

Calendar No. 226

116TH CONGRESS
1ST SESSION

S. 2297

To authorize appropriations for the Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

Mr. SULLIVAN (for himself, Mr. WICKER, Ms. CANTWELL, and Mr. MARKEY)
introduced the following bill; which was read twice and referred to the
Committee on Commerce, Science, and Transportation

SEPTEMBER 26, 2019

Reported by Mr. WICKER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize appropriations for the Coast Guard, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Coast Guard Authorization Act of 2019”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definition.

TITLE I—AUTHORIZATIONS

- Sec. 101. Authorizations of appropriations.
 Sec. 102. Authorized levels of military strength and training.
 Sec. 103. Vessel safety standards.
 Sec. 104. Availability of amounts for acquisition of additional National Security Cutter.
 Sec. 105. Procurement authority for polar security cutters.

TITLE II—COAST GUARD

Subtitle A—Military Personnel Matters

- Sec. 201. Authority for officers to opt out of promotion board consideration.
 Sec. 202. Temporary promotion authority for officers in certain grades with critical skills.
 Sec. 203. Grade on retirement.
 Sec. 204. Career intermission program.
 Sec. 205. Direct commissioning authority for individuals with critical skills.
 Sec. 206. Renewal of temporary early retirement authority.
 Sec. 207. Strategy on leadership of the Coast Guard.
 Sec. 208. Support of women serving in the Coast Guard.
 Sec. 209. Policy on expedited transfer of members of the Coast Guard in cases of sexual assault of dependents of members.
Sec. 210. Due process protections for investigations, disciplinary actions, and sanctions under Coast Guard Academy policy on sexual harassment and sexual violence.
Sec. 211. Consideration by Board of Visitors of the Coast Guard Academy of the state of diversity and inclusion at the Coast Guard Academy.

Subtitle B—Organization and Management Matters

- Sec. 221. Continuation of Coast Guard pay during lapse in appropriations.
 Sec. 222. Authority to enter into agreements with National Coast Guard Museum Association.
 Sec. 223. Research projects; transactions other than contracts and grants.
 Sec. 224. Support of elementary and secondary education in science, mathematics, and technology.
 Sec. 225. Limitations on claims.
 Sec. 226. Acquisition workforce authorities.
 Sec. 227. Resolution by Chief Acquisition Officer of acquisition disputes elevated to the Officer.
 Sec. 228. Vessel conversion, alteration, and repair projects.
 Sec. 229. Coast Guard Housing Fund.
 Sec. 230. Operation and sustainment costs in major long-term acquisition plans.
 Sec. 231. Port, harbor, and coastal facility security.
 Sec. 232. Access to resources during creosote-related building closures at Coast Guard Base Seattle, Washington.
 Sec. 233. Southern resident orca conservation and enforcement.
~~Sec. 234. Briefing on policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.~~

- Sec. 234. Sense of Congress and report on implementation of policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.*
- Sec. 235. Procurement authority for heavy Great Lakes Icebreaker.*
- Sec. 236. Consideration of impact of Hurricane Michael in modification of construction contracts for Offshore Patrol Cutters.*
- Sec. 237. Inspector General report on access to Equal Opportunity Advisors and Equal Employment Opportunity Specialists.*

Subtitle C—Access to Child Care for Coast Guard Families

- Sec. 241. Report on child care and school age care assistance for qualified families.
- Sec. 242. Review of family support services website and online tracking system.
- Sec. 243. Study and survey on Coast Guard child care needs.
- Sec. 244. Pilot program to expand access to child care.
- Sec. 245. Improvements to Coast Guard-owned family housing.
- Sec. 246. Briefing on transfer of family child care provider qualifications and certifications.
- Sec. 247. Employees of Coast Guard child development centers.
- Sec. 248. Inspections of Coast Guard child development centers and family child care providers.
- Sec. 249. Expanding opportunities for family child care.
- Sec. 250. Definitions.

Subtitle D—Reports

- Sec. 261. Modifications of certain reporting requirements.
- Sec. 262. Report on cybersecurity workforce.
- Sec. 263. Report on navigation and bridge resource management.
- Sec. 264. Report on the Arctic capabilities of the Armed Forces.
- Sec. 265. Report on Arctic search and rescue.
- Sec. 266. Report on helicopter life cycle support and recapitalization.
- Sec. 267. Report on response to racial discrimination at the Coast Guard Academy.
- Sec. 268. Report on Coast Guard response capabilities for cyber incidents on vessels entering ports or waters of the United States.
- Sec. 269. Study and report on Coast Guard interdiction of illicit drugs in the transit zones.
- Sec. 270. Report on effects of extreme weather and related events on the Coast Guard.
- Sec. 271. Comptroller General of the United States report on Certificate of Compliance inspection program with respect to vessels that carry bulk liquified gases as cargo and liquefied natural gas tank vessels.
- Sec. 272. Comptroller General of the United States review and report on the Coast Guard's International Port Security Program.
- Sec. 273. Comptroller General of the United States review and report on the surge capacity of the Coast Guard.
- Sec. 274. Comptroller General of the United States review and report on the marine inspections program of the Coast Guard.
- Sec. 275. Comptroller General of the United States review and report on the information technology program of the Coast Guard.
- Sec. 276. Comptroller General of the United States study and report on access to health care by members of the Coast Guard and dependents.

- Sec. 277. Comptroller General of the United States study and report on medical staffing standards and needs for the Coast Guard.
- Sec. 278. Comptroller General of the United States study and report on vertical evacuation for tsunamis at Coast Guard Station Grays Harbor, Washington.

Subtitle E—Other Matters

- Sec. 291. Technical corrections.

TITLE III—MARITIME

- Sec. 301. Electronic charts; equivalency.
- Sec. 302. Common appropriation structure.
- Sec. 303. Alternate safety compliance program exception for certain vessels.
- Sec. 304. License exemptions; repeal of obsolete provisions.
- Sec. 305. Small passenger vessels and uninspected passenger vessels.
- Sec. 306. National Offshore Safety Advisory Committee; representation.
- Sec. 307. National Maritime Transportation System Advisory Committee.
- Sec. 308. Security plans; reviews.
- Sec. 309. Ice patrol; payments.
- ~~Sec. 310. Great Lakes pilotage advisory committee extension.~~
- Sec. 310. *Great Lakes Pilotage Advisory Committee.*
- Sec. 311. Report on liability limits applicable to the Coast Guard.
- Sec. 312. Authority to waive operator of self-propelled uninspected passenger vessel requirements.
- Sec. 313. Towing vessel inspections; user fees.

TITLE IV—MISCELLANEOUS

- Sec. 401. Common appropriation structure.
- Sec. 402. Improved employment assistance.
- Sec. 403. Unmanned maritime systems.
- Sec. 404. Unmanned aircraft systems testing.
- Sec. 405. Report of determination; technical correction.
- Sec. 406. Towing vessels operating outside the boundary line.
- Sec. 407. Repeal of Caribbean support tender authorization.
- Sec. 408. Fairways.
- ~~Sec. 409. Nonoperating individuals.~~
- Sec. 409. *Sense of Congress regarding the maritime industry of the United States.*
- Sec. 410. Abandoned seafarers fund amendments.
- Sec. 411. Conforming amendments: training; public safety personnel.
- Sec. 412. Accident and incident notification.
- Sec. 413. Subrogated claims.
- Sec. 414. Use of engine cut-off switch links.
- Sec. 415. Equivalency authority.
- Sec. 416. Arctic PARS Native engagement.
- Sec. 417. Authorization of use of automatic identification systems devices to mark fishing equipment.
- Sec. 418. Direct hire authority for certain competitive service positions in the Department of Homeland Security.
- Sec. 419. National policy, performance evaluations, and research regarding vessel traffic service centers.
- Sec. 420. Replacement vessel.
- Sec. 421. Limited indemnity provisions in standby oil spill response contracts.

- Sec. 422. United States commercial space-based radio frequency maritime domain awareness testing and evaluation program.
- Sec. 423. Exemption of commercial fishing vessels operating in the Alaskan Region from the Global Marine Distress and Safety Service requirements of the Federal Communications Commission.
- Sec. 424. Educational vessel.
- ~~Sec. 425. Conveyance of Coast Guard real property at Point Spencer, Alaska.~~
- Sec. 425. Conveyance of Coast Guard real property at Point Spencer, Alaska.*
- Sec. 426. Coast Guard shore infrastructure improvement.
- Sec. 427. Coast Guard Arctic prioritization.
- Sec. 428. National Commercial Fishing Safety Advisory Committee.
- Sec. 429. Oil pollution research and development program.
- Sec. 430. Medical standards.*
- Sec. 431. Northern Michigan oil spill response planning.*
- Sec. 432. Land-based unmanned aircraft system program of the Coast Guard.*
- Sec. 433. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.*
- Sec. 434. Voting requirement.*

TITLE V—FEDERAL MARITIME COMMISSION

- Sec. 501. Short title.
- Sec. 502. Authorization of appropriations.

1 **SEC. 2. DEFINITION.**

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

4 **TITLE I—AUTHORIZATIONS**

5 **SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.**

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

- 8 (1) in paragraph (1)—

- 9 (A) in subparagraph (A), by striking “pro-
- 10 vided for, \$7,914,195,000 for fiscal year 2019.”
- 11 and inserting “provided for—
- 12 “(i) \$8,801,620,850 for fiscal year 2020; and
- 13 “(ii) \$8,396,169,475 for fiscal year 2021.”;

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (A)” in the matter preceding clause
3 (i) and inserting “subparagraph (A)(i)”; and

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

5 “(C) Of the amount authorized under subpara-
6 graph (A)(ii)—

7 “(i) \$17,119,000 shall be for environ-
8 mental compliance and restoration; and

9 “(ii) \$204,344,000 shall be for the con-
10 tribution of the Coast Guard to the Department
11 of Defense Medicare-Eligible Retiree Health
12 care Fund.”;

13 (2) in paragraph (2), by striking “and equip-
14 ment, \$2,694,745,000 for fiscal year 2019.” and in-
15 serting “and equipment—

16 “(A) \$2,694,745,000 for fiscal year 2020;
17 and

18 “(B) \$2,762,114,000 for fiscal year
19 2021.”; and

20 (3) in paragraph (3), by striking “and equip-
21 ment, \$29,141,000 for fiscal year 2019.” and insert-
22 ing “and equipment—

23 “(A) \$29,141,000 for fiscal year 2020; and

24 “(B) \$29,870,000 for fiscal year 2021.”.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
2 **AND TRAINING.**

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

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

9 (2) in subsection (b), by striking “fiscal years
10 2018 and 2019” and inserting “fiscal years 2020
11 and 2021”.

12 **SEC. 103. VESSEL SAFETY STANDARDS.**

13 (a) FISHING SAFETY TRAINING GRANTS PRO-
14 GRAM.—Subsection (i) of section 4502 of title 46, United
15 States Code, is amended—

16 (1) in paragraph (3), by striking “50 percent”
17 and inserting “75 percent”; and

18 (2) in paragraph (4), by striking “2019” and
19 inserting “2021”.

20 (b) FISHING SAFETY RESEARCH GRANT PRO-
21 GRAM.—Subsection (j) of such section is amended—

22 (1) in paragraph (3), by striking “50 percent”
23 and inserting “75 percent”; and

24 (2) in paragraph (4), by striking “2019” and
25 inserting “2021”.

1 (c) *FISHING SAFETY GRANTS.*—*The cap on the Federal*
 2 *share of the cost of any activity carried out with a grant*
 3 *under subsections (i) and (j) of section 4502 of title 46,*
 4 *United States Code, as in effect prior to the date of enact-*
 5 *ment of the Frank LoBiondo Coast Guard Authorization*
 6 *Act of 2018, shall apply to any funds appropriated under*
 7 *the Consolidated Appropriations Act, 2017 (Public Law*
 8 *115–31) for the purpose of making such grants.*

9 **SEC. 104. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF**
 10 **ADDITIONAL NATIONAL SECURITY CUTTER.**

11 (a) **IN GENERAL.**—Of the aggregate amount author-
 12 ized to be appropriated for fiscal years 2020 and 2021
 13 by section 4902(2) of title 14, United States Code, as
 14 amended by section 101 of this Act, \$650,000,000 is au-
 15 thorized to be available for the acquisition of a National
 16 Security Cutter.

17 (b) **TREATMENT OF ACQUIRED CUTTER.**—Any Cut-
 18 ter acquired using amounts available pursuant to sub-
 19 section (a) shall be in addition to the National Security
 20 Cutters approved under the existing acquisition baseline
 21 in the program of record for the National Security Cutter.

22 **SEC. 105. PROCUREMENT AUTHORITY FOR POLAR SECU-**
 23 **RITY CUTTERS.**

24 (a) **IN GENERAL.**—For fiscal year 2020 and each fis-
 25 cal year thereafter, the Secretary of the department in

1 which the Coast Guard is operating shall enter into one
2 or more contracts for the procurement of not fewer than
3 three heavy polar security cutters and three medium polar
4 security cutters and the associated equipment for such
5 polar security cutters.

6 (b) FUNDING.—Of the amounts made available for
7 fiscal years 2020 and 2021 by this Act, not less than
8 \$745,000,000 shall be available for each heavy polar secu-
9 rity cutter authorized to be procured in such fiscal years.

10 (c) PROHIBITION ON CONTRACTS OR USE OF FUNDS
11 FOR DEVELOPMENT OF COMMON HULL DESIGN.—Not-
12 withstanding any other provision of law, the Secretary of
13 the department in which the Coast Guard is operating
14 may not enter into any contract for, and no funds shall
15 be obligated or expended on, the development of a common
16 hull design for medium polar security cutters and Great
17 Lakes icebreakers.

18 **TITLE II—COAST GUARD**

19 **Subtitle A—Military Personnel** 20 **Matters**

21 **SEC. 201. AUTHORITY FOR OFFICERS TO OPT OUT OF PRO-**
22 **MOTION BOARD CONSIDERATION.**

23 (a) ACTIVE-DUTY LIST OFFICERS.—Section 2113 of
24 title 14, United States Code, is amended—

1 (1) by striking “he” each place it appears and
2 inserting “the officer”;

3 (2) by striking “his” each place it appears and
4 inserting “the officer’s”;

5 (3) in subsection (c), by striking “him” and in-
6 serting “the officer”; and

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

8 “(g)(1) Notwithstanding subsection (a), the Com-
9 mandant may provide that an officer may, upon the offi-
10 cer’s request, be excluded from consideration by a selec-
11 tion board convened under 2106 of this title to consider
12 officers for promotion to the next higher grade.

13 “(2) The Commandant may only approve a request
14 under paragraph (1) if—

15 “(A) the basis for the request is to allow an of-
16 ficer to complete a broadening assignment, advanced
17 education, a unique personal or professional goal, or
18 another assignment of significant value to the Coast
19 Guard, or a career progression requirement delayed
20 by the assignment, education, or goal;

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

1 “(C) the officer has not previously failed selec-
2 tion for promotion to the grade for which the officer
3 requests the exclusion from consideration.”.

4 (b) RESERVE ACTIVE-STATUS LIST OFFICERS.—The
5 text of section 3743 of title 14, United States Code, is
6 amended to read as follows:

7 “(a) IN GENERAL.—A Reserve officer is eligible for
8 consideration for promotion and for promotion under this
9 subchapter, if that officer is in an active status.

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

14 “(c) AUTHORITY TO OPT OUT OF PROMOTION
15 BOARD CONSIDERATION.—

16 “(1) IN GENERAL.—The Commandant may pro-
17 vide that an officer may, upon the officer’s request,
18 be excluded from consideration by a selection board
19 convened under section 3740(b) of this title to con-
20 sider officers for promotion to the next higher grade.

21 “(2) REQUIREMENTS.—The Commandant may
22 only approve a request under paragraph (1) if—

23 “(A) the basis for the request is to allow
24 an officer to complete a broadening assignment,
25 advanced education, a unique personal or pro-

1 fessional goal, or another assignment of signifi-
 2 cant value to the Coast Guard, or a career pro-
 3 gression requirement delayed by the assign-
 4 ment, education, or goal;

5 “(B) the Commandant determines the ex-
 6 clusion from consideration is in the best inter-
 7 est of the Coast Guard; and

8 “(C) the officer has not previously failed of
 9 selection for promotion to the grade for which
 10 the officer requests the exclusion from consider-
 11 ation.”.

12 **SEC. 202. TEMPORARY PROMOTION AUTHORITY FOR OFFI-**
 13 **CERS IN CERTAIN GRADES WITH CRITICAL**
 14 **SKILLS.**

15 (a) IN GENERAL.—Subchapter I of chapter 21 of title
 16 14, United States Code, is amended by adding at the end
 17 the following:

18 **“§ 2130. Promotion to certain grades for officers with**
 19 **critical skills; captain, commander, lieu-**
 20 **tenant commander, lieutenant**

21 “(a) IN GENERAL.—An officer in the grade of lieu-
 22 tenant (junior grade), lieutenant, lieutenant commander,
 23 or commander, who is described in subsection (b) may be
 24 temporarily promoted to the grade of lieutenant, lieuten-
 25 ant commander, commander, or captain under regulations

1 prescribed by the Secretary. Appointments under this sec-
2 tion shall be made by the President, by and with the advice
3 and consent of the Senate.

4 “(b) COVERED OFFICERS.—An officer described in
5 this subsection is any officer in a grade specified in sub-
6 section (a) who—

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

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

12 “(A) is designated to be held by a lieuten-
13 ant, lieutenant commander, commander, or cap-
14 tain; and

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

18 “(c) PRESERVATION OF POSITION AND STATUS OF
19 OFFICERS APPOINTED.—(1) The temporary positions au-
20 thorized by this section shall not be counted among or in-
21 cluded in the list of positions on the active duty promotion
22 list.

23 “(2) An appointment under this section does not
24 change the position on the active-duty promotion list or
25 the permanent, probationary, or acting status of the offi-

1 cer so appointed, prejudice the officer in regard to other
 2 promotions or appointments, or abridge the rights or bene-
 3 fits of the officer.

4 “(d) BOARD RECOMMENDATION REQUIRED.—A tem-
 5 porary promotion under this section may be made only
 6 upon the recommendation of a board of officers convened
 7 by the Secretary for the purpose of recommending officers
 8 for such promotions.

9 “(e) ACCEPTANCE AND EFFECTIVE DATE OF AP-
 10 POINTMENT.—Each appointment under this section, un-
 11 less expressly declined, is, without formal acceptance, re-
 12 garded as accepted on the date such appointment is made,
 13 and a member so appointed is entitled to the pay and al-
 14 lowances of the grade of the temporary promotion under
 15 this section from the date the appointment is made.

16 “(f) TERMINATION OF APPOINTMENT.—Unless soon-
 17 er terminated, an appointment under this section termi-
 18 nates—

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

23 “(2) on the date the officer is detached from a
 24 position described in subsection (b)(2), unless the of-
 25 ficer is on a promotion list to the permanent grade

1 of lieutenant, lieutenant commander, commander, or
2 captain, in which case the appointment terminates
3 on the date the officer is promoted to that grade;

4 “(3) if the officer is determined to have en-
5 gaged in misconduct or displayed substandard per-
6 formance in the position concerned; or

7 “(4) when otherwise determined by the Com-
8 mandant to be in the best interests of the Coast
9 Guard.

10 “(g) LIMITATION ON NUMBER OF ELIGIBLE POSI-
11 TIONS.—An appointment under this section may only be
12 made for service in a position designated by the Secretary
13 for the purposes of this section. The number of positions
14 so designated may not exceed the following:

15 “(1) As lieutenant, the number equal to 0.2
16 percent of the authorized number of lieutenants in
17 the Coast Guard as of the end of the fiscal year in
18 which the appointment is made.

19 “(2) As lieutenant commander, the number
20 equal to 0.6 percent of the authorized number of
21 lieutenant commanders in the Coast Guard as of the
22 end of the fiscal year in which the appointment is
23 made.

24 “(3) As commander, the number equal to 0.3
25 percent of the authorized number of commanders in

1 the Coast Guard as of the end of the fiscal year in
2 which the appointment is made.

3 “(4) As captain, the number equal to 0.15 per-
4 cent of the authorized number of captains in the
5 Coast Guard as of the end of the fiscal year in which
6 the appointment is made.”.

7 (b) ANALYSIS FOR CHAPTER 21.—The analysis for
8 chapter 21 of title 14, United States Code, is amended
9 by inserting after the item relating to section 2129 the
10 following:

“2130. Promotion to certain grades for officers with critical skills; captain, com-
mander, lieutenant commander, lieutenant.”.

11 **SEC. 203. GRADE ON RETIREMENT.**

12 (a) RETIREMENT OF COMMANDANT OR VICE COM-
13 MANDANT.—Section 303 of title 14, United States Code,
14 is amended by adding at the end the following:

15 “(d) Retirement under this section is subject to sec-
16 tion 2501(a) of this title.”.

17 (b) RETIREMENT.—Section 306 of title 14, United
18 States Code, is amended—

19 (1) in subsection (a), by inserting “satisfac-
20 torily, as determined under section 2501 of this
21 title” before the period;

22 (2) in subsection (b), by inserting “satisfac-
23 torily, as determined under section 2501 of this
24 title” before the period; and

1 (3) in subsection (c), by inserting “if perform-
 2 ance of duties in such grade is determined to have
 3 been satisfactory pursuant to section 2501 of this
 4 title” before the period.

5 (c) GRADE ON RETIREMENT.—Section 2501 of title
 6 14, United States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking “Any commissioned officer,
 9 other than a commissioned warrant officer,”
 10 and inserting “COMMISSIONED OFFICERS.—

11 “(1) IN GENERAL.—A commissioned officer”;

12 (B) by striking “him” and inserting “the
 13 commissioned officer”;

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

16 (D) by adding at the end the following:

17 “(2) CONDITIONAL DETERMINATION.—When a
 18 commissioned officer is under investigation for al-
 19 leged misconduct at the time of retirement—

20 “(A) the Secretary may conditionally de-
 21 termine the highest grade of satisfactory service
 22 of the commissioned officer pending completion
 23 of the investigation; and

24 “(B) the grade under subparagraph (A) is
 25 subject to resolution under subsection (c)(2).”;

1 (2) in subsection (b)—

2 (A) by inserting “WARRANT OFFICERS.—
3 ” after “(b)”;

4 (B) by striking “him” and inserting “the
5 warrant officer”; and

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

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

9 “(c) RETIREMENT IN LOWER GRADE.—

10 “(1) MISCONDUCT IN LOWER GRADE.—In the
11 case of a commissioned officer whom the Secretary
12 determines committed misconduct in a lower grade,
13 the Secretary may determine the commissioned offi-
14 cer has not served satisfactorily in any grade equal
15 to or higher than that lower grade.

16 “(2) ADVERSE FINDINGS.—A determination of
17 the retired grade of a commissioned officer shall be
18 resolved following a conditional determination under
19 subsection (a)(2) if the investigation of or personnel
20 action against the commissioned officer results in
21 adverse findings.

22 “(3) RECALCULATION OF RETIRED PAY.—If the
23 retired grade of a commissioned officer is reduced
24 pursuant to this subsection, the retired pay of the
25 commissioned officer shall be recalculated under

1 chapter 71 of title 10, and any modification of the
2 retired pay of the commissioned officer shall go into
3 effect on the effective date of the reduction in re-
4 tired grade.

5 “(d) FINALITY OF RETIRED GRADE DETERMINA-
6 TIONS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), a determination of the retired grade of a
9 commissioned officer under this section is adminis-
10 tratively final on the day the commissioned officer is
11 retired, and may not be reopened.

12 “(2) REOPENING DETERMINATIONS.—A deter-
13 mination of the retired grade of a commissioned offi-
14 cer may be reopened if—

15 “(A) the retirement or retired grade of the
16 commissioned officer was procured by fraud;

17 “(B) substantial evidence comes to light
18 after the retirement that could have led to a
19 lower retired grade under this section and such
20 evidence was known by competent authority at
21 the time of retirement;

22 “(C) a mistake of law or calculation was
23 made in the determination of the retired grade;

24 “(D) in the case of a retired grade fol-
25 lowing a conditional determination under sub-

1 section (a)(2), the investigation of or personnel
2 action against the commissioned officer results
3 in adverse findings; or

4 “(E) the Secretary determines, under regu-
5 lations prescribed by the Secretary, that good
6 cause exists to reopen the determination.

7 “(3) REQUIREMENTS.—If a determination of
8 the retired grade of a commissioned officer is re-
9 opened under paragraph (2), the Secretary—

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

12 “(B) may not make an adverse determina-
13 tion on the retired grade of the commissioned
14 officer until the commissioned officer has had a
15 reasonable opportunity to respond regarding the
16 basis of the reopening.

17 “(4) RECALCULATION OF RETIRED PAY.—If the
18 retired grade of a commissioned officer is reduced
19 through the reopening of the commissioned officer’s
20 retired grade under paragraph (2), the retired pay
21 of the commissioned officer shall be recalculated
22 under chapter 71 of title 10, and any modification
23 of the retired pay of the commissioned officer shall
24 go into effect on the effective date of the reduction
25 in retired grade.

1 “(e) INAPPLICABILITY TO COMMISSIONED WARRANT
 2 OFFICERS.—This section, including subsection (b), shall
 3 not apply to commissioned warrant officers.”.

4 **SEC. 204. CAREER INTERMISSION PROGRAM.**

5 (a) IN GENERAL.—Subchapter I of chapter 25 of title
 6 14, United States Code, is amended by adding at the end
 7 the following:

8 **“§ 2514. Career flexibility to enhance retention of**
 9 **members**

10 “(a) PROGRAM AUTHORIZED.—The Commandant
 11 may carry out a program under which members of the
 12 Coast Guard may be inactivated from active service to
 13 meet personal or professional needs and returned to active
 14 service at the end of such period of inactivation from ac-
 15 tive service.

16 “(b) PERIOD OF INACTIVATION FROM ACTIVE SERV-
 17 ICE; EFFECT OF INACTIVATION.—

18 “(1) IN GENERAL.—The period of inactivation
 19 from active service under the program under this
 20 section of a member participating in the program
 21 shall be such period as the Commandant shall speci-
 22 fy in the agreement of the member under subsection
 23 (c), except that such period may not exceed 3 years.

24 “(2) TOTAL YEARS OF SERVICE.—Any service
 25 by a Reserve officer while participating in the pro-

1 gram under this section shall be excluded from com-
2 putation of the total years of service of that officer
3 under section 14706(a) of title 10.

4 “(3) RETIREMENT OR TRANSFER.—Any period
5 of participation of a member in the program under
6 this section shall not count toward—

7 “(A) eligibility for retirement or transfer
8 to the Ready Reserve under chapter 841 or
9 1223 of title 10; or

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

12 “(c) AGREEMENT.—Each member of the Coast
13 Guard who participates in the program under this section
14 shall enter into a written agreement with the Commandant
15 under which agreement that member shall agree as fol-
16 lows:

17 “(1) To accept an appointment or enlist, as ap-
18 plicable, and serve in the Coast Guard Ready Re-
19 serve during the period of the inactivation of the
20 member from active service under the program.

21 “(2) To undergo during the period of the inac-
22 tivation of the member from active service under the
23 program such inactive service training as the Com-
24 mandant shall require in order to ensure that the
25 member retains proficiency, at a level determined by

1 the Commandant to be sufficient, in the military
2 skills, professional qualifications, and physical readi-
3 ness of the member during the inactivation of the
4 member from active service.

5 “(3) Following completion of the period of the
6 inactivation of the member from active service under
7 the program, to serve 2 months as a member of the
8 Coast Guard on active service for each month of the
9 period of the inactivation of the member from active
10 service under the program.

11 “(d) CONDITIONS OF RELEASE.—The Commandant
12 shall—

13 “(1) prescribe regulations specifying the guide-
14 lines regarding the conditions of release that must
15 be considered and addressed in the agreement re-
16 quired by subsection (c); and

17 “(2) at a minimum, prescribe the procedures
18 and standards to be used to instruct a member on
19 the obligations to be assumed by the member under
20 subsection (c)(2) while the member is released from
21 active service.

22 “(e) ORDER TO ACTIVE SERVICE.—Under regula-
23 tions prescribed by the Commandant, a member of the
24 Coast Guard participating in the program under this sec-
25 tion may, in the discretion of the Commandant, be re-

1 quired to terminate participation in the program and be
2 ordered to active service.

3 “(f) PAY AND ALLOWANCES.—

4 “(1) IN GENERAL.—During each month of par-
5 ticipation in the program under this section, a mem-
6 ber who participates in the program shall be paid
7 basic pay in an amount equal to two-thirtieths of the
8 amount of monthly basic pay to which the member
9 would otherwise be entitled under section 204 of title
10 37 as a member of the uniformed services on active
11 service in the grade and years of service of the mem-
12 ber when the member commences participation in
13 the program.

14 “(2) LIMITATIONS.—

15 “(A) SPECIAL OR INCENTIVE PAY OR BO-
16 NUSES.—A member who participates in the pro-
17 gram shall not, while participating in the pro-
18 gram, be paid any special or incentive pay or
19 bonus to which the member is otherwise entitled
20 under an agreement under section 1925 of this
21 title or chapter 5 of title 37 that is in force
22 when the member commences participation in
23 the program.

24 “(B) NOT TREATED AS FAILURE TO PER-
25 FORM.—The inactivation from active service of

1 a member participating in the program shall
2 not be treated as a failure of the member to
3 perform any period of service required of the
4 member in connection with an agreement for a
5 special or incentive pay or bonus under section
6 1925 of this title or chapter 5 of title 37 that
7 is in force when the member commences partici-
8 pation in the program.

9 “(3) RETURN TO SERVICE.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), upon the return of a member to ac-
12 tive service after completion by the member of
13 participation in the program—

14 “(i) any agreement entered into by
15 the member under section 1925 of this
16 title or chapter 5 of title 37 for the pay-
17 ment of a special or incentive pay or bonus
18 that was in force when the member com-
19 menced participation in the program shall
20 be revived, with the term of such agree-
21 ment after revival being the period of the
22 agreement remaining to run when the
23 member commenced participation in the
24 program; and

1 “(ii) any special or incentive pay or
2 bonus shall be payable to the member in
3 accordance with the terms of the agree-
4 ment concerned for the term specified in
5 clause (i).

6 “(B) NONAPPLICABILITY.—Subparagraph
7 (A)—

8 “(i) shall not apply to any special or
9 incentive pay or bonus otherwise covered
10 by that subparagraph with respect to a
11 member if, at the time of the return of the
12 member to active service as described in
13 that subparagraph—

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

16 “(II) the member does not satisfy
17 eligibility criteria for such pay or
18 bonus as in effect at the time of the
19 return of the member to active serv-
20 ice; and

21 “(ii) shall cease to apply to any spe-
22 cial or incentive pay or bonus otherwise
23 covered by that subparagraph with respect
24 to a member if, during the term of the re-
25 vived agreement of the member under sub-

1 paragraph (A)(i), such pay or bonus ceases
2 being authorized by law.

3 “(C) REPAYMENT.—A member who is in-
4 eligible for payment of a special or incentive
5 pay or bonus otherwise covered by this para-
6 graph by reason of subparagraph (B)(i)(II)
7 shall be subject to the requirements for repay-
8 ment of such pay or bonus in accordance with
9 the terms of the applicable agreement of the
10 member under section 1925 of this title or
11 chapter 5 of title 37.

12 “(D) SERVICE IN ADDITION TO OTHER
13 SERVICE.—Any service required of a member
14 under an agreement covered by this paragraph
15 after the member returns to active service as
16 described in subparagraph (A) shall be in addi-
17 tion to any service required of the member
18 under an agreement under subsection (c).

19 “(4) TRAVEL AND TRANSPORTATION ALLOW-
20 ANCES.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), a member who participates in the
23 program is entitled, while participating in the
24 program, to the travel and transportation allow-

1 ances authorized by section 474 of title 37
2 for—

3 “(i) travel performed from the resi-
4 dence of the member, at the time of release
5 from active service to participate in the
6 program, to the location in the United
7 States designated by the member as his
8 residence during the period of participation
9 in the program; and

10 “(ii) travel performed to the residence
11 of the member upon return to active serv-
12 ice at the end of the participation of the
13 member in the program.

14 “(B) LIMITATIONS.—An allowance is pay-
15 able under this paragraph only with respect to
16 travel of a member to and from a single resi-
17 dence.

18 “(5) LEAVE BALANCES.—A member who par-
19 ticipates in the program is entitled to carry forward
20 the leave balance existing as of the day on which the
21 member begins participation and accumulated in ac-
22 cordance with section 701 of title 10, but not to ex-
23 ceed 60 days.

24 “(g) PROMOTION.—

25 “(1) INELIGIBILITY.—

1 “(A) IN GENERAL.—An officer partici-
2 pating in the program under this section shall
3 not, while participating in the program, be eligi-
4 ble for consideration for promotion under chap-
5 ter 21 or 37 of this title.

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

10 “(i) the Commandant may adjust the
11 date of rank of the officer in such manner
12 as the Commandant may prescribe in regu-
13 lations for purposes of this section; and

14 “(ii) the officer shall be eligible for
15 consideration for promotion when officers
16 of the same grade and seniority are eligible
17 for consideration for promotion.

18 “(2) PERIOD OF INELIGIBILITY.—An enlisted
19 member participating in the program shall not be el-
20 igible for consideration for advancement during the
21 period that—

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

1 “(B) ends at such time after the return of
 2 the member to active service under the program
 3 that the member is treatable as eligible for ad-
 4 vancement by reason of time in grade and such
 5 other requirements as the Commandant may
 6 prescribe in regulations for purposes of the pro-
 7 gram.

8 “(h) CONTINUED ENTITLEMENT.—A member par-
 9 ticipating in the program under this section shall, while
 10 participating in the program, be treated as a member of
 11 the armed forces on active duty for a period of more than
 12 30 days for purposes of—

13 “(1) the entitlement of the member and of the
 14 dependents of the member to medical and dental
 15 care under the provisions of chapter 55 of title 10;
 16 and

17 “(2) retirement or separation for physical dis-
 18 ability under the provisions of chapter 61 of title 10
 19 and chapters 21 and 23 of this title.”.

20 (b) ANALYSIS FOR CHAPTER 25.—The analysis for
 21 chapter 25 of title 14, United States Code, is amended
 22 by inserting after the item relating to section 2513 the
 23 following:

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

1 **SEC. 205. DIRECT COMMISSIONING AUTHORITY FOR INDIVIDUALS WITH CRITICAL SKILLS.**

3 (a) IN GENERAL.—Subchapter II of chapter 37 of
4 title 14, United States Code, is amended by inserting after
5 section 3738 the following:

6 **“§ 3738a. Direct commissioning authority for individuals with critical skills**

8 “An individual with critical skills that the Com-
9 mandant consider necessary for the Coast Guard to com-
10 plete its missions who is not currently serving as an officer
11 in the Coast Guard, may be commissioned into the Coast
12 Guard at a grade up to, and including, commander.”.

13 (b) ANALYSIS FOR CHAPTER 37.—The analysis for
14 chapter 37 of title 14, United States Code, is amended
15 by inserting after the item relating to section 3738 the
16 following:

“3738a. Direct commissioning authority for individuals with critical skills.”.

17 **SEC. 206. RENEWAL OF TEMPORARY EARLY RETIREMENT**
18 **AUTHORITY.**

19 Section 219 of the Coast Guard and Maritime Trans-
20 portation Act of 2012 (Public Law 112–213; 10 U.S.C.
21 1293 note) is amended—

22 (1) in the matter preceding paragraph (1), by
23 striking “For fiscal years 2013 through 2018” and
24 inserting “For fiscal years 2019 through 2025”; and

1 (2) in paragraph (1), by striking “subsection
2 (c)(2)(A)” and inserting “subsection (c)(1)”.

3 **SEC. 207. STRATEGY ON LEADERSHIP OF THE COAST**
4 **GUARD.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of the
7 department in which the Coast Guard is operating shall
8 develop and make available to the public a strategy to im-
9 prove leadership development in the Coast Guard, includ-
10 ing mechanisms to address toxic leadership in the Coast
11 Guard.

12 (b) ELEMENTS.—The strategy shall include the fol-
13 lowing:

14 (1) Mechanisms to foster positive and produc-
15 tive leadership qualities in emerging Coast Guard
16 leaders, beginning, at minimum, members at grade
17 O–2 for officers, members at grade E–6 for enlisted
18 members, and members training to become an offi-
19 cer-in-charge.

20 (2) Mechanisms for the ongoing evaluation of
21 unit commanders, including identification of toxic
22 leadership qualities in commanders.

23 (3) Formal training on the recognition of toxic
24 leadership qualities (in self and others), including at

1 leadership seminars and school houses in the Coast
2 Guard, including means to correct such qualities.

3 (4) Clear and transparent policies on standards
4 for command climate, leadership qualities, and inclu-
5 sion.

6 (5) Policy to ensure established and emerging
7 leaders have access to hands-on training and tools to
8 improve diversity and inclusion.

9 (6) Policy and procedures for commanders to
10 identify and hold accountable toxic leaders.

11 (c) TOXIC LEADERSHIP DEFINED.—In this section,
12 the term “toxic leadership” has the meaning given that
13 term for purposes of Army Doctrine Publication 6–22.

14 **SEC. 208. SUPPORT OF WOMEN SERVING IN THE COAST**
15 **GUARD.**

16 (a) CONSIDERATION OF WOMEN’S ISSUES BY BOARD
17 OF VISITORS OF COAST GUARD ACADEMY.—Section
18 1903(d) of title 14, United States Code, is amended—

19 (1) in paragraph (5), by striking “and” at the
20 end;

21 (2) by redesignating paragraph (6) as para-
22 graph (7); and

23 (3) by inserting after paragraph (5) the fol-
24 lowing new paragraph (6):

25 “(6) women’s issues; and”.

1 (b) NATIONAL COAST GUARD WOMEN’S LEADERSHIP
2 COMMITTEE.—

3 (1) IN GENERAL.—The Commandant shall es-
4 tablish within the Coast Guard a national advisory
5 board to be known as the “National Coast Guard
6 Women’s Leadership Committee” (in this subsection
7 referred to as the “Committee”).

8 (2) MEMBERSHIP.—The Committee shall be
9 composed of such number of members as the Com-
10 mandant considers appropriate, selected by the Com-
11 mandant through a public selection process from
12 among applicants for membership on the Committee.
13 The members of the Committee shall, to the extent
14 practicable, represent the range and diversity of the
15 Coast Guard. The members of the Committee shall
16 include an equal number of each of the following:

17 (A) Active duty officers of the Coast
18 Guard.

19 (B) Active duty enlisted members of the
20 Coast Guard.

21 (C) Members of the Coast Guard Reserve.

22 (D) Retired members of the Coast Guard.

23 (3) DUTIES.—The Committee—

24 (A) shall advise the Commandant on im-
25 provements to the recruitment, retention, suc-

1 cess, and well-being of women serving in the
2 Coast Guard;

3 (B) may submit to the Secretary of the de-
4 partment in which the Coast Guard is oper-
5 ating, and to the Commandant, recommenda-
6 tions in connection with its duties under this
7 subsection, including recommendations to im-
8 plement the advice described in subparagraph
9 (A); and

10 (C) may brief Congress on its duties under
11 this subsection, including the advice described
12 in subparagraph (A) and any recommendations
13 described in subparagraph (B).

14 (c) ADVISORY COMMITTEE ON WOMEN’S LEADER-
15 SHIP AT THE COAST GUARD ACADEMY.—

16 (1) IN GENERAL.—The Superintendent of the
17 Coast Guard Academy shall establish at the Coast
18 Guard Academy an advisory committee to be known
19 as the Advisory Committee on Women’s Leadership
20 at the Coast Guard Academy (in this subsection re-
21 ferred to as the “Advisory Committee”).

22 (2) MEMBERSHIP.—The Advisory Committee
23 shall be composed of not fewer than 12 current ca-
24 dets of the Coast Guard Academy, including not
25 fewer than 3 cadets from each current class.

1 (3) APPOINTMENT; TERM.—Cadets shall serve
2 on the Advisory Committee pursuant to appointment
3 by the Superintendent. Appointments shall be made
4 not later than 60 days after the swearing in of a
5 new class of cadets at the Academy. The term of
6 membership of a cadet on the Advisory Committee
7 shall be one year.

8 (4) MEETINGS.—The Advisory Committee shall
9 meet with the Commandant not less frequently than
10 once each academic year of the Coast Guard Acad-
11 emy on the duties of the Advisory Committee. The
12 Advisory Committee shall meet in person with the
13 Superintendent not less frequently than twice each
14 such academic year on the duties of the Advisory
15 Committee.

16 (5) DUTIES.—The Advisory Committee shall
17 identify cultural opportunities and challenges facing
18 women cadets at the Academy, including an assess-
19 ment of culture, leadership development, access to
20 health care, and overall well-being of women cadets
21 at the Academy.

22 (6) ADVISORY GROUPS.—The Advisory Com-
23 mittee may establish one or more advisory groups to
24 assist the Advisory Committee in carrying out its
25 duties, including advisory groups composed in part

1 of cadets at the Academy who are not current mem-
2 bers of the Advisory Committee.

3 (7) REPORTS AND BRIEFINGS.—The Advisory
4 Committee shall regularly provide the Commandant
5 and the Superintendent reports and briefings on the
6 results of its duties, including recommendations for
7 actions to be taken in light of such results. Such re-
8 ports and briefings may be provided in writing, in
9 person, or both.

10 (d) CURRICULUM AND TRAINING ON CLIMATE AND
11 CULTURE CONCERNS.—The Secretary of the department
12 in which the Coast Guard is operating shall periodically
13 update curriculum and training toward inclusive leader-
14 ship and positive climate in the Coast Guard, and shall
15 develop a plan to synchronize such updates to respond to
16 the findings of the RAND gender diversity report, deliv-
17 ered at each of the following:

18 (1) Officer accession points, including the Coast
19 Guard Academy and the Leadership Development
20 Center.

21 (2) Enlisted member accession at the United
22 States Coast Guard Training Center Cape May,
23 New Jersey.

1 (3) The officer, enlisted member, and civilian
2 leadership courses managed by the Leadership De-
3 velopment Center.

4 (e) ACTION PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this Act, the Com-
7 mandant shall submit to Congress, and make avail-
8 able to the public on an internet website of the
9 Coast Guard available to the public, a report on the
10 implementation of the recommendations of the
11 RAND gender diversity report.

12 (2) ELEMENTS.—The report shall set forth the
13 following:

14 (A) A review and assessment of the status
15 of actions on the recommendations in the
16 RAND gender diversity report.

17 (B) Additional recommendations to im-
18 prove the recruitment and retention of women
19 in the Coast Guard.

20 (C) A plan (including milestones) for ac-
21 tions being taken by the Coast Guard to imple-
22 ment the recommendations in the RAND gen-
23 der diversity report and the additional rec-
24 ommendations described in subparagraph (B),
25 including recommendations for such legislative

1 or administrative action as may be required in
2 order to carry out the plan.

3 (D) A plan to launch and maintain an
4 internet website for the sharing of significant
5 policy, benefits, services, and resources, and rel-
6 evant announcements, in order to centralize re-
7 sources and tools provided by the Coast Guard,
8 and other resources (as appropriate), to im-
9 prove gender diversity and retention of women
10 in the Coast Guard.

11 (3) CONSULTATION.—In preparing the report,
12 the Commandant shall consult with the National
13 Coast Guard Women’s Leadership Committee estab-
14 lished pursuant to subsection (b).

15 (f) RAND GENDER DIVERSITY REPORT DEFINED.—
16 In this section, the term “RAND gender diversity report”
17 means the 2019 report of the Homeland Security Oper-
18 ational Analysis Center of the RAND Corporation entitled
19 “Improving Gender Diversity in the U.S. Coast Guard:
20 Identifying Barriers to Female Retention”.

21 **SEC. 209. POLICY ON EXPEDITED TRANSFER OF MEMBERS**
22 **OF THE COAST GUARD IN CASES OF SEXUAL**
23 **ASSAULT OF DEPENDENTS OF MEMBERS.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Commandant shall establish a policy

1 to permit the transfer of a member of the Coast Guard
 2 whose dependent is the victim of sexual assault committed
 3 by a member of the Armed Forces who is not related to
 4 the victim.

5 **SEC. 210. DUE PROCESS PROTECTIONS FOR INVESTIGA-**
 6 **TIONS, DISCIPLINARY ACTIONS, AND SANC-**
 7 **TIONS UNDER COAST GUARD ACADEMY POL-**
 8 **ICY ON SEXUAL HARASSMENT AND SEXUAL**
 9 **VIOLENCE.**

10 *Section 1902(b) of title 14, United States Code, is*
 11 *amended by adding at the end the following:*

12 *“(7) Notice that any action relating to the policy*
 13 *taken by the Academy against a cadet or other Acad-*
 14 *emy personnel, including an investigation, a discipli-*
 15 *nary action, a sanction, and any other administra-*
 16 *tive action, is carried out in a manner that provides*
 17 *due process protections.”.*

18 **SEC. 211. CONSIDERATION BY BOARD OF VISITORS OF THE**
 19 **COAST GUARD ACADEMY OF THE STATE OF**
 20 **DIVERSITY AND INCLUSION AT THE COAST**
 21 **GUARD ACADEMY.**

22 *Section 1903(d) of title 14, United States Code, as*
 23 *amended by section 208(a) of this Act, is further amended—*

24 *(1) in paragraph (6), by striking “and” at the*
 25 *end;*

1 (2) *by redesignating paragraph (7) as para-*
 2 *graph (8); and*

3 (3) *by inserting after paragraph (6) the fol-*
 4 *lowing new paragraph (7):*

5 “(7) *the state of diversity and inclusion; and*”.

6 **Subtitle B—Organization and**
 7 **Management Matters**

8 **SEC. 221. CONTINUATION OF COAST GUARD PAY DURING**
 9 **LAPSE IN APPROPRIATIONS.**

10 (a) IN GENERAL.—Chapter 27 of title 14, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 **“§ 2780. Pay; continuation during lapse in appropria-**
 14 **tions**

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

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

22 “(2) to provide pay and benefits to qualified ci-
 23 vilian employees of the Coast Guard;

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

1 “(4) to provide for—

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

6 “(B) the payment or reimbursement of au-
7 thorized funeral travel and travel related to the
8 dignified transfer of remains and unit memorial
9 services under section 481f of title 37, with re-
10 spect to members of the Coast Guard; and

11 “(C) the temporary continuation of a basic
12 allowance of housing for dependents of mem-
13 bers of the Coast Guard dying on active duty,
14 as authorized by section 403(1) of title 37; and

15 “(5) to provide for Coast Guard retired pay, in-
16 cluding the payment of obligations otherwise charge-
17 able to lapsed appropriations for this purpose, pay-
18 ments under the Retired Serviceman’s Family Pro-
19 tection and Survivor Benefits Plans, payment for ca-
20 reer status bonuses, payment of continuation pay
21 under section 356 of title 37, concurrent receipts,
22 combat-related special compensation, and payments
23 for medical care of retired personnel and their de-
24 pendents under chapter 55 of title 10.

1 “(b) COAST GUARD-SPECIFIC FUNDING LAPSE.—

2 For purposes of this section, a Coast Guard-specific fund-
3 ing lapse occurs in any case in which—

4 “(1) a general appropriation bill providing ap-
5 propriations for the Coast Guard for a fiscal year is
6 not enacted before the beginning of such fiscal year
7 (and no joint resolution making continuing appro-
8 priations for the Coast Guard is in effect); and

9 “(2) a general appropriation bill providing ap-
10 propriations for the Department of Defense for such
11 fiscal year is enacted before the beginning of such
12 fiscal year (or a joint resolution making continuing
13 appropriations for the Department of Defense is in
14 effect).

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

19 “(1) The enactment into law of an appropria-
20 tion (including a continuing appropriation) for such
21 purpose.

22 “(2) The enactment into law of an appropria-
23 tion (including a continuing appropriation) for the
24 Coast Guard without provision for such purpose.

1 “(3) The termination of availability of appro-
2 priations for the Department of Defense.

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

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

10 “(e) CHARGE TO FUTURE APPROPRIATIONS.—Ex-
11 penditures made pursuant to this section shall be charged
12 to the applicable appropriation, fund, or authorization
13 whenever a bill in which such applicable appropriation,
14 fund, or authorization is enacted into law.

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

22 “(g) DEFINITIONS.—In this section:

23 “(1) The term ‘qualified civilian employee’
24 means a civilian employee of the Coast Guard whom
25 the Commandant determines is—

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

3 “(B) performing work as an excepted em-
4 ployee or an employee performing emergency
5 work, as those terms are defined by the Office
6 of Personnel Management.

7 “(2) The term ‘qualified contract employee of
8 the Coast Guard’ means an individual performing
9 work under a contract whom the Commandant de-
10 termines is—

11 “(A) providing support to military mem-
12 bers or qualified civilian employees of the Coast
13 Guard or another Armed Force; or

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

16 (b) ANALYSIS FOR CHAPTER 27.—The analysis for
17 chapter 27 of title 14, United States Code, is amended
18 by adding at the end the following:

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

19 **SEC. 222. AUTHORITY TO ENTER INTO AGREEMENTS WITH**
20 **NATIONAL COAST GUARD MUSEUM ASSOCIA-**
21 **TION.**

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

24 (1) by redesignating subsection (d) as sub-
25 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) AGREEMENTS WITH NATIONAL COAST GUARD
4 MUSEUM ASSOCIATION.—

5 “(1) The Commandant may offer to enter into
6 one or more agreements with the National Coast
7 Guard Museum Association (referred to in this sub-
8 section as the ‘Association’) for any purpose the
9 Commandant considers beneficial to the Coast
10 Guard.

11 “(2) With respect to the construction of the
12 National Coast Guard Museum, the Commandant
13 may—

14 “(A) permit the Association to enter into
15 one or more contracts for the design and con-
16 struction of the National Coast Guard Museum;
17 and

18 “(B) carry out oversight responsibilities
19 that, among other things, ensures construction
20 of the museum will comport with future Coast
21 Guard operations and sustainment after it is
22 accepted by the Secretary.

23 “(3)(A) On the satisfactory completion of the
24 National Coast Guard Museum and the satisfaction

1 by the Association of any financial obligations inci-
2 dent to the National Coast Guard Museum—

3 “(i) the Commandant may accept the Na-
4 tional Coast Guard Museum from the Associa-
5 tion; and

6 “(ii) all right, title, and interest in and to
7 the National Coast Guard Museum shall vest in
8 the United States.

9 “(B) Beginning on the date on which the Com-
10 mandant accepts the National Coast Guard Museum
11 under subparagraph (A), the Commandant shall as-
12 sume administrative jurisdiction over the National
13 Coast Guard Museum.

14 “(C) Before the date on which the Com-
15 mandant accepts the National Coast Guard Museum
16 under subparagraph (A), the Association may lease
17 the National Coast Guard Museum to the Com-
18 mandant—

19 “(i) under such terms and conditions as
20 the Commandant considers appropriate; and

21 “(ii) for use consistent with the purposes
22 of the National Coast Guard Museum.

23 “(D) After the date on which the Commandant
24 accepts the National Coast Guard Museum under
25 subparagraph (A), the Commandant may lease 1 or

1 more portions of the National Coast Guard Museum
 2 to the Association—

3 “(i) under such terms and conditions as
 4 the Commandant considers appropriate; and

5 “(ii) for use consistent with the purposes
 6 of the National Coast Guard Museum.

7 “(E) Prior to the acceptance of the National
 8 Coast Guard Museum by the Commandant under
 9 subparagraph (A), the Commandant may coordinate
 10 with, and provide advice to, the Association for pur-
 11 poses of establishing the National Coast Guard Mu-
 12 seum.

13 “(4) The Commandant may require such addi-
 14 tional terms and conditions with respect to an agree-
 15 ment or lease authorized under this subsection as
 16 the Commandant considers appropriate to protect
 17 the interests of the United States.”.

18 **SEC. 223. RESEARCH PROJECTS; TRANSACTIONS OTHER**
 19 **THAN CONTRACTS AND GRANTS.**

20 (a) IN GENERAL.—Chapter 7 of title 14, United
 21 States Code, is amended by inserting after section 717 the
 22 following:

1 **“§ 717a. Research projects; transactions other than**
 2 **contracts and grants**

3 “(a) ADDITIONAL FORMS OF TRANSACTIONS AU-
 4 THORIZED.—The Commandant may enter into trans-
 5 actions (other than contracts, cooperative agreements, and
 6 grants) under the authority of this subsection in carrying
 7 out basic, applied, and advanced research projects. The
 8 authority under this subsection is in addition to the au-
 9 thority provided in section 717 of this title to use con-
 10 tracts, cooperative agreements, and grants in carrying out
 11 such projects. *The authority under this subsection shall ex-*
 12 *pire on September 30, 2025.*

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

16 “(c) RECOVERY OF FUNDS.—

17 “(1) IN GENERAL.—A cooperative agreement
 18 for performance of basic, applied, or advanced re-
 19 search authorized by section 717 of this title and a
 20 transaction authorized by subsection (a) may include
 21 a clause that requires a person or other entity to
 22 make payments to the Coast Guard or any other de-
 23 partment or agency of the Federal Government as a
 24 condition for receiving support under the agreement
 25 or other transaction.

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

10 “(d) CONDITIONS.—The Commandant shall ensure
11 that, to the maximum extent practicable, no cooperative
12 agreement containing a clause under subsection (c)(1),
13 and no transaction entered into under subsection (a), pro-
14 vides for research that duplicates research being con-
15 ducted under existing programs carried out by the Coast
16 Guard.

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

19 “(1) ensure that management, technical, and
20 contracting personnel of the Coast Guard involved in
21 the award or administration of transactions under
22 this section or other innovative forms of contracting
23 are afforded opportunities for adequate education
24 and training on such transactions and forms of con-
25 tracting; and

1 “(2) establish minimum levels and requirements
2 for continuous and experiential learning on such
3 transactions and forms of contracting for such per-
4 sonnel, including levels and requirements for acqui-
5 sition certification programs.

6 “(f) PROTECTION OF CERTAIN INFORMATION FROM
7 DISCLOSURE.—

8 “(1) IN GENERAL.—Disclosure of information
9 described in paragraph (2) is not required, and may
10 not be compelled under section 552 of title 5 for 5
11 years after the date on which the information is re-
12 ceived by the Coast Guard.

13 “(2) INFORMATION DESCRIBED.—

14 “(A) APPLICABILITY.—Paragraph (1) ap-
15 plies to the information described in subpara-
16 graph (B) that is in the records of the Coast
17 Guard if the information was submitted to the
18 Coast Guard in a competitive or noncompetitive
19 process having the potential for resulting in an
20 award, to the party submitting the information,
21 of a cooperative agreement for performance of
22 basic, applied, or advanced research authorized
23 by section 717 of this title or another trans-
24 action authorized by subsection (a).

1 “(B) INFORMATION DESCRIBED.—The in-
 2 formation described in this subparagraph is as
 3 follows:

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

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

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

10 “(g) REGULATIONS.—The Commandant shall pre-
 11 scribe regulations, as necessary, to carry out this section.

12 “(h) *TRANSPARENCY.—Not later than 60 days after the*
 13 *date that a transaction agreement is made under subsection*
 14 *(a), the Commandant shall make available to the public,*
 15 *in a searchable format on an Internet website of the Coast*
 16 *Guard, information on the transaction agreement, includ-*
 17 *ing an estimate of committed Coast Guard resources for and*
 18 *the expected benefits to the Coast Guard from the trans-*
 19 *action agreement, with appropriate redactions for propri-*
 20 *etary, sensitive, or classified information.*

21 “(i) *REPORTS.—*

22 “(1) *IN GENERAL.—Not later than December 30*
 23 *each year through 2025, the Commandant shall sub-*
 24 *mit to the Committee on Commerce, Science, and*
 25 *Transportation of the Senate and the Committee on*

1 *Transportation and Infrastructure of the House of*
 2 *Representatives a report on the use by the Coast*
 3 *Guard of additional transaction authority under sub-*
 4 *section (a) during the fiscal year ending in such year.*

5 “(2) CONTENTS.—*Each report under paragraph*
 6 *(1) shall include—*

7 “(A) *for each transaction agreement under*
 8 *subsection (a) in effect during the fiscal year cov-*
 9 *ered by the report—*

10 “(i) *an indication whether the trans-*
 11 *action agreement is a reimbursable, non-re-*
 12 *imbursable, or funded agreement;*

13 “(ii) *a description of—*

14 “(I) *the subject and terms;*

15 “(II) *the parties;*

16 “(III) *the value;*

17 “(IV) *the extent of the cost shar-*
 18 *ing among Federal Government and*
 19 *non-Federal sources;*

20 “(V) *the duration or schedule; and*

21 “(VI) *all milestones;*

22 “(iii) *an indication whether the trans-*
 23 *action agreement was renewed during such*
 24 *fiscal year;*

1 “(iv) the technology areas in which re-
 2 search projects were conducted under the
 3 transaction agreement;

4 “(v) the extent to which the use of the
 5 transaction agreement—

6 “(I) has contributed to a broad-
 7 ening of the technology and industrial
 8 base available for meeting Coast Guard
 9 needs; and

10 “(II) has fostered within that
 11 technology and industrial base new re-
 12 lationships and practices that support
 13 the United States; and

14 “(vi) the total value received by the
 15 Federal Government under the transaction
 16 agreement during such fiscal year; and

17 “(B) a list of all anticipated reimbursable,
 18 nonreimbursable, and funded transaction agree-
 19 ments under subsection (a) during the fiscal year
 20 in which the report is submitted.”.

21 (b) ANALYSIS FOR CHAPTER 7.—The analysis for
 22 chapter 7 of title 14, United States Code, is amended by
 23 inserting after the item relating to section 717 the fol-
 24 lowing:

“717a. Research projects; transactions other than contracts and grants.”.

1 **SEC. 224. SUPPORT OF ELEMENTARY AND SECONDARY**
 2 **EDUCATION IN SCIENCE, MATHEMATICS, AND**
 3 **TECHNOLOGY.**

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

7 **“§ 719. Support of elementary and secondary edu-**
 8 **cation in science, mathematics, and tech-**
 9 **nology**

10 “(a) IN GENERAL.—The Secretary of the department
 11 in which the Coast Guard is operating, in coordination
 12 with the Secretary of Education, may establish programs
 13 for the purpose of improving the mathematics and sci-
 14 entific knowledge and skills of elementary and secondary
 15 school students and faculty members.

16 “(b) COOPERATION WITH DEPARTMENT OF DE-
 17 FENSE.—The Secretary of the department in which the
 18 Coast Guard is operating may cooperate and coordinate
 19 with the Secretary of Defense for the purpose of improving
 20 the mathematics and scientific knowledge and skills of ele-
 21 mentary school students and faculty members, including
 22 participating in the Department of Defense STARBASE
 23 Program under section 2193b of title 10.

24 “(c) AREAS OF FOCUS.—In addition to general math-
 25 ematics and scientific knowledge, any program or activity
 26 carried out under subsection (a) or (b) may also focus on

1 areas of specific Coast Guard expertise, including lim-
 2 nology, marine science, and oceanography.”.

3 (b) ANALYSIS FOR CHAPTER 7.—The analysis for
 4 chapter 7 of title 14, United States Code, is amended by
 5 adding at the end the following new item:

“719. Support of elementary and secondary education in science, mathematics,
 and technology.”.

6 **SEC. 225. LIMITATIONS ON CLAIMS.**

7 (a) ADMIRALTY CLAIMS AGAINST THE UNITED
 8 STATES.—Section 937(a) of title 14, United States Code,
 9 is amended by striking “\$100,000” and inserting
 10 “\$425,000”.

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

15 **SEC. 226. ACQUISITION WORKFORCE AUTHORITIES.**

16 (a) IN GENERAL.—Subchapter I of chapter 11 of title
 17 14, United States Code, is amended by adding at the end
 18 the following:

19 **“§ 1111. Acquisition workforce authorities**

20 “(a) EXPEDITED HIRING AUTHORITY.—

21 “(1) IN GENERAL.—For purposes of section
 22 3304 of title 5, the Commandant may—

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

4 “(B) use the authorities in such section to
5 recruit and appoint highly qualified persons di-
6 rectly to positions so designated.

7 “(2) REPORTS.—The Commandant shall in-
8 clude in reports under section 5103 of this title in-
9 formation described in that section regarding posi-
10 tions designated under this subsection.

11 “(b) REEMPLOYMENT AUTHORITY.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), if an annuitant receiving an annuity from
14 the Civil Service Retirement and Disability Fund be-
15 comes employed in any category of acquisition posi-
16 tions designated by the Commandant under sub-
17 section (a), the annuity of an annuitant so employed
18 shall continue. An annuitant so reemployed shall not
19 be considered an employee for purposes of sub-
20 chapter III of chapter 83 or chapter 84 of title 5.

21 “(2) ELECTION.—

22 “(A) IN GENERAL.—An annuitant retired
23 under section 8336(d)(1) or 8414(b)(1)(A) of
24 title 5, receiving an annuity from the Civil Serv-
25 ice Retirement and Disability Fund, who be-

1 comes employed in a position designated by the
 2 Commandant under subsection (a) may elect to
 3 be subject to section 8344 or 8468 of such title
 4 (as the case may be), respectively.

5 “(B) DEADLINE.—An election for coverage
 6 under this paragraph shall be filed not later
 7 than 90 days after the Commandant takes rea-
 8 sonable actions to notify employees who may
 9 file an election.

10 “(C) COVERAGE.—If an employee files an
 11 election under this paragraph, coverage shall be
 12 effective beginning on the first day of the first
 13 applicable pay period beginning on or after the
 14 date of the filing of the election.

15 “(D) APPLICATION.—Paragraph (1) shall
 16 apply to an individual who is eligible to file an
 17 election under such paragraph and does not file
 18 a timely election under this paragraph in ac-
 19 cordance with subparagraph (B).”.

20 (b) ANALYSIS FOR CHAPTER 11.—The analysis for
 21 chapter 11 of title 14, United States Code, is amended
 22 by inserting after the item relating to section 1110 the
 23 following:

“1111. Acquisition workforce authorities.”.

1 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
 2 404 of the Coast Guard Authorization Act of 2010 (Public
 3 Law 111–281) is repealed.

4 **SEC. 227. RESOLUTION BY CHIEF ACQUISITION OFFICER OF**
 5 **ACQUISITION DISPUTES ELEVATED TO THE**
 6 **OFFICER.**

7 (a) IN GENERAL.—Subchapter I of chapter 11 of title
 8 14, United States Code, as amended by section 226, is
 9 further amended by adding at the end the following:

10 **“§ 1112. Resolution by the Chief Acquisition Officer**
 11 **of acquisition disputes elevated to the Of-**
 12 **ficer**

13 “If, after 90 days following the elevation to the Chief
 14 Acquisition Officer of any design or other dispute regard-
 15 ing Level 1 or Level 2 acquisition, the dispute remains
 16 unresolved, the Commandant shall provide to the appro-
 17 priate congressional committees a detailed description of
 18 the issue and the rationale underlying the decision taken
 19 by the Chief Acquisition Officer to resolve the issue.”.

20 (b) ANALYSIS FOR CHAPTER 11.—The analysis for
 21 chapter 11 of title 14, United States Code, as amended
 22 by section 226, is further amended by inserting after the
 23 item relating to section 1111 the following:

“1112. Resolution by the Chief Acquisition Officer of acquisition disputes ele-
 vated to the Officer.”.

1 (c) REPEAL OF SUPERSEDED REQUIREMENT.—Sec-
 2 tion 401 of the Coast Guard Authorization Act of 2010
 3 (Public Law 111–281) is amended by striking subsection
 4 (e).

5 **SEC. 228. VESSEL CONVERSION, ALTERATION, AND REPAIR**
 6 **PROJECTS.**

7 Notwithstanding any provision of the Small Business
 8 Act (15 U.S.C. 631 et seq.) and any regulation or policy
 9 implementing that Act, the Commandant may use full and
 10 open competitive procedures, as prescribed in section 2304
 11 of title 10, United States Code, to acquire maintenance
 12 and repair services for vessels with a homeport in Coast
 13 Guard District 17.

14 **SEC. 229. COAST GUARD HOUSING FUND.**

15 Section 2946(c) of title 14, United States Code, is
 16 amended—

17 (1) by striking paragraph (2);

18 (2) by redesignating paragraph (1) as para-
 19 graph (2);

20 (3) in paragraph (2), as so redesignated—

21 (A) by striking “(2) In such amounts as
 22 provided in appropriations Acts, and except”
 23 and inserting the following:

24 “(2) PERMISSIBLE USES.—Except”;

1 (B) by indenting subparagraphs (A), (B),
 2 and (C) four ems from the left margin;

3 (C) in subparagraph (B), by striking
 4 “and” at the end;

5 (D) in subparagraph (C), by striking the
 6 period at the end and inserting “; and”; and

7 (E) by adding at the end the following new
 8 subparagraph:

9 “(D) the construction or recapitalization of
 10 existing military family housing and military
 11 unaccompanied housing.”; and

12 (4) by inserting before paragraph (2), as so re-
 13 designated, the following:

14 “(1) AVAILABILITY.—Amounts in the Fund
 15 shall be available to the Secretary without further
 16 appropriation, and shall remain available until ex-
 17 pended.”.

18 **SEC. 230. OPERATION AND SUSTAINMENT COSTS IN MAJOR**

19 **LONG-TERM ACQUISITION PLANS.**

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

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

24 (2) by inserting after subparagraph (A) the fol-
 25 lowing:

1 “(B) operate and sustain the cutters and
2 aircraft identified under paragraph (2);”.

3 **SEC. 231. PORT, HARBOR, AND COASTAL FACILITY SECU-**
4 **RITY.**

5 Section 70116 of title 46, United States Code, is
6 amended—

7 (1) in subsection (a), by inserting “, cyber inci-
8 dents, transnational organized crime, and foreign
9 state threats” after “an act of terrorism”;

10 (2) in subsection (b)—

11 (A) in paragraphs (1) and (2), by inserting
12 “cyber incidents, transnational organized crime,
13 and foreign state threats” after “terrorism”
14 each place it appears; and

15 (B) in paragraph (3)—

16 (i) by striking “armed” and inserting
17 “, armed (as needed),”; and

18 (ii) by striking “terrorism or trans-
19 portation security incidents,” and inserting
20 “terrorism, cyber incidents, transnational
21 organized crime, foreign state threats, or
22 transportation security incidents,”; and

23 (3) in subsection (c)—

24 (A) by striking “70034,” and inserting
25 “70033,”; and

(B) by adding at the end the following new sentence: “When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Orders 12866 and 13563.”.

SEC. 232. ACCESS TO RESOURCES DURING CREOSOTE-RELATED BUILDING CLOSURES AT COAST GUARD BASE SEATTLE, WASHINGTON.

(a) IN GENERAL.—With respect to the creosote-related building closures at Coast Guard Base Seattle, Washington, the Commandant shall, to the maximum extent practicable, enter into one or more agreements or otherwise take actions to secure access to resources, including a gym, that are not otherwise available to members of the Coast Guard during such closures.

(b) BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall brief Congress with respect to actions taken by the Commandant to comply with subsection (a).

SEC. 233. SOUTHERN RESIDENT ORCA CONSERVATION AND ENFORCEMENT.

(a) REPORT ON ORCA ENFORCEMENT OPPORTUNITIES.—The Commandant, in consultation with the Under

1 Secretary of Commerce for Oceans and Atmosphere, shall
2 submit to Congress a report on Coast Guard efforts to
3 enforce southern resident orca vessel buffer zones and
4 other vessel related regulations in Puget Sound in coordi-
5 nation with existing Coast Guard fisheries enforcement,
6 maritime domain awareness, operation Be Whale Wise,
7 and other related missions.

8 (b) ACTION PLAN.—Not later than 180 days after
9 the date of the enactment of this Act, the Commandant
10 shall submit to Congress a briefing on steps the Coast
11 Guard is taking to meet fisheries enforcement boarding
12 and vessel traffic, including orca buffer zone and other
13 related activities, enforcement targets in District 13, as
14 well as recommendations on what resources, appropria-
15 tions, and assets are needed to meet those targets within
16 1 year from enactment of this Act.

17 (c) PILOT PROGRAM ON REDUCING DISTURBANCE TO
18 ORCAS IN PUGET SOUND.—The Commandant, in con-
19 sultation with the Maritime Administrator, the Under Sec-
20 retary of Commerce for Oceans and Atmosphere, and
21 State and Tribal governments, shall establish a pilot pro-
22 gram to assess the feasibility and benefit of implementing
23 a program similar to the Enhancing Cetacean Habitat and
24 Observation program, or “ECHO program”, in United
25 States waters to reduce acoustic disturbance of southern

1 resident orcas in Puget Sound and the surrounding
2 waters.

3 **SEC. 234. BRIEFING ON POLICY ON ISSUANCE OF WAR-**
4 **RANTS AND SUBPOENAS AND WHISTLE-**
5 **BLOWER PROTECTIONS BY AGENTS OF THE**
6 **COAST GUARD INVESTIGATIVE SERVICE.**

7 (a) **BRIEFING REQUIRED.**—Not later than 30 days
8 after the date of the enactment of this Act, the Com-
9 mandant shall provide the Committee on Commerce,
10 Science, and Transportation of the Senate and the Com-
11 mittee on Transportation and Infrastructure of the House
12 of Representatives a briefing on the policy of the Coast
13 Guard on the issuance of warrants and subpoenas and
14 whistleblower protections by agents of the Coast Guard
15 Investigative Service.

16 (b) **ELEMENTS.**—The briefing required by subsection
17 (a) shall include the following:

18 (1) A discussion of current and any new policy
19 of the Coast Guard on the issuance of warrants and
20 subpoenas and whistleblower protections by agents
21 of the Coast Guard Investigative Service, including
22 Coast Guard Investigative Service Criminal Inves-
23 tigation Operating Procedure CIOP 2019–02, and
24 the differences between such current policies and
25 new policies.

1 (2) A plan (including milestones) for the imple-
2 mentation of the following:

3 (A) Incorporation of Coast Guard Inves-
4 tigative Service Criminal Investigation Oper-
5 ating Procedure CIOP 2019-02 into the next
6 revision of the Administrative Investigations
7 Manual of the Coast Guard Investigative Serv-
8 ice.

9 (B) Training on the policy described in
10 paragraph (1) for the following:

11 (i) Agents and legal counsel of the
12 Coast Guard Investigative Service.

13 (ii) Personnel of the Office of General
14 Law.

15 (iii) Coast Guard headquarters per-
16 sonnel.

17 (iv) Such other Coast Guard per-
18 sonnel as the Commandant considers ap-
19 propriate.

1 **SEC. 234. SENSE OF CONGRESS AND REPORT ON IMPLE-**
2 **MENTATION OF POLICY ON ISSUANCE OF**
3 **WARRANTS AND SUBPOENAS AND WHISTLE-**
4 **BLOWER PROTECTIONS BY AGENTS OF THE**
5 **COAST GUARD INVESTIGATIVE SERVICE.**

6 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that—*

8 (1) *Coast Guard components with investigate au-*
9 *thority should exercise such authority with due re-*
10 *spect for the rights of whistleblowers; and*

11 (2) *the Commandant should—*

12 (A) *ensure compliance with the legal re-*
13 *quirements intended to protect whistleblowers;*
14 *and*

15 (B) *create an environment in which whis-*
16 *tleblowers do not fear reprisal for reporting mis-*
17 *conduct.*

18 (b) *REPORT REQUIRED.—Not later than 90 days after*
19 *the date of the enactment of this Act, the Commandant shall*
20 *submit to the Committee on Commerce, Science, and Trans-*
21 *portation of the Senate and the Committee on Transpor-*
22 *tation and Infrastructure of the House of Representatives*
23 *a report on the policy of the Coast Guard on the issuance*
24 *of warrants and subpoenas and whistleblower protections*
25 *by agents of the Coast Guard Investigative Service.*

1 (c) *ELEMENTS.*—*The report required by subsection (b)*
2 *shall include the following:*

3 (1) *A discussion of current and any new policy*
4 *of the Coast Guard on the issuance of warrants and*
5 *subpoenas and whistleblower protections by agents of*
6 *the Coast Guard Investigative Service, including*
7 *Coast Guard Investigative Service Criminal Inves-*
8 *tigation Operating Procedure CIOP 2019–02, and the*
9 *differences between such current policies and new*
10 *policies.*

11 (2) *A plan (including milestones) for the imple-*
12 *mentation of the following:*

13 (A) *Incorporation of Coast Guard Inves-*
14 *tigative Service Criminal Investigation Oper-*
15 *ating Procedure CIOP 2019–02 into the next re-*
16 *vision of the relevant Coast Guard investigative*
17 *manual.*

18 (B) *Training on the policy described in*
19 *paragraph (1) for the following:*

20 (i) *Agents and legal counsel of the*
21 *Coast Guard Investigative Service.*

22 (ii) *Personnel of the Office of General*
23 *Law.*

24 (iii) *Relevant Coast Guard head-*
25 *quarters personnel.*

1 (iv) *Such other Coast Guard personnel*
 2 *as the Commandant considers appropriate.*

3 **SEC. 235. PROCUREMENT AUTHORITY FOR HEAVY GREAT**
 4 **LAKES ICEBREAKER.**

5 (a) *IN GENERAL.*—*For fiscal year 2020 and 2021, the*
 6 *Secretary of the department in which the Coast Guard is*
 7 *operating may use funds available pursuant to section 4901*
 8 *of title 14, United States Code, as amended by this Act,*
 9 *to enter into one or more contracts for the procurement of*
 10 *a heavy Great Lakes Icebreaker at least as capable as*
 11 *USCGC MACKINAW (WLBB–30).*

12 (b) *REPORT.*—*Not later than September 30, 2019, the*
 13 *Commandant shall submit to the Committee on Commerce,*
 14 *Science, and Transportation of the Senate and the Com-*
 15 *mittee on Transportation and Infrastructure of the House*
 16 *of Representatives a plan for acquiring an icebreaker as*
 17 *required by section 820(b) of the Frank LoBiondo Coast*
 18 *Guard Authorization Act of 2018 (Public Law 115–282).*

19 **SEC. 236. CONSIDERATION OF IMPACT OF HURRICANE MI-**
 20 **CHAEL IN MODIFICATION OF CONSTRUCTION**
 21 **CONTRACTS FOR OFFSHORE PATROL CUT-**
 22 **TERS.**

23 *Notwithstanding Public Law 85–804, the United*
 24 *States Coast Guard is authorized to take into account the*
 25 *impacts of Hurricane Michael for the purpose of modifying,*

1 *without consideration, but not exceeding the original afford-*
 2 *ability requirement as set forth in Section C of the existing*
 3 *contract to construct Offshore Patrol Cutters upon a deter-*
 4 *mination that doing so would facilitate national security.*

5 **SEC. 237. INSPECTOR GENERAL REPORT ON ACCESS TO**
 6 **EQUAL OPPORTUNITY ADVISORS AND EQUAL**
 7 **EMPLOYMENT OPPORTUNITY SPECIALISTS.**

8 *(a) IN GENERAL.—Not later than 90 days after the*
 9 *date of the enactment of this Act, the Inspector General of*
 10 *the department in which the Coast Guard is operating shall*
 11 *conduct a study and develop recommendations on the need*
 12 *to separate Equal Opportunity Advisors and Equal Em-*
 13 *ployment Opportunity Specialists, as practicable, through*
 14 *the pre-complaint and formal discrimination complaint*
 15 *processes, for the complainant, the opposing party, and the*
 16 *commanding officers and officers in charge.*

17 *(b) BRIEFING.—Not later than 30 days after the com-*
 18 *pletion of the study required by subsection (a), the Com-*
 19 *mandant shall brief the Committee on Commerce, Science,*
 20 *and Transportation of the Senate and the Committee on*
 21 *Transportation and Infrastructure of the House of Rep-*
 22 *resentatives on the manner in which the Coast Guard plans*
 23 *to implement the recommendations developed as a result of*
 24 *the study.*

1 **Subtitle C—Access to Child Care**
2 **for Coast Guard Families**

3 **SEC. 241. REPORT ON CHILD CARE AND SCHOOL AGE CARE**
4 **ASSISTANCE FOR QUALIFIED FAMILIES.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of the enactment of this Act, the Comptroller
7 General of the United States shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report on
11 child care and school age care options available to quali-
12 fied families.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include the following:

15 (1) FINANCIAL ASSISTANCE.—

16 (A) An assessment of—

17 (i) the subsidies and financial assist-
18 ance for child care and school age care
19 made available by the Coast Guard to
20 qualified families; and

21 (ii) the extent to which qualified fami-
22 lies have taken advantage of such subsidies
23 and assistance.

24 (B) The average number of days be-
25 tween—

1 (i) the date on which an application
 2 for a subsidy or other financial assistance
 3 for child care or school age care is sub-
 4 mitted by a qualified family; and

5 (ii) upon approval of an application,
 6 the date on which such subsidy or assist-
 7 ance is received by the qualified family.

8 (C) Recommendations for streamlining the
 9 payment of such subsidies and financial assist-
 10 ance.

11 (D) The amount of funding allocated to
 12 such subsidies and financial assistance.

13 (E) The remaining costs for child care or
 14 school age care to qualified families that are
 15 not covered by the Coast Guard.

16 (F) A description of barriers to access to
 17 such subsidies and financial assistance.

18 (G) The number of qualified families that
 19 do not receive any such subsidies or financial
 20 assistance.

21 ~~(H) An assessment whether there is a need~~
 22 ~~for increased subsidies and financial assistance~~
 23 ~~for child care or school age care for qualified~~
 24 ~~families in areas with high costs of living.~~

25 (2) REGULATION OF CHILD CARE SERVICES.—

1 (A) An assessment of—

2 (i) the regulations of States with re-
3 spect to child care services (such as staff-
4 ing, space and furnishings, safety, and cur-
5 riculum requirements, and allowable care
6 hours); and

7 (ii) the effect that differences in such
8 regulations may have on access to child
9 care for qualified families.

10 (B) An assessment of—

11 (i) the regulations of the Coast Guard
12 and the Department of Defense with re-
13 spect to child development centers and
14 other child care providers (including school
15 age care providers), and a comparison of
16 such regulations with similar State regula-
17 tions; and

18 (ii) the effect that such regulations
19 may have on access to child care and
20 school age care for qualified families.

21 (C) The number of qualified families, and
22 children, that do not have access to a Coast
23 Guard child development center for child care.

24 (3) PARITY WITH DEPARTMENT OF DE-
25 FENSE.—

1 (A) IN GENERAL.—The differences be-
2 tween child care and school age care services of-
3 fered by the Coast Guard and child care and
4 school age care authorities of the Coast Guard
5 and the Department of Defense relating to the
6 following:

7 (i) Authorized uses of appropriated
8 funds for child care and school age care
9 services.

10 (ii) Access to, and total capacity of,
11 Coast Guard child development centers and
12 Department of Defense child development
13 centers.

14 (iii) Child care and school age care
15 programs or policy.

16 (iv) Coast Guard and Department of
17 Defense programs to provide additional as-
18 sistance to members and civilian employees
19 with respect to child care and school age
20 care options.

21 (v) Respite care programs.

22 (vi) Nonappropriated funds.

23 (vii) Coast Guard and Department of
24 Defense support of certified Family Child
25 Care centers.

1 (viii) Coast Guard and Department of
2 Defense publicly available online resources
3 for families seeking military child care and
4 school age care.

5 (4) FEASIBILITY.—An analysis of the feasibility
6 of the Commandant entering into agreements with
7 private child care and school age care service pro-
8 viders to provide child care and school age care for
9 qualified families.

10 (5) AVAILABILITY.—An analysis of the avail-
11 ability of child care and school age care for qualified
12 families, including accessibility after normal work
13 hours, proximity, and total capacity.

14 (6) RECOMMENDATIONS.—Recommendations—

15 (A) to improve access to child care and
16 school age care for qualified families;

17 (B) to ensure parity between the Coast
18 Guard and the Department of Defense with re-
19 spect to child care and school age care;

20 (C) to expand access to child care and
21 school age care for all qualified families, includ-
22 ing qualified families that have a child with spe-
23 cial needs; and

24 (D) to ensure that regional child care and
25 child development center needs at the unit, sec-

1 tor, or district level are identified, assessed, and
2 reasonably evaluated by the Commandant for
3 future infrastructure needs.

4 (7) OTHER MATTERS.—A description or anal-
5 ysis of any other matter the Comptroller General
6 considers relevant to the improvement of expanded
7 access to child care and school age care for qualified
8 families.

9 **SEC. 242. REVIEW OF FAMILY SUPPORT SERVICES WEBSITE**
10 **AND ONLINE TRACKING SYSTEM.**

11 (a) MEMORANDUM OF UNDERSTANDING.—

12 (1) IN GENERAL.—The Commandant shall
13 enter into a memorandum of understanding with the
14 Secretary of Defense to enable qualified families to
15 access the website at <https://militarychildcare.com>
16 (or a successor website) for purposes of Coast Guard
17 family access to information with respect to State-
18 accredited child development centers and other child
19 care support services as such services become avail-
20 able from the Department of Defense through such
21 website. The memorandum shall provide for the ex-
22 pansion of the geographical areas covered by such
23 website, including regions in which qualified families
24 live that are not yet covered by the program.

1 (2) INCLUSION OF CHILD DEVELOPMENT CEN-
2 TERS ACCESSIBLE UNDER PILOT PROGRAM.—The in-
3 formation accessible pursuant to the memorandum
4 of understanding required by paragraph (1) shall in-
5 clude information with respect to any child develop-
6 ment center accessible pursuant to the pilot program
7 under section 244.

8 (3) ELECTRONIC REGISTRATION, PAYMENT,
9 AND TRACKING SYSTEM.—Not later than one year
10 after the date of the enactment of this Act, the
11 Commandant shall develop and maintain an internet
12 website of the Coast Guard accessible to qualified
13 families to carry out the following activities:

14 (A) Register children for a Coast Guard
15 child development center.

16 (B) Make online child care payments to a
17 Coast Guard child development center.

18 (C) Track the status of a child on the
19 waitlist of a Coast Guard child development
20 center, including the placement and position of
21 the child on the waitlist.

22 (b) WAITLIST.—

23 (1) IN GENERAL.—The Commandant shall
24 maintain a record of the waitlist for each Coast
25 Guard child development center.

1 (2) MATTERS TO BE INCLUDED.—Each record
2 under paragraph (1) shall include the following:

3 (A) The total number of children of quali-
4 fied families on the waitlist.

5 (B) With respect to each child on the
6 waitlist—

7 (i) the age of the child;

8 (ii) the number of days the child has
9 been on the waitlist;

10 (iii) the position of the child on the
11 waitlist;

12 (iv) any special needs consideration;
13 and

14 (v) information on whether a sibling
15 of the child is on the waitlist of, or cur-
16 rently enrolled in, the Coast Guard child
17 development center concerned.

18 (3) REQUIREMENT TO ARCHIVE.—Information
19 placed in the record of a Coast Guard child develop-
20 ment center under paragraph (1) shall be archived
21 for a period of not less than 10 years after the date
22 of its placement in the record.

23 **SEC. 243. STUDY AND SURVEY ON COAST GUARD CHILD**
24 **CARE NEEDS.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, and for
3 each of the two fiscal years thereafter, the Com-
4 mandant shall conduct a study on the child care
5 needs of qualified families that incorporates—

6 (A) the results of the survey under sub-
7 section (b); and

8 (B) any other information the Com-
9 mandant considers appropriate to ensure ade-
10 quate tracking and future needs-based assess-
11 ments with respect to adequate access to Coast
12 Guard child development centers.

13 (2) CONSULTATION.—In conducting a study
14 under paragraph (1), the Commandant may consult
15 a federally funded research and development center.

16 (3) SCOPE OF DATA.—The data obtained
17 through each study under paragraph (1) shall be ob-
18 tained on a regional basis, including by Coast Guard
19 unit, sector, and district.

20 (b) SURVEY.—

21 (1) IN GENERAL.—Together with each study
22 under subsection (a), and annually as the Com-
23 mandant considers appropriate, the Commandant
24 shall carry out a survey of individuals described in

1 paragraph (2) on access to Coast Guard child devel-
2 opment centers.

3 (2) PARTICIPANTS.—

4 (A) IN GENERAL.—The Commandant shall
5 seek the participation in the survey of the fol-
6 lowing Coast Guard individuals:

7 (i) Commanding officers, regardless of
8 whether the commanding officers have chil-
9 dren.

10 (ii) Regular and reserve personnel.

11 (iii) Spouses of individuals described
12 in clauses (i) and (ii).

13 (B) SCOPE OF PARTICIPATION.—Individ-
14 uals described in clauses (i) through (iii) of sub-
15 paragraph (A) shall be surveyed regardless of
16 whether such individuals use or have access to
17 Coast Guard child development centers or other
18 Federal child care facilities.

19 (C) VOLUNTARY PARTICIPATION.—Partici-
20 pation of any individual described in subpara-
21 graph (A) in a survey shall be on a voluntary
22 basis.

23 (c) AVAILABILITY.—On request, the Commandant
24 shall submit to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives the results of a study or survey under this
3 section.

4 **SEC. 244. PILOT PROGRAM TO EXPAND ACCESS TO CHILD**
5 **CARE.**

6 (a) IN GENERAL.—Commencing not later than 60
7 days after the date on which the report under section 241
8 is submitted, the Commandant shall carry out a pilot pro-
9 gram, based on the recommendations provided in such re-
10 port, to expand access to public or private child develop-
11 ment centers for qualified families.

12 (b) DURATION.—The duration of the pilot program
13 under subsection (a) shall be not more than three years
14 beginning on the date on which the pilot program is estab-
15 lished.

16 (c) DISCHARGE ON REGIONAL BASIS.—The Com-
17 mandant—

18 (1) may carry out the pilot program on a re-
19 gional basis; and

20 (2) shall include in the pilot program remote
21 and urban locations.

22 (d) RESERVATION OF CHILD CARE SLOTS.—As part
23 of the pilot program, the Commandant shall seek to enter
24 into one or more memoranda of understanding with one

1 or more child development centers to reserve slots for
 2 qualified families in locations in which—

3 (1) the Coast Guard lacks a Coast Guard child
 4 development center; or

5 (2) the waitlists for the nearest Coast Guard
 6 child development center or Department of Defense
 7 child development center, where applicable, indicate
 8 that qualified families may not be accommodated.

9 (e) ANNUAL ASSESSMENT OF RESULTS.—As part of
 10 any study conducted pursuant to section 243(a) after the
 11 end of the one-year period beginning with the commence-
 12 ment of the pilot program, the Commandant shall also un-
 13 dertake a current assessment of the impact of the pilot
 14 program on access to child development centers for quali-
 15 fied families. The Commandant shall include the results
 16 of any such assessment in the results of the most current
 17 study or survey submitted pursuant to section 243(b).

18 **SEC. 245. IMPROVEMENTS TO COAST GUARD-OWNED FAM-**
 19 **ILY HOUSING.**

20 The Commandant may use amounts authorized for
 21 operations and support to conduct improvements on Coast
 22 Guard-owned housing—

23 (1) to improve or address a housing unit defi-
 24 ciency found during a family child care provider,
 25 health, fire and safety, or other home inspection;

1 (2) to ensure a housing unit is maintained at
 2 the standard necessary to meet health, fire and safe-
 3 ty, or other home inspection requirements so as to
 4 enable the establishment of a Coast Guard family
 5 child care center in the housing unit; and

6 (3) to the maximum extent practicable, the
 7 Commandant shall ensure that, in a location in
 8 which Coast Guard family child care centers are nec-
 9 essary to meet the demand for child care for quali-
 10 fied families, not fewer than two housing units are
 11 maintained in accordance with safety inspection
 12 standards so as to accommodate family child care
 13 providers.

14 **SEC. 246. BRIEFING ON TRANSFER OF FAMILY CHILD CARE**
 15 **PROVIDER QUALIFICATIONS AND CERTIFI-**
 16 **CATIONS.**

17 (a) IN GENERAL.—Not later than 180 days after the
 18 date of the enactment of this Act, the Commandant shall
 19 brief the Committee on Commerce, Science, and Transpor-
 20 tation of the Senate and the Committee on Transportation
 21 and Infrastructure of the House of Representatives on the
 22 feasibility of developing a policy to allow the transfer of
 23 a Coast Guard-mandated family child care provider quali-
 24 fication or certification between Coast Guard-owned hous-
 25 ing units if, as determined by the Commandant—

1 (1) the qualification or certification is not ex-
2 pired;

3 (2) the transfer of the qualification or certifi-
4 cation would not pose a danger to any child in the
5 care of the family child care provider; and

6 (3) the transfer would expedite the ability of
7 the family child care provider to establish, admin-
8 ister, and provide family home daycare in a Coast
9 Guard-owned housing unit.

10 (b) BRIEFING ELEMENT.—The briefing required by
11 subsection (a) shall include analysis of options for trans-
12 ferring a Coast Guard-mandated family child care pro-
13 vider qualification or certification as described in that sub-
14 section, and of any legal challenges associated with such
15 transfer.

16 (c) RULE OF CONSTRUCTION.—The policy under sub-
17 section (a) shall not be construed to supersede any other
18 applicable Federal, State, or local law (including regula-
19 tions) relating to the provision of child care services.

20 **SEC. 247. EMPLOYEES OF COAST GUARD CHILD DEVELOP-**
21 **MENT CENTERS.**

22 (a) TRAINING AND CURRICULUM SPECIALIST.—The
23 Commandant shall require that at least one employee at
24 each Coast Guard child development center is a specialist
25 in training and curriculum development. The Com-

1 mandant shall ensure that such employees have appro-
2 priate credentials and experience.

3 (b) DUTIES.—An employee described in subsection
4 (a) shall—

5 (1) carry out special teaching activities at the
6 Coast Guard child development center concerned;

7 (2) provide—

8 (A) daily oversight and instruction of other
9 child care employees at such Coast Guard child
10 development center;

11 (B) daily assistance in the preparation of
12 lesson plans for such Coast Guard child devel-
13 opment center; and

14 (C) assistance in the child abuse preven-
15 tion and detection program of such Coast
16 Guard child development center; and

17 (3) advise the director of such Coast Guard
18 child development center on the performance of
19 other child care employees at such center.

20 (c) EMPLOYEE STATUS.—Each employee referred to
21 in subsection (a) shall be an employee of the Coast Guard
22 in a competitive service position.

1 **SEC. 248. INSPECTIONS OF COAST GUARD CHILD DEVELOP-**
2 **MENT CENTERS AND FAMILY CHILD CARE**
3 **PROVIDERS.**

4 (a) CHILD DEVELOPMENT CENTERS.—

5 (1) IN GENERAL.—Not less than twice annu-
6 ally, the Commandant shall ensure that each Coast
7 Guard child development center is subject to an un-
8 announced inspection.

9 (2) RESPONSIBILITY FOR INSPECTIONS.—Of
10 the annual inspections under paragraph (1)—

11 (A) one shall be carried out by a represent-
12 ative of the Coast Guard installation served by
13 the Coast Guard child development center con-
14 cerned; and

15 (B) one shall be carried out by a rep-
16 resentative of the Coast Guard Child Develop-
17 ment Services Work Life Programs.

18 (b) FAMILY CHILD CARE PROVIDERS.—

19 (1) IN GENERAL.—Not less frequently than
20 quarterly, the Commandant shall ensure that each
21 family child care provider is subject to inspection.

22 (2) RESPONSIBILITY FOR INSPECTIONS.—Of
23 the quarterly inspections under paragraph (1) each
24 year—

25 (A) three inspections shall be carried out
26 by a representative of the Coast Guard installa-

1 tion served by the family child care provider
2 concerned; and

3 (B) one inspection shall be carried out by
4 a representative of the Coast Guard Child De-
5 velopment Services Work Life Programs.

6 **SEC. 249. EXPANDING OPPORTUNITIES FOR FAMILY CHILD**
7 **CARE.**

8 The Commandant shall allow family child care pro-
9 grams to occur at off-base housing, including off-base
10 Coast Guard-owned or subsidized housing. The Com-
11 mandant shall establish a procedure to ensure that all re-
12 quirements with respect to such family child care pro-
13 grams are met, including home inspections.

14 **SEC. 250. DEFINITIONS.**

15 In this subtitle:

16 (1) COAST GUARD CHILD DEVELOPMENT CEN-
17 TER.—The term “Coast Guard child development
18 center” has the meaning given that term in section
19 2921(3) of title 14, United States Code.

20 (2) COAST GUARD FAMILY CHILD CARE CEN-
21 TER.—The term “Coast Guard family child care
22 center” means a location at which family home
23 daycare is provided.

1 (3) FAMILY CHILD CARE PROVIDER.—The term
 2 “family child care provider” means an individual
 3 who provides family home daycare.

4 (4) FAMILY HOME DAYCARE.—The term “fam-
 5 ily home daycare” has the meaning given that term
 6 in section 2921(5) of title 14, United States Code.

7 (5) QUALIFIED FAMILY.—The term “qualified
 8 family” means any regular, reserve, or retired mem-
 9 ber of the Coast Guard, and any civilian employee
 10 of the Coast Guard, with one or more dependents.

11 **Subtitle D—Reports**

12 **SEC. 261. MODIFICATIONS OF CERTAIN REPORTING RE-** 13 **QUIREMENTS.**

14 (a) USE OF CERTAIN APPROPRIATED FUNDS.—Sec-
 15 tion 903 of title 14, United States Code, is amended—

16 (1) in subsection (d)(1), by striking “reporting”
 17 and inserting “briefing”; and

18 (2) in paragraph (2)—

19 (A) in the paragraph heading, by striking
 20 “REPORT” and inserting “BRIEFING”; and

21 (B) by striking “report” each place it ap-
 22 pears and inserting “brief”.

23 (b) ESPECIALLY HAZARDOUS CARGO.—Subsection
 24 (e) of section 70103 of title 46, United States Code, is
 25 amended to read as follows:

1 “(e) ESPECIALLY HAZARDOUS CARGO.—

2 “(1) ENFORCEMENT OF SECURITY ZONES.—

3 Consistent with other provisions of Federal law, the
4 Coast Guard shall coordinate and be responsible for
5 the enforcement of any Federal security zone estab-
6 lished by the Coast Guard around a vessel con-
7 taining especially hazardous cargo. The Coast Guard
8 shall allocate available resources so as to deter and
9 respond to a transportation security incident, to the
10 maximum extent practicable, and to protect lives or
11 protect property in danger.

12 “(2) ESPECIALLY HAZARDOUS CARGO DE-
13 FINED.—In this subsection, the term ‘especially haz-
14 ardous cargo’ means anhydrous ammonia, ammo-
15 nium nitrate, chlorine, liquefied natural gas, lique-
16 fied petroleum gas, and any other substance, mate-
17 rial, or group or class of material, in a particular
18 amount and form that the Secretary determines by
19 regulation poses a significant risk of creating a
20 transportation security incident while being trans-
21 ported in maritime commerce.”.

22 (c) COMPLIANCE WITH SECURITY STANDARDS.—

23 Section 809 of the Coast Guard and Maritime Transpor-
24 tation Act of 2004 (Public Law 108–293; 46 U.S.C.

1 70101 note) is amended by striking subsections (g) and
 2 (i).

3 (d) MARINE SAFETY LONG-TERM STRATEGY.—Sec-
 4 tion 2116 of title 46, United States Code, is amended—

5 (1) in subsection (a), by striking “The strategy
 6 shall include the issuance of a triennial plan” and
 7 inserting “The 5-year strategy shall include the
 8 issuance of a plan”;

9 (2) in subsection (b)—

10 (A) in the subsection heading, by striking
 11 “CONTENTS OF STRATEGY AND TRIENNIAL
 12 PLANS” and inserting “5-YEAR STRATEGY AND
 13 PLAN”;

14 (B) in paragraph (1), in the matter pre-
 15 ceding subparagraph (A), by striking “strategy
 16 and triennial plans” and inserting “5-year
 17 strategy and plan”; and

18 (C) in paragraph (2)—

19 (i) in the matter preceding subpara-
 20 graph (A), by striking “strategy and tri-
 21 ennial plans” and inserting “5-year strat-
 22 egy and plan”; and

23 (ii) in subparagraph (A), by striking
 24 “plans” and inserting “plan”;

25 (3) in subsection (c)—

1 (A) by striking “The Secretary” and in-
 2 serting “Not later than 5 years after the date
 3 of the enactment of the Coast Guard Authoriza-
 4 tion Act of 2019, and every 5 years thereafter,
 5 the Secretary”; and

6 (B) by striking “triennial”; and

7 (4) in subsection (d)—

8 (A) in paragraph (1), by striking “No less
 9 frequently than semiannually” and inserting
 10 “In conjunction with the submission of the 5-
 11 year strategy and plan”; and

12 (B) in paragraph (2)—

13 (i) in the paragraph heading, by strik-
 14 ing “REPORT TO CONGRESS” and inserting
 15 “PERIODIC BRIEFINGS”;

16 (ii) in the matter preceding subpara-
 17 graph (A), by striking “report triennially”
 18 and all that follows through “the Senate”
 19 and inserting “periodically brief the Com-
 20 mittee on Commerce, Science, and Trans-
 21 portation of the Senate and the Committee
 22 on Transportation and Infrastructure of
 23 the House of Representatives”;

24 (iii) in subparagraph (A)—

25 (I) by striking “annual”; and

1 (II) by striking “for the year cov-
 2 ered by the report” and inserting “for
 3 the period covered by the briefing”;
 4 and
 5 (iv) in subparagraph (B)(ii), by strik-
 6 ing “plans” and inserting “plan”.

7 (e) ABANDONED SEAFARERS FUND.—Section
 8 11113(a) of title 46, United States Code, is amended—
 9 (1) in paragraph (4), by striking “On the date”
 10 and inserting “Except as provided in paragraph (5),
 11 on the date”; and

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

13 “(5) NO REPORT REQUIRED.—A report under
 14 paragraph (4) shall not be required if there were no
 15 expenditures from the Fund in the preceding fiscal
 16 year. The Commandant shall notify Congress in the
 17 event a report is not required under paragraph (4)
 18 by reason of this paragraph.”.

19 (f) MAJOR ACQUISITION PROGRAM RISK ASSESS-
 20 MENT.—Section 5107 of title 14, United States Code, is
 21 amended—

22 (1) in subsection (a), by striking “April 15 and
 23 October 15” and inserting “October 15”; and

24 (2) in subsection (b)—

1 (A) in paragraph (2), by striking “the 2
2 fiscal-year quarters preceding such assessment”
3 and inserting “the previous fiscal year”;

4 (B) in paragraph (3), by striking “such 2
5 fiscal-year quarters” and inserting “such fiscal
6 year”;

7 (C) in paragraph (4), by striking “such 2
8 fiscal-year quarters” and inserting “such fiscal
9 year”; and

10 (D) in paragraph (5), by striking “such 2
11 fiscal-year quarters” and inserting “such fiscal
12 year”.

13 **SEC. 262. REPORT ON CYBERSECURITY WORKFORCE.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of the enactment of this Act, the Commandant shall
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives a report on how the Coast Guard plans to
20 establish a workforce with the cybersecurity expertise to
21 provide prevention assessments and response capacity to
22 Operational Technology (OT) and Industrial Control Sys-
23 tems (ICS) in national port and maritime environments.

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

1 (1) A description of the number and skills of
2 active duty and reserve Coast Guard members ex-
3 pected for initial operating capacity and full oper-
4 ating capacity of the workforce described in sub-
5 section (a).

6 (2) A description of the career development
7 path for officers and enlisted members participating
8 in the workforce.

9 (3) A determination of how the workforce will
10 fulfill the cybersecurity needs of the Area Maritime
11 Security Council and United States port environ-
12 ments.

13 (4) A determination of how the workforce will
14 integrate with the Hunt and Incident Response
15 (HIRT) and Assessment Teams of the Cyber and
16 Infrastructure Security Agency (CISA) of the De-
17 partment of Homeland Security.

18 (5) An assessment of successful models used by
19 other Armed Forces, including National Guard, to
20 recruit, maintain and utilize a cyber workforce in-
21 cluding the use of Reserve personnel for that pur-
22 pose.

1 **SEC. 263. REPORT ON NAVIGATION AND BRIDGE RESOURCE**
2 **MANAGEMENT.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Commandant shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the training and qualification
9 processes of the Coast Guard for deck watch officers, with
10 a specific focus on basic navigation, bridge resource man-
11 agement, crew rest, and qualification processes.

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

14 (1) Recommendations for improving pipeline
15 training, if necessary, and an assessment how com-
16 mercial industry best practices on pipeline training
17 can be incorporated into military at sea
18 watchkeeping.

19 (2) A detailed description of the deck watch of-
20 ficer assessment process of the Coast Guard.

21 (3) A list of programs that have been approved
22 for credit toward merchant mariner credentials.

23 (4) A complete analysis of the gap between the
24 existing curriculum for deck watch officer training
25 and the Standards of Training, Certification, and
26 Watchkeeping (STCW) for officer in charge of a

1 navigational watch at the operational level, Chief
2 level, and Master level.

3 (5) A complete analysis of the gap between the
4 existing training curriculum for deck watch officers
5 and the licensing requirement for 3rd mate unlim-
6 ited, Chief, and Master.

7 (6) An assessment of deck watch officer options
8 to complete the 3rd mate unlimited license and the
9 qualification under the Standards of Training, Cer-
10 tification, and Watchkeeping for officer in charge of
11 a navigational watch.

12 (7) An assessment of senior deck watch officer
13 options to complete the Chief Mate and Master un-
14 limited license and the qualification under the
15 Standards of Training, Certification, and
16 Watchkeeping for Chief Mate and Master.

17 **SEC. 264. REPORT ON THE ARCTIC CAPABILITIES OF THE**
18 **ARMED FORCES.**

19 (a) REPORT REQUIRED.—Not later than 180 days
20 after the date of the enactment of this Act, the Secretary
21 of Homeland Security, with the concurrence of the Sec-
22 retary of Defense, shall submit to the appropriate commit-
23 tees of Congress a report on the Arctic capabilities of the
24 Armed Forces.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) A comparison of the capabilities of the
4 United States, the Russian Federation, the People’s
5 Republic of China, and other countries operating in
6 the Arctic, including an assessment of the ability of
7 the navy of each such country to operate in varying
8 sea-ice conditions.

9 (2) A description of commercial and foreign
10 military surface forces currently operating in the
11 Arctic in conditions inaccessible to Navy surface
12 forces.

13 (3) An assessment of the potential security risk
14 posed to Coast Guard forces by military forces of
15 other countries operating in the Arctic in conditions
16 inaccessible to Navy surface or aviation forces in the
17 manner such forces currently operate.

18 (4) A comparison of the domain awareness ca-
19 pabilities of—

20 (A) Coast Guard forces operating alone;
21 and

22 (B) Coast Guard forces operating in tan-
23 dem with Navy surface and aviation forces and
24 the surface and aviation forces of other allies.

1 (5) A comparison of the defensive capabilities
2 of—

3 (A) Coast Guard forces operating alone;
4 and

5 (B) Coast Guard forces operating in mu-
6 tual defense with Navy forces, other Armed
7 Forces, and the military forces of allies.

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

11 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committee on Armed Services, the
15 Committee on Commerce, Science, and Transpor-
16 tation, and the Committee on Appropriations of the
17 Senate; and

18 (2) the Committee on Armed Services, the
19 Committee on Transportation and Infrastructure,
20 and the Committee on Appropriations of the House
21 of Representatives.

22 **SEC. 265. REPORT ON ARCTIC SEARCH AND RESCUE.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Commandant shall
25 submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a report on the search and rescue capabilities
4 of the Coast Guard in Arctic coastal communities.

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

7 (1) An identification of ways in which the Coast
8 Guard can more effectively partner with Arctic
9 coastal communities to respond to search and rescue
10 incidents through training, funding, and deployment
11 of assets.

12 (2) An analysis of the costs of forward deploy-
13 ing on a seasonal basis Coast Guard assets in sup-
14 port of such communities for responses to such inci-
15 dents.

16 **SEC. 266. REPORT ON HELICOPTER LIFE CYCLE SUPPORT**
17 **AND RECAPITALIZATION.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) The acquisition strategy of the Coast Guard
21 to recapitalize its fleet of MH-65 helicopters for
22 land-based and sea-based operations is critical to
23 maintaining the various missions of the Coast
24 Guard.

1 (2) As of July 2019, the Commandant intends
2 to leverage the Department of Defense future
3 vertical lift acquisition program in the mid-2030s to
4 replace the legacy fleet of the Coast Guard, and in
5 the interim, continue the service life extension pro-
6 gram of the MH-65D fleet to an upgraded “Echo”
7 capability.

8 (3) The current MH-65 sustainment plan may
9 be under resourced and insufficient to accommodate
10 the additional hours required to meet operational de-
11 mands until recapitalization.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Commandant shall sub-
14 mit to the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 a report that—

18 (1) includes an updated fleet life-cycle analysis
19 and service life extension plan that includes dynamic
20 components, and which clearly demonstrates the
21 mission viability of the MH-65 through anticipated
22 fleet recapitalization;

23 (2) includes a realistic sustainment budget nec-
24 essary to achieve the operational availability rates

1 necessary to meet MH-65 mission requirements
2 through fleet recapitalization;

3 (3) includes an update on the status of the
4 Coast Guard MH-65 helicopter recapitalization; and

5 (4) includes a description of any alternative,
6 available, and cost-effective Government and civil
7 systems, or updates, that the Coast Guard is consid-
8 ering for MH-65 operational missions, including
9 Coast Guard cutter deployability requirements, in
10 the event of delays to the future vertical lift program
11 of the Coast Guard.

12 **SEC. 267. REPORT ON RESPONSE TO RACIAL DISCRIMINA-**
13 **TION AT THE COAST GUARD ACADEMY.**

14 Not later than 180 days after the release of the In-
15 spector General of the Department of Homeland Security
16 report titled “Allegations of Racial Discrimination and In-
17 adequate Action at the United States Coast Guard Acad-
18 emy”, the Commandant shall submit to Congress a report
19 on the implementation of the recommendations made by
20 the Inspector General. The report of the Commandant
21 shall include a timeline, accountability measures, and
22 metrics for evaluation of the comprehensive implementa-
23 tion of the recommendations in the report of the Inspector
24 General, and of such other measures in connection with

1 such recommendations as have been specified by the Sec-
2 retary of Homeland Security.

3 **SEC. 268. REPORT ON COAST GUARD RESPONSE CAPABILI-**
4 **TIES FOR CYBER INCIDENTS ON VESSELS EN-**
5 **TERING PORTS OR WATERS OF THE UNITED**
6 **STATES.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Commandant shall
9 submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a report on the response capabilities of the
13 Coast Guard with respect to cyber incidents on vessels en-
14 tering ports or waters of the United States.

15 (b) REVIEW.—The report under subsection (a) shall
16 include a review of each of the following:

17 (1) The number and type of commercial vessels
18 of the United States subject to regulations under
19 part 104 of title 33, Code of Federal Regulations (or
20 any corresponding similar regulation or ruling).

21 (2) Policies and guidance issued by the Com-
22 mandant, in accordance with guidelines on cyber risk
23 management of the International Maritime Organi-
24 zation, to vessels of the United States.

1 (3) Measures to be taken by owners or opera-
2 tors of commercial vessels of the United States to
3 increase cybersecurity posture on such vessels.

4 (4) Responses of the Commandant to cyber in-
5 cidents on vessels described in paragraph (1) prior
6 to the date of the enactment of this Act.

7 (5) Response protocols followed by personnel of
8 the Coast Guard to a cyber incident on any vessel
9 described in paragraph (1) experienced while that
10 vessel is traveling to ports or waters of the United
11 States.

12 (6) Oversight by the Commandant of—

13 (A) vessel-to-facility interface, as defined
14 in section 101.105 of title 33, Code of Federal
15 Regulations (or any corresponding similar regu-
16 lation or ruling); and

17 (B) actions taken by the Coast Guard in
18 coordination with vessel and facility owners and
19 operators to protect commercial vessels and
20 port facility infrastructure from cyber attacks
21 and proliferation.

22 (7) Requirements of the Commandant for the
23 reporting of cyber incidents that occur on the vessels
24 described in paragraph (1).

1 (c) RECOMMENDATIONS AND APPROPRIATIONS.—

2 The Commandant shall include in the report under sub-
3 section (a)—

4 (1) recommendations—

5 (A) to improve cyber incident response;

6 and

7 (B) for policies to address gaps identified
8 by the review under subsection (b); and

9 (2) a description of authorities and appropria-
10 tions necessary to improve the preparedness of the
11 Coast Guard for cyber incidents on vessels entering
12 ports or waters of the United States and the ability
13 of the Coast Guard to prevent and respond to such
14 incidents.

15 (d) FORM.—The report required under subsection (a)
16 shall be submitted in unclassified form, but may contain
17 a classified annex.

18 (e) VESSEL OF THE UNITED STATES DEFINED.—In
19 this section, the term “vessel of the United States” has
20 the meaning given such term in section 116 of title 46,
21 United States Code.

1 **SEC. 269. STUDY AND REPORT ON COAST GUARD INTERDIC-**
2 **TION OF ILLICIT DRUGS IN THE TRANSIT**
3 **ZONES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Coast Guard seizes an average of 1,221
7 pounds of cocaine and 85 pounds of marijuana each
8 day in the transit zones of the Eastern Pacific
9 Ocean, Caribbean Sea, and Southern maritime bor-
10 der approaches.

11 (2) The Joint Interagency Task Force–South
12 (JIATF–South) estimates that it has a spectrum of
13 actionable intelligence on more than 80 percent of
14 drug movements into the United States from Central
15 America and South America.

16 (3) The Coast Guard must balance asset alloca-
17 tion across 11 statutory missions. As such, the
18 Coast Guard interdicts less than 10 percent of mari-
19 time noncommercial smuggling of illicit drugs into
20 the United States from Central America and South
21 America.

22 (4) In 2017, the Government Accountability Of-
23 fice recommended that the Commandant of the
24 Coast Guard—

25 (A) develop new performance goals relating
26 to the interdiction of illicit drugs smuggled into

1 the United States, or describe the manner in
2 which existing goals are sufficient;

3 (B) report such goals to the public;

4 (C) assess the extent to which limitations
5 in performance data with respect to such goals
6 are documented;

7 (D) document measurable corrective ac-
8 tions and implementation timeframes with re-
9 spect to such goals; and

10 (E) document efforts to monitor implemen-
11 tation of such corrective actions.

12 (b) STUDY.—The Secretary of Homeland Security, in
13 coordination with the Secretary of Defense and the heads
14 of other relevant Federal agencies, shall conduct a study
15 in order to identify gaps in resources that contribute to
16 low interdiction rates for maritime noncommercial smug-
17 gling of illicit drugs into the United States from Central
18 America and South America despite having actionable in-
19 telligence on more than 80 percent of drug movements in
20 the transit zones of the Eastern Pacific Ocean, Caribbean
21 Sea, and Southern maritime border approaches.

22 (c) REPORT.—Not later than 1 year after the date
23 of the enactment of this Act, the Secretary of Homeland
24 Security shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives a report on the results of the study
3 under subsection (b).

4 (d) FORM.—The report required under subsection (a)
5 shall be submitted in unclassified form, but may contain
6 a classified annex.

7 **SEC. 270. REPORT ON EFFECTS OF EXTREME WEATHER**
8 **AND RELATED EVENTS ON THE COAST**
9 **GUARD.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Commandant shall
12 submit to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives a report on vulnerabilities of installations of
16 the Coast Guard resulting from the current and potential
17 effects of rising temperatures, rising sea levels, increased
18 flooding, drought, desertification, wildfires, thawing per-
19 mafrost, changing ice conditions, and other extreme
20 weather events, and on requirements for mitigating the
21 effects of such events on the Coast Guard, over the 20-
22 year period beginning on the date of the enactment of this
23 Act.

24 (b) ELEMENTS.—The report required by subsection
25 (a) shall include the following:

1 (1) A list of the ten most vulnerable installa-
2 tions of the Coast Guard based on the current and
3 potential effects of rising temperatures, rising sea
4 levels, increased flooding, drought, desertification,
5 wildfires, thawing permafrost, changing ice condi-
6 tions, other extreme weather events, and any other
7 effects the Commandant considers necessary.

8 (2) An overview of mitigations that may be nec-
9 essary to ensure the continued operational viability
10 and to increase the resiliency of the installations list-
11 ed under paragraph (1) and the cost of such mitiga-
12 tions.

13 (3) A discussion of the current and potential ef-
14 fects of rising temperatures, rising sea levels, in-
15 creased flooding, drought, desertification, wildfires,
16 thawing permafrost, changing ice conditions, and
17 other extreme weather events on the Coast Guard,
18 including—

19 (A) the increase in the frequency of hu-
20 manitarian assistance and disaster relief mis-
21 sions; and

22 (B) the campaign plans, contingency plans,
23 and operational posture of the Coast Guard.

1 (4) An overview of mitigations that may be nec-
 2 essary to ensure mission resiliency and the cost of
 3 such mitigations.

4 (c) FORM.—The report required by subsection (a)
 5 shall be submitted in unclassified form, but may include
 6 a classified annex.

7 **SEC. 271. COMPTROLLER GENERAL OF THE UNITED**
 8 **STATES REPORT ON CERTIFICATE OF COM-**
 9 **PLIANCE INSPECTION PROGRAM WITH RE-**
 10 **SPECT TO VESSELS THAT CARRY BULK**
 11 **LIQUIFIED GASES AS CARGO AND LIQUEFIED**
 12 **NATURAL GAS TANK VESSELS.**

13 (a) IN GENERAL.—Not later than 1 year after the
 14 date of the enactment of this Act, the Comptroller General
 15 of the United States shall submit to the Committee on
 16 Commerce, Science, and Transportation of the Senate and
 17 the Committee on Transportation and Infrastructure of
 18 the House of Representatives a report on the resources,
 19 regulations, policies, protocols, and other actions designed
 20 to carry out the Coast Guard Certificate of Compliance
 21 program with respect to liquefied natural gas tank vessels
 22 (including examinations under section 153.808 of title 46,
 23 Code of Federal Regulations) and vessels that carry bulk
 24 liquified gases as cargo (including examinations under ~~see~~
 25 ~~tion~~ *part* 154 of title 46, Code of Federal Regulations) for

1 purposes of maintaining the efficiency of examinations
2 under that program.

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

5 (1) An assessment of the adequacy of current
6 Coast Guard resources, regulations, policies, and
7 protocols to maintain vessel examination efficiency
8 while carrying out the program referred to in sub-
9 section (a) as United States bulk liquified gases
10 cargo, liquefied natural gas exports, and associated
11 vessel traffic at United States ports increase.

12 (2) An evaluation of the constraints and chal-
13 lenges to maintaining examination efficiency under
14 the program as United States bulk liquified gases
15 cargo, liquefied natural gas exports, and associated
16 vessel traffic at United States ports increase.

17 (3) Recommendations for changes to resources,
18 regulations, policies, and protocols to maintain the
19 efficiency of the program, including analysis of the
20 following alternatives:

21 (A) Establishment of a Coast Guard ma-
22 rine examination unit near the Panama Canal
23 to conduct inspections under the program on
24 liquefied natural gas tank vessels bound for the
25 United States, similar to Coast Guard oper-

1 ations carried out by Coast Guard Activities
2 Europe and Coast Guard Activities Far East,
3 including the effects of the establishment of
4 such a unit on the domestic aspects of the pro-
5 gram.

6 (B) Management of all marine examiners
7 with gas carrier qualification within each Coast
8 Guard District by a single Officer in Charge,
9 Marine Inspection (as defined in section 50.10–
10 10 of title 46, Code of Federal Regulations) to
11 improve the efficiency of their vessel examina-
12 tion assignments.

13 (C) Extension of the duration of assign-
14 ment of marine examiners with a gas carrier
15 qualification at Coast Guard units that most
16 frequently inspect vessels that carry bulk
17 liquified gases as cargo and liquefied natural
18 gas tank vessels.

19 (D) Increase in the use of civilians to con-
20 duct and support examinations under the pro-
21 gram.

22 (E) Extension of the duration of certifi-
23 cates of compliance under the program for ves-
24 sels that carry bulk liquified gases as cargo and
25 liquefied natural gas tank vessels that are less

1 than 10 years of age and participate in a Coast
2 Guard vessel quality program.

3 **SEC. 272. COMPTROLLER GENERAL OF THE UNITED**
4 **STATES REVIEW AND REPORT ON THE COAST**
5 **GUARD'S INTERNATIONAL PORT SECURITY**
6 **PROGRAM.**

7 (a) GAO REPORT.—Not later than 1 year after the
8 date of the enactment of this Act, the Comptroller General
9 of the United States shall submit to the Committee on
10 Commerce, Science, and Transportation of the Senate and
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives a report setting for the re-
13 sults of a comprehensive review, conducted by the Comp-
14 troller General for purposes of the report, on the Coast
15 Guard's International Port Security Program, including
16 the findings, and any recommendations for improvement
17 of the program, of the Comptroller General.

18 (b) REQUIRED ELEMENTS OF REVIEW.—The review
19 required under subsection (a) shall include—

20 (1) review of the actions of the Coast Guard
21 under the Coast Guard's International Port Security
22 Program, since 2014, to enhance foreign port in-
23 spections;

1 (2) review of the actions of the Coast Guard to
2 recognize and monitor port inspection programs of
3 foreign governments;

4 (3) identification and review of the actions the
5 Coast Guard takes to address any deficiencies it ob-
6 serves during visits with foreign ports;

7 (4) identify and review the benchmarks of the
8 Coast Guard for measuring the effectiveness of the
9 program; and

10 (5) review of the extent to which the Coast
11 Guard and U.S. Customs and Border Protection co-
12 ordinate efforts to secure cargo at foreign ports.

13 **SEC. 273. COMPTROLLER GENERAL OF THE UNITED**
14 **STATES REVIEW AND REPORT ON THE SURGE**
15 **CAPACITY OF THE COAST GUARD.**

16 (a) GAO REPORT.—Not later than 60 days after the
17 date of the enactment of this Act, the Comptroller General
18 of the United States shall submit to the Committee on
19 Commerce, Science, and Transportation of the Senate and
20 the Committee on Transportation and Infrastructure of
21 the House of Representatives a report setting for the re-
22 sults of a comprehensive review, conducted by the Comp-
23 troller General for purposes of the report, on the surge
24 capacity of the Coast Guard to respond to a catastrophic
25 incident (such as a hurricane), including the findings, and

1 any recommendations for improvement, of the Comptroller
2 General.

3 (b) REQUIRED ELEMENTS OF REVIEW.—The review
4 required under subsection (a) shall include—

5 (1) a description and review of each Coast
6 Guard deployment in response to a catastrophic inci-
7 dent after 2005;

8 (2) identification of best practices informed by
9 the deployments described in paragraph (1);

10 (3) a review of the ability of the surge force of
11 the Coast Guard to meet the demands of the re-
12 sponse roles in which it was serving during each de-
13 ployment described in paragraph (1);

14 (4) identification of any *statutory or regulatory*
15 impediments, such as adaptability, planning, train-
16 ing, mobilization, or information and resource inte-
17 gration, to the surge capacity of the Coast Guard in
18 response to a catastrophic incident;

19 (5) review of the impacts of a surge of the
20 Coast Guard in response to a catastrophic incident
21 on the capacity of the Coast Guard to perform its
22 statutory missions;

23 (6) review of the capability of the Coast Guard
24 to surge in response to concurrent or subsequent
25 catastrophic incidents; and

1 (7) review and description of existing voluntary
2 and involuntary deployments of Coast Guard per-
3 sonnel and assets in support of U.S. Customs and
4 Border Protection response to a national emergency
5 (as defined in Presidential Proclamation 9844) on
6 the surge capacity of the Coast Guard in the event
7 of a catastrophic incident.

8 (c) DEFINITIONS.—In this section, the terms “cata-
9 strophic incident” and “surge capacity” have the meaning
10 given such terms in section 602 of the Post-Katrina Emer-
11 gency Management Reform Act of 2006 (6 U.S.C. 701).

12 **SEC. 274. COMPTROLLER GENERAL OF THE UNITED**
13 **STATES REVIEW AND REPORT ON THE MA-**
14 **RINE INSPECTIONS PROGRAM OF THE COAST**
15 **GUARD.**

16 (a) GAO REPORT.—Not later than 1 year after the
17 date of the enactment of this Act, the Comptroller General
18 of the United States shall submit to the Committee on
19 Commerce, Science, and Transportation of the Senate and
20 the Committee on Transportation and Infrastructure of
21 the House of Representatives a report setting forth the
22 results of a comprehensive review, conducted by the Comp-
23 troller General for purposes of the report, on the marine
24 inspections program of the Coast Guard, including the

1 findings, and any recommendations for improvement of
2 the program, of the Comptroller General.

3 (b) REQUIRED ELEMENTS OF REVIEW.—The review
4 required under subsection (a) shall include—

5 (1) analysis of the demand for marine inspec-
6 tors;

7 (2) identification of the number of fully quali-
8 fied marine inspectors;

9 (3) determination of whether the number of
10 marine inspectors identified in paragraph (2) is suf-
11 ficient to meet the demand described in paragraph
12 (1);

13 (4) review of the enlisted marine inspector
14 workforce compared to the civilian marine inspector
15 workforce and whether there is any discernable dis-
16 tinction or impact between such workforces in the
17 performance of the marine safety mission;

18 (5) evaluation of the training continuum of ma-
19 rine inspectors; and

20 (6) description and review of what actions, if
21 any, the Coast Guard is taking to adapt to the cur-
22 rent rise in United States export of crude oil and
23 other fuels, such as implementing a safety inspection
24 regime for barges.

1 **SEC. 275. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES REVIEW AND REPORT ON THE INFOR-**
3 **MATION TECHNOLOGY PROGRAM OF THE**
4 **COAST GUARD.**

5 (a) GAO REPORT.—Not later than 1 year after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall submit to the Committee on
8 Commerce, Science, and Transportation of the Senate and
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives a report setting forth the
11 results of a comprehensive review, conducted by the Comp-
12 troller General for purposes of the report, on the informa-
13 tion technology program of the Coast Guard, including the
14 findings, and any recommendations for improvement of
15 the program, of the Comptroller General.

16 (b) REQUIRED ELEMENTS OF REVIEW.—The review
17 required under subsection (a) shall include—

18 (1) analysis of how the Coast Guard manages
19 its information technology program, including infor-
20 mation technology acquisitions, to meet its various
21 mission needs and reporting requirements;

22 (2) *analysis of the adequacy of the physical in-*
23 *formation technology infrastructure within Coast*
24 *Guard Districts, including network infrastructure, for*
25 *meeting mission needs and reporting requirements;*

1 ~~(2)~~ (3) analysis of whether and, if so, how the
2 Coast Guard—

3 (A) identifies and satisfies any knowledge
4 and skill requirements; and

5 (B) recruits, trains, and develops its infor-
6 mation technology personnel; and

7 ~~(3)~~ (4) analysis of whether and, if so, how the
8 Coast Guard separates information technology from
9 operational technology for cybersecurity purposes.

10 **SEC. 276. COMPTROLLER GENERAL OF THE UNITED**
11 **STATES STUDY AND REPORT ON ACCESS TO**
12 **HEALTH CARE BY MEMBERS OF THE COAST**
13 **GUARD AND DEPENDENTS.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Comptroller General of
16 the United States shall conduct a study that exam-
17 ines access to, experience with, and needs under the
18 TRICARE program of members of the Coast Guard
19 and their dependents.

20 (2) ELEMENTS.—The study conducted under
21 paragraph (1) shall analyze the following:

22 (A) The record of the TRICARE program
23 in meeting the standards for care for primary
24 and specialty care for members of the Coast

1 Guard and dependents of those members, in-
2 cluding members stationed in remote units.

3 (B) The accuracy and update periodicity of
4 lists of providers under the TRICARE program
5 in areas serving Coast Guard families.

6 (C) The wait times under the TRICARE
7 program for appointments, specialty care, and
8 referrals for members of the Coast Guard and
9 dependents of those members.

10 (D) The availability of providers under the
11 TRICARE program in remote locations, includ-
12 ing providers for mental health, juvenile spe-
13 cialty care, dental, and female health.

14 (E) The access of members of the Coast
15 Guard and dependents of those members to
16 services under the TRICARE program in com-
17 parison to the access to such services by per-
18 sonnel of the Department of Defense and de-
19 pendents of such personnel.

20 (F) The liaison assistance between mem-
21 bers of the Coast Guard and dependents of
22 those members and the TRICARE program
23 provided by the Coast Guard in comparison to
24 such assistance provided by the Department of
25 Defense.

1 (G) How delayed access to care, timeliness
2 of care, and distance traveled to care may im-
3 pact personnel readiness of members of the
4 Coast Guard.

5 (H) The regions particularly impacted by
6 lack of access to care and recommendations to
7 address those access issues.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives a report containing the findings, conclusions,
14 and recommendations to improve access to quality, timely,
15 and effective health care for members of the Coast Guard
16 and dependents of those members from the study required
17 under subsection (a).

18 (c) DEFINITIONS.—In this section, the terms “de-
19 pendent” and “TRICARE program” have the meanings
20 given those terms in section 1072 of title 10, United
21 States Code.

1 **SEC. 277. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES STUDY AND REPORT ON MEDICAL**
3 **STAFFING STANDARDS AND NEEDS FOR THE**
4 **COAST GUARD.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall conduct a study that exam-
8 ines the health care system of the Coast Guard.

9 (2) ELEMENTS.—The study conducted under
10 paragraph (1) shall analyze the following:

11 (A) The billets in clinics of the Coast
12 Guard, whether for personnel of the Coast
13 Guard or otherwise, including the number of
14 billets, vacancies, and length of vacancies.

15 (B) The wait times for patients to attain
16 an appointment for urgent care, routine physi-
17 cian care, and dental care.

18 (C) The impact of billet vacancies on such
19 wait times.

20 (D) The ability of the Coast Guard to use
21 other medical personnel of the Department of
22 Defense, including physicians and physician as-
23 sistants, to fill provider vacancies for the Coast
24 Guard.

25 (E) The barriers, if any, to improving co-
26 ordination and access to physicians within the

1 health care system of the Department of De-
2 fense.

3 (F) The accessibility and availability of be-
4 havioral health medical personnel at clinics of
5 the Coast Guard, including personnel available
6 for family counseling, therapy, and other needs.

7 (G) The staffing models of clinics of the
8 Coast Guard, including recommendations to
9 modernize those models.

10 (H) The locations and needs of Coast
11 Guard units with or without clinics.

12 (I) How access to care models for members
13 of the Coast Guard are managed, including
14 models with respect to the time and distance
15 traveled to receive care, the cost of that travel,
16 and alternate options to secure care quickly and
17 efficiently for members serving in units without
18 a clinic.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of this Act, the Comp-
22 troller General shall submit to the Committee on
23 Commerce, Science, and Transportation of the Sen-
24 ate and the Committee on Transportation and Infra-
25 structure of the House of Representatives a report

1 containing the findings, conclusions, and rec-
2 ommendations from the study required under sub-
3 section (a).

4 (2) ELEMENTS.—The report submitted under
5 paragraph (1) shall include the following:

6 (A) Recommendations for medical staffing
7 standards for the Coast Guard, including rec-
8 ommendations for health service technicians,
9 flight surgeons, physician assistants, dentists,
10 dental hygienists, family advocate services,
11 pharmacists, and administrators.

12 (B) An identification of the number of
13 members of the Coast Guard and types of units
14 of the Coast Guard serviced by the health care
15 system of the Coast Guard.

16 (C) An assessment of the ability of the
17 Coast Guard to conduct medical support at out-
18 lying units, including remote units.

19 (D) An assessment of the capacity of the
20 Coast Guard to support surge operations using
21 historical data from the 10-year period pre-
22 ceding the date of the report.

23 (E) An assessment of the impact to oper-
24 ations of the Coast Guard by extended wait

1 times or travel times to receive care or other
2 issues identified by the report.

3 **SEC. 278. COMPTROLLER GENERAL OF THE UNITED**
4 **STATES STUDY AND REPORT ON VERTICAL**
5 **EVACUATION FOR TSUNAMIS AT COAST**
6 **GUARD STATION GRAYS HARBOR, WASH-**
7 **INGTON.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Comptroller General of
10 the United States shall conduct a study that exam-
11 ines the potential use, in the event of a Cascadia
12 subduction zone event, of a vertical evacuation of
13 Coast Guard personnel stationed at United States
14 Coast Guard Station Grays Harbor, Washington,
15 and the dependents of such Coast Guard personnel
16 housed in Coast Guard housing.

17 (2) ELEMENTS.—The study required under
18 paragraph (1) shall analyze the following:

19 (A) The number of such personnel and de-
20 pendants to be evacuated.

21 (B) The resources available to conduct an
22 evacuation, and the feasibility of a successful
23 evacuation in a case in which inundation maps
24 and timelines are available.

1 (C) With the resources available, the
2 amount of time needed to evacuate such per-
3 sonnel and dependents.

4 (D) Any resource that is otherwise avail-
5 able within a reasonable walking distance to
6 Station Grays Harbor and Coast Guard housing
7 for Station Grays Harbor.

8 (E) The benefit to the surrounding com-
9 munity of such a vertical evacuation.

10 (F) The interoperability of the tsunami
11 warning system with the Coast Guard commu-
12 nication systems at Station Grays Harbor and
13 Coast Guard housing for Station Grays Harbor.

14 (G) Current interagency coordination and
15 communication policies in place for emergency
16 responders to address a Cascadia subduction
17 zone event.

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General shall
20 submit to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives a report containing the findings, conclusions,
24 and recommendations, if any, from the study required
25 under subsection (a).

1 **Subtitle E—Other Matters**

2 **SEC. 291. TECHNICAL CORRECTIONS.**

3 (a) MARITIME TRANSPORTATION SYSTEM.—Section
4 312(b)(4) of title 14, United States Code, is amended by
5 striking “marine transportation system” and inserting
6 “maritime transportation system”.

7 (b) COMMON APPROPRIATIONS STRUCTURE.—

8 (1) PROSPECTIVE PAYMENT OF FUNDS NEC-
9 ESSARY TO PROVIDE MEDICAL CARE.—Section 506
10 of title 14, United States Code, is amended—

11 (A) in subsection (a)(1), by inserting “as
12 established under chapter 56 of title 10” after
13 “Medicare-Eligible Retiree Health Care Fund”;
14 and

15 (B) in subsection (b)(1), by striking “oper-
16 ating expenses” and inserting “operations and
17 support”.

18 (2) USE OF CERTAIN APPROPRIATED FUNDS.—
19 Section 903 of title 14, United States Code, is
20 amended—

21 (A) in subsection (a), by striking “acquisi-
22 tion, construction, and improvement of facili-
23 ties, for research, development, test, and eval-
24 uation; and for the alteration of bridges over
25 the navigable waters” and inserting “procure-

ment, construction, and improvement of facilities and for research and development”; and

(B) in subsection (d)(1), amended by section 241(b)(1), by striking “operating expenses” and inserting “operations and support”.

(3) DISPOSITION OF INFRASTRUCTURE RELATED TO E-LORAN.—Section 914(c)(2)(A) of title 14, United States Code, is amended by striking “Environmental Compliance and Restoration” and inserting “Operations and Support”.

(4) CONFIDENTIAL INVESTIGATIVE EXPENSES.—Section 944 of title 14, United States Code, is amended—

(A) by striking “necessary expenses for the operation” and inserting “the operations and support”; and

(B) by striking “his” each place it appears and inserting “the Commandant’s”.

(5) PROCUREMENT OF PERSONNEL.—Section 2701 of title 14, United States Code, is amended—

(A) by striking “operating expenses” and inserting “operations and support”;

(B) by striking “but not limited to”; and

(C) by striking “in order”.

1 (6) REQUIREMENT FOR PRIOR AUTHORIZATION
2 OF APPROPRIATIONS.—Section 4901 of title 14,
3 United States Code, is amended—

4 (A) in paragraph (1), by striking “maintenance” and inserting “support”;

5 (B) in paragraph (2), by striking “acquisition” and inserting “procurement”;

6 (C) by striking paragraphs (3), (4), and
7 (6);

8 (D) by redesignating paragraph (5) as
9 paragraph (3); and

10 (E) in paragraph (3), as redesignated by
11 subparagraph (D), by striking “research, development, test, and evaluation” and inserting
12 “research and development.”.

13 (c) MISSION NEED STATEMENT.—

14 (1) IN GENERAL.—Section 1110 of title 14,
15 United States Code—

16 (A) is transferred to appear after section
17 5108 of such title; and

18 (B) is redesignated as section 5109.

19 (2) ANALYSES.—

20 (A) ANALYSIS FOR CHAPTER 11.—The
21 analysis for chapter 11 of title 14, United
22 States Code, is amended—

1 States Code, is amended by striking the item
2 relating to section 1110.

3 (B) ANALYSIS FOR CHAPTER 51.—The
4 analysis for chapter 51 of title 14, United
5 States Code, is amended by adding at the end
6 the following:

“5109. Mission need statement.”.

7 (3) REPEAL OF SUPERSEDED REQUIREMENT.—
8 Section 401 of the Coast Guard Authorization Act
9 of 2010 (Public Law 111–281) is amended by strik-
10 ing subsection (e).

11 **TITLE III—MARITIME**

12 **SEC. 301. ELECTRONIC CHARTS; EQUIVALENCY.**

13 Section 3105 of title 46, United States Code, is
14 amended by adding at the end the following:

15 “(c) EQUIVALENCY BETWEEN PAPER CHARTS AND
16 ELECTRONIC CHARTS.—

17 “(1) IN GENERAL.—Until the date that final
18 regulations are published under subsection (a)—

19 “(A) a covered vessel equipped with and
20 operating electronic navigational charts pro-
21 duced by a government hydrographic office and
22 that conform to a standard acceptable to the
23 Secretary of the department in which the Coast
24 Guard is operating shall be deemed in compli-
25 ance with any requirement under title 33 or

1 title 46, Code of Federal Regulations, to have
 2 a chart, marine chart, or map on board the cov-
 3 ered vessel; and

4 “(B) the Secretary of the department in
 5 which the Coast Guard is operating may allow
 6 a covered vessel that operates solely within the
 7 baseline of the territorial sea of the United
 8 States (as described in Presidential Proclama-
 9 tion No. 5928 of December 27, 1988 (43
 10 U.S.C. 1331 note)) to utilize a software-based,
 11 platform-independent electronic chart system
 12 that is capable of displaying electronic naviga-
 13 tional charts with necessary scale and detail to
 14 ensure safe navigation for the intended voyage.

15 “(2) COVERED VESSEL DEFINED.—In this sub-
 16 section, the term ‘covered vessel’ means a vessel de-
 17 scribed in subparagraph (A), (B), (C), or (D) of
 18 subsection (a)(1).”.

19 **SEC. 302. COMMON APPROPRIATION STRUCTURE.**

20 Sections 3317(b), 7504, 80301(c), and 80505(b)(3)
 21 of title 46, United States Code, are each amended by strik-
 22 ing “operating expenses” and inserting “operations and
 23 support”.

1 **SEC. 303. ALTERNATE SAFETY COMPLIANCE PROGRAM EX-**
2 **CEPTION FOR CERTAIN VESSELS.**

3 Section 4503a of title 46, United States Code, is
4 amended—

5 (1) by redesignating subsections (d) through (f)
6 as subsections (e) through (g), respectively; and

7 (2) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) Subsection (a) shall not apply to a vessel that—

10 “(1) is 79 feet or less in length as listed on the
11 vessel’s certificate of documentation or certificate of
12 number; and

13 “(2) is examined at dockside by the Secretary
14 every 2 years upon the request of the owner and in
15 accordance with section 4502(f)(2) of this title.”.

16 **SEC. 304. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE**
17 **PROVISIONS.**

18 (a) SERVICE UNDER LICENSES ISSUED WITHOUT
19 EXAMINATION.—Section 8303 of title 46, United States
20 Code, and the item relating to that section in the analysis
21 for chapter 83 of such title, are repealed.

22 (b) STANDARDS FOR TANK VESSELS OF THE UNITED
23 STATES.—Section 9102 of title 46, United States Code,
24 is amended—

25 (1) by striking subsection (b); and

1 (2) by striking “(a) The Secretary” and insert-
2 ing “The Secretary”.

3 (c) CONFORMING AMENDMENT.—Section
4 14305(a)(10) of title 46, United States Code, is amended
5 by striking “sections 8303 and 8304” and inserting “sec-
6 tion 8304”.

7 **SEC. 305. SMALL PASSENGER VESSELS AND UNINSPECTED**
8 **PASSENGER VESSELS.**

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

11 (1) in subsection (a)(1), by striking subpara-
12 graphs (A) and (B) and inserting the following:

13 “(A) was built in the United States;

14 “(B) was not built in the United States

15 and is at least 3 years old; or

16 “(C) if rebuilt, was rebuilt—

17 “(i) in the United States; or

18 “(ii) outside the United States at

19 least 3 years before the certificate re-

20 quested under subsection (b) would take

21 effect.”; and

22 (2) in subsection (b), by inserting “12132,”

23 after “12113,”.

1 **SEC. 306. NATIONAL OFFSHORE SAFETY ADVISORY COM-**
2 **MITTEE; REPRESENTATION.**

3 Section 15106(c)(3) of title 46, United States Code,
4 is amended—

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

8 (2) in subparagraph (D), by striking “explo-
9 ration and recovery”;

10 (3) in subparagraph (E), by striking “engaged
11 in diving services related to offshore construction,
12 inspection, and maintenance” and inserting “pro-
13 viding diving services to the offshore industry”;

14 (4) in subparagraph (F), by striking “engaged
15 in safety and training services related to offshore ex-
16 ploration and construction” and inserting “providing
17 safety and training services to the offshore indus-
18 try”;

19 (5) in subparagraph (G), by striking “engaged
20 in pipelaying services related to offshore construc-
21 tion” and inserting “providing subsea engineering,
22 construction, or remotely operated vehicle support to
23 the offshore industry”;

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

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

5 **SEC. 307. NATIONAL MARITIME TRANSPORTATION SYSTEM**
 6 **ADVISORY COMMITTEE.**

7 (a) IN GENERAL.—Chapter 555 of title 46, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing:

10 **“§ 55502. National Maritime Transportation System**
 11 **Advisory Committee**

12 “(a) ESTABLISHMENT.—There is established a Na-
 13 tional Maritime Transportation System Advisory Com-
 14 mittee (in this section referred to as the ‘Committee’).

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

21 “(c) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Committee shall con-
 23 sist of ~~25~~ 27 members appointed by the Secretary of
 24 Transportation in accordance with this section and
 25 section 15109 (subject to paragraph (4)).

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

5 “(3) REPRESENTATION.—Members of the Com-
6 mittee shall be appointed as follows:

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

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

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

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

15 “(E) At least 1 member shall represent
16 U.S. Customs and Border Protection.

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

19 “(G) Additional members shall represent
20 private sector entities that reflect a cross-sec-
21 tion of maritime industries, including port and
22 water stakeholders, academia, and labor rep-
23 resentatives.

24 “(H) The Secretary of Transportation may
25 appoint additional representatives from other

1 Federal agencies as the Secretary considers ap-
 2 propriate.

3 “(4) *RESTRICTIONS ON MEMBERS REPRESENTING*
 4 *FEDERAL AGENCIES.—Members of the Committee that*
 5 *represent Federal agencies shall not—*

6 “(A) *comprise more than one-third of the*
 7 *total membership of the Committee or of any*
 8 *subcommittee therein; and*

9 “(B) *serve as the chair or co-chair of the*
 10 *Committee or of any subcommittee therein.*

11 “(5) *COMPENSATION.—Notwithstanding section*
 12 *15109(c) and paragraph (6), no member of the Com-*
 13 *mittee may receive compensation for the performance*
 14 *of any duties of the Committee.*

15 “~~(4)~~ (6) *ADMINISTRATION.—For purposes of*
 16 *section 15109, the Committee shall be treated as a*
 17 *committee established under chapter 151, except*
 18 *that in applying such section to the Committee any*
 19 *reference in such section to the ‘Secretary’ shall be*
 20 *deemed to be a reference to the Secretary of Trans-*
 21 *portation.’.*

22 (b) *TREATMENT OF EXISTING COMMITTEE.—Not-*
 23 *withstanding any other provision of law—*

24 (1) *an advisory committee that is substantially*
 25 *similar to the National Maritime Transportation*

1 System Advisory Committee established by section
2 55502 of title 46, United States Code, as added by
3 subsection (a), and that was in force or in effect on
4 the day before the date of the enactment of such
5 section, including the charter, membership, and
6 other aspects of such substantially similar advisory
7 committee, may remain in force or in effect for the
8 2-year period beginning on the date of enactment of
9 such section; and

10 (2) during such 2-year period—

11 (A) any requirement relating to the Na-
12 tional Maritime Transportation System Advi-
13 sory Committee established by such section
14 shall be deemed satisfied by the substantially
15 similar advisory committee; and

16 (B) the enactment of this section, includ-
17 ing the amendment made by subsection (a),
18 shall not be the basis—

19 (i) to deem, find, or declare such sub-
20 stantially similar advisory committee, in-
21 cluding the charter, membership, and other
22 aspects thereof, void, not in force, or not
23 in effect;

- 1 (ii) to suspend the activities of such
 2 substantially similar advisory committee;
 3 or
 4 (iii) to bar the members of such sub-
 5 stantially similar advisory committee from
 6 a meeting.

7 (c) ANALYSIS FOR CHAPTER 555.—The analysis for
 8 chapter 555 of title 46, United States Code, is amended
 9 by adding at the end the following:

“55502. National Maritime Transportation System Advisory Committee.”.

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

13 **SEC. 308. SECURITY PLANS; REVIEWS.**

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

16 (1) in subsection (b)(3), by inserting “and up-
 17 dates thereto” after “Area Maritime Transportation
 18 Security Plans” each place it appears; and

19 (2) in subsection (c)(4), by inserting “or update
 20 thereto” after “plan” each place it appears.

21 **SEC. 309. ICE PATROL; PAYMENTS.**

22 Section 80301(c) of title 46, United States Code, as
 23 amended by section 302, is further amended by inserting
 24 “and shall be available until expended” before the period
 25 at the end.

1 **SEC. 310. GREAT LAKES PILOTAGE ADVISORY COMMITTEE**

2 **EXTENSION.**

3 Section 9307(f)(1) of title 46, United States Code,
4 is amended by striking “2020” and inserting “2027”.

5 **SEC. 310. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

6 Section 9307 of title 46, United States Code, is amend-
7 ed—

8 (1) in subsection (b)—

9 (A) in paragraph (1), by striking “seven”
10 and inserting “8”; and

11 (B) in paragraph (2)—

12 (i) in subparagraph (B), by striking
13 “representing the interests of” and inserting
14 “chosen from among nominations made
15 by”;

16 (ii) in subparagraph (C), by striking
17 “representing the interests of Great Lakes
18 ports” and inserting “chosen from among
19 nominations made by Great Lakes port au-
20 thorities and marine terminals”;

21 (iii) in subparagraph (D)—

22 (I) by striking “representing the
23 interests of” and inserting “chosen
24 from among nominations made by”;
25 and

- 1 (II) by striking “; and” and in-
 2 serting a semicolon;
 3 (iv) by redesignating subparagraph
 4 (E) as subparagraph (F);
 5 (v) by inserting after subparagraph
 6 (D) the following:
 7 “(F) one member chosen from among nomi-
 8 nations made by Great Lakes maritime labor or-
 9 ganizations; and”; and
 10 (vi) in subparagraph (F), as so reded-
 11 ignated, by striking “with a background in
 12 finance or accounting,”; and
 13 (2) in subsection (f)(1), by striking “2020” and
 14 inserting “2030”.

15 **SEC. 311. REPORT ON LIABILITY LIMITS APPLICABLE TO**
 16 **THE COAST GUARD.**

17 Not later than 180 days after the date of the enact-
 18 ment of this Act, the Commandant shall submit to the
 19 Committee on Commerce, Science, and Transportation of
 20 the Senate and the Committee on Transportation and In-
 21 frastructure of the House of Representatives a report set-
 22 ting forth the following:

- 23 (1) A list of each liability limit to which the
 24 Coast Guard is currently subject, including the stat-

1 utory or administration authority establishing such
 2 limit.

3 (2) If the Commandant determines that any li-
 4 ability limit listed pursuant to paragraph (1) should
 5 be modified—

6 (A) a description of the liability limit, as so
 7 modified;

8 (B) a justification for such modification;
 9 and

10 (C) a recommendation for legislative or ad-
 11 ministrative action to achieve such modification.

12 **SEC. 312. AUTHORITY TO WAIVE OPERATOR OF SELF-PRO-**
 13 **PELLED UNINSPECTED PASSENGER VESSEL**
 14 **REQUIREMENTS.**

15 Section 8905 of title 46, United States Code, is
 16 amended by adding at the end the following:

17 “(c) After consultation with the Governor of Alaska
 18 and the State boating law administrator of Alaska, the
 19 Secretary may exempt an individual operating a self-pro-
 20 pelled uninspected passenger vessel from the requirements
 21 of section 8903 of this title, if—

22 “(1) the individual only operates such vessel
 23 wholly within waters located in Alaska; and

24 “(2) such vessel is—

25 “(A) 26 feet or less in length; and

1 “(B) carrying not more than 6 pas-
2 sengers.”.

3 **SEC. 313. TOWING VESSEL INSPECTIONS; USER FEES.**

4 (a) IN GENERAL.—Notwithstanding section 9701 of
5 title 31, United States Code, and section 2110 of title 46,
6 United States Code, the Commandant ~~of the Coast Guard~~
7 may, until the date described in subsection (b), charge an
8 annual inspection fee to an owner or managing operator
9 of a towing vessel who selects the Towing Safety Manage-
10 ment System option under subchapter M of chapter I of
11 title 46, Code of Federal Regulations (as in effect on the
12 day before the date of enactment of this Act), for a towing
13 vessel required to have a Certificate of Inspection under
14 such subchapter.

15 (b) DATE DESCRIBED.—The date described in this
16 subsection is the first day on which the Commandant of
17 the Coast Guard has—

18 (1) completed the review of towing safety man-
19 agement system fees required by section 815 of the
20 Frank LoBiondo Coast Guard Authorization Act of
21 2018 (Public Law 115–282); and

22 (2) promulgated regulations for annual inspec-
23 tion user fees for towing vessels required to have a
24 Certificate of Inspection under subchapter M of
25 chapter I of title 46, Code of Federal Regulations

1 (as in effect on the day before the date of enactment
2 of this Act).

3 **TITLE IV—MISCELLANEOUS**

4 **SEC. 401. COMMON APPROPRIATION STRUCTURE.**

5 (a) OIL SPILL LIABILITY TRUST FUND.—Section
6 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C.
7 2712(a)(5)(A)) is amended by striking “operating ex-
8 penses incurred by” and inserting “operations and sup-
9 port of”.

10 (b) HISTORIC LIGHT STATION SALES.—Section
11 305106(b) of title 54, United States Code, is amended—

12 (1) in paragraph (1)(B)(i), by striking “Oper-
13 ating Expenses” and inserting “Operations and Sup-
14 port”; and

15 (2) in subsection (b)(2), by striking “Operating
16 Expense” and inserting “Operations and Support”.

17 (c) BRIDGE PERMITS.—Section 712(a)(2) of the
18 Coast Guard and Maritime Transportation Act of 2012
19 (Public Law 112–213; 33 U.S.C. 491 prec. note) is
20 amended by striking “operating expenses” and inserting
21 “operations and support”.

22 (d) CONTRACTS.—Section 557(a) of the Consolidated
23 and Further Continuing Appropriations Act, 2013 (Public
24 Law 113–6; 14 U.S.C. 577 note) is amended by striking
25 “Acquisition” and inserting “Procurement”.

1 (e) CHILD DEVELOPMENT SERVICES.—Section
 2 214(d)(1) of the Howard Coble Coast Guard and Maritime
 3 Transportation Act of 2014 (Public Law 113–281; 128
 4 Stat. 3034) is amended by striking “operating expenses”
 5 and inserting “operations and support”.

6 ~~(f) PROSPECTIVE PAYMENT OF FUNDS NECESSARY~~
 7 ~~TO PROVIDE MEDICAL CARE.~~—Section 506(b)(1) of title
 8 14, United States Code, is amended by striking “operating
 9 expenses” and inserting “operations and support”.

10 **SEC. 402. IMPROVED EMPLOYMENT ASSISTANCE.**

11 Section 1143(a) of title 10, United States Code, is
 12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (2)—

15 (i) in the matter preceding subpara-
 16 graph (A), by inserting “and the Secretary
 17 of Homeland Security with respect to the
 18 Coast Guard when it is not operating as a
 19 service in the Navy” before “shall”; and

20 (ii) in subparagraph (A), by striking
 21 “Army, Navy, Air Force, and Marine
 22 Corps” and inserting “armed forces”; and

23 (B) in paragraph (3), by inserting “and
 24 the Secretary of Homeland Security with re-
 25 spect to the Coast Guard when it is not oper-

1 ating as a service in the Navy” before “shall”;
2 and

3 (2) in subsection (c)(2)(A)(ii), by striking “in
4 the case of members of the Army, Navy, Air Force,
5 and Marine Corps, request the Department of De-
6 fense” and inserting “make a request to the applica-
7 ble Secretary under subsection (a)(1)”.

8 **SEC. 403. UNMANNED MARITIME SYSTEMS.**

9 (a) ASSESSMENT.—

10 (1) IN GENERAL.—The Commandant shall reg-
11 ularly assess available unmanned maritime systems
12 for potential use to support missions of the Coast
13 Guard.

14 (2) CONSULTATION.—The Commandant shall
15 make the assessment required under paragraph (1)
16 after consultation with the Department of Defense,
17 other Federal agencies, the academic sector, and de-
18 velopers and manufacturers of unmanned maritime
19 systems.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, and biennially
23 thereafter, the Commandant shall submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives a report on the actual and potential ef-
3 fects of the use of available unmanned maritime sys-
4 tems on the mission effectiveness of the Coast
5 Guard.

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

8 (A) An inventory of available unmanned
9 maritime systems used by the Coast Guard, an
10 overview of such usage, and a discussion of the
11 mission effectiveness of such systems, including
12 any benefits realized or risks or negative as-
13 pects of such usage.

14 (B) A prioritized list of Coast Guard mis-
15 sion requirements that could be met with addi-
16 tional unmanned maritime systems, and the es-
17 timated costs of acquiring and operating such
18 systems. This list should take into consideration
19 interoperability with the current and future
20 fleet of National Security Cutters, Fast Re-
21 sponse Cutters, Offshore Patrol Cutters, Polar
22 Security Cutters, and in-service legacy cutters
23 such as the 270-foot, 210-foot, and 225-foot
24 Buoy Tenders.

25 (c) DEFINITIONS.—In this section:

1 (1) UNMANNED MARITIME SYSTEM.—

2 (A) IN GENERAL.—The term “unmanned
3 maritime system” means a remotely operated or
4 autonomous vehicle that—

5 (i) is produced by the commercial sec-
6 tor;

7 (ii) is designed to travel in the air, on
8 or under the ocean surface, on land, or any
9 combination thereof; and

10 (iii) functions without an on-board
11 human presence.

12 (B) INCLUSIONS.—The term “unmanned
13 maritime system” includes—

14 (i) associated components, such as
15 control and communications, data trans-
16 mission, and processing systems;

17 (ii) an unmanned undersea vehicle;

18 (iii) an unmanned surface vehicle;

19 (iv) an unmanned aerial vehicle;

20 (v) an autonomous underwater vehi-
21 cle;

22 (vi) an autonomous surface vehicle;

23 and

24 (vii) an autonomous aerial vehicle.

1 (2) AVAILABLE UNMANNED MARITIME SYS-
 2 TEMS.—The term “available unmanned maritime
 3 systems” includes unmanned maritime systems that
 4 can be purchased commercially or are available to
 5 the Coast Guard in coordination with the Depart-
 6 ment of Defense or other Federal agency.

7 **SEC. 404. UNMANNED AIRCRAFT SYSTEMS TESTING.**

8 (a) TRAINING AREA.—The Commandant shall carry
 9 out and update, as appropriate, a program for the use of
 10 ~~a training area~~ *one or more training areas* to facilitate the
 11 use of unmanned aircraft systems and small unmanned
 12 aircraft systems to support missions of the Coast Guard.

13 (b) DESIGNATION OF AREA.—

14 (1) IN GENERAL.—Not later than 180 days
 15 after the date of enactment of this Act, the Com-
 16 mandant shall, as part of the program under sub-
 17 section (a), designate an area for the training, test-
 18 ing, and development of unmanned aircraft systems
 19 and small unmanned aircraft systems.

20 (2) CONSIDERATIONS.—In designating a train-
 21 ing area under paragraph (1), the Commandant
 22 shall—

23 (A) select an area that leverages the capa-
 24 bilities of the common test site for unmanned

1 aircraft systems of the Department of Home-
2 land Security; and

3 (B) take into consideration all of the fol-
4 lowing attributes of the training area:

5 (i) Direct over-water maritime access
6 from the site.

7 (ii) The availability of existing Coast
8 Guard support facilities, including pier and
9 dock space.

10 (iii) Proximity to existing and avail-
11 able offshore Warning Area airspace for
12 test and training.

13 (iv) Existing facilities and infrastruc-
14 ture to support unmanned aircraft system-
15 augmented, and small unmanned aircraft
16 system-augmented, training, evaluations,
17 and exercises.

18 (v) Existing and appropriate Federal
19 Aviation Administration flight authoriza-
20 tions for the area.

21 (vi) Existing facilities with a proven
22 track record of supporting unmanned air-
23 craft systems and small unmanned aircraft
24 systems flight operations.

25 (c) DEFINITIONS.—In this section—

1 (1) the term “existing” means as of the date of
2 enactment of this Act; and

3 (2) the terms “small unmanned aircraft” and
4 “unmanned aircraft system” have the meanings
5 given those terms in section 44801 of title 49,
6 United States Code.

7 **SEC. 405. REPORT OF DETERMINATION; TECHNICAL COR-**
8 **RECTION.**

9 Section 105(f)(2) of the Pribilof Islands Transition
10 Act (Public Law 106–562; 16 U.S.C. 1161 note) is
11 amended by striking “subsection (a)” and inserting “para-
12 graph (1)”.

13 **SEC. 406. TOWING VESSELS OPERATING OUTSIDE THE**
14 **BOUNDARY LINE.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “Boundary Line” has the meaning
17 given the term in section 103 of title 46, United
18 States Code;

19 (2) the term “Officer in Charge, Marine Inspec-
20 tion” has the meaning given the term in section
21 3305(d)(4) of title 46, United States Code; and

22 (3) the term “Secretary” means the Secretary
23 of the Department in which the Coast Guard is op-
24 erating.

1 (b) INTERIM EXEMPTION.—A towing vessel described
2 in subsection (c) is exempt from any additional require-
3 ments of subtitle II of title 46, United States Code, and
4 chapter I of title 33 and chapter I of title 46, Code of
5 Federal Regulations (as in effect on the date of enactment
6 of this Act), that would result solely from such vessel oper-
7 ating outside the Boundary Line, if—

8 (1) the vessel is operating outside the Boundary
9 Line solely to perform regular harbor assist oper-
10 ations;

11 (2) the voyage of the vessel occurring outside of
12 the Boundary Line—

13 (A) is less than 12 hours in total duration;

14 (B) originates and ends in the inspection
15 zone of a single Officer in Charge, Marine In-
16 spection; and

17 (C) occurs no further than 10 nautical
18 miles from the Boundary Line;

19 (3) the vessel is approved for operations outside
20 the Boundary Line by the Officer in Charge, Marine
21 Inspection and the Coast Guard Marine Safety Cen-
22 ter; and

23 (4) the vessel has sufficient manning and life-
24 saving equipment for all persons on board, in ac-
25 cordance with part 15 and section 141.225 of title

1 46, Code of Federal Regulations (or any successor
2 regulation).

3 (c) APPLICABILITY.—This section applies to a towing
4 vessel—

5 (1) that is subject to inspection under chapter
6 33 of title 46, United States Code, and subchapter
7 M of chapter I of title 46, Code of Federal Regula-
8 tions (or any successor regulation);

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

14 (3) that is operating as a harbor assist vessel
15 and regularly engaged in harbor assist operations,
16 including the docking, undocking, mooring,
17 unmooring, and escorting of vessels with limited ma-
18 neuverability.

19 (d) SAFETY.—

20 (1) SAFETY RESTRICTIONS.—The Officer in
21 Charge, Marine Inspection for an inspection zone
22 may restrict operations under the interim exemption
23 provided under subsection (b) for safety purposes.

24 (2) COMPREHENSIVE LISTS.—The Officer in
25 Charge, Marine Inspection for an inspection zone

1 shall maintain a comprehensive list, updated periodi-
2 cally, of all towing vessels described in subsection (c)
3 that operate in the inspection zone.

4 (3) NOTIFICATION.—Not later than 24 hours
5 prior to intended operations outside of the Boundary
6 Line, a towing vessel exempted under subsection (b)
7 shall notify the Office in Charge, Marine Inspection
8 for the inspection zone of such operations. Such no-
9 tification shall include—

10 (A) the date, time, and length of voyage;

11 (B) a crew list, with each crew member's
12 credentials and work hours; and

13 (C) an attestation from the master of the
14 towing vessel that the vessel has sufficient man-
15 ning and lifesaving equipment for all persons on
16 board.

17 (e) BRIEFING.—Not later than 180 days after the
18 date of enactment of this Act, the Commandant of the
19 Coast Guard shall brief the Committee on Commerce,
20 Science, and Transportation of the Senate and the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives regarding the following:

23 (1) The impacts of the interim exemption pro-
24 vided under this section.

1 (2) Any safety concerns regarding the expira-
2 tion of such interim exemption.

3 (3) Whether such interim exemption should be
4 extended.

5 (f) TERMINATION.—The interim exemption provided
6 under subsection (b) shall terminate on the date that is
7 2 years after the date of enactment of this Act.

8 **SEC. 407. REPEAL OF CARIBBEAN SUPPORT TENDER AU-**
9 **THORIZATION.**

10 Section 343 of the Maritime Transportation Security
11 Act of 2002 (Public Law 107–295; 116 Stat. 2106) and
12 the item relating to that section in section 1(b) of that
13 Act, are repealed.

14 **SEC. 408. FAIRWAYS.**

15 Not later than May 1, 2021, the Commandant shall
16 conduct a review of navigation on the East Coast of the
17 United States and submit to the Committee on Commerce,
18 Science, and Transportation of the Senate and the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives a report on the findings of the review,
21 including any recommendations for new fairways on that
22 coast to facilitate commerce.

23 **SEC. 409. NONOPERATING INDIVIDUALS.**

24 ~~(a) DEFINITIONS.—~~

1 (1) IN GENERAL.—Section 2101 of title 46,
2 United States Code, is amended—

3 (A) by redesignating paragraphs (24)
4 through (54) as paragraphs (25) through (55),
5 respectively; and

6 (B) by inserting after paragraph (23) the
7 following:

8 “(24) ‘nonoperating individual’ means an indi-
9 vidual on a vessel who—

10 “(A) does not perform—

11 “(i) watchstanding, automated engine
12 room duty watch, navigation, or personnel
13 safety functions;

14 “(ii) cargo handling functions, includ-
15 ing any activity relating to the loading or
16 unloading of cargo, the operation of cargo-
17 related equipment (whether or not integral
18 to the vessel), and the handling of mooring
19 lines on the dock when the vessel is made
20 fast or let go;

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

24 “(iv) safety, security, or environ-
25 mental protection activities directly related

1 to the operation of the vessel and normally
 2 conducted by the vessel's crew;

3 “(B) does not serve as part of the crew
 4 complement required under section 8101 of this
 5 title;

6 “(C) does not serve as a riding gang mem-
 7 ber;

8 “(D) is not a member of the steward's de-
 9 partment;

10 “(E) is not a citizen or temporary or per-
 11 manent resident of a country designated by the
 12 United States as a sponsor of terrorism or any
 13 other country that the Secretary, in consulta-
 14 tion with the Secretary of State and the heads
 15 of other appropriate United States agencies, de-
 16 termines to be a security threat to the United
 17 States; and

18 “(F) is not specifically exempted from the
 19 requirement to have a merchant mariner's doc-
 20 ument under section 8701(a) of this title.”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 3(3) of the Magnuson-Stevens
 23 Fishery Conservation and Management Act (16
 24 U.S.C. 1802(3)), is amended by striking “sec-
 25 tion 2101(30)” and inserting “section 2101”.

1 (B) Section 1992(d)(7) of title 18, United
 2 States Code, is amended by striking “section
 3 2101(31)” and inserting “section 2101(32)”.

4 (C) Section 2113(3) of title 46, United
 5 States Code, is amended by striking “section
 6 2101(51)(A)” and inserting “section
 7 2101(52)(A)”.

8 (D) Section 3202(a)(1)(A) of title 46,
 9 United States Code, is amended by striking
 10 “section 2101(29)(A)” and inserting “section
 11 2101(30)(A)”.

12 (E) Section 3507(k)(1) of title 46, United
 13 States Code, is amended by striking “section
 14 2101(31)” and inserting “section 2101”.

15 (F) Section 4105 of title 46, United States
 16 Code, is amended—

17 (i) in each of subsections (b)(1) and
 18 (e), by striking “section 2101(51)” and in-
 19 serting “section 2101(52)”; and

20 (ii) in subsection (d), by striking “sec-
 21 tion 2101(51)(A)” and inserting “section
 22 2101(52)(A)”.

23 (G) Section 12119(a)(3) of title 46, United
 24 States Code, is amended by striking “section
 25 2101(26)” and inserting “section 2101”.

1 (H) Section 1131(a)(1)(E) of title 49,
 2 United States Code, is amended by striking
 3 “section 2101(46) of title 46” and inserting
 4 “section 116 of title 46”.

5 (b) CITIZENSHIP AND NAVY RESERVE REQUIRE-
 6 MENTS.—Section 8103(j) of title 46, United States Code,
 7 is amended—

8 (1) in the subsection heading, by striking
 9 “RIDING GANG MEMBER” and inserting “RIDING
 10 GANG MEMBER OR NONOPERATING INDIVIDUAL”;
 11 and

12 (2) by inserting “or a nonoperating individual”
 13 before the period.

14 (c) NONOPERATING INDIVIDUALS.—

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

17 (A) by redesignating section 8107 as sec-
 18 tion 8108; and

19 (B) by inserting after section 8106 the fol-
 20 lowing:

21 **“§ 8107. Nonoperating individuals**

22 “(a) IN GENERAL.—The owner or managing operator
 23 of a merchant vessel of the United States of at least 100
 24 gross tons as measured under section 14502, or an alter-

1 nate tonnage measured under section 14302 as prescribed
 2 by the Secretary under section 14104, shall—

3 “(1) ensure that—

4 “(A) each nonoperating individual on the
 5 vessel—

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

9 “(ii) possesses—

10 “(I) a United States non-
 11 immigrant visa for individuals desir-
 12 ing to enter the United States tempo-
 13 rarily for business;

14 “(II) employment-related and
 15 personal identifying information; and

16 “(III) any other documentation
 17 required by the Secretary;

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

21 “(C) each nonoperating individual is iden-
 22 tified on the vessel’s crew list;

23 “(2) ensure that—

24 “(A) each nonoperating individual pos-
 25 sesses—

1 “(i) a merchant mariner’s document;

2 “(ii) a transportation security card
3 issued under section 70105; or

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

6 “(B) the employer of the nonoperating in-
7 dividual attests in a certificate to the owner or
8 managing operator that—

9 “(i) the background of such individual
10 has been examined and found to be free of
11 any credible information indicating a mate-
12 rial risk to the security of the vessel; the
13 cargo of the vessel; the ports the vessel vis-
14 its; or other individuals onboard the vessel;

15 “(ii) the examination under clause
16 (i)—

17 “(I) with regard to an individual
18 described in paragraph (1)(A)(i); met
19 the requirements of section
20 70105(d)(2); or

21 “(II) with regard to an individual
22 described in paragraph (1)(A)(ii); con-
23 sisted of a check of relevant inter-
24 national databases and such other in-
25 formation that the Secretary considers

1 relevant and reasonably available to
2 the owner or managing operator in
3 the individual's country of citizenship
4 and any other country in which the
5 individual works, receives employment
6 referrals, or resides; and

7 “(iii) the information derived from the
8 examination under clause (i) is made avail-
9 able to the Secretary upon request;

10 “(3) ensure that each nonoperating individual
11 of the vessel, while on board the vessel, is subject to
12 the same random chemical testing and reporting re-
13 gimes as crew members;

14 “(4) ensure that each such individual employed
15 on the vessel receives basic safety familiarization and
16 basic safety training approved by the Coast Guard
17 as satisfying the requirements for such training
18 under the International Convention on Standards of
19 Training, Certification and Watchkeeping for Sea-
20 farers, done at London July 7, 1978;

21 “(5) prevent from boarding the vessel, or cause
22 the removal from the vessel at the first available
23 port, and disqualify from future service on board
24 any other vessel owned or operated by that owner or
25 operator, any nonoperating individual—

1 “(A) who has been convicted in any juris-
 2 diction of an offense described in paragraph (2)
 3 or (3) of section 7703;

4 “(B) whose license, certificate of registry,
 5 or merchant mariner’s document has been sus-
 6 pended or revoked under section 7704; or

7 “(C) who otherwise constitutes a threat to
 8 the safety of the vessel;

9 “(6) ensure and certify to the Secretary that
 10 the vessel is in compliance with section 3304 and
 11 chapter 35, to the extent such section or chapter
 12 otherwise applies to the vessel; and

13 “(7) ensure that each nonoperating individual
 14 on board the vessel is employed under conditions
 15 that meet or exceed the minimum international
 16 standards of all applicable international labor con-
 17 ventions to which the United States is a party, in-
 18 cluding all of the merchant seamen protection and
 19 relief provided under United States law.

20 “(b) WORK RESTRICTIONS.—A nonoperating indi-
 21 vidual on board a vessel to which subsection (a) applies
 22 may not perform on board the vessel—

23 “(1) watchstanding, automated engine room
 24 duty watch, navigational, or personnel safety func-
 25 tions;

1 ~~“(2) cargo handling functions, including any ac-~~
 2 ~~tivity relating to the loading or unloading of cargo,~~
 3 ~~the operation of cargo-related equipment (whether or~~
 4 ~~not integral to the vessel); and the handling of moor-~~
 5 ~~ing lines on the dock when the vessel is made fast~~
 6 ~~or let go;~~

7 ~~“(3) vessel maintenance, including any repairs~~
 8 ~~that can be performed by the vessel’s crew or a~~
 9 ~~riding gang member; or~~

10 ~~“(4) safety, security, or environmental protec-~~
 11 ~~tion activities directly related to the operation of the~~
 12 ~~vessel and normally conducted by the vessel’s crew.~~

13 ~~“(c) RECORDKEEPING.—In addition to the require-~~
 14 ~~ments of subsection (a), the owner or managing operator~~
 15 ~~of a vessel to which subsection (a) applies shall ensure that~~
 16 ~~all information necessary to ensure compliance with this~~
 17 ~~section, as determined by the Secretary, is entered into~~
 18 ~~the vessel’s official logbook required by chapter 113.~~

19 ~~“(d) CIVIL PENALTY.—A person violating this sec-~~
 20 ~~tion is liable to the United States Government for a civil~~
 21 ~~penalty of \$1,250.”.~~

22 ~~(2) ANALYSIS FOR CHAPTER 81.—The analysis~~
 23 ~~for chapter 81 of title 46, United States Code, is~~
 24 ~~amended by striking the item relating to section~~
 25 ~~8107 and inserting the following:~~

~~“8107. Nonoperating individuals.~~

~~“8108. Use of force against piracy.”.~~

1 ~~(3)~~ CONFORMING AMENDMENTS.—Title 46,
2 United States Code, is amended—

3 (A) in section 8701, by adding at the end
4 the following:

5 ~~“(e) This section shall not apply to an individual en-~~
6 ~~gaged, employed, or serving on board a vessel who is a~~
7 ~~nonoperating individual, as defined in section 8107 of this~~
8 ~~title.”; and~~

9 (B) in section 51705(4), by striking “46
10 U.S.C. 8107 note” and inserting “46 U.S.C.
11 8108 note”.

12 **SEC. 409. SENSE OF CONGRESS REGARDING THE MARITIME**
13 **INDUSTRY OF THE UNITED STATES.**

14 *It is the sense of Congress that the maritime industry*
15 *of the United States contributes to the Nation’s economic*
16 *prosperity and national security.*

17 **SEC. 410. ABANDONED SEAFARERS FUND AMENDMENTS.**

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

20 (1) in the matter preceding subparagraph (A)
21 of subsection (a)(2), by striking “may be appro-
22 priated” and inserting “shall be available without
23 further appropriations and shall remain available
24 until expended”; and

1 (2) in subsection (c)—

2 (A) in the matter preceding subparagraph
3 (A) of paragraph (1), by inserting “plus a sur-
4 charge of 25 percent of such total amount,”
5 after “seafarer,”; and

6 (B) by striking paragraph (4).

7 **SEC. 411. CONFORMING AMENDMENTS: TRAINING; PUBLIC**
8 **SAFETY PERSONNEL.**

9 Chapter 701 of title 46, United States Code, is
10 amended—

11 (1) in section 70107—

12 (A) in subsection (a), by striking “law en-
13 forcement *agency* personnel” and inserting
14 “public safety personnel”;

15 (B) in the matter preceding subparagraph
16 (A) of subsection (b)(8), by striking “law en-
17 forcement personnel—” and inserting “public
18 safety personnel—”; and

19 (C) in subsection (c)(2)(C), by striking
20 “law enforcement personnel” and inserting
21 “public safety personnel”; and

22 (2) in section 70132—

23 (A) in the matter preceding paragraph (1)
24 of subsection (a), by striking “law enforcement

1 personnel—” and inserting “public safety per-
2 sonnel—”;

3 (B) in subsection (b), by striking “law en-
4 forcement personnel” each instance such term
5 appears and inserting “public safety per-
6 sonnel”; and

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

8 “(d) PUBLIC SAFETY PERSONNEL DEFINED.—For
9 the purposes of this section, the term ‘public safety per-
10 sonnel’ includes any Federal, State (or political subdivi-
11 sion thereof), territorial, or Tribal law enforcement officer,
12 firefighter, or emergency response provider.”.

13 **SEC. 412. ACCIDENT AND INCIDENT NOTIFICATION.**

14 Subsection (c) of section 9 of the Pipeline Safety,
15 Regulatory Certainty, and Job Creation Act of 2011 (Pub-
16 lic Law 112–90; 125 Stat. 1912; 49 U.S.C. 60117 note)
17 is repealed and shall be deemed not to have been enacted.

18 **SEC. 413. SUBROGATED CLAIMS.**

19 (a) IN GENERAL.—Section 1012(b) of the Oil Pollu-
20 tion Act of 1990 (33 U.S.C. 2712(b)) is amended—

21 (1) by striking “FUND.—The” and inserting
22 the following: “FUND.—

23 “(1) IN GENERAL.—The”; and

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

1 “(2) SUBROGATION.—Except for a guarantor
2 claim pursuant to a defense under section
3 1016(f)(1), Fund compensation of any claim by an
4 insurer or other indemnifier of a responsible party or
5 injured third party is subject to the subrogated
6 rights of that responsible party or third party to
7 such compensation.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 180 days following the date
10 of enactment of this Act.

11 **SEC. 414. USE OF ENGINE CUT-OFF SWITCH LINKS.**

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 **“§ 4313. Use of engine cut-off switch links**

16 “(a) USE OF ENGINE CUT-OFF SWITCH LINKS.—A
17 person shall not operate a covered recreational vessel un-
18 less—

19 “(1) the person is wearing an engine cut-off
20 switch link while operating above no-wake speed;
21 and

22 “(2) the engine cut-off switch is equipped under
23 the requirements of section 4312.

1 “(b) PENALTY.—A person that violates subsection
2 (a) shall be subject to a civil penalty under section 4311
3 of this title not to exceed—

4 “(1) \$100 for the first offense;

5 “(2) \$250 for the second offense; and

6 “(3) \$500 for any subsequent offense.

7 “(c) DEFINITIONS.—In this section—

8 “(1) the term ‘covered recreation vessel’ means
9 a recreational vessel less than 26 feet overall in
10 length, except such term shall not include any ves-
11 sel—

12 “(A) whose main helm is installed within
13 an enclosed cabin that would protect an oper-
14 ator from being thrown overboard should the
15 operator be displaced from the helm;

16 “(B) with propulsion machinery developing
17 static thrust of less than 115 pounds or 3
18 horsepower; or

19 “(C) without an engine cut-off switch in-
20 stalled under the requirements of section 4312;

21 “(2) the term ‘engine cut-off switch’ means a
22 mechanical or electronic device that is connected to
23 propulsion machinery that will stop propulsion if—

24 “(A) the switch is not properly connected;

25 or

1 “(B) the switch components are submerged
2 in water or separated from the switch by a pre-
3 determined distance; and

4 “(3) the term ‘engine cut-off switch link’ means
5 the equipment attached to the recreational vessel op-
6 erator that activates the engine cut-off switch.”.

7 (b) ANALYSIS FOR CHAPTER 43.—The analysis for
8 chapter 43 of title 46, United States Code, is amended
9 by adding at the end the following:

“4313. Use of engine cut-off switch links.”.

10 **SEC. 415. EQUIVALENCY AUTHORITY.**

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

13 (1) in the section heading, by adding “**and**
14 **Equivalents**” after “**Exemptions**”;

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

17 “(a) EXEMPTIONS.—If the Secretary”; and

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

19 “(b) EQUIVALENTS.—If the Secretary considers that
20 recreational vessel safety will not be adversely affected, the
21 Secretary may accept a substitution for associated equip-
22 ment performance or other safety standards for a rec-
23 reational vessel as required by this chapter, if the substi-
24 tution provides an equivalent level of safety.”.

1 (b) ANALYSIS FOR CHAPTER 43.—The analysis for
2 chapter 43 of title 46, United States Code, is amended
3 by striking the item relating to section 4305 and inserting
4 the following:

“4305. Exemptions and equivalents.”.

5 **SEC. 416. ARCTIC PARS NATIVE ENGAGEMENT.**

6 The Commandant shall—

7 (1) engage directly with local coastal whaling
8 and fishing communities in the Arctic region when
9 conducting the Alaskan Arctic Coast Port Access
10 Route Study, in accordance with chapter 700 of title
11 46, United States Code, and as described in the no-
12 tice of study published in the Federal Register on
13 December 21, 2018 (83 Fed. Reg. 65701); and

14 (2) shall consider the concerns of the Arctic
15 coastal community regarding any Alaskan Arctic
16 Coast Port Access Route, including safety needs and
17 concerns.

18 **SEC. 417. AUTHORIZATION OF USE OF AUTOMATIC IDENTI-**
19 **FICATION SYSTEMS DEVICES TO MARK FISH-**
20 **ING EQUIPMENT.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “Automatic Identification System”
23 has the meaning given the term in section 164.46(a)
24 of title 33, Code of Federal Regulations, or any suc-
25 cessor regulation;

1 (2) the term “Automatic Identification System
2 device” means a covered device that operates in
3 radio frequencies assigned to the Automatic Identi-
4 fication System;

5 (3) the term “Commission” means the Federal
6 Communications Commission; and

7 (4) the term “covered device” means a device
8 used to mark fishing equipment.

9 (b) RULEMAKING REQUIRED.—Not later than 180
10 days after the date of enactment of this Act, the Commis-
11 sion, in consultation with the Commandant, shall initiate
12 a rulemaking proceeding to consider whether to authorize
13 covered devices to operate in radio frequencies assigned
14 to the Automatic Identification System.

15 (c) CONSIDERATIONS.—In conducting the rulemaking
16 under subsection (b), the Commission shall consider
17 whether imposing requirements with respect to the man-
18 ner in which Automatic Identification System devices are
19 deployed and used would enable the authorization of cov-
20 ered devices to operate in radio frequencies assigned to
21 the Automatic Identification System consistent with the
22 core purpose of the Automatic Identification System to
23 prevent maritime accidents.

1 **SEC. 418. DIRECT HIRE AUTHORITY FOR CERTAIN COM-**
2 **PETITIVE SERVICE POSITIONS IN THE DE-**
3 **PARTMENT OF HOMELAND SECURITY.**

4 (a) PARALLEL DIRECT HIRE AUTHORITY FOR THE
5 DEPARTMENT OF HOMELAND SECURITY.—Chapter 99 of
6 title 5, United States Code, is amended by adding at the
7 end the following:

8 **“§ 9905a. Direct hire authority for certain personnel**
9 **of the Department of Homeland Security**

10 “(a) IN GENERAL.—The Secretary of Homeland Se-
11 curity may appoint, without regard to the provisions of
12 subchapter I of chapter 33 (other than sections 3303 and
13 3328 of such chapter), qualified candidates to any of the
14 following positions in the competitive service in the De-
15 partment of Homeland Security in support of the Coast
16 Guard:

17 “(1) Any position involved with Department
18 maintenance activities, including depot-level mainte-
19 nance and repair.

20 “(2) Any position involved with cybersecurity.

21 “(3) Any individual in the acquisition workforce
22 that manages any services contracts necessary to the
23 operation and maintenance of programs of the De-
24 partment.

1 “(4) Any science, technology, or engineering po-
 2 sition in order to allow development of new systems
 3 and provide for the maintenance of legacy systems.

4 “(b) SUNSET.—Effective on September 30, 2025, the
 5 authority provided under subsection (a) shall expire.”.

6 (b) CONFORMING AND CLERICAL AMENDMENTS.—

7 (1) CHAPTER HEADING.—The heading of chap-
 8 ter 99 of such title is amended to read as follows:

9 **“CHAPTER 99—PERSONNEL AUTHORITIES**
 10 **FOR DEPARTMENT OF DEFENSE AND**
 11 **DEPARTMENT OF HOMELAND SECU-**
 12 **RITY”.**

13 (2) ANALYSIS FOR CHAPTER 99.—The analysis
 14 for chapter 99 of such title is amended by adding at
 15 the end the following new item:

 “9905a. Direct hire authority for certain personnel of the Depart-
 ment of Homeland Security.”.

16 (3) TABLES OF CHAPTERS.—The tables of
 17 chapters at the beginning of title 5, United States
 18 Code, and at the beginning of part III of such title
 19 are each amended by striking the item relating to
 20 chapter 99 and inserting the following new item:

 “99. Personnel Authorities for Department of Defense and Depart-
 ment of Homeland Security 9901”.

1 **SEC. 419. NATIONAL POLICY, PERFORMANCE EVALUA-**
2 **TIONS, AND RESEARCH REGARDING VESSEL**
3 **TRAFFIC SERVICE CENTERS.**

4 (a) IN GENERAL.—Chapter 700 of title 46, United
5 States Code, is amended—

6 (1) by redesignating sections 70004 and 70005
7 as sections 70005 and 70006, respectively; and

8 (2) by inserting after section 70003 the fol-
9 lowing:

10 **“§ 70004. Vessel traffic service system**

11 **“(a) NATIONAL POLICY.—**

12 **“(1) ESTABLISHMENT AND UPDATE OF NA-**
13 **TIONAL POLICY.—**

14 **“(A) ESTABLISHMENT OF POLICY.—**Not
15 later than one year after the date of enactment
16 of this section, the Secretary shall establish a
17 national policy to be applied to all vessel traffic
18 service centers and publish such policy in the
19 Federal Register.

20 **“(B) UPDATE.—**The Secretary shall peri-
21 odically update the national policy established
22 under subparagraph (A) and publish such up-
23 date in the Federal Register.

24 **“(2) ELEMENTS.—**The national policy estab-
25 lished and updated under paragraph (1) shall in-
26 clude, at a minimum, the following:

1 “(A) Standardization of titles, roles, and
2 responsibilities for all personnel assigned, work-
3 ing, or employed in a vessel traffic service cen-
4 ter.

5 “(B) Standardization of organizational
6 structure within vessel traffic service centers, to
7 include supervisory and reporting chain and
8 processes.

9 “(C) Establishment of directives for the
10 application of authority provided to each vessel
11 traffic service center, specifically with respect to
12 directing or controlling vessel movement when
13 such action is justified in the interest of safety.

14 “(D) Establishment of thresholds and
15 measures for monitoring, informing, recom-
16 mending, and directing vessel traffic.

17 “(E) Establishment of national procedures
18 and protocols for vessel traffic management.

19 “(F) Standardization of training for all
20 vessel traffic service directors, operators, and
21 watchstanders.

22 “(G) Establishment of certification and
23 competency evaluation for all vessel traffic serv-
24 ice directors, operators, and watchstanders.

1 “(H) Establishment of standard operating
2 language when communicating with vessel traf-
3 fic users.

4 “(I) Establishment of data collection and
5 archiving processes for vessel incidents and
6 near-miss events.

7 “(3) REGIONAL POLICIES.—

8 “(A) DEVELOPMENT.—The captain of the
9 port covered by a vessel traffic service center
10 may develop and submit to the Secretary re-
11 gional policies in addition to the national policy
12 established and updated under paragraph (1) to
13 account for variances from that national policy
14 with respect to local vessel traffic conditions
15 and volume, geography, water body characteris-
16 tics, waterway usage, and any additional factors
17 that the captain considers appropriate.

18 “(B) REVIEW AND APPROVAL BY SEC-
19 RETARY.—Not later than 180 days after receiv-
20 ing regional policies under subparagraph (A)—

21 “(i) the Secretary shall review those
22 regional policies; and

23 “(ii) the captain of the port concerned
24 shall implement the policies that the Sec-
25 retary approves.

1 “(C) MAINTENANCE OF POLICIES.—The
2 Secretary shall maintain a central depository
3 for all regional policies approved under sub-
4 paragraph (B).

5 “(b) PERFORMANCE EVALUATION.—

6 “(1) IN GENERAL.—The Secretary shall develop
7 and implement a standard method for evaluating the
8 performance of vessel traffic service centers.

9 “(2) ELEMENTS.—The standard method devel-
10 oped and implemented under paragraph (1) shall in-
11 clude, at a minimum, analysis and collection of data
12 with respect to the following within a vessel traffic
13 service area covered by each vessel traffic service
14 center:

15 “(A) Volume of vessel traffic, categorized
16 by type of vessel.

17 “(B) Total volume of flammable, combus-
18 tible, or hazardous liquid cargo transported,
19 categorized by vessel type.

20 “(C) Data on near-miss events.

21 “(D) Data on marine casualties.

22 “(E) Application by vessel traffic operators
23 of traffic management authority during near-
24 miss events and marine casualties.

1 “(F) Other additional methods as the Sec-
2 retary considers appropriate.

3 “(3) ANNUAL REPORT.—Not less frequently
4 than annually, the Secretary shall submit to the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on Trans-
7 portation and Infrastructure of the House of Rep-
8 resentatives a report on the evaluation conducted
9 under paragraph (1) of the performance of vessel
10 traffic service centers, including—

11 “(A) recommendations to improve safety
12 and performance; and

13 “(B) data regarding marine casualties and
14 near-miss events that have occurred during the
15 period covered by the report.

16 “(c) RISK ASSESSMENT PROGRAM.—

17 “(1) IN GENERAL.—The Secretary shall develop
18 a continuous risk assessment program to evaluate
19 and mitigate safety risks for each vessel traffic serv-
20 ice area to improve safety and reduce the risks of oil
21 and hazardous material discharge in navigable
22 waters.

23 “(2) METHOD FOR ASSESSMENT.—The Sec-
24 retary, in coordination with State and Tribal govern-
25 ments, ports, nongovernmental organizations, and

1 private citizens, shall develop a standard method for
2 conducting risk assessments under paragraph (1)
3 that includes the collection and management of all
4 information necessary to identify and analyze poten-
5 tial hazardous navigational trends within a vessel
6 traffic service area.

7 “(3) INFORMATION TO BE ASSESSED.—

8 “(A) IN GENERAL.—The Secretary shall
9 ensure that a risk assessment conducted under
10 paragraph (1) includes an assessment of the
11 following:

12 “(i) Volume of vessel traffic, cat-
13 egorized by type of vessel.

14 “(ii) Total volume of flammable, com-
15 bustible, or hazardous liquid cargo trans-
16 ported, categorized by vessel type.

17 “(iii) Data on near-miss events.

18 “(iv) Data on marine casualties.

19 “(v) Geographic locations for near-
20 miss events and marine casualties, includ-
21 ing latitude and longitude.

22 “(vi) Cyclical risk factors such as
23 weather, seasonal water body currents,
24 tides, bathymetry, and topography.

1 “(vii) Weather data, in coordination
2 with the National Oceanic and Atmos-
3 pheric Administration.

4 “(B) INFORMATION STORAGE AND MAN-
5 AGEMENT POLICIES.—The Secretary shall re-
6 tain all information collected under subpara-
7 graph (A) and ensure policies and procedures
8 are in place to standardize the format in which
9 that information is retained to facilitate statis-
10 tical analysis of that information to calculate
11 within a vessel traffic service area, at a min-
12 imum, the incident rate, intervention rate, and
13 accident prevention rate.

14 “(C) INTERNATIONAL COORDINATION.—
15 With respect to vessel traffic service areas that
16 cross international boundaries, the Secretary
17 may work with international partners that have
18 entered into bilateral or cooperative agreements
19 with vessel traffic service centers to jointly
20 manage those areas to collect, share, and ana-
21 lyze, at a minimum, information described in
22 subparagraph (A) that is in the possession or
23 control of the international partner.

24 “(4) PUBLIC AVAILABILITY.—

1 “(A) ASSESSMENTS AND INFORMATION.—

2 In accordance with section 552 of title 5,
3 United States Code, the Secretary shall make
4 any risk assessments conducted under para-
5 graph (1) and any information collected under
6 paragraph (3)(A) available to the public.

7 “(B) INFORMATION IN POSSESSION OR
8 CONTROL OF INTERNATIONAL PARTNERS.—The
9 Secretary shall endeavor to work with inter-
10 national partners described in paragraph (3)(C)
11 to enter into agreements to make information
12 collected, shared, and analyzed under that para-
13 graph available to the public.

14 “(d) VESSEL TRAFFIC SERVICE TRAINING.—

15 “(1) TRAINING PROGRAM.—

16 “(A) IN GENERAL.—The Secretary shall
17 develop a comprehensive nationwide training
18 program for all vessel traffic service directors,
19 operators, and watchstanders.

20 “(B) LOCAL VARIANCES.—The Secretary
21 shall provide for such local variances to the pro-
22 gram developed under subparagraph (A) as the
23 Secretary considers appropriate.

24 “(C) ELEMENTS.—The comprehensive na-
25 tionwide training program under subparagraph

1 (A) and any variances to that program under
2 subparagraph (B) shall include, at a minimum,
3 the following:

4 “(i) Realistic vessel traffic scenarios
5 to the maximum extent practicable that in-
6 tegrate—

7 “(I) the national policy developed
8 under subsection (a);

9 “(II) international and inland
10 navigation rules of the United States
11 under the International Navigational
12 Rules Act of 1977 (33 U.S.C. 1601 et
13 seq.);

14 “(III) the application of vessel
15 traffic authority; and

16 “(IV) communication with vessel
17 traffic service users.

18 “(ii) Proficiency training with respect
19 to use, interpretation, and integration of
20 available data on vessel traffic service dis-
21 play systems such as radar, ~~vide~~ *video*,
22 and vessel automatic identification system
23 feeds.

24 “(iii) Practical application of the
25 international and inland navigation rules of

1 the United States under the International
2 Navigational Rules Act of 1977 (33 U.S.C.
3 1601 et seq.).

4 “(iv) Proficiency training with respect
5 to the operation of radio communications
6 equipment and any other applicable sys-
7 tems necessary to execute vessel traffic
8 service authorities.

9 “(v) Incorporation of the Standard
10 ~~Maritime~~ *Marine* Communication Phrases
11 adopted by the International Maritime Or-
12 ganization by resolution on April 4, 2000,
13 as amended and consolidated, or any suc-
14 cessor resolution.

15 “(vi) Incorporation to the maximum
16 extent possible of guidance and rec-
17 ommendations contained in vessel traffic
18 services operator training, vessel traffic
19 services supervisor training, or other rel-
20 evant training set forth by the Inter-
21 national Association of Marine Aids to
22 Navigation and Lighthouse Authorities.

23 “(vii) A minimum number of hours of
24 training for an individual to complete be-
25 fore the individual is qualified to fill a ves-

1 sel traffic services position without super-
2 vision.

3 “(viii) Local area geographic and
4 operational familiarization.

5 “(ix) Such additional components as
6 the Secretary considers appropriate.

7 “(2) STANDARD COMPETENCY QUALIFICATION
8 PROCESS.—

9 “(A) IN GENERAL.—The Secretary shall
10 develop a standard competency qualification
11 process to be applied to all personnel assigned,
12 employed, or working in a vessel traffic service
13 center.

14 “(B) APPLICATION OF PROCESS.—The
15 competency qualification process developed
16 under subparagraph (A) shall include measur-
17 able thresholds for determining proficiency.

18 “(3) INTERNATIONAL AND INLAND NAVIGATION
19 RULES TEST.—

20 “(A) IN GENERAL.—All personnel as-
21 signed, employed, or working in a vessel traffic
22 service center with responsibilities that include
23 communicating, interacting, or directing vessels
24 within a vessel traffic service area, as deter-
25 mined under the national policy developed

1 under subsection (a), shall be required to pass
2 a United States international and inland navi-
3 gation rules test developed by the Secretary.

4 “(B) ELEMENTS OF TEST.—The Secretary
5 shall determine the content and passing stand-
6 ard for the rules test developed under subpara-
7 graph (A).

8 “(C) TESTING FREQUENCY.—The Sec-
9 retary shall establish a frequency, not to exceed
10 once every 5 years, for personnel described in
11 subparagraph (A) to be required to pass the
12 rules test developed under such subparagraph.

13 “(e) RESEARCH ON VESSEL TRAFFIC.—

14 “(1) VESSEL COMMUNICATION.—The Secretary
15 shall conduct research, in consultation with subject
16 matter experts identified by the Secretary, to de-
17 velop more effective procedures for monitoring vessel
18 communications on radio frequencies to identify and
19 address unsafe situations in a vessel traffic service
20 area. The Secretary shall consider data collected
21 under subparagraphs (A) and (B) of subsection
22 (c)(3).

23 “(2) PROFESSIONAL MARINER REPRESENTA-
24 TION.—

1 “(A) IN GENERAL.—The Secretary shall
2 conduct research, in consultation with local
3 stakeholders and subject matter experts identi-
4 fied by the Secretary, to evaluate and determine
5 the feasibility and benefits of representation by
6 professional mariners on the vessel traffic serv-
7 ice watchfloor at each vessel traffic service cen-
8 ter.

9 “(B) IMPLEMENTATION.—The Secretary
10 shall implement representation by professional
11 mariners on the vessel traffic service watchfloor
12 at those vessel traffic service centers for which
13 it is determined feasible and beneficial pursuant
14 to research conducted under subparagraph (A).

15 “(f) WORKING GROUP.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish a working group with regional stakeholders, in-
18 dustry subject matter experts, and representatives of
19 the Radio Technical Commission for Maritime Serv-
20 ices (or, if such Commission does not provide rep-
21 resentatives, representatives of a similar organiza-
22 tion selected by the Secretary) to carry out the fol-
23 lowing:

24 “(A) To evaluate, and provide rec-
25 ommendations to the Secretary regarding the

1 implementation of, regulations, procedures, and
 2 equipment standards as necessary to improve
 3 and ensure broadcasted vessel automatic identi-
 4 fication system data is accurate regarding the
 5 following, as applicable:

6 “(i) Navigation status.

7 “(ii) Radio call sign.

8 “(iii) Vessel name.

9 “(iv) Vessel type.

10 “(v) Vessel cargo.

11 “(vi) Vessel dimensions.

12 “(vii) Vessel tow size.

13 “(viii) Vessel tow configuration.

14 “(B) To develop recommended industry
 15 methods for reporting inaccuracies regarding
 16 the information listed in clauses (i) through
 17 (viii) of subparagraph (A).

18 “(2) INCLUSION OF IDENTIFICATION SYSTEM
 19 ON CERTAIN VESSELS.—

20 “(A) IN GENERAL.—The working group
 21 established under paragraph (1) shall evaluate
 22 and determine the practicability, economic cost,
 23 regulatory burden, and navigational benefit to
 24 outfitting vessels lacking independent means of
 25 propulsion that carry flammable, combustible,

1 or hazardous liquid cargo with vessel automatic
2 identification systems.

3 “(B) REGULATIONS.—Based on the eval-
4 uation under subparagraph (A), the Secretary
5 shall prescribe such regulations as the Sec-
6 retary considers appropriate to establish re-
7 quirements relating to the outfitting of vessels
8 described in such subparagraph with vessel
9 automatic identification systems.

10 “(g) PERIODIC REVIEW OF VESSEL TRAFFIC SERV-
11 ICE NEEDS.—

12 “(1) IN GENERAL.—Based on the performance
13 evaluation conducted under subsection (b), the Sec-
14 retary shall periodically review vessel traffic service
15 areas to determine—

16 “(A) if there are any additional vessel traf-
17 fic service needs in those areas; and

18 “(B) if a vessel traffic service area should
19 be moved or modified.

20 “(2) STAKEHOLDER INPUT.—In conducting the
21 periodic review under paragraph (1), the Secretary
22 shall seek input from port and waterway stake-
23 holders to identify areas of increased vessel conflicts
24 or accidents that could benefit from the use of rout-
25 ing measures or vessel traffic service special areas to

1 improve safety, port security, and environmental
2 protection.

3 “(h) DEFINITIONS.—In this section:

4 “(1) HAZARDOUS LIQUID CARGO.—The term
5 ‘hazardous liquid cargo’ has the meaning given that
6 term in regulations prescribed under section 5103 of
7 title 49, United States Code.

8 “(2) MARINE CASUALTY.—The term ‘marine
9 casualty’ has the meaning given that term in regula-
10 tions prescribed under section 6101(a) of title 46,
11 United States Code.

12 “(3) VESSEL TRAFFIC SERVICE AREA.—The
13 term ‘vessel traffic service area’ means an area spec-
14 ified in subpart C of part 161 of title 33, Code of
15 Federal Regulations, or any successor regulation.

16 “(4) VESSEL TRAFFIC SERVICE CENTER.—The
17 term ‘vessel traffic service center’ means a center for
18 the provision of vessel traffic services in a vessel
19 traffic service area.”.

20 (b) ANALYSIS FOR CHAPTER 700.—The analysis for
21 chapter 700 of title 46, United States Code, is amended
22 by striking the items relating to sections 70004 and 70005
23 and inserting the following:

“70004. Vessel traffic service system.

“70005. Considerations by Secretary.

“70006. International agreements.”.

1 (c) CONFORMING AMENDMENTS.—Chapter 700 of
 2 title 46, United States Code, as amended by this section,
 3 is further amended—

4 (1) *in section 70001(a)*—

5 (A) *in the matter preceding paragraph (1),*
 6 *by striking “70004” and inserting “70005”; and*

7 (B) *in paragraph (1), by striking “70005”*
 8 *and inserting “70006”; and*

9 (2) *in the matter preceding paragraph (1) in*
 10 *section 70003(c), by striking “70004” and inserting*
 11 *“70005”;*

12 ~~(1)~~ (3) *in the matter preceding paragraph (1)*
 13 *of section 70005, as redesignated by subsection*
 14 *(a)(1), by striking “and 70003” and inserting*
 15 *“70003, and 70004”; and*

16 ~~(2)~~ (4) *in section 70032, by inserting “70005,”*
 17 *after “70004,”.*

18 **SEC. 420. REPLACEMENT VESSEL.**

19 Notwithstanding section 208(g)(5) of the American
 20 Fisheries Act (16 U.S.C. 1851 note), a vessel described
 21 in section 208(e)(21) of such Act that is replaced under
 22 section 208(g) of such Act shall be subject to a sideboard
 23 restriction catch limit of zero metric tons in the Bering
 24 Sea and Aleutian Islands and in the Gulf of Alaska unless
 25 such vessel is also a replacement vessel described in sec-

tion 679.4(o)(4) of title 50, Code of Federal Regulations
 (as in effect on the date of enactment of this Act), in
 which case such vessel shall not be eligible to be a catcher/
 processor under section 206(b)(2) of such Act.

**SEC. 421. LIMITED INDEMNITY PROVISIONS IN STANDBY
 OIL SPILL RESPONSE CONTRACTS.**

(a) IN GENERAL.—Subject to subsection (b), a con-
 tract for the containment or removal of a discharge en-
 tered into by the President (or a delegate) under section
 311(c) of the Federal Water Pollution Control Act (33
 U.S.C. 1321(c)) shall contain a provision to indemnify a
 contractor for liabilities and expenses incidental to the
 containment or removal arising out of the performance of
 the contract that is substantially identical to the terms
 contained in subsections (d) through (h) of section H.4
 of the contract offered by the Coast Guard in the solicita-
 tion numbered DTCG89–98–A–68F953 and dated No-
 vember 17, 1998.

(b) SOURCE OF FUNDS.—The provision required
 under subsection (a) shall include a provision that the obli-
 gation to indemnify is limited to funds available in the
 Oil Spill Liability Trust Fund established by section
 9509(a) of the Internal Revenue Code of 1986 at the time
 the claim for indemnity is made.

1 (c) APPLICABILITY OF EXEMPTIONS.—Except as pro-
 2 vided in the indemnity provisions described in subsection
 3 (a), nothing in a contract described in that subsection may
 4 create liability of the United States to a contractor for
 5 any act or omission for which the contractor is exempt
 6 from liability under section 311(c)(4) of the Federal
 7 Water Pollution Control Act (33 U.S.C. 1321(c)(4)).

8 **SEC. 422. UNITED STATES COMMERCIAL SPACE-BASED**
 9 **RADIO FREQUENCY MARITIME DOMAIN**
 10 **AWARENESS TESTING AND EVALUATION PRO-**
 11 **GRAM.**

12 (a) TESTING AND EVALUATION PROGRAM.—The Sec-
 13 retary of the department in which the Coast Guard is op-
 14 erating shall carry out a testing and evaluation program
 15 of United States commercial space-based radio frequency
 16 geolocation and maritime domain awareness products and
 17 services to support the mission objectives of maritime en-
 18 forcement by the Coast Guard and other components of
 19 the Coast Guard. The objectives of this testing and evalua-
 20 tion program shall include—

21 (1) developing an understanding of how United
 22 States commercial space-based radio frequency data
 23 products can meet current and future mission re-
 24 quirements;

1 (2) establishing how United States commercial
2 space-based radio frequency data products should in-
3 tegrate into existing work flows; and

4 (3) establishing how United States commercial
5 space-based radio frequency data products could be
6 integrated into analytics platforms.

7 (b) REPORT.—Not later than 240 days after the date
8 of enactment of this Act, such Secretary shall prepare and
9 submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a report on the results of the testing and eval-
13 uation program under subsection (a), including rec-
14 ommendations on how the Coast Guard should fully ex-
15 ploit United States commercial space-based radio fre-
16 quency data products to meet current and future mission
17 requirements.

18 **SEC. 423. EXEMPTION OF COMMERCIAL FISHING VESSELS**
19 **OPERATING IN THE ALASKAN REGION FROM**
20 **THE GLOBAL MARINE DISTRESS AND SAFETY**
21 **SERVICE REQUIREMENTS OF THE FEDERAL**
22 **COMMUNICATIONS COMMISSION.**

23 (a) DEFINITIONS.—In this section—

1 (1) the term “Alaskan Region” has the mean-
2 ing given the term by the Secretary for purposes of
3 this section; and

4 (2) the term “Secretary” means the Secretary
5 of the Department in which the Coast Guard is op-
6 erating.

7 (b) EXEMPTION.—Subject to subsection (c), the Fed-
8 eral Communications Commission shall exempt fishing
9 vessels that primarily operate in the Alaskan Region, in-
10 cluding fishing vessels that transit from States in the Pa-
11 cific Northwest to conduct fishing operations in the Alas-
12 kan Region, from the requirements relating to carriage of
13 VHF–DSC and MF–DSC equipment under subpart W of
14 part 80 of title 47, Code of Federal Regulations, or any
15 successor regulation.

16 (c) FUNCTIONAL REQUIREMENTS.—A fishing vessel
17 exempted under subsection (b) shall—

18 (1) be capable of transmitting ship-to-shore dis-
19 tress alerts using not fewer than 2 separate and
20 independent systems, each using a different radio
21 communication service;

22 (2) be equipped with—

23 (A) a VHF radiotelephone installation;

24 (B) an MF or HF radiotelephone installa-
25 tion;

1 (C) a Category 1, 406.0–406.1 MHz
2 EPIRB meeting the requirements of section
3 80.1061 of title 47, Code of Federal Regula-
4 tions, or any successor regulation;

5 (D) a NAVTEX receiver meeting the re-
6 quirements of section 80.1101(c)(1) of title 47,
7 Code of Federal Regulations, or any successor
8 regulation;

9 (E) survival craft equipment meeting the
10 requirements of section 80.1095 of title 47,
11 Code of Federal Regulations, or any successor
12 regulation; and

13 (F) a Search and Rescue Transponder
14 meeting the requirements of section
15 80.1101(c)(6) of title 47, Code of Federal Reg-
16 ulations, or any successor regulation; and

17 (3) maintain a continuous watch on VHF
18 Channel 16.

19 (d) DEFINITION OF ALASKAN REGION.—Not later
20 than 30 days after the date of enactment of this Act, the
21 Secretary shall define the term “Alaskan Region” for pur-
22 poses of this section.

23 **SEC. 424. EDUCATIONAL VESSEL.**

24 (a) IN GENERAL.—Notwithstanding section
25 12112(a)(2) of title 46, United States Code, the Secretary

1 of the department in which the Coast Guard is operating
 2 may issue a certificate of documentation with a coastwise
 3 endorsement for the vessel OLIVER HAZARD PERRY
 4 (IMO number 8775560; United States official number
 5 1257224).

6 (b) TERMINATION OF EFFECTIVENESS OF ENDORSE-
 7 MENT.—The coastwise endorsement authorized under sub-
 8 section (a) for the vessel OLIVER HAZARD PERRY
 9 (IMO number 8775560; United States official number
 10 1257224) shall expire on the first date on which any of
 11 the following apply:

12 (1) The vessel is sold to a person, including an
 13 entity, that is not related by ownership or control to
 14 the person, including an entity, that owned the ves-
 15 sel on the date of enactment of this Act.

16 (2) The vessel is rebuilt and not rebuilt in the
 17 United States (as defined in section 12101(a) of
 18 title 46, United States Code).

19 (3) The vessel is no longer operating in primary
 20 service as a sailing school vessel or an educational
 21 sailing vessel.

22 **SEC. 425. CONVEYANCE OF COAST GUARD REAL PROPERTY**
 23 **AT POINT SPENCER, ALASKA.**

24 (a) ~~REMEDIAL ACTIONS.~~—Section 533 of the Coast
 25 Guard Authorization Act of 2016 (Public Law 114–120;

1 130 Stat. 74) is amended by adding at the end the fol-
 2 lowing:

3 “(f) REMEDIAL ACTIONS.—For purposes of the
 4 transfer of any Tract under this section—

5 “(1) any remedial actions required under sec-
 6 tion 120(h) of the Comprehensive Environmental
 7 Response, Compensation, and Liability Act of 1980
 8 (42 U.S.C. 9620(h)) may be completed by the
 9 United States Coast Guard after the date of that
 10 transfer; and

11 “(2) a deed entered into for that transfer shall
 12 contain a clause granting the United States Coast
 13 Guard access to the property in any case in which
 14 remedial action or corrective action is found to be
 15 necessary after the date of that transfer.”.

16 (b) EFFECT ON ENVIRONMENTAL COMPLIANCE.—
 17 Section 534(a) of the Coast Guard Authorization Act of
 18 2016 (42 U.S.C. 9620 note; Public Law 114–120) is
 19 amended—

20 (1) by striking “Nothing” and inserting the fol-
 21 lowing:

22 “(1) IN GENERAL.—Except as provided in para-
 23 graph (2), nothing”; and

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

1 ~~“(2) APPLICABILITY AFTER CONVEYANCE.—~~

2 Prior to the date on which a Tract is conveyed
3 under section 533, section 120(h) of the Comprehen-
4 sive Environmental Response, Compensation, and
5 Liability Act of 1980 (42 U.S.C. 9620(h)) and any
6 other applicable environmental law shall not apply
7 with respect to any hazardous substance released on
8 the applicable Tract.”.

9 **SEC. 425. CONVEYANCE OF COAST GUARD REAL PROPERTY**

10 **AT POINT SPENCER, ALASKA.**

11 (a) *REMEDIAL ACTIONS.*—Section 533 of the Coast
12 Guard Authorization Act of 2016 (Public Law 114–120;
13 130 Stat. 74) is amended by adding at the end the fol-
14 lowing:

15 “(f) *REMEDIAL ACTIONS.*—For purposes of the convey-
16 ances of real property, land, and any improvements there-
17 on, under this section, the remedial actions required under
18 section 120(h) of the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of 1980 (42 U.S.C.
20 9620(h)) may be completed by the Coast Guard after the
21 date of such conveyance and a deed entered into for such
22 conveyance shall include a clause granting the Coast Guard
23 access to the property in any case in which remedial action
24 or corrective action is found to be necessary after the date
25 of such conveyance.”.

1 (b) *COMPLIANCE.*—Section 534(a) of the Coast Guard
 2 *Authorization Act of 2016* (42 U.S.C. 9620 note; Public
 3 *Law 114–120*) is amended—

4 (1) by striking “Nothing” and inserting “After
 5 the date on which the Secretary of the Interior con-
 6 veys land under section 533, nothing”; and

7 (2) by inserting “, with respect to contaminants
 8 on such land placed there prior to the date on which
 9 the land is conveyed” before the period.

10 **SEC. 426. COAST GUARD SHORE INFRASTRUCTURE IM-**
 11 **PROVEMENT.**

12 (a) *IN GENERAL.*—Not later than December 31,
 13 2020, the Commandant shall—

14 (1) develop a plan to standardize Coast Guard
 15 facility condition assessments;

16 (2) establish shore infrastructure performance
 17 goals, measures, and baselines to track the effective-
 18 ness of maintenance and repair investments and pro-
 19 vide feedback on progress made;

20 (3) develop a process to routinely align the
 21 Coast Guard shore infrastructure portfolio with mis-
 22 sion needs, including disposing of unneeded assets;

23 (4) establish guidance for planning boards to
 24 document inputs, deliberations, and project

1 prioritization decisions for infrastructure mainte-
2 nance projects;

3 (5) employ models for Coast Guard infrastruc-
4 ture asset lines for—

5 (A) predicting the outcome of investments
6 in shore infrastructure;

7 (B) analyzing tradeoffs; and

8 (C) optimizing decisions among competing
9 investments;

10 (6) include in congressional budget requests
11 and related reports supporting details on competing
12 project alternatives and report tradeoffs; and

13 (7) explore the development of real property
14 management expertise in the Coast Guard work
15 force, including members of the Senior Executive
16 Service.

17 (b) BRIEFING.—Not later than January 31, 2021,
18 the Commandant shall brief the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittee on Transportation and Infrastructure of the House
21 of Representatives with respect to the status of the actions
22 required under subsection (a).

23 **SEC. 427. COAST GUARD ARCTIC PRIORITIZATION.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The strategic importance of the Arctic con-
2 tinues to increase as the United States and other
3 countries recognize the military significance of the
4 sea lanes and choke points within the region and un-
5 derstand the potential for power projection from the
6 Arctic into multiple regions.

7 (2) Russia and China have conducted military
8 exercises together in the Arctic, have agreed to con-
9 nect the Northern Sea Route, claimed by Russia,
10 with China's Maritime Silk Road, and are working
11 together in developing natural gas resources in the
12 Arctic.

13 (3) The economic significance of the Arctic con-
14 tinues to grow as countries around the globe begin
15 to understand the potential for maritime transpor-
16 tation through, and economic and trade development
17 in, the region.

18 (4) Increases in human, maritime, and resource
19 development activity in the Arctic region may create
20 additional mission requirements for the Department
21 of Defense and the Department of Homeland Secu-
22 rity.

23 (5) The increasing role of the United States in
24 the Arctic has been highlighted in each of the last
25 four National Defense Authorization Acts.

1 (6) The United States Coast Guard Arctic
2 Strategic Outlook released in April 2019 states,
3 “Demonstrating commitment to operational pres-
4 ence, Canada, Denmark, and Norway have made
5 strategic investments in ice-capable patrol ships
6 charged with national or homeland security missions.
7 [The United States] is the only Arctic State that
8 has not made similar investments in ice-capable sur-
9 face maritime security assets. This limits the ability
10 of the Coast Guard, and the Nation, to credibly up-
11 hold sovereignty or respond to contingencies in the
12 Arctic.”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Arctic is a region of strategic impor-
16 tance to the national security interests of the United
17 States, and the Coast Guard must better align its
18 mission prioritization and development of capabilities
19 to meet the growing array of challenges in the re-
20 gion;

21 (2) the increasing freedom of navigation and
22 expansion of activity in the Arctic must be met with
23 an increasing show of Coast Guard forces capable of
24 exerting influence through persistent presence;

1 (3) Congress fully supports the needed and im-
2 portant re-capitalization of the fleet of cutters and
3 aircraft of the Coast Guard, but, the Coast Guard
4 must avoid overextending operational assets for re-
5 mote international missions at the cost of dedicated
6 focus on this domestic area of responsibility with
7 significant international interest and activity; and

8 (4) although some progress has been made to
9 increase awareness of Arctic issues and to promote
10 increased presence in the region, additional meas-
11 ures are needed to protect vital economic, environ-
12 mental, and national security interests of the United
13 States, and to show the commitment of the United
14 States to this emerging strategic choke point of in-
15 creasing great power competition.

16 (c) ARCTIC DEFINED.—In this section, the term
17 “Arctic” has the meaning given that term in section 112
18 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
19 4111).

20 **SEC. 428. NATIONAL COMMERCIAL FISHING SAFETY ADVI-**
21 **SORY COMMITTEE.**

22 Section 15102 of title 46, United States Code, is
23 amended—

24 (1) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “shall”;

3 (B) in paragraph (1)—

4 (i) by striking “advise” and inserting
5 “shall advise and provide recommendations
6 in writing to”; and

7 (ii) in subparagraph (E), by striking
8 “and” after the semicolon;

9 (C) in paragraph (2)—

10 (i) by inserting “shall” before “re-
11 view”; and

12 (ii) by striking the period at the end
13 and inserting a semicolon; and

14 (D) by adding at the end the following:

15 “(3) shall review marine casualties and inves-
16 tigation of vessels covered by chapter 45 of this
17 title and make recommendations to the Secretary to
18 improve safety and reduce future vessel casualties;

19 “(4) shall submit recommendations on matters
20 described in paragraphs (1), (2), and (3) to the Sec-
21 retary and the Commandant of the Coast Guard in
22 writing, and make those recommendations available
23 on a publicly accessible website;

24 “(5) may submit any recommendations on mat-
25 ters described in paragraphs (1), (2), and (3) at any

1 time and frequency as decided appropriate by the
2 Committee;

3 “(6) may make available to Congress any infor-
4 mation, advice, and recommendations that the Com-
5 mittee is authorized to give to the Secretary; and

6 “(7) shall meet at the call of the Secretary, who
7 shall call such a meeting at least twice per year in
8 person, and additional meetings as appropriate.”;

9 (2) in subsection (c), by adding at the end the
10 following:

11 “(4) SERVICE.—

12 “(A) TERMS.—Each member of the Com-
13 mittee—

14 “(i) shall serve a term of 3 years; and

15 “(ii) may serve not more than 3
16 terms.

17 “(B) CONTINUED SERVICE AFTER TERM.—

18 When the term of a member of the Committee
19 ends, the member may continue to serve as a
20 member until a successor is appointed, but not
21 for longer than 1 year after the end of the
22 term.

23 “(C) VACANCY.—If a vacancy occurs in the
24 membership of the Committee, the Secretary

1 shall appoint a member to fill the remainder of
2 the vacated term.

3 “(5) FAILURE TO APPOINT.—The Secretary
4 shall appoint Committee members not later than 60
5 days after the date of the application deadline.

6 “(6) REPRESENTATIVE.—The Commandant of
7 the Coast Guard shall, and the head of any other in-
8 terested agency may, designate a representative to
9 participate as an observer with the Committee. Such
10 representatives shall, as appropriate, report to and
11 advise the Committee on matters relating to vessels
12 to which this chapter applies which are under the ju-
13 risdiction of their respective agencies. The Sec-
14 retary’s designated representative shall act as execu-
15 tive secretary for the Committee and perform the
16 duties set forth in section 10(c) of the Federal Advi-
17 sory Committee Act (5 App. U.S.C.).

18 “(7) COMMITTEE CONSULTATION.—The Com-
19 mittee shall seek expertise from the fishing industry,
20 marine safety experts, the shipbuilding industry, and
21 others as the Committee determines appropriate.

22 “(8) ADVISORY COMMITTEES.—The Committee
23 may establish standing or ad hoc committees as
24 needed.

1 “(9) OUTREACH AND RECRUITMENT.—At least
2 once each year, the Secretary shall publish a notice
3 in the Federal Register and in newspapers of general
4 circulation in coastal areas soliciting nominations for
5 membership on the Committee, and, after timely no-
6 tice is published, appoint the members of the Com-
7 mittee. An individual may be appointed to a term as
8 a member of the Committee more than once. The
9 Secretary may not seek or use information con-
10 cerning the political affiliation of individuals in mak-
11 ing appointments to the Committee.

12 “(10) TECHNICAL ASSISTANCE.—The Secretary
13 shall provide technical assistance to the Committee
14 if requested by a Committee member.”; and

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

16 “(d) MEETINGS.—

17 “(1) FREQUENCY.—The Committee shall—

18 “(A) meet in person not less often than
19 twice per year; and

20 “(B) hold additional meetings as needed.

21 “(2) PUBLIC NOTICE.—The Secretary shall pro-
22 vide reasonable public notice of any meeting of the
23 Committee, and publish such notice in the Federal
24 Register and on a publicly available website.

1 “(3) QUORUM.—A quorum of 10 of the 18
2 members is required to send any written rec-
3 ommendations from the meeting to the Secretary.

4 “(e) ACTIONS OF THE SECRETARY.—The Secretary
5 shall—

6 “(1) consult with the Committee before taking
7 any significant action relating to the safe operation
8 of vessels to which this chapter applies;

9 “(2) consider the information, advice, and rec-
10 ommendations of the Committee in consulting with
11 other agencies and the public or in formulating pol-
12 icy regarding the safe operation of vessels to which
13 this chapter applies;

14 “(3) make all recommendations made by the
15 Committee under subsection (b) public within 30
16 days of receiving the recommendation from the Com-
17 mittee;

18 “(4) respond in writing to any recommenda-
19 tions made by the Committee under subsection (b)
20 and provide reasoning for acceptance or rejection to
21 all recommendations not later than 30 days after the
22 date of receipt of the recommendation; and

23 “(5) make all responses in paragraph (4) avail-
24 able to the public not later than 30 days after the
25 date of response.

1 “(f) SAVINGS CLAUSE.—Nothing in subsection (b)
 2 shall preclude the Secretary from taking emergency action
 3 within the existing authorities of the Secretary to ensure
 4 safety and preservation of life at sea.

5 “(g) TRANSPARENCY.—Meeting minutes of the Com-
 6 mittee shall be posted on a publicly available website not
 7 later than 2 weeks after a meeting concludes.

8 “(h) APPLICABILITY OF FACA.—Section 14 of the
 9 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 10 apply to the Committee.”.

11 **SEC. 429. OIL POLLUTION RESEARCH AND DEVELOPMENT**
 12 **PROGRAM.**

13 Section 7001 of the Oil Pollution Act of 1990 (33
 14 U.S.C. 2761) is amended—

15 (1) by redesignating subsections (c), (d), (e),
 16 and (f) as subsections (e), (f), (g), and (h), respec-
 17 tively;

18 (2) by striking subsections (a) and (b) and in-
 19 serting the following:

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘Chair’ means the Chairperson of
 22 the Interagency Committee designated under sub-
 23 section (c)(2);

24 “(2) the term ‘Commandant’ means the Com-
 25 mandant of the Coast Guard;

1 “(3) the term ‘institution of higher education’
 2 means an institution of higher education, as defined
 3 in section 101(a) of the Higher Education Act of
 4 1965 (20 U.S.C. 1001 *(a)*);

5 “(4) the term ‘Interagency Committee’ means
 6 the Interagency Coordinating Committee on Oil Pol-
 7 lution Research established under subsection (b);

8 “(5) the term ‘Under Secretary’ means the
 9 Under Secretary of Commerce for Oceans and At-
 10 mosphere; and

11 “(6) the term ‘Vice-Chair’ means the Vice-
 12 Chairperson of the Interagency Committee des-
 13 ignated under subsection (c)(3).

14 “(b) ESTABLISHMENT OF INTERAGENCY COORDI-
 15 NATING COMMITTEE ON OIL POLLUTION RESEARCH.—

16 “(1) ESTABLISHMENT.—There is established an
 17 Interagency Coordinating Committee on Oil Pollu-
 18 tion Research.

19 “(2) PURPOSE.—The Interagency Committee
 20 shall coordinate a comprehensive program of oil pol-
 21 lution research, technology development, and dem-
 22 onstration among the Federal agencies, in coopera-
 23 tion and coordination with industry, 4-year institu-
 24 tions of higher education and research institutions,
 25 State governments, and other nations, as appro-

1 appropriate, and shall foster cost-effective research mech-
2 anisms, including the joint funding of research.

3 “(c) MEMBERSHIP.—

4 “(1) COMPOSITION.—The Interagency Com-
5 mittee shall be composed of—

6 “(A) at least 1 representative of the Coast
7 Guard;

8 “(B) at least 1 representative of the Na-
9 tional Oceanic and Atmospheric Administration;

10 “(C) at least 1 representative of the Envi-
11 ronmental Protection Agency;

12 “(D) at least 1 representative of the De-
13 partment of the Interior;

14 “(E) at least 1 representative of the Bu-
15 reau of Safety and Environmental Enforcement;

16 “(F) at least 1 representative of the Bu-
17 reau of Ocean Energy Management;

18 “(G) at least 1 representative of the
19 United States Fish and Wildlife Service;

20 “(H) at least 1 representative of the De-
21 partment of Energy;

22 “(I) at least 1 representative of the Pipe-
23 line and Hazardous Materials Safety Adminis-
24 tration;

1 “(J) at least 1 representative of the Fed-
2 eral Emergency Management Agency;

3 “(K) at least 1 representative of the Navy;

4 “(L) at least 1 representative of the Army
5 Corps of Engineers;

6 “(M) at least 1 representative of the
7 United States Arctic Research Commission; and

8 “(N) at least 1 representative of each of
9 such other Federal agencies as the President
10 considers to be appropriate.

11 “(2) CHAIRPERSON.—The Commandant shall
12 designate a Chairperson from among members of
13 the Interagency Committee selected under paragraph
14 (1)(A).

15 “(3) VICE-CHAIRPERSON.—The Under Sec-
16 retary shall designate a Vice-Chairperson from
17 among members of the Interagency Committee se-
18 lected under paragraph (1)(B).

19 “(4) MEETINGS.—

20 “(A) QUARTERLY MEETINGS.—At a min-
21 imum, the members of the Interagency Com-
22 mittee shall meet once each quarter.

23 “(B) PUBLIC SUMMARIES.—After each
24 meeting, a summary shall be made available by
25 the Chair or Vice-Chair, as appropriate.

1 “(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

2 “(1) RESEARCH.—The Interagency Committee
3 shall—

4 “(A) coordinate a comprehensive program
5 of oil pollution research, technology develop-
6 ment, and demonstration among the Federal
7 agencies, in cooperation and coordination with
8 industry, 4-year institutions of higher education
9 and research institutions, State and tribal gov-
10 ernments, and other nations, as appropriate;
11 and

12 “(B) foster cost-effective research mecha-
13 nisms, including the joint funding of research
14 and the development of public-private partner-
15 ships for the purpose of expanding research.

16 “(2) OIL POLLUTION RESEARCH AND TECH-
17 NOLOGY PLAN.—

18 “(A) IMPLEMENTATION PLAN.—Not later
19 than 180 days after the date of enactment of
20 the Coast Guard Authorization Act of 2019, the
21 Interagency Committee shall submit to Con-
22 gress a research plan to report on the state of
23 oil discharge prevention and response capabili-
24 ties that—

1 “(i) identifies current research pro-
2 grams conducted by Federal agencies,
3 State and tribal governments, 4-year insti-
4 tutions of higher education, and corporate
5 entities;

6 “(ii) assesses the current status of
7 knowledge on oil pollution prevention, re-
8 sponse, and mitigation technologies and ef-
9 fects of oil pollution on the environment;

10 “(iii) identifies significant oil pollution
11 research gaps, including an assessment of
12 major technological deficiencies in re-
13 sponses to past oil discharges;

14 “(iv) establishes national research pri-
15 orities and goals for oil pollution tech-
16 nology development related to prevention,
17 response, mitigation, and environmental ef-
18 fects;

19 “(v) assesses the research on the ap-
20 plicability and effectiveness of the preven-
21 tion, response, and mitigation technologies
22 to each class of oil;

23 “(vi) estimates the resources needed
24 to conduct the oil pollution research and
25 development program established pursuant

1 to subsection (e), and timetables for com-
2 pleting research tasks;

3 “(vii) summarizes research on re-
4 sponse equipment in varying environmental
5 conditions, such as in currents, ice cover,
6 and ice floes; and

7 “(viii) includes such other information
8 or recommendations as the Interagency
9 Committee determines to be appropriate.

10 “(B) ADVICE AND GUIDANCE.—

11 “(i) NATIONAL ACADEMY OF
12 SCIENCES CONTRACT.—The Chair, through
13 the department in which the Coast Guard
14 is operating, shall contract with the Na-
15 tional Academy of Sciences to—

16 “(I) provide advice and guidance
17 in the preparation and development of
18 the research plan;

19 “(II) assess the adequacy of the
20 plan as submitted, and submit a re-
21 port to Congress on the conclusions of
22 such assessment; and

23 “(III) provide organization guid-
24 ance regarding the implementation of
25 the research plan, including delegation

1 of topics and research among Federal
2 agencies represented on the Inter-
3 agency Committee.

4 “(ii) NIST ADVICE AND GUIDANCE.—
5 The National Institute of Standards and
6 Technology shall provide the Interagency
7 Committee with advice and guidance on
8 issues relating to quality assurance and
9 standards measurements relating to its ac-
10 tivities under this section.

11 “(C) 10-YEAR UPDATES.—Not later than
12 10 years after the date of enactment of the
13 Coast Guard Authorization Act of 2019 and
14 every 10 years thereafter, the Interagency Com-
15 mittee shall submit to Congress a research plan
16 that updates the information contained in the
17 previous research plan submitted under this
18 subsection.”;

19 (3) in subsection (e), as redesignated by para-
20 graph (1) of this section—

21 (A) in paragraph (1), by inserting “tech-
22 nology” after “research and”;

23 (B) in paragraph (2), in the matter pre-
24 ceding subparagraph (A)—

1 (i) by striking “this subsection” and
2 inserting “paragraph (1)”; and

3 (ii) by striking “which are effective in
4 preventing or mitigating oil discharges and
5 which” and inserting “and methods that
6 are effective in preventing, mitigating, or
7 restoring damage from oil discharges and
8 that”;

9 (C) in paragraph (4)(A)—

10 (i) in the matter preceding clause (i),
11 by striking “oil discharges. Such program
12 shall” and inserting “acute and chronic oil
13 discharges on coastal and marine resources
14 (including impacts on protected areas such
15 as sanctuaries) and protected species, and
16 such program shall”;

17 (ii) by redesignating clauses (iii) and
18 (iv) as clauses (iv) and (v), respectively;

19 (iii) by inserting after clause (ii) the
20 following:

21 “(iii) Research to understand and quantify
22 the effects of sublethal impacts of oil discharge
23 on living natural marine resources, including
24 impacts on pelagic fish species, marine mam-

mals, and commercially and recreationally targeted fish and shellfish species.”; and

(iv) by inserting after clause (v), as redesignated by ~~subclause (H)~~ *clause (ii) of this subparagraph*, the following:

“(vi) Research to understand the long-term effects of major oil discharges and the long-term effects of smaller endemic oil discharges.

“(vii) Potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude.

“(viii) Methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges.”;

(D) by striking paragraph (7) and inserting the following:

“(7) SIMULATED ENVIRONMENTAL TESTING.—

“(A) IN GENERAL.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in

1 New Jersey for oil pollution technology testing
2 and evaluations.

3 “(B) *OTHER TESTING FACILITIES.*—*Nothing*
4 *in subparagraph (A) shall be construed as lim-*
5 *iting the ability of the Interagency Committee to*
6 *contract or partner with a facility or facilities*
7 *other than the Center described in subparagraph*
8 *(A) for the purpose of oil pollution technology*
9 *testing and evaluations, provided such a facility*
10 *or facilities have testing and evaluation capabili-*
11 *ties equal to or greater than those of such Center.*

12 “~~(B)~~ (C) *IN-KIND CONTRIBUTIONS.*—

13 “(i) *IN GENERAL.*—The Secretary of
14 the Department in which the Coast Guard
15 is operating and the Administrator of the
16 Environmental Protection Agency may ac-
17 cept donations of crude oil and crude oil
18 product samples in the form of in-kind
19 contributions for use by the Federal Gov-
20 ernment for product testing, research and
21 development, and for other purposes as the
22 Secretary and the Administrator determine
23 appropriate.

24 “(ii) *USE OF DONATED OIL.*—Oil ac-
25 cepted under clause (i) may be used di-

rectly by the Secretary and shall be provided to other Federal agencies or departments through interagency agreements to carry out the purposes of this Act.”;

(E) in paragraph (8)—

(i) in subparagraph (A), by striking “subsection (b)” and inserting “subsection (d)”;

(ii) in subparagraph (D)(iii), by striking “subsection (b)(1)(F)” and inserting “subsection (d)”;

(F) in paragraph (10)—

(i) by striking “agencies represented on the Interagency Committee” and inserting “Under Secretary”;

(ii) by inserting “States, tribes,” after “research institutions,”;

(iii) by striking “subsection (b)” and inserting “subsection (d)”;

(4) in subsection (f), as redesignated by paragraph (1) of this section, by striking “subsection (b)” and inserting “subsection (d)”;

(5) in subsection (g), as redesignated by paragraph (1) of this section, by striking “Chairman of

1 the Interagency Committee” and inserting “Chair”;
 2 and

3 (6) in subsection (h), as redesignated by para-
 4 graph (1) of this section, by striking “subsection
 5 (c)(8)” each place the term appears and inserting
 6 “subsection (e)(8)”.

7 **SEC. 430. MEDICAL STANDARDS.**

8 (a) *IN GENERAL.*—Chapter 35 of title 46, United
 9 States Code, is amended by adding at the end the following:

10 **“§ 3509. Medical standards**

11 “The owner of a vessel to which section 3507 applies
 12 shall ensure that—

13 “(1) a physician is always present and available
 14 to treat any passengers who may be on board the ves-
 15 sel in the event of an emergency situation; and

16 “(2) the vessel is in compliance with the Health
 17 Care Guidelines for Cruise Ship Medical Facilities es-
 18 tablished by the American College of Emergency Phy-
 19 sicians.”.

20 (b) *TECHNICAL AMENDMENT.*—The analysis for chap-
 21 ter 35 of title 46, United States Code, is amended by adding
 22 at the end the following:

“3509. Medical standards.”.

1 **SEC. 431. NORTHERN MICHIGAN OIL SPILL RESPONSE**
 2 **PLANNING.**

3 *Notwithstanding any other provision of law, not later*
 4 *than 180 days after the date of enactment of this Act, the*
 5 *Secretary of the department in which the Coast Guard is*
 6 *operating, in consultation with the Administrator of the*
 7 *Environmental Protection Agency, shall update the North-*
 8 *ern Michigan Area Contingency Plan to include a worst-*
 9 *case discharge from an onshore pipeline in adverse weather*
 10 *conditions, including significant wave height conditions*
 11 *and ice-covered conditions.*

12 **SEC. 432. LAND-BASED UNMANNED AIRCRAFT SYSTEM PRO-**
 13 **GRAM OF THE COAST GUARD.**

14 *(a) FUNDING FOR CERTAIN ENHANCED CAPABILI-*
 15 *TIES.—Section 319 of title 14, United States Code, is*
 16 *amended by adding at the end the following new subsection:*

17 *“(c) FUNDING FOR CERTAIN ENHANCED CAPABILI-*
 18 *TIES.—In each of fiscal years 2020 and 2021, the Com-*
 19 *mandant may provide additional funding of \$5,000,000 for*
 20 *additional long-range maritime patrol aircraft (MPA), ac-*
 21 *quired through full and open competition.”.*

22 *(b) REPORT ON USE OF UNMANNED AIRCRAFT SYS-*
 23 *TEMS FOR CERTAIN SURVEILLANCE.—*

24 *(1) REPORT REQUIRED.—Not later than March*
 25 *31, 2021, the Commandant shall submit to the appro-*
 26 *priate committees of Congress a report setting forth*

1 *an assessment of the feasibility and advisability of*
 2 *using unmanned aircraft systems (UAS) for surveil-*
 3 *lance of marine protected areas, the transit zone, and*
 4 *the Arctic in order to—*

5 *(A) establish and maintain regular mari-*
 6 *time domain awareness of such areas;*

7 *(B) ensure appropriate response to illegal*
 8 *activities in such areas; and*

9 *(C) collaborate with State, local, and tribal*
 10 *authorities, and international partners, in sur-*
 11 *veillance missions over their waters in such*
 12 *areas.*

13 *(2) APPROPRIATE COMMITTEES OF CONGRESS*
 14 *DEFINED.—In this subsection, the term “appropriate*
 15 *committees of Congress” means—*

16 *(A) the Committee on Commerce, Science,*
 17 *and Transportation and the Committee on*
 18 *Homeland Security and Governmental Affairs of*
 19 *the Senate; and*

20 *(B) the Committee on Transportation and*
 21 *Infrastructure and the Committee on Homeland*
 22 *Security of the House of Representatives.*

1 **SEC. 433. PROHIBITION ON OPERATION OR PROCUREMENT**
 2 **OF FOREIGN-MADE UNMANNED AIRCRAFT**
 3 **SYSTEMS.**

4 (a) *PROHIBITION ON AGENCY OPERATION OR PRO-*
 5 *CUREMENT.—The Commandant may not operate or enter*
 6 *into or renew a contract for the procurement of—*

7 (1) *a covered unmanned aircraft system that—*

8 (A) *is manufactured in a covered foreign*
 9 *country or by an entity domiciled in a covered*
 10 *foreign country;*

11 (B) *uses flight controllers, radios, data*
 12 *transmission devices, cameras, or gimbals manu-*
 13 *factured in a covered foreign country or by an*
 14 *entity domiciled in a covered foreign country;*

15 (C) *uses a ground control system or oper-*
 16 *ating software developed in a covered foreign*
 17 *country or by an entity domiciled in a covered*
 18 *foreign country; or*

19 (D) *uses network connectivity or data stor-*
 20 *age located in or administered by an entity dom-*
 21 *iciled in a covered foreign country; or*

22 (2) *a system manufactured in a covered foreign*
 23 *country or by an entity domiciled in a covered for-*
 24 *ign country for the detection or identification of cov-*
 25 *ered unmanned aircraft systems.*

26 (b) *EXEMPTION.—*

1 (1) *IN GENERAL.*—*The Commandant is exempt*
2 *from the restriction under subsection (a) if—*

3 (A) *the operation or procurement is for the*
4 *purposes of—*

5 (i) *counter-UAS surrogate testing and*
6 *training; or*

7 (ii) *intelligence, electronic warfare,*
8 *and information warfare operations, test-*
9 *ing, analysis, and training; or*

10 (B) *the Commandant receives a certification*
11 *from the Coast Guard unit requesting to operate*
12 *or procure an unmanned aircraft system other-*
13 *wise restricted under subsection (a), which shall*
14 *include supporting manufacturer information,*
15 *that the unmanned aircraft system does not—*

16 (i) *connect to the internet or an out-*
17 *side telecommunications service;*

18 (ii) *connect to other devices or elec-*
19 *tronics, except as necessary to perform the*
20 *mission; or*

21 (iii) *perform any missions in support*
22 *of classified information or that may*
23 *threaten national security.*

24 (2) *EXPIRATION.*—*The authority under this sub-*
25 *section to operate or procure an unmanned aircraft*

1 *system otherwise restricted under subsection (a) ex-*
 2 *pires two years after the date of the enactment of this*
 3 *Act.*

4 (c) *WAIVER.—The Commandant may waive the re-*
 5 *striction under subsection (a) on a case by case basis by*
 6 *certifying in writing to the Department of Homeland Secu-*
 7 *rity and the relevant committees of jurisdiction that the op-*
 8 *eration or procurement is required in the national interest*
 9 *of the United States.*

10 (d) *DEFINITIONS.—In this section:*

11 (1) *COVERED FOREIGN COUNTRY.—The term*
 12 *“covered foreign country” means the People’s Repub-*
 13 *lic of China.*

14 (2) *COVERED UNMANNED AIRCRAFT SYSTEM.—*
 15 *The term “covered unmanned aircraft system” means*
 16 *an unmanned aircraft system and any related serv-*
 17 *ices and equipment.*

18 **SEC. 434. VOTING REQUIREMENT.**

19 *Section 305(i)(1)(G)(iv) of Public Law 94–265, as*
 20 *amended by section 416 of the Coast Guard Authorization*
 21 *of 2006 (Public Law 109–241), is amended to read as fol-*
 22 *lows:*

23 *“(iv) VOTING REQUIREMENT.—The*
 24 *panel may act only by the affirmative vote*
 25 *of at least 5 of its members, except that any*

1 *decision made pursuant to the last sentence*
2 *of subparagraph (C) shall require the unan-*
3 *imous vote of all 6 members of the panel.”.*

4 **TITLE V—FEDERAL MARITIME**
5 **COMMISSION**

6 **SEC. 501. SHORT TITLE.**

7 This title may be cited as the “Federal Maritime
8 Commission Authorization Act of 2019”.

9 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 308 of title 46, United States Code, is
11 amended by striking “\$28,012,310 for fiscal year 2018
12 and \$28,544,543 for fiscal year 2019” and inserting
13 “\$29,086,888 for fiscal year 2020 and \$29,639,538 for
14 fiscal year 2021”.

Calendar No. 226

116TH CONGRESS
1ST Session

S. 2297

A BILL

To authorize appropriations for the Coast Guard,
and for other purposes.

SEPTEMBER 26, 2019

Reported with amendments