accordance with clause (ii) or (iii),  
24                         as applicable;

25                         “(III) the commercial vessel—

1                   “(aa) is certified by the Sec-  
2                   retary as having no residual bal-  
3                   last water or sediments onboard;  
4                   or

5                   “(bb) retains all ballast  
6                   water while in waters subject to  
7                   those requirements; or

8                   “(IV) empty ballast tanks on the  
9                   commercial vessel are sealed and cer-  
10                  tified by the Secretary in a manner  
11                  that ensures that—

12                   “(aa) no discharge or uptake  
13                   occurs; and

14                   “(bb) any subsequent dis-  
15                   charge of ballast water is subject  
16                   to those requirements.

17                   “(D) ESTABLISHMENT OF STATE NO-DIS-  
18                   CHARGE ZONES.—

19                   “(i) STATE PROHIBITION.—Subject to  
20                   clause (ii), after the effective date of regu-  
21                   lations promulgated by the Secretary under  
22                   paragraph (5), if any State determines  
23                   that the protection and enhancement of the  
24                   quality of some or all of the waters within  
25                   the State require greater environmental

1 protection, the State may prohibit 1 or  
2 more types of discharge regulated under  
3 this subsection, whether treated or not  
4 treated, into such waters.

5 “(ii) APPLICABILITY.—A prohibition  
6 by a State under clause (i) shall not apply  
7 until the date on which the Administrator  
8 makes the applicable determinations de-  
9 scribed in clause (iii).

10 “(iii) PROHIBITION BY ADMINIS-  
11 TRATOR.—

12 “(I) DETERMINATION.—On ap-  
13 plication of a State, the Adminis-  
14 trator, in concurrence with the Sec-  
15 retary (subject to subclause (II)),  
16 shall, by regulation, prohibit the dis-  
17 charge from a vessel of 1 or more dis-  
18 charges subject to regulation under  
19 this subsection, whether treated or not  
20 treated, into the waters covered by the  
21 application if the Administrator deter-  
22 mines that—

23 “(aa) prohibition of the dis-  
24 charge would protect and en-

1                   hance the quality of the specified  
2                   waters within the State;

3                   “(bb) adequate facilities for  
4                   the safe and sanitary removal  
5                   and treatment of the discharge  
6                   are reasonably available for the  
7                   water and all vessels to which the  
8                   prohibition would apply;

9                   “(cc) the discharge can be  
10                  safely collected and stored until a  
11                  vessel reaches a discharge facility  
12                  or other location; and

13                  “(dd) in the case of an ap-  
14                  plication for the prohibition of  
15                  discharges of ballast water in a  
16                  port (or in any other location  
17                  where cargo, passengers, or fuel  
18                  are loaded and unloaded)—

19                  “(AA) the adequate fa-  
20                  cilities described in item  
21                  (bb) are reasonably available  
22                  for commercial vessels, after  
23                  considering, at a minimum,  
24                  water depth, dock size,  
25                  pumpout facility capacity



1 and flow rate, availability of  
2 year-round operations, prox-  
3 imity to navigation routes,  
4 and the ratio of pumpout fa-  
5 cilities to the population and  
6 discharge capacity of com-  
7 mercial vessels operating in  
8 those waters; and

9 “(BB) the prohibition  
10 will not unreasonably inter-  
11 fere with the safe loading  
12 and unloading of cargo, pas-  
13 sengers, or fuel.

14 “(II) CONCURRENCE WITH SEC-  
15 RETARY.—

16 “(aa) REQUEST.—The Ad-  
17 ministrator shall submit to the  
18 Secretary a request for written  
19 concurrence with respect to a  
20 prohibition under subclause (I).

21 “(bb) EFFECT OF FAILURE  
22 TO CONCUR.—A failure by the  
23 Secretary to concur with the Ad-  
24 ministrator under subclause (I)  
25 by the date that is 60 days after

1 the date on which the Adminis-  
2 trator submits a request for con-  
3 currence under item (aa) shall  
4 not prevent the Administrator  
5 from prohibiting the relevant dis-  
6 charge in accordance with sub-  
7 clause (III), subject to the condi-  
8 tion that the Administrator shall  
9 include in the administrative  
10 record of the promulgation—

11 “(AA) documentation  
12 of the request submitted  
13 under item (aa); and

14 “(BB) the response of  
15 the Administrator to any  
16 written objections received  
17 from the Secretary relating  
18 to the proposed standard of  
19 performance during the 60-  
20 day period beginning on the  
21 date of submission of the re-  
22 quest.

23 “(III) TIMING.—The Adminis-  
24 trator shall approve or disapprove an  
25 application submitted under subclause

1 (I) by not later than 90 days after the  
2 date on which the application is sub-  
3 mitted to the Administrator.

4 “(E) MAINTENANCE IN EFFECT OF MORE-  
5 STRINGENT STANDARDS.—In any case in which  
6 a requirement established under this paragraph  
7 is more stringent or environmentally protective  
8 than a comparable requirement established  
9 under paragraph (4), (5), or (6), the more-  
10 stringent or more-protective requirement shall  
11 control.”.

12 (2) REPEALS.—

13 (A) IN GENERAL.—Effective beginning on  
14 the date of enactment of this Act, the following  
15 provisions of law are repealed:

16 (i) Section 1101 of the Nonindigenous  
17 Aquatic Nuisance Prevention and Control  
18 Act of 1990 (16 U.S.C. 4711).

19 (ii) Public Law 110–299 (33 U.S.C.  
20 1342 note).

21 (B) CONFORMING AMENDMENTS.—Section  
22 1102 of the Nonindigenous Aquatic Nuisance  
23 Prevention and Control Act of 1990 (16 U.S.C.  
24 4712) is amended—

1 (i) in subsection (c)(1), by inserting  
2 “(as in effect on the day before the date of  
3 enactment of the Vessel Incidental Dis-  
4 charge Act of 2018)” after “section  
5 1101(b)”; and

6 (ii) in subsection (f)(1)(B), by insert-  
7 ing “(as in effect on the day before the  
8 date of enactment of the Vessel Incidental  
9 Discharge Act of 2018)” after “section  
10 1101(c)”.

11 (b) REGULATIONS FOR USE OF MARINE POLLUTION  
12 CONTROL DEVICES.—Section 312 of the Federal Water  
13 Pollution Control Act (33 U.S.C. 1322) is amended—

14 (1) by striking the section designation and  
15 heading and all that follows through “For the pur-  
16 pose of” in subsection (a) and inserting the fol-  
17 lowing:

18 **“SEC. 312. MARINE SANITATION DEVICES; DISCHARGES IN-**  
19 **CIDENTAL TO THE NORMAL OPERATION OF**  
20 **VESSELS.**

21 “(a) DEFINITIONS.—In”;

22 (2) in subsection (a)—

23 (A) in paragraph (7), by striking “devices  
24 or of vessels” and inserting “devices, marine

1 pollution control device equipment, or vessels”;  
2 and

3 (B) in paragraph (13), in the matter pre-  
4 ceeding subparagraph (A), by inserting “, except  
5 as provided in subsection (p),” after “means”;  
6 (3) in subsection (g)—

7 (A) by inserting “or marine pollution con-  
8 trol device equipment” after “marine sanitation  
9 device” each place it appears;

10 (B) in paragraph (1)—

11 (i) by inserting “or equipment” after  
12 “such device”; and

13 (ii) by inserting “or equipment” after  
14 “test device”; and

15 (C) in paragraph (2)—

16 (i) by inserting “or equipment” after  
17 “the device” each place it appears; and

18 (ii) in the fourth sentence, by insert-  
19 ing “or equipment” after “device” each  
20 place it appears; and

21 (4) in subsection (h)—

22 (A) in paragraph (1), by inserting “and  
23 marine pollution control device equipment”  
24 after “marine sanitation device”;

1 (B) in paragraph (2), by inserting “or any  
2 certified marine pollution control device equip-  
3 ment or element of design of such equipment”  
4 after “such device”;

5 (C) by redesignating paragraphs (1)  
6 through (4) as subparagraphs (A) through (D),  
7 respectively, and indenting the subparagraphs  
8 appropriately;

9 (D) by striking “(h) After” and inserting  
10 the following:

11 “(h) SALE AND RESALE OF PROPERLY EQUIPPED  
12 VESSELS; OPERABILITY OF CERTIFIED MARINE SANITA-  
13 TION DEVICES.—

14 “(1) IN GENERAL.—Subject to paragraph (2),  
15 after”; and

16 (E) by adding at the end the following:

17 “(2) EFFECT OF SUBSECTION.—Nothing in this  
18 subsection requires certification of a marine pollu-  
19 tion control device for use on any vessel of the  
20 Armed Forces.”.

21 (c) ENFORCEMENT AUTHORITY.—

22 (1) IN GENERAL.—Section 312(k) of the Fed-  
23 eral Water Pollution Control Act (33 U.S.C.  
24 1322(k)) is amended—

1 (A) by striking the second sentence and in-  
2 serting the following:

3 “(3) STATES.—

4 “(A) IN GENERAL.—This section may be  
5 enforced by a State or political subdivision of a  
6 State (including the attorney general of a  
7 State), including by filing a civil action in an  
8 appropriate Federal district court to enforce  
9 any violation of subsection (p).

10 “(B) JURISDICTION.—The appropriate  
11 Federal district court shall have jurisdiction  
12 with respect to a civil action filed pursuant to  
13 subparagraph (A), without regard to the  
14 amount in controversy or the citizenship of the  
15 parties—

16 “(i) to enforce the requirements of  
17 this section; and

18 “(ii) to apply appropriate civil pen-  
19 alties under this section or section 309(d),  
20 as appropriate.”;

21 (B) by striking “(k) The provisions of  
22 this” and inserting the following:

23 “(k) ENFORCEMENT AUTHORITY.—

1           “(1) ADMINISTRATOR.—This section shall be  
2           enforced by the Administrator, to the extent pro-  
3           vided in section 309.

4           “(2) SECRETARY.—

5                 “(A) IN GENERAL.—This”; and

6                 (C) in paragraph (2) (as so designated)—

7                     (i) in subparagraph (A), by striking  
8                     “operating and he may utilize by agree-  
9                     ment” and inserting “operating, who may  
10                    use, by agreement”; and

11                   (ii) by adding at the end the fol-  
12                    lowing:

13                 “(B) INSPECTIONS.—For purposes of en-  
14                 suring compliance with this section, the Sec-  
15                 retary—

16                     “(i) may carry out an inspection (in-  
17                     cluding the taking of ballast water sam-  
18                     ples) of any vessel at any time; and

19                     “(ii) shall—

20                         “(I) establish procedures for—

21                             “(aa) reporting violations of  
22                             this section; and

23                             “(bb) accumulating evidence  
24                             regarding those violations; and



1                   “(II) use appropriate and prac-  
2                   ticable measures of detection and en-  
3                   vironmental monitoring of vessels.

4                   “(C) DETENTION.—The Secretary may de-  
5                   tain a vessel if the Secretary—

6                   “(i) has reasonable cause to believe  
7                   that the vessel—

8                   “(I) has failed to comply with an  
9                   applicable requirement of this section;  
10                  or

11                  “(II) is being operated in viola-  
12                  tion of such a requirement; and

13                  “(ii) the Secretary provides to the  
14                  owner or operator of the vessel a notice of  
15                  the intent to detain.”.

16                  (2) PRESERVATION OF FEDERAL ENFORCE-  
17                  MENT AUTHORITY.—Section 309 of the Federal  
18                  Water Pollution Control Act (33 U.S.C. 1319) is  
19                  amended—

20                  (A) in subsection (a)(3), by striking “318”  
21                  and inserting “312(p), 318”;

22                  (B) in subsection (c), by striking “318”  
23                  each place it appears and inserting “312(p),  
24                  318”;

1 (C) in subsection (d), in the first sen-  
2 tence—

3 (i) by striking “318” and inserting  
4 “312(p), 318,”; and

5 (ii) by striking “State,,” and inserting  
6 “State,”; and

7 (D) in subsection (g)(1)(A), by striking  
8 “318” and inserting “312(p), 318”.

9 (3) PRESERVATION OF PUBLIC ENFORCEMENT  
10 AUTHORITY.—Section 505(f) of the Federal Water  
11 Pollution Control Act (33 U.S.C. 1365(f)) is amend-  
12 ed by striking “(5) certification” and all that follows  
13 through the period at the end and inserting the fol-  
14 lowing: “(5) a standard of performance or require-  
15 ment under section 312(p); (6) a certification under  
16 section 401; (7) a permit or condition of a permit  
17 issued under section 402 that is in effect under this  
18 Act (including a requirement applicable by reason of  
19 section 313); or (8) a regulation under section  
20 405(d).”.

21 (4) REVIEW.—Section 509(b) of the Federal  
22 Water Pollution Control Act (33 U.S.C. 1369(b)) is  
23 amended by adding at the end the following:

24 “(4) DISCHARGES INCIDENTAL TO NORMAL OP-  
25 ERATION OF VESSELS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), any interested person may  
3           file a petition for review of a final agency action  
4           under section 312(p) of the Administrator or  
5           the Secretary of the department in which the  
6           Coast Guard is operating in accordance with  
7           the requirements of this subsection.

8           “(B) VENUE EXCEPTION.—Subject to sec-  
9           tion 312(p)(7)(C)(v), a petition for review of a  
10          final agency action under section 312(p) of the  
11          Administrator or the Secretary of the depart-  
12          ment in which the Coast Guard is operating  
13          may be filed only in the United States Court of  
14          Appeals for the District of Columbia Circuit.”.

15          (d) LOGBOOK REQUIREMENTS.—Section 11301(b) of  
16          title 46, United States Code, is amended by adding at the  
17          end the following:

18                 “(13) when a vessel fails to carry out ballast  
19                 water management requirements as applicable and  
20                 pursuant to regulations promulgated by the Sec-  
21                 retary, including when the vessel fails to carry out  
22                 ballast water management requirements due to an  
23                 allowed safety exemption, a statement regarding the  
24                 failure to comply and the circumstances under which

1 the failure occurred, made immediately after the  
2 failure, when practicable to do so.”.

3 (e) QUAGGA MUSSEL.—Section 42(a)(1) of title 18,  
4 United States Code, is amended, in the first sentence, by  
5 inserting “of the quagga mussel of the species *Dreissena*  
6 *rostriformis* or *Dreissena bugensis*,” after “*Dreissena*  
7 *polymorpha*”.

8 (f) COASTAL AQUATIC INVASIVE SPECIES MITIGA-  
9 TION GRANT PROGRAM AND MITIGATION FUND.—

10 (1) DEFINITIONS.—In this subsection:

11 (A) COASTAL ZONE.—The term “coastal  
12 zone” has the meaning given the term in sec-  
13 tion 304 of the Coastal Zone Management Act  
14 of 1972 (16 U.S.C. 1453).

15 (B) ELIGIBLE ENTITY.—The term “eligible  
16 entity” means—

- 17 (i) a State;
- 18 (ii) a unit of local government;
- 19 (iii) an Indian Tribe;
- 20 (iv) a nongovernmental organization;
- 21 and
- 22 (v) an institution of higher education.

23 (C) EXCLUSIVE ECONOMIC ZONE.—The  
24 term “Exclusive Economic Zone” means the  
25 Exclusive Economic Zone of the United States,

1 as established by Presidential Proclamation  
2 5030, dated March 10, 1983 (16 U.S.C. 1453  
3 note).

4 (D) FOUNDATION.—The term “Founda-  
5 tion” means the National Fish and Wildlife  
6 Foundation established by section 2(a) of the  
7 National Fish and Wildlife Foundation Estab-  
8 lishment Act (16 U.S.C. 3701(a)).

9 (E) FUND.—The term “Fund” means the  
10 Coastal Aquatic Invasive Species Mitigation  
11 Fund established by paragraph (3)(A).

12 (F) PROGRAM.—The term “Program”  
13 means the Coastal Aquatic Invasive Species  
14 Mitigation Grant Program established under  
15 paragraph (2)(A).

16 (G) SECRETARY.—The term “Secretary”  
17 means the Secretary of Commerce.

18 (2) GRANT PROGRAM.—

19 (A) ESTABLISHMENT.—The Secretary and  
20 the Foundation shall establish a program, to be  
21 known as the “Coastal Aquatic Invasive Species  
22 Mitigation Grant Program”, under which the  
23 Secretary and the Foundation shall award  
24 grants to eligible entities in accordance with  
25 this paragraph.

1 (B) PURPOSES.—The purposes of the Pro-  
2 gram are—

3 (i) to improve the understanding, pre-  
4 vention, and mitigation of, and response  
5 to, aquatic invasive species in—

6 (I) the coastal zone; and

7 (II) the Exclusive Economic  
8 Zone;

9 (ii) to support the prevention and  
10 mitigation of impacts from aquatic invasive  
11 species in the coastal zone; and

12 (iii) to support the restoration of Pa-  
13 cific Island habitats, marine, estuarine,  
14 and Great Lakes environments in the  
15 coastal zone and the Exclusive Economic  
16 Zone that are impacted by aquatic invasive  
17 species.

18 (C) USE OF GRANTS.—

19 (i) IN GENERAL.—A grant awarded  
20 under the Program shall be used for an ac-  
21 tivity to carry out the purposes of the Pro-  
22 gram, including an activity—

23 (I) to develop and implement pro-  
24 cedures and programs, including per-  
25 missible State ballast water inspection

1 programs, to prevent, detect, control,  
2 mitigate, and rapidly or progressively  
3 eradicate aquatic invasive species in  
4 the coastal zone or the Exclusive Eco-  
5 nomic Zone, particularly in areas with  
6 high numbers of established aquatic  
7 invasive species;

8 (II) to restore habitat impacted  
9 by an aquatic invasive species;

10 (III) to develop new shipboard  
11 and land-based ballast water treat-  
12 ment system technologies and per-  
13 formance standards to prevent the in-  
14 troduction of aquatic invasive species;

15 (IV) to develop mitigation meas-  
16 ures to protect natural and cultural  
17 living resources, including shellfish,  
18 from the impacts of aquatic invasive  
19 species; or

20 (V) to develop mitigation meas-  
21 ures to protect infrastructure, such as  
22 hydroelectric infrastructure, from  
23 aquatic invasive species.

24 (ii) PROHIBITION ON FUNDING LITI-  
25 GATION.—A grant awarded under the Pro-

1           gram may not be used to fund litigation in  
2           any matter.

3           (D) ADMINISTRATION.—Not later than 90  
4           days after the date of enactment of this Act,  
5           the Foundation, in consultation with the Sec-  
6           retary, shall establish the following:

7                   (i) Application and review procedures  
8                   for awarding grants under the Program.

9                   (ii) Approval procedures for awarding  
10                  grants under the Program, including a re-  
11                  quirement for consultation with—

12                           (I) the Secretary of the Interior;

13                           and

14                           (II) the Administrator.

15                   (iii) Performance accountability and  
16                   monitoring measures for activities funded  
17                   by a grant awarded under the Program.

18                   (iv) Procedures and methods to en-  
19                   sure accurate accounting and appropriate  
20                   administration of grants awarded under  
21                   the Program, including standards of rec-  
22                   ordkeeping.

23           (E) MATCHING REQUIREMENT.—Each eli-  
24           gible entity that receives a grant under the Pro-  
25           gram shall provide, in cash or through in-kind



1 contributions from non-Federal sources, match-  
2 ing funds to carry out the activities funded by  
3 the grant in an amount equal to not less than  
4 25 percent of the cost of the activities.

5 (F) FUNDING.—The Secretary and the  
6 Foundation are authorized to use the amounts  
7 available in the Fund to award grants under  
8 the Program.

9 (3) MITIGATION FUND.—

10 (A) ESTABLISHMENT.—There is estab-  
11 lished in the Treasury of the United States a  
12 trust fund, to be known as the “Coastal Aquat-  
13 ic Invasive Species Mitigation Fund”, consisting  
14 of such amounts as are appropriated or credited  
15 to the Fund in accordance with this paragraph  
16 or section 9602 of the Internal Revenue Code  
17 of 1986.

18 (B) TRANSFERS TO FUND.—

19 (i) APPROPRIATION.—There is au-  
20 thorized to be appropriated from the  
21 Treasury to the Fund, for each fiscal year,  
22 an amount equal to the amount of pen-  
23 alties assessed for violations of subsection  
24 (p) of section 312 of the Federal Water

1                   Pollution Control Act (33 U.S.C. 1322)  
2                   during the preceding fiscal year.

3                   (ii) ADDITIONAL AUTHORIZATION.—In  
4                   addition to the amounts transferred to the  
5                   Fund under clause (i), there is authorized  
6                   to be appropriated to the Fund \$5,000,000  
7                   for each fiscal year.

8                   (C) USE OF FUND.—Subject to appropria-  
9                   tions, the amounts in the Fund shall be avail-  
10                  able to the Secretary and the Foundation to  
11                  award grants under the Program.

12                  (g) GREAT LAKES AND LAKE CHAMPLAIN INVASIVE  
13                  SPECIES PROGRAM.—

14                  (1) DEFINITIONS.—In this subsection:

15                  (A) ADMINISTRATOR.—The term “Admin-  
16                  istrator” means the Administrator of the Envi-  
17                  ronmental Protection Agency.

18                  (B) AQUATIC NUISANCE SPECIES.—The  
19                  term “aquatic nuisance species” has the mean-  
20                  ing given that term in subsection (p)(1) of sec-  
21                  tion 312 of the Federal Water Pollution Control  
22                  Act (33 U.S.C. 1322).

23                  (C) DIRECTOR.—The term “Director”  
24                  means the Director of the Great Lakes Na-  
25                  tional Program Office established by section

1 118(b) of the Federal Water Pollution Control  
2 Act (33 U.S.C. 1268(b)).

3 (D) GREAT LAKES AND LAKE CHAMPLAIN  
4 SYSTEMS.—The term “Great Lakes and Lake  
5 Champlain Systems” includes—

6 (i) Lake Champlain; and

7 (ii) all bodies of water (including wet-  
8 lands) within—

9 (I) the Great Lakes System (as  
10 defined in section 118(a)(3) of the  
11 Federal Water Pollution Control Act  
12 (33 U.S.C. 1268(a)(3))); or

13 (II) the Lake Champlain drain-  
14 age basin (as defined in section  
15 120(g) of the Federal Water Pollution  
16 Control Act (33 U.S.C. 1270(g))).

17 (E) PROGRAM.—The term “Program”  
18 means the Great Lakes and Lake Champlain  
19 Invasive Species Program established under  
20 paragraph (2)(A).

21 (2) ESTABLISHMENT OF PROGRAM.—

22 (A) IN GENERAL.—The Administrator  
23 shall establish within the Great Lakes National  
24 Program Office a program, to be known as the

1 “Great Lakes and Lake Champlain Invasive  
2 Species Program”—

3 (i) in collaboration with—

4 (I) the Director of the United  
5 States Fish and Wildlife Service;

6 (II) the Administrator of the Na-  
7 tional Oceanic and Atmospheric Ad-  
8 ministration;

9 (III) the Director of the United  
10 States Geological Survey; and

11 (IV) the Secretary of the depart-  
12 ment in which the Coast Guard is op-  
13 erating; and

14 (ii) in consultation with—

15 (I) the head of Great Lakes  
16 Aquatic Nonindigenous Species Infor-  
17 mation System of the National Oce-  
18 anic and Atmospheric Administration;  
19 and

20 (II) the head of Great Lakes En-  
21 vironmental Research Laboratory of  
22 the National Oceanic and Atmospheric  
23 Administration.

24 (B) PURPOSES.—The purposes of the Pro-  
25 gram shall be—

- 1 (i) to monitor for the introduction and  
2 spread of aquatic nuisance species into or  
3 within the Great Lakes and Lake Cham-  
4 plain Systems;
- 5 (ii) to detect newly introduced aquatic  
6 nuisance species prior to the establishment  
7 of the aquatic nuisance species in the  
8 Great Lakes and Lake Champlain Sys-  
9 tems;
- 10 (iii) to inform, and assist with, man-  
11 agement and response actions to prevent  
12 or stop the establishment or spread of an  
13 aquatic nuisance species;
- 14 (iv) to establish a watch list of can-  
15 didate aquatic nuisance species that may  
16 be introduced or spread, and that may sur-  
17 vive and establish, within the Great Lakes  
18 and Lake Champlain Systems;
- 19 (v) to monitor vectors likely to be con-  
20 tributing to the introduction or spread of  
21 aquatic nuisance species, including ballast  
22 water operations;
- 23 (vi) to work collaboratively with the  
24 Federal, State, local, and Tribal agencies

1 to develop criteria for prioritizing and dis-  
2 tributing monitoring efforts;

3 (vii) to develop, achieve type approval  
4 for, and pilot shipboard or land-based bal-  
5 last water management systems installed  
6 on, or available for use by, commercial ves-  
7 sels operating solely within the Great  
8 Lakes and Lake Champlain Systems to  
9 prevent the spread of aquatic nuisance spe-  
10 cies populations within the Great Lakes  
11 and Lake Champlain Systems; and

12 (viii) to facilitate meaningful Federal  
13 and State implementation of the regulatory  
14 framework in this subsection, including  
15 monitoring, shipboard education, inspec-  
16 tion, and compliance conducted by States.

17 (3) METHODOLOGY.—The Program shall  
18 seek—

19 (A) to build on—

20 (i) existing aquatic nuisance species  
21 monitoring efforts; and

22 (ii) efforts to develop criteria for  
23 prioritizing and distributing monitoring ef-  
24 forts, geographically and among taxa, in

1           the Great Lakes and Lake Champlain Sys-  
2           tems;

3           (B) to advance early detection and moni-  
4           toring, and capacity to control the establish-  
5           ment and spread, of aquatic nuisance species  
6           within the Great Lakes and Lake Champlain  
7           Systems;

8           (C) to identify opportunities to interdict  
9           the introduction and spread of aquatic nuisance  
10          species through sound science and technological  
11          advancements;

12          (D) to assess the risk of aquatic nuisance  
13          species introduction and spread via the range of  
14          vectors active within the Great Lakes and Lake  
15          Champlain Systems;

16          (E) to advance the development of type-ap-  
17          proved ballast water management system (as  
18          defined in subsection (p)(1) of section 312 of  
19          the Federal Water Pollution Control Act (33  
20          U.S.C. 1322) equipment for commercial, non-  
21          seagoing vessels that operate solely within the  
22          Great Lakes System (as defined in section  
23          118(a)(3) of the Federal Water Pollution Con-  
24          trol Act (33 U.S.C. 1268(a)(3)));

1 (F) to immediately make available to the  
2 public information regarding—

3 (i) the detection of new aquatic nui-  
4 sance species within the Great Lakes and  
5 Lake Champlain Systems; or

6 (ii) the spread of aquatic nuisance  
7 species within the Great Lakes and Lake  
8 Champlain Systems;

9 (G) to annually submit to appropriate indi-  
10 viduals and entities in each affected region a re-  
11 port describing the findings and activities of the  
12 Program;

13 (H) to identify roles and responsibilities of  
14 Federal agencies in aquatic nuisance species  
15 monitoring and response; and

16 (I) to provide resource assistance to States  
17 implementing State-level programs to enter into  
18 partnerships with Federal agencies in enforcing  
19 the requirements under subsection (p) of sec-  
20 tion 312 of the Federal Water Pollution Control  
21 Act (33 U.S.C. 1322).

22 (4) COLLABORATION.—In carrying out and de-  
23 veloping the Program, the Director shall collaborate  
24 with—



1 (A) applicable Federal, State, local, and  
2 Tribal agencies; and

3 (B) such other research entities or stake-  
4 holders as the Director determines to be appro-  
5 priate.

6 (5) DATA AVAILABILITY.—The Director shall—

7 (A) make the data collected under the Pro-  
8 gram available on a publicly accessible internet  
9 website, including in an annual summary re-  
10 port; and

11 (B) in coordination with the entities identi-  
12 fied under paragraph (4), develop communica-  
13 tion and notification protocols for the purpose  
14 of communicating the range of aquatic nuisance  
15 species and any identification of a new aquatic  
16 nuisance species introduced to the Great Lakes  
17 and Lake Champlain Systems.

18 (6) REPORT TO CONGRESS.—

19 (A) IN GENERAL.—Not later than Decem-  
20 ber 31, 2019, the Director shall submit to Con-  
21 gress a report summarizing the outcomes of ac-  
22 tivities carried out under the Program.

23 (B) CONTENTS.—The report under sub-  
24 paragraph (A) shall include—

1 (i) a description of activities carried  
2 out under the Program, including an ex-  
3 planation of how those activities help to  
4 achieve the purposes described in para-  
5 graph (2)(B);

6 (ii) an analysis of Federal, State, and  
7 local efforts to enhance multidisciplinary  
8 approaches to achieve the purposes de-  
9 scribed in paragraph (2)(B);

10 (iii) recommendations relating to ac-  
11 tivities that would contribute to achieve-  
12 ment of the purposes described in para-  
13 graph (2)(B); and

14 (iv) recommendations to improve the  
15 efficiency and effectiveness of the Pro-  
16 gram.

17 (7) AUTHORIZATION OF APPROPRIATIONS.—  
18 There is authorized to be appropriated to carry out  
19 the Program \$50,000,000 for each of fiscal years  
20 2019 through 2023.

21 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) Section 1102(f) of the Nonindigenous  
23 Aquatic Nuisance Prevention and Control Act of  
24 1990 (16 U.S.C. 4712(f)) is amended by striking  
25 paragraph (2) and inserting the following:

1           “(2) BALLAST WATER REPORTING REQUIRE-  
2           MENTS.—

3                   “(A) IN GENERAL.—The owner or operator  
4           of a vessel subject to this title shall submit to  
5           the National Ballast Information Clearing-  
6           house, by not later than 6 hours after the ar-  
7           rival of the vessel at a United States port or  
8           place of destination, the ballast water manage-  
9           ment report form approved by the Office of  
10          Management and Budget numbered OMB  
11          1625–0069 (or a successor form), unless the  
12          vessel is operating exclusively on a voyage be-  
13          tween ports or places within contiguous por-  
14          tions of a single Captain of the Port Zone.

15                   “(B) MULTIPLE DISCHARGES.—The owner  
16          or operator of a vessel subject to this title may  
17          submit a single report under subparagraph (A)  
18          for multiple ballast water discharges within a  
19          single port or place of destination during the  
20          same voyage.

21                   “(C) ADVANCE REPORT TO STATES.—A  
22          State may require the owner or operator of a  
23          vessel subject to this title to submit directly to  
24          the State, or to an appropriate regional forum,  
25          a ballast water management report form—

1           “(i) not later than 24 hours prior to  
2           arrival at a United States port or place of  
3           destination in the State, if the voyage of  
4           the vessel is anticipated to exceed 24  
5           hours; or

6           “(ii) before departing the port or  
7           place of departure, if the voyage of the ves-  
8           sel to the United States port or place of  
9           destination is not anticipated to exceed 24  
10          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 In-  
15          formation 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  
20          by means other than electronically, dis-  
21          seminate the report to interested States as  
22          soon as practicable.

23           “(B) AVAILABILITY TO PUBLIC.—Not later  
24          than 30 days after the date of receipt of a bal-  
25          last water management report under paragraph

1 (2), the National Ballast Information Clearing-  
2 house shall make the data in the report fully  
3 and readily available to the public in a search-  
4 able and 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  
15 Secretary shall establish a working group, including  
16 members from the National Ballast Information  
17 Clearinghouse and States with ballast water man-  
18 agement programs, to establish a process for com-  
19 piling and readily sharing Federal and State com-  
20 mercial vessel reporting and enforcement data re-  
21 garding compliance 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  
2 “Compliance” 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.—  
12 All actions”; and

13 (D) in subsection (b) (as so designated),  
14 by 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  
18 in subsections (a) and (p)(1) of section 312 of the  
19 Federal Water Pollution Control Act (33 U.S.C.  
20 1322)), shall be regulated in accordance with that  
21 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.  
7           892d) is amended—

8                   (1) in the matter before paragraph (1), by  
9                   striking “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  
17                           through 2023.”;

18                           (B) in paragraph (2), by striking “ves-  
19                           sels—” and all that follows through the end of  
20                           the paragraph and inserting “vessels,  
21                           \$25,000,000 for each of fiscal years 2019  
22                           through 2023.”;

23                           (C) in paragraph (3), by striking “Admin-  
24                           istration—” and all that follows through the  
25                           end of the paragraph and inserting “Adminis-



1           tration, \$29,932,000 for each of fiscal years  
2           2019 through 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  
19          necessary to ensure safe navigation;

20           “(D) to improve the management of coast-  
21          al 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 ac-  
2           quire hydrographic data and provide hydrographic  
3           services in the Arctic necessary to delineate the  
4           United States extended Continental Shelf.”.

5           (b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR  
6 SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is  
7 further amended by adding at the end the following:

8           “(c) LIMITATION ON ADMINISTRATIVE EXPENSES  
9 FOR SURVEYS.—Of amounts authorized by this section for  
10 each fiscal year for contract hydrographic surveys, not  
11 more than 5 percent is authorized for administrative costs  
12 associated with contract management.”.

13 **SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-**  
14 **INCLUSIVE COST OF HYDROGRAPHIC SUR-**  
15 **VEYS.**

16           (a) IN GENERAL.—Not later than 1 year after the  
17 date of the enactment of this Act, the Secretary of Com-  
18 merce shall—

19           (1) develop and implement a system to track  
20           and report the full cost to the Department of Com-  
21           merce of hydrographic data collection, including  
22           costs relating to vessel acquisition, vessel repair, and  
23           administration of contracts to procure data;

1           (2) evaluate measures for comparing cost per  
2           unit effort in addition to measures of cost per nau-  
3           tical square mile; and

4           (3) submit to the Committee on Commerce,  
5           Science, and Transportation of the Senate and the  
6           Committee on Natural Resources of the House of  
7           Representatives a report on which additional meas-  
8           ures for comparing cost per unit effort the Secretary  
9           intends to use and the rationale for such use.

10          (b) DEVELOPMENT OF STRATEGY FOR INCREASED  
11          CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR  
12          HYDROGRAPHIC DATA COLLECTION.—Not later than 180  
13          days after the date on which the Secretary completes the  
14          activities required by subsection (a), the Secretary shall  
15          develop a strategy for how the National Oceanic and At-  
16          mospheric Administration will increase contracting with  
17          nongovernmental entities for hydrographic data collection  
18          in a manner that is consistent with the requirements of  
19          the Ocean and Coastal Mapping Integration Act (Public  
20          Law 111–11; 33 U.S.C. 3501 et seq.).

21          **SEC. 1003. HOMEPORT OF CERTAIN RESEARCH VESSELS.**

22          (a) ACCEPTANCE OF FUNDS AUTHORIZED.—The  
23          Secretary of Commerce may accept non-Federal funds for  
24          the purpose of the construction of a new port facility, in-  
25          cluding obtaining such cost estimates, designs, and per-

1 mits as may be necessary to facilitate the homeporting of  
2 the R/V FAIRWEATHER in accordance with title II of  
3 the Departments of Commerce, Justice, and State, the Ju-  
4 diciary, and Related Agencies Appropriations Act, 2002  
5 (Public Law 107-77; 115 Stat. 775) at a location that  
6 during such homeporting shall be under the administrative  
7 jurisdiction of the Under Secretary of Commerce for  
8 Oceans and Atmosphere.

9 (b) STRATEGIC PLAN REQUIRED.—Not later than  
10 180 days after the date of the enactment of this Act, the  
11 Secretary shall develop and submit to the Committee on  
12 Commerce, Science, and Transportation of the Senate and  
13 the Committee on Natural Resources of the House of Rep-  
14 resentatives a strategic plan for implementing subsection  
15 (a).

16 (c) ACCEPTANCE OF FUNDS AUTHORIZED.—The  
17 Secretary may accept non-Federal funds for the purpose  
18 of the construction of a new port facility, including obtain-  
19 ing such cost estimates, designs, and permits as may be  
20 necessary to facilitate the homeporting of a new, existing,  
21 or reactivated research vessel in the city of St. Petersburg,  
22 Florida, at a location that during such homeporting shall  
23 be under the administrative jurisdiction of the Under Sec-  
24 retary of Commerce for Oceans and Atmosphere.

1           (d) STRATEGIC PLAN REQUIRED.—Not later than  
2 180 days after the date of the enactment of this Act, the  
3 Secretary shall develop and submit to Congress a strategic  
4 plan for construction or acquisition of the facilities needed  
5 to allow for an oceanographic research vessel to be  
6 homeported in St. Petersburg, Florida. The strategic plan  
7 shall include an estimate of funding needed to construct  
8 such facilities.