

# Calendar No. 112

115TH CONGRESS  
1ST SESSION

# S. 1129

[Report No. 115–89]

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

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## IN THE SENATE OF THE UNITED STATES

MAY 16, 2017

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

JUNE 5, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## 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 2017”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Effective dates.

#### TITLE I—AUTHORIZATIONS

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

#### TITLE II—COAST GUARD

- Sec. 201. Primary duties.  
 Sec. 202. Training; emergency response providers.  
 Sec. 203. Commissioned service retirement.  
 Sec. 204. Officer promotion zones.  
 Sec. 205. Officer evaluation report.  
 Sec. 206. Retired pay; amounts for payments in connection with modernized re-  
 tirement system.  
 Sec. 207. Inclusion of vessel for investigation purposes.  
 Sec. 208. Leave for the birth of adoption of a child.  
 Sec. 209. Aviation cadets; appointment as Reserve officers; cross reference.  
 Sec. 210. Clothing at time of discharge for good of service; repeal.  
 Sec. 211. Multiyear contracts.  
 Sec. 212. Coast Guard ROTC Program.

#### TITLE III—MARINE SAFETY

- Sec. 301. Coast Guard advisory committees.  
 Sec. 302. Clarification of logbook and entry requirements.  
 Sec. 303. Technical corrections; licenses, certifications of registry, and mer-  
 chant mariner documents.  
 Sec. 304. Numbering for undocumented barges.  
 Sec. 305. Aids to navigation.  
 Sec. 306. Equipment requirements; exemption from throwable personal flota-  
 tion devices.  
 Sec. 307. Ensuring maritime coverage.  
 Sec. 308. Deadline for compliance with alternate safety compliance program.  
 Sec. 309. Fishing, fish tender, and fish processing vessel certification.  
 Sec. 310. Termination of unsafe operations; technical amendment.  
 Sec. 311. Installation and use of engine cut-off switches on recreational vessel.  
 Sec. 312. Visual distress signals and alternative use.  
 Sec. 313. Renewal period for documented recreational vessels.  
 Sec. 314. Exception from survival craft requirements.  
 Sec. 315. Inland waterway and river tender acquisition plan.  
 Sec. 316. Arctic planning criteria.

#### TITLE IV—MARITIME SECURITY

- Sec. 401. Maritime border security cooperation.  
 Sec. 402. Currency detection canine team program.  
 Sec. 403. Confidential investigative expenses.  
 Sec. 404. Arctic maritime domain awareness.  
 Sec. 405. Strategic assets in the Arctic.

## TITLE V—MISCELLANEOUS

- Sec. 501. Ship shoal lighthouse transfer; repeal.  
 Sec. 502. Acquisition workforce expedited hiring authority.  
 Sec. 503. Drawbridges.  
 Sec. 504. Incentive contract; Coast Guard yard and industrial establishments.  
 Sec. 505. Coast Guard health-care professionals; licensure portability.  
 Sec. 506. Land exchange; Ayakulik Island, Alaska.  
 Sec. 507. Abandoned seafarers fund amendments.  
 Sec. 508. Assistance for small shipyards.  
 Sec. 509. Small shipyard contracts.  
 Sec. 510. Western challenger; certificate of documentation.

## TITLE VI—DEPARTMENT OF COMMERCE VESSELS

- Sec. 601. Waivers for certain contracts.

1 **SEC. 2. EFFECTIVE DATES.**

2 (a) **IN GENERAL.**—Except as otherwise specifically  
 3 provided in this Act, this Act and the amendments made  
 4 by this Act shall take effect on the date of enactment of  
 5 this Act.

6 (b) **CERTAIN DELAYED EFFECTIVE DATES.**—The  
 7 amendments made by sections 101, 102, 403, and 508(a)  
 8 shall take effect on October 1, 2017. The amendments  
 9 made by section 206 shall take effect on January 1, 2018.

10 **TITLE I—AUTHORIZATIONS**11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 2702 of title 14, United States Code, is  
 13 amended to read as follows:

14 “Funds are authorized to be appropriated for each  
 15 of fiscal years 2018 and 2019 for necessary expenses of  
 16 the Coast Guard as follows:

17 “(1) For the operation and maintenance of the  
 18 Coast Guard, not otherwise provided for—

1           “(A) \$7,300,000,000 for fiscal year 2018;  
2           and

3           “(B) \$7,592,000,000 for fiscal year 2019.

4           “(2) For the acquisition, construction, renovation,  
5           and improvement of aids to navigation, shore  
6           and offshore facilities, vessels, and aircraft, including  
7           equipment related thereto, and for maintenance,  
8           rehabilitation, lease, and operation of facilities and  
9           equipment—

10           “(A) \$1,985,845,000 for fiscal year 2018,  
11           to remain available through September 30,  
12           2022; and

13           “(B) \$2,027,547,745 for fiscal year 2019,  
14           to remain available through September 30,  
15           2023.

16           “(3) For the Coast Guard Reserve program, including  
17           operations and maintenance of the program,  
18           personnel and training costs, equipment, and services—

20           “(A) \$142,956,336 for fiscal year 2018;  
21           and

22           “(B) \$145,958,419 for fiscal year 2019.

23           “(4) For the environmental compliance and restoration  
24           of Coast Guard under chapter 19 of this  
25           title—

1           “(A) ~~\$17,051,721~~ for fiscal year 2018, to  
2           remain available through September 30, 2022;  
3           and

4           “(B) ~~\$17,409,807~~ for fiscal year 2019, to  
5           remain available through September 20, 2023.

6           ~~“(5) To the Commandant of the Coast Guard~~  
7           ~~for research, development, test, and evaluation of~~  
8           ~~technologies, materials, and human factors directly~~  
9           ~~related to improving the performance of the Coast~~  
10          ~~Guard’s mission with respect to search and rescue,~~  
11          ~~aids to navigation, marine safety, marine environ-~~  
12          ~~mental protection, enforcement of laws and treaties,~~  
13          ~~ice operations, oceanographic research, and defense~~  
14          ~~readiness, and for maintenance, rehabilitation, lease,~~  
15          ~~and operation of facilities and equipment—~~

16                  “(A) ~~\$20,307,690~~ for fiscal year 2018; and

17                  “(B) ~~\$20,734,151~~ for fiscal year 2019.”.

18   **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
19                                   **AND TRAINING.**

20           Section 2704 of title 14, United States Code, is  
21   amended to read as follows:

22           “(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is  
23   authorized an end-of-year strength for active duty per-  
24   sonnel of 43,000 for each of fiscal years 2018 and 2019.

1       “(b) **MILITARY TRAINING STUDENT LOADS.**—The  
 2 Coast Guard is authorized average military training stu-  
 3 dent loads for each of fiscal years 2018 and 2019 as fol-  
 4 lows:

5               “(1) For recruit and special training, 2,500  
 6 student years.

7               “(2) For flight training, 165 student years.

8               “(3) For professional training in military and  
 9 civilian institutions, 350 student years.

10              “(4) For officer acquisition, 1,200 student  
 11 years.”.

## 12                   **TITLE II—COAST GUARD**

### 13   **SEC. 201. PRIMARY DUTIES.**

14       Section 2(7) of title 14, United States Code, is  
 15 amended by striking “including the fulfillment of Mari-  
 16 time Defense Zone command responsibilities” and insert-  
 17 ing “and at all times assist in the defense of the United  
 18 States”.

### 19   **SEC. 202. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

20       (a) **IN GENERAL.**—Chapter 7 of title 14, United  
 21 States Code, is amended by inserting after section 141 the  
 22 following:

1 **“SEC. 141A. TRAINING; EMERGENCY RESPONSE PRO-**  
 2 **VIDERS.**

3 “(a) **IN GENERAL.**—The Commandant (or the Com-  
 4 mandant’s designee) may, on a reimbursable or a non-re-  
 5 imburseable basis, make training available to public safety  
 6 personnel whenever the Commandant (or the Com-  
 7 mandant’s designee) determines that—

8 “(1) a member of the Coast Guard, who was  
 9 scheduled to participate in such training, is unable  
 10 or unavailable to participate in such training;

11 “(2) no other member of the Coast Guard, who  
 12 is assigned to the unit to which the member of the  
 13 Coast Guard described in paragraph (1), is able or  
 14 available to participate in such training; and

15 “(3) such training, if made available to public  
 16 safety personnel, would further the goal of interoper-  
 17 ability among Federal agencies, non-Federal govern-  
 18 mental agencies, or both.

19 “(b) **DEFINITION OF EMERGENCY RESPONSE PRO-**  
 20 **VIDER.**—In this section, the term ‘emergency response  
 21 provider’ has the meaning given the term in section 101  
 22 of title 6.

23 “(c) **TREATMENT OF REIMBURSEMENT.**—Any reim-  
 24 bursement for training that the Coast Guard receives  
 25 under this section shall be credited to the appropriation  
 26 used to pay the costs for such training.

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

2               “(1) STATUS.—Any individual to whom, as an  
3 emergency response provider, training is made avail-  
4 able under this section shall not be considered a  
5 Federal employee for any purpose, including the  
6 purposes of—

7                       “(A) chapter 81 of title 5 (relating to com-  
8 pensation for injury); or

9                       “(B) sections 2671 through 2680 of title  
10 28 (relating to tort claims).

11               “(2) LIMITATION ON LIABILITY.—The indi-  
12 vidual described in paragraph (1) or that individ-  
13 ual’s employer shall be liable for any claim arising  
14 out of such training.”.

15       (b) TABLE OF CONTENTS.—The table of contents of  
16 chapter 7 of title 14, United States Code, is amended by  
17 inserting after the item relating to section 141 the fol-  
18 lowing:

“141a. Training; emergency response providers.”.

19 **SEC. 203. COMMISSIONED SERVICE RETIREMENT.**

20       Section 291 of title 14, United States Code, is  
21 amended—

22               (1) by inserting “(a) IN GENERAL.—” before  
23 “Any regular” and indenting appropriately;

24               (2) in subsection (a), as designated—



1           (A) by inserting “of the Coast Guard”  
2           after “officer”; and

3           (B) by striking “President” and inserting  
4           “Secretary”; and

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

6           “(b) ACTIVE COMMISSIONED SERVICE.—The Sec-  
7           retary may authorize the Commandant, through fiscal  
8           year 2019, to reduce the requirement under subsection (a)  
9           for at least ten years of active service as a commissioned  
10          officer to a period of not less than eight years.”.

11       **SEC. 204. OFFICER PROMOTION ZONES.**

12          Section 256(a) of title 14, United States Code, is  
13          amended by striking “six-tenths” and inserting “one-  
14          half”.

15       **SEC. 205. OFFICER EVALUATION REPORT.**

16          (a) IN GENERAL.—Beginning with the first evalua-  
17          tion cycle after the date of enactment of this Act, the Com-  
18          mandant of the Coast Guard shall reduce lieutenant junior  
19          grade evaluation reports to the same length as an ensign  
20          or place lieutenant junior grade evaluations on an annual  
21          schedule.

22          (b) BOARD SURVEY.—The Commandant of the Coast  
23          Guard shall survey outgoing promotion board members to  
24          determine, at a minimum—

1           (1) which sections of the officer evaluation re-  
2           port were most useful;

3           (2) which sections of the officer evaluation re-  
4           port were least useful;

5           (3) how to better reflect high performers; and

6           (4) any recommendations for improving the of-  
7           ficer evaluation report.

8           (c) SURVEY OF OFFICERS.—The Commandant of the  
9           Coast Guard shall conduct a survey on the officer evalua-  
10          tion report to—

11           (1) cover at least 10 percent of the officers  
12           from each grade of officers from O1 to O6; and

13           (2) determine how much time each member of  
14           the rating chain spends on that member's portion of  
15           the officer evaluation report.

16          (d) REPORT.—

17           (1) IN GENERAL.—Not later than 545 days  
18           after the date of enactment of this Act, the Com-  
19           mandant of the Coast Guard shall submit to the  
20           Committee on Commerce, Science, and Transpor-  
21           tation of the Senate and the Committee on Trans-  
22           portation and Infrastructure of the House of Rep-  
23           resentatives a report—

24                   (A) on the findings of the survey under  
25                   subsection (b); and

1           ~~(B)~~ on the findings of the survey under  
2           subsection ~~(e)~~.

3           ~~(2) FORMAT.~~—The report under paragraph ~~(1)~~  
4           shall be formatted by each rank, type of board, and  
5           position, as applicable.

6   **SEC. 206. RETIRED PAY; AMOUNTS FOR PAYMENTS IN CON-**  
7                           **NECTION WITH MODERNIZED RETIREMENT**  
8                           **SYSTEM.**

9           ~~(a) IN GENERAL.~~—Chapter 11 of title 14, United  
10          States Code, is amended by inserting after section 424a  
11          the following:

12   **“§ 424b. Retired pay; amounts for payments in con-**  
13                           **nection with modernized retirement sys-**  
14                           **tem**

15          “Of the amounts appropriated for retirement pay  
16          under this chapter in any fiscal year, the Secretary may  
17          use such sums as are necessary for the following purposes  
18          ~~(in addition to other amounts that may be available for~~  
19          such purposes) as such purposes relate to a member:

20                 ~~“(1) Lump sum payment of certain retired pay~~  
21                 under section 1415 of title 10.

22                 ~~“(2) Thrift Savings Plan contributions under~~  
23                 section 8440e(e) of title 5.

24                 ~~“(3) Continuation pay under section 356 of title~~  
25                 37.”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 chapter 11 of title 14, United States Code, is amended  
 3 by inserting after the item relating to section 424 the fol-  
 4 lowing:

“424b. Retired pay; amounts for payments in connection with modernized retire-  
 ment system.”.

5 **SEC. 207. INCLUSION OF VESSEL FOR INVESTIGATION PUR-**  
 6 **POSES.**

7 (a) IN GENERAL.—Section 678 of title 14, United  
 8 States Code, is amended by inserting “or vessel” after  
 9 “aircraft” each place it appears.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
 11 Chapter 17 of title 14, United States Code, is amended—

12 (1) in the table of contents of chapter 17, by  
 13 inserting “and vessel” after “Aircraft” in the item  
 14 relating to section 678; and

15 (2) in the heading for section 678, by inserting  
 16 “**and vessel**” after “**Aircraft**”.

17 **SEC. 208. LEAVE FOR THE BIRTH OF ADOPTION OF A**  
 18 **CHILD.**

19 Section 431 of title 14, United States Code, is  
 20 amended—

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

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

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

2 “(b) LEAVE ASSOCIATED WITH THE BIRTH OR  
3 ADOPTION OF A CHILD.—Notwithstanding any other pro-  
4 vision of law, including section 701 of title 10, the Sec-  
5 retary of the department in which the Coast Guard is op-  
6 erating shall ensure that any rule, policy, or memorandum  
7 that provides leave associated with the birth or adoption  
8 of a child to officers and enlisted members of the Coast  
9 Guard permits, at the discretion of the Commanding Offi-  
10 cer—

11 “(1) an officer or member to take such leave in  
12 increments; and

13 “(2) flexible work schedules for such officer or  
14 member until all such leave is expended.”.

15 **SEC. 209. AVIATION CADETS; APPOINTMENT AS RESERVE**  
16 **OFFICERS; CROSS REFERENCE.**

17 Section 373(a) of title 14, United States Code, is  
18 amended by inserting “designated under section 371”  
19 after “cadet”.

20 **SEC. 210. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF**  
21 **SERVICE; REPEAL.**

22 Section 482 of title 14, United States Code, and the  
23 item relating to that section in the table of contents of  
24 chapter 13 of that title, are repealed.

1 **SEC. 211. MULTIYEAR CONTRACTS.**

2 The Secretary is authorized to enter into a multiyear  
3 contract for the procurement of a tenth, eleventh, and  
4 twelfth National Security Cutter and associated govern-  
5 ment-furnished equipment.

6 **SEC. 212. COAST GUARD ROTC PROGRAM.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Commandant of the Coast Guard 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 costs and benefits of creating  
13 a Coast Guard Reserve Officers' Training Corps Program  
14 based on the other armed forces programs.

15 **TITLE III—MARINE SAFETY**

16 **SEC. 301. COAST GUARD ADVISORY COMMITTEES.**

17 (a) ESTABLISHMENT.—Subtitle I of title 46, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing:

20 **“CHAPTER 7—COAST GUARD ADVISORY**  
21 **COMMITTEES**

“Sec.

“701. Administration.

“702. Chemical Transportation Advisory Committee.

“703. Commercial Fishing Safety Advisory Committee.

“704. Great Lakes Pilotage Advisory Committee.

“705. Lower Mississippi River Waterway Safety Advisory Committee.

“706. Merchant Marine Personnel Advisory Committee.

“707. Merchant Mariner Medical Advisory Committee.

“708. National Boating Safety Advisory Council.

~~“709. National Maritime Security Advisory Committee.~~

~~“710. National Offshore Safety Advisory Committee.~~

~~“711. Navigation Safety Advisory Council.~~

~~“712. Towing Safety Advisory Committee.~~

1 **“§ 701. Administration**

2       ~~“(a) EMPLOYEE STATUS.—A member of an advisory~~  
 3 ~~committee or advisory council established under this chap-~~  
 4 ~~ter shall not be considered an employee of the Federal~~  
 5 ~~Government by reason of service on such committee or~~  
 6 ~~council, except for the purposes of the following provisions~~  
 7 ~~of law:~~

8           ~~“(1) Section 5703 of title 5 (relating to travel~~  
 9 ~~expenses).~~

10          ~~“(2) Chapter 81 of title 5 (relating to com-~~  
 11 ~~penation for work injuries).~~

12          ~~“(3) Chapter 171 of title 28 and any other~~  
 13 ~~Federal statute relating to tort liability.~~

14          ~~“(4) If the member is a special Government~~  
 15 ~~employee—~~

16           ~~“(A) chapter 73 of title 5;~~

17           ~~“(B) sections 201, 202, 203, 205, 207,~~  
 18 ~~208, and 209 of title 18;~~

19           ~~“(C) the Ethics in Government Act of~~  
 20 ~~1978 (5 U.S.C. App.); and~~

21           ~~“(D) any other provision of law relating to~~  
 22 ~~employee conduct, political activities, ethics,~~

1 conflict of interest, and corruption that applies  
2 to a special Government employee.

3 “(b) COMPENSATION.—A member of an advisory  
4 committee or advisory council established under this chap-  
5 ter who is not otherwise a Federal employee shall not re-  
6 ceive pay by reason of service on such committee or coun-  
7 cil.

8 “(c) ACCEPTANCE OF VOLUNTEER SERVICES.—A  
9 member of an advisory committee or advisory council es-  
10 tablished under this chapter may serve on a voluntary  
11 basis without pay without regard to section 1342 of title  
12 31 or any other law.

13 **“§ 702. Chemical Transportation Advisory Committee**

14 “(a) ESTABLISHMENT.—There is established a  
15 Chemical Transportation Advisory Committee (referred to  
16 in this section as the ‘Committee’).

17 “(b) FUNCTION.—The Committee, acting through  
18 the Commandant (or the Commandant’s designee), is au-  
19 thorized to advise, consult with, report to, and make rec-  
20 ommendations to the Secretary on matters relating to the  
21 safe and secure marine transportation of hazardous mate-  
22 rials.

23 “(c) ORGANIZATION.—



1           “(1) MEETING.—The Committee shall, at least  
2           once each calendar year, meet at the call of the  
3           Commandant (or the Commandant’s designee).

4           “(2) MEMBERSHIP.—

5           “(A) IN GENERAL.—The Committee shall  
6           consist of not more than 25 members.

7           “(B) POINTS OF VIEW.—Each member of  
8           the Committee shall represent the point of view  
9           of 1 of the following entities or groups associ-  
10          ated with marine transportation of hazardous  
11          materials:

12           “(i) Chemical manufacturing.

13           “(ii) Marine handling or transpor-  
14          tation of chemicals.

15           “(iii) Vessel design and construction.

16           “(iv) Marine safety or security.

17           “(v) Marine environmental protection.

18          “(C) NEEDS OF THE COAST GUARD.—The  
19          Commandant (or the Commandant’s designee)  
20          shall, based on the needs of the Coast Guard,  
21          determine the number of members who rep-  
22          resent a specific point of view.

23          “(D) RULE OF CONSTRUCTION.—Neither  
24          this subsection nor any other provision of law  
25          or policy shall be construed to require an equal

1 distribution of members representing specific  
2 points of view among the membership of the  
3 Committee.

4 “(3) STATUS OF MEMBERS.—For the purposes  
5 of Federal law, including the Ethics in Government  
6 Act of 1978 and chapter 11 of title 18, each member  
7 of the Committee is hereby deemed a representative  
8 of the member’s respective special interest entity or  
9 group, and not a special Government employee (as  
10 defined in section 202(a) of title 18).

11 “(4) NOMINATIONS; APPOINTMENTS; SERV-  
12 ICE.—

13 “(A) NOMINATIONS.—As necessary, the  
14 Secretary shall publish, in the Federal Register,  
15 a notice soliciting nominations for membership  
16 on the Committee.

17 “(B) APPOINTMENTS.—

18 “(i) IN GENERAL.—After timely notice  
19 is published, the Secretary shall, as nec-  
20 essary, appoint members to the Committee.

21 “(ii) LIMITATIONS.—The Secretary  
22 may not seek, consider, or otherwise use  
23 information concerning the political affili-  
24 ation of a nominee in making an appoint-  
25 ment to the Committee.

1           “~~(iii)~~ REAPPOINTMENTS.—The Sec-  
2           retary may reappoint a member to the  
3           Committee more than once.

4           “~~(C)~~ SERVICE.—Each member of the Com-  
5           mittee shall serve at the pleasure of the Sec-  
6           retary.

7           “~~(5)~~ TERM; VACANCY.—

8           “~~(A)~~ TERM.—

9           “~~(i)~~ IN GENERAL.—The term of each  
10          member of the Committee shall expire on  
11          December ~~31~~ of the third full year after  
12          the effective date of the appointment.

13          “~~(ii)~~ EXTENSIONS.—Notwithstanding  
14          clause ~~(i)~~, paragraph ~~(4)~~, or any other pro-  
15          vision of law or policy, the Commandant  
16          (or the Commandant’s designee) may ex-  
17          tend the term of a member of the Com-  
18          mittee to December ~~31~~ of the fifth full  
19          year after the effective date of the appoint-  
20          ment.

21          “~~(B)~~ VACANCY.—In the case of an ap-  
22          pointment to fill a vacancy on the Committee,  
23          the Secretary shall appoint an individual for a  
24          full term.

25          “~~(6)~~ CHAIRMAN; VICE CHAIRMAN.—

1           “(A) IN GENERAL.—The Commandant (or  
2           the Commandant’s designee) shall designate 1  
3           member of the Committee as the Chairman and  
4           another member of the Committee as the Vice  
5           Chairman, both of whom shall serve in such ca-  
6           pacity at the pleasure of the Commandant (or  
7           the Commandant’s designee) and for a term to  
8           be fixed by the Commandant (or the Com-  
9           mandant’s designee).

10           “(B) RECOMMENDATIONS.—The Com-  
11           mandant (or the Commandant’s designee) may  
12           solicit, from the Committee, recommendations  
13           with regard to the members whom the Com-  
14           mandant (or the Commandant’s designee) shall  
15           designate as the Chairman and the Vice Chair-  
16           man.

17           “(C) VACANCY.—The Vice Chairman shall  
18           act as Chairman in the absence or incapacity  
19           of, or in the event of a vacancy in the office of,  
20           the Chairman.

21           “(7) DESIGNATED FEDERAL OFFICER.—The  
22           Commandant (or the Commandant’s designee) shall  
23           designate a Designated Federal Officer to the Com-  
24           mittee in accordance with the Federal Advisory  
25           Committee Act (5 U.S.C. App.).

1       “(d) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
2 NATION.—

3               “(1) FACA.—The Federal Advisory Committee  
4 Act (5 U.S.C. App.) shall apply to the Committee.

5               “(2) TERMINATION.—The Committee shall ter-  
6minate on September 30, 2027.

7       **“§ 703. Commercial Fishing Safety Advisory Com-  
8               mittee**

9               “(a) ESTABLISHMENT.—There is established a Com-  
10 mercial Fishing Safety Advisory Committee (referred to  
11 in this section as the ‘Committee’).

12              “(b) FUNCTION.—The Committee, acting through  
13 the Commandant (or the Commandant’s designee), is au-  
14thorized—

15                      “(1) to advise, consult with, report to, and  
16 make recommendations to the Secretary on matters  
17 relating to the safe operation of vessels to which  
18 chapter 45 of this title applies, including navigation  
19 safety, safety equipment and procedures, marine in-  
20 surance, vessel design, construction, maintenance  
21 and operation, and personnel qualifications and  
22 training; and

23                      “(2) to review proposed regulations promul-  
24 gated pursuant to chapter 45 of this title.

25               “(c) ORGANIZATION.—

1           “(1) MEETING.—The Committee shall, at least  
2           once each calendar year, meet at the call of the  
3           Commandant (or the Commandant’s designee).

4           “(2) MEMBERSHIP.—

5           “(A) IN GENERAL.—The Committee shall  
6           consist of 18 members.

7           “(B) EXPERIENCE.—Each member of the  
8           Committee shall have particular expertise,  
9           knowledge, and experience regarding the com-  
10          mercial fishing industry.

11          “(C) POINTS OF VIEW.—Except as pro-  
12          vided in subparagraph (D), a member of the  
13          Committee shall represent the point of view of  
14          an entity or group, as follows:

15               “(i) 10 members representing the  
16               commercial fishing industry who—

17                       “(I) reflect a regional and rep-  
18                       resentational balance; and

19                       “(II) have experience in the oper-  
20                       ation of vessels to which chapter 45 of  
21                       this title applies or as a crew member  
22                       or processing line worker on a fish  
23                       processing vessel.

24               “(ii) 1 member representing naval ar-  
25               chitects or marine engineers.

1           “(iii) 1 member representing manu-  
2           facturers of equipment for vessels to which  
3           chapter 45 of this title applies.

4           “(iv) 1 member representing edu-  
5           cation or training professionals related to  
6           fishing vessel, fish processing vessel, or  
7           fish tender vessel safety or personnel quali-  
8           fications.

9           “(v) 1 member representing under-  
10          writers that insure vessels to which chapter  
11          45 of this title applies.

12          “(vi) 1 member representing owners  
13          of vessels to which chapter 45 of this title  
14          applies.

15          “(D) EXCEPTION.—

16               “(i) IN GENERAL.—Subject to clause  
17               (ii), 3 members of the Committee shall  
18               represent the general public.

19               “(ii) EXPERIENCE.—Whenever pos-  
20               sible, a member who represents the general  
21               public shall be either—

22                       “(I) an independent expert or  
23                       consultant in maritime safety;

1                   “(II) a marine surveyor who pro-  
2                   vides services to vessels to which  
3                   chapter 45 of this title applies; or

4                   “(III) a person familiar with  
5                   issues affecting fishing communities  
6                   and families of fishermen.

7                   “(3) STATUS OF MEMBERS.—For the purposes  
8                   of Federal law, including the Ethics in Government  
9                   Act of 1978 and chapter 11 of title 18—

10                   “(A) a member of the Committee, whom  
11                   the Secretary appoints to represent a point of  
12                   view of an entity or group under paragraph  
13                   (2)(C), is hereby deemed a representative of the  
14                   member’s respective special interest entity or  
15                   group, and not a special Government employee  
16                   (as defined in section 202(a) of title 18); and

17                   “(B) a member of the Committee, whom  
18                   the Secretary may appoint to represent the gen-  
19                   eral public, is hereby deemed a special Govern-  
20                   ment employee (as defined in section 202(a) of  
21                   title 18).

22                   “(4) NOMINATIONS; APPOINTMENTS; SERV-  
23                   ICE.—

24                   “(A) NOMINATIONS.—As necessary, the  
25                   Secretary shall publish, in the Federal Register,



1 a notice soliciting nominations for membership  
2 on the Committee.

3 ~~“(B) APPOINTMENTS.—~~

4 ~~“(i) IN GENERAL.—After timely notice~~  
5 ~~is published, the Secretary shall, as nec-~~  
6 ~~essary, appoint members to the Committee.~~

7 ~~“(ii) LIMITATIONS.—The Secretary~~  
8 ~~may not seek, consider, or otherwise use~~  
9 ~~information concerning the political affili-~~  
10 ~~ation of a nominee in making an appoint-~~  
11 ~~ment to the Committee.~~

12 ~~“(iii) REAPPOINTMENTS.—The Sec-~~  
13 ~~retary may reappoint a member to the~~  
14 ~~Committee more than once.~~

15 ~~“(C) SERVICE.—Each member of the Com-~~  
16 ~~mittee shall serve at the pleasure of the Sec-~~  
17 ~~retary.~~

18 ~~“(5) TERM; VACANCY.—~~

19 ~~“(A) TERM.—~~

20 ~~“(i) IN GENERAL.—The term of each~~  
21 ~~member of the Committee shall expire on~~  
22 ~~December 31 of the third full year after~~  
23 ~~the effective date of the appointment.~~

24 ~~“(ii) EXTENSIONS.—Notwithstanding~~  
25 ~~clause (i), paragraph (4), or any other pro-~~

1 vision of law or policy, the Commandant  
2 (or the Commandant's designee) may ex-  
3 tend the term of a member of the Com-  
4 mittee to December 31 of the fifth full  
5 year after the effective date of the appoint-  
6 ment.

7 “(B) VACANCY.—In the case of an ap-  
8 pointment to fill a vacancy on the Committee,  
9 the Secretary shall appoint an individual for a  
10 full term.

11 “(6) CHAIRMAN; VICE CHAIRMAN.—

12 “(A) IN GENERAL.—The Commandant (or  
13 the Commandant's designee) shall designate 1  
14 member of the Committee as the Chairman and  
15 another member of the Committee as the Vice  
16 Chairman, both of whom shall serve in such ca-  
17 pacity at the pleasure of the Commandant (or  
18 the Commandant's designee) and for a term to  
19 be fixed by the Commandant (or the Com-  
20 mandant's designee).

21 “(B) RECOMMENDATIONS.—The Com-  
22 mandant (or the Commandant's designee) may  
23 solicit, from the Committee, recommendations  
24 with regard to the members whom the Com-  
25 mandant (or the Commandant's designee) shall

1 designate as the Chairman and the Vice Chair-  
2 man.

3 “(C) VACANCY.—The Vice Chairman shall  
4 act as Chairman in the absence or incapacity  
5 of, or in the event of a vacancy in the office of,  
6 the Chairman.

7 “(7) DESIGNATED FEDERAL OFFICER.—The  
8 Commandant (or the Commandant’s designee) shall  
9 designate a Designated Federal Officer to the Com-  
10 mittee in accordance with the Federal Advisory  
11 Committee Act (5 U.S.C. App.).

12 “(d) CONSULTATION.—The Commandant (or the  
13 Commandant’s designee) shall, whenever practicable—

14 “(1) consult with the Committee before taking  
15 any significant action relating to the safe operation  
16 of vessels to which chapter 45 of this title applies;  
17 and

18 “(2) consider the information, advice, and rec-  
19 ommendations of the Committee in consulting with  
20 other agencies and the public or in formulating pol-  
21 icy regarding the safe operation of vessels to which  
22 chapter 45 of this title applies.

23 “(e) FEDERAL ADVISORY COMMITTEE ACT; TERMIN-  
24 NATION.—

1           “(1) FACA.—The Federal Advisory Committee  
2     Act (5 U.S.C. App.) shall apply to the Committee.

3           “(2) TERMINATION.—The Committee shall ter-  
4     minate on September 30, 2027.

5     **“§ 704. Great Lakes Pilotage Advisory Committee**

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

9           “(b) FUNCTION; RECOMMENDATIONS.—

10           “(1) FUNCTIONS.—Subject to paragraph (2),  
11     the Committee, acting through the Commandant (or  
12     the Commandant’s designee), is authorized—

13                   “(A) to advise, consult with, report to, and  
14                   make recommendations to the Secretary on  
15                   matters relating to Great Lakes pilotage; and

16                   “(B) to review proposed Great Lakes pilot-  
17                   age regulations and policies and make rec-  
18                   ommendations to the Secretary that the Com-  
19                   mittee considers appropriate.

20           “(2) RECOMMENDATIONS.—At least 6 of the 7  
21     members shall agree by vote to make any rec-  
22     ommendation under this subsection.

23           “(c) ORGANIZATION.—

1           “(1) MEETINGS.—The Committee shall, at least  
2           once each calendar year, meet at the call of the  
3           Commandant (or the Commandant’s designee).

4           “(2) MEMBERSHIP.—

5           “(A) IN GENERAL.—The Committee shall  
6           consist of 7 members.

7           “(B) EXPERIENCE.—Except as provided in  
8           subparagraph (D), each member of the Com-  
9           mittee shall have at least 5 years practical expe-  
10          rience in maritime operations.

11          “(C) POINTS OF VIEW.—Except as pro-  
12          vided in subparagraph (D), a member of the  
13          Committee shall represent the point of view of  
14          an entity or group, as follows:

15               “(i) 3 members representing the inter-  
16               ests of Great Lake pilots, among whom  
17               shall be the president of each Great Lake  
18               pilotage district (or the president’s des-  
19               ignee).

20               “(ii) 1 member representing the inter-  
21               ests of vessel operators that contract for  
22               Great Lakes pilotage services.

23               “(iii) 1 member representing the in-  
24               terests of Great Lakes ports.

1           “(iv) 1 member representing the inter-  
2           ests of shippers whose cargoes are trans-  
3           ported through Great Lakes ports.

4           “(D) REMAINING MEMBER.—1 member of  
5           the Committee—

6           “(i) shall have a background in fi-  
7           nance or accounting;

8           “(ii) must have been recommended to  
9           the Secretary by a unanimous vote of the  
10          other members of the Committee; and

11          “(iii) may be appointed without re-  
12          gard to requirement under subparagraph  
13          (B) that each member have 5 years of  
14          practical experience in maritime oper-  
15          ations.

16          “(3) STATUS OF MEMBERS.—For the purposes  
17          of Federal law, including the Ethics in Government  
18          Act of 1978 and chapter 11 of title 18—

19          “(A) a member of the Committee, whom  
20          the Secretary appoints to represent the point of  
21          view of an entity or group under paragraph  
22          (2)(C), is hereby deemed a representative of the  
23          member’s respective special interest entity or  
24          group, and not a special Government employee  
25          (as defined in section 202(a) of title 18); and

1           “(B) the member of the Committee with  
2           the background prescribed under paragraph  
3           (2)(D) is hereby deemed a special Government  
4           employee (as defined in section 202(a) of title  
5           18).

6           “(4) NOMINATIONS; APPOINTMENTS; SERV-  
7           ICE.—

8           “(A) NOMINATIONS.—As necessary, the  
9           Secretary shall publish, in the Federal Register,  
10          a notice soliciting nominations for membership  
11          on the Committee.

12          “(B) APPOINTMENTS.—

13               “(i) IN GENERAL.—After timely notice  
14               is published, the Secretary shall, as nec-  
15               essary, appoint members to the Committee.

16               “(ii) LIMITATIONS.—The Secretary  
17               may not seek, consider, or otherwise use  
18               information concerning the political affili-  
19               ation of a nominee in making an appoint-  
20               ment to the Committee.

21               “(iii) REAPPOINTMENTS.—The Sec-  
22               retary may reappoint a member to the  
23               Committee more than once.

1           “(C) SERVICE.—Each member of the Com-  
2           mittee shall serve at the pleasure of the Sec-  
3           retary.

4           “~~(5)~~ TERM; VACANCY.—

5           “(A) TERM.—

6           “(i) IN GENERAL.—The term of each  
7           member of the Committee shall expire on  
8           December 31 of the third full year after  
9           the effective date of the appointment.

10          “(ii) EXTENSIONS.—Notwithstanding  
11          clause (i), paragraph (4), or any other pro-  
12          vision of law or policy, the Commandant  
13          (or the Commandant’s designee) may ex-  
14          tend the term of a member of the Com-  
15          mittee to December 31 of the fifth full  
16          year after the effective date of the appoint-  
17          ment.

18          “(B) VACANCY.—In the case of an ap-  
19          pointment to fill a vacancy on the Committee,  
20          the Secretary shall appoint an individual for a  
21          full term.

22          “~~(6)~~ CHAIRMAN; VICE CHAIRMAN.—

23          “(A) DESIGNATION.—The Commandant  
24          (or the Commandant’s designee) shall designate  
25          1 member of the Committee as the Chairman



1 and another member of the Committee as the  
2 Vice Chairman, both of whom shall serve in  
3 such capacity at the pleasure of the Com-  
4 mandant (or the Commandant's designee) and  
5 for a term to be fixed by the Commandant (or  
6 the Commandant's designee).

7 “(B) RECOMMENDATIONS.—The Com-  
8 mandant (or the Commandant's designee) may  
9 solicit, from the Committee, recommendations  
10 with regard to the members whom the Com-  
11 mandant (or the Commandant's designee) shall  
12 designate as the Chairman and the Vice Chair-  
13 man.

14 “(C) VACANCY.—The Vice Chairman shall  
15 act as Chairman in the absence or incapacity  
16 of, or in the event of a vacancy in the office of,  
17 the Chairman.

18 “(7) DESIGNATED FEDERAL OFFICER.—The  
19 Commandant (or the Commandant's designee) shall  
20 designate a Designated Federal Officer to the Com-  
21 mittee in accordance with the Federal Advisory  
22 Committee Act (5 U.S.C. App.).

23 “(8) OBSERVERS.—

24 “(A) IN GENERAL.—The Secretary, at the  
25 request of the Commandant, may designate 2

1 individuals to participate as observers in the  
2 work of the Committee and offer necessary in-  
3 formation for which each observer is uniquely  
4 qualified to provide:

5 “(B) REQUIREMENTS.—Each observer—

6 “(i) shall not be deemed a member of  
7 the Committee;

8 “(ii) shall not vote on any matter be-  
9 fore the Committee;

10 “(iii) shall not contribute to a  
11 quorum;

12 “(iv) shall serve without compensa-  
13 tion; and

14 “(v) shall be responsible for all travel  
15 expenses.

16 “(C) DESIGNATION; EXPERIENCE.—

17 “(i) EXPERIENCE.—The Secretary  
18 may designate an individual as an observer  
19 without regard to the requirement of para-  
20 graph (2)(B), except that—

21 “(I) 1 observer shall have par-  
22 ticular knowledge of the national in-  
23 terests of American pilots; and

1                   “(H) 1 observer shall have par-  
2                   ticular knowledge of the interests of  
3                   Canadian shippers.

4                   “(ii) NOTICE.—The Secretary may  
5                   designate an individual as an observer  
6                   without regard to the requirement of para-  
7                   graph (4)(A), except that the Secretary  
8                   may solicit, from the Commandant, rec-  
9                   ommendations with regard to the indi-  
10                  vidual whom the Secretary shall designate  
11                  as an observer.

12                  “(iii) CANADIAN SHIPPERS.—With re-  
13                  gard to the individual with particular  
14                  knowledge of the interests of Canadian  
15                  shippers, the Secretary may, with the con-  
16                  currence of the Secretary of State, des-  
17                  ignate an individual who is a citizen of  
18                  Canada.

19                  “(D) VACANCY.—An observer shall serve a  
20                  term of not more than 3 years from the effec-  
21                  tive date of the designation, except that, in the  
22                  ease of a designation to fill a vacancy on the  
23                  Committee, the observer shall be designated for  
24                  a full term.

1       “(d) CONSULTATION.—The Commandant (or the  
2 Commandant’s designee) shall, whenever practicable—

3               “(1) consult with the Committee before taking  
4 any significant action relating to Great Lakes pilot-  
5 age; and

6               “(2) consider the information, advice, and rec-  
7 ommendations of the Committee in formulating pol-  
8 icy regarding matters affecting Great Lakes pilot-  
9 age.

10       “(e) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
11 NATION.—

12               “(1) FACA.—The Federal Advisory Committee  
13 Act (5 U.S.C. App.) shall apply to the Committee.

14               “(2) TERMINATION.—The Committee shall ter-  
15minate on September 30, 2027.

16       **“§ 705. Lower Mississippi River Waterway Safety Ad-  
17visory Committee**

18       “(a) ESTABLISHMENT.—There is established a  
19 Lower Mississippi River Waterway Safety Advisory Com-  
20 mittee (referred to in this section as the ‘Committee’).

21       “(b) FUNCTION.—The Committee, acting through  
22 the Commandant (or the Commandant’s designee), is au-  
23 thorized to advise, consult with, report to, and make rec-  
24 ommendations to the Secretary on matters relating to  
25 communication, surveillance, traffic management, anchor-

1 ages, development and operation of New Orleans Vessel  
2 Traffic Services, and other related topics dealing with and  
3 actions relating to navigational safety on the Lower Mis-  
4 sissippi River.

5 “(e) ORGANIZATION.—

6 “(1) MEETING.—The Committee shall, at least  
7 once each calendar year, meet at the call of the  
8 Commandant (or the Commandant’s designee).

9 “(2) MEMBERSHIP.—

10 “(A) IN GENERAL.—The Committee shall  
11 consist of 24 members.

12 “(B) EXPERIENCE.—Each member of the  
13 Committee shall have expertise, knowledge, and  
14 experience regarding the transportation, equip-  
15 ment, and techniques that are used to ship  
16 cargo and to navigate vessels on the Lower Mis-  
17 sissippi River and its connecting navigable wa-  
18 terways, including the Gulf of Mexico.

19 “(C) POINTS OF VIEW.—Except as pro-  
20 vided in subparagraph (D), each member of the  
21 Committee shall represent the point of view of  
22 an entity or group, as follows:

23 “(i) 5 members representing River  
24 Port Authorities between Baton Rouge,

1 Louisiana, and the head of passes of the  
2 Lower Mississippi River, of which—

3 “(I) 1 member shall be from the  
4 Port of St. Bernard; and

5 “(II) 1 member from the Port of  
6 Plaquemines.

7 “(ii) 2 members representing vessel  
8 owners or ship owners domiciled in the  
9 State of Louisiana.

10 “(iii) 2 members representing organi-  
11 zations which operate harbor tugs or barge  
12 fleets in the geographical area covered by  
13 the Committee.

14 “(iv) 2 members representing compa-  
15 nies which transport cargo or passengers  
16 on the navigable waterways in the geo-  
17 graphical area covered by the Committee.

18 “(v) 3 members representing State  
19 Commissioned Pilot organizations, with 1  
20 member each representing—

21 “(I) the New Orleans-Baton  
22 Rouge Steamship Pilots Association;

23 “(II) the Crescent River Port Pi-  
24 lots Association; and

1                   “(III) the Association Branch Pi-  
2                   lots.

3                   “(vi) 3 members representing con-  
4                   sumers, shippers, or importers and export-  
5                   ers that utilize vessels which utilize the  
6                   navigable waterways covered by the Com-  
7                   mittee.

8                   “(vii) 2 members representing those  
9                   licensed merchant mariners, other than pi-  
10                  lots, who perform shipboard duties on  
11                  those vessels which utilize navigable water-  
12                  ways covered by the Committee.

13                  “(viii) 1 member representing an or-  
14                  ganization that serves in a consulting or  
15                  advisory capacity to the maritime industry.

16                  “(ix) 1 member representing an envi-  
17                  ronmental organization.

18                  “(D) ADDITIONAL MEMBERS.—

19                  “(i) IN GENERAL.—3 members of the  
20                  Committee shall represent the general pub-  
21                  lic.

22                  “(ii) WATER TRANSPORTATION FA-  
23                  CILITIES.—Whenever possible, 2 of the 3  
24                  members who represent the general public  
25                  shall be individuals who utilize water

1 transportation facilities located in the geo-  
2 graphic area that the Committee covers.

3 “(3) STATUS OF MEMBERS.—For the purposes  
4 of Federal law, including the Ethics in Government  
5 Act of 1978 and chapter 11 of title 18—

6 “(A) each member of the Committee,  
7 whom the Secretary appoints to represent the  
8 point of view of an entity or group set out in  
9 paragraph (2)(C), is hereby deemed a rep-  
10 resentative of the member’s respective special  
11 interest entity or group, and not a special Gov-  
12 ernment employee (as defined in section 202(a)  
13 of title 18); and

14 “(B) each member of the Committee,  
15 whom the Secretary appoints to represent the  
16 general public, is hereby deemed a special Gov-  
17 ernment employee (as defined in section 202(a)  
18 of title 18).

19 “(4) NOMINATIONS; APPOINTMENTS; SERV-  
20 ICE.—

21 “(A) NOMINATIONS.—As necessary, the  
22 Secretary shall publish, in the Federal Register,  
23 a notice soliciting nominations for membership  
24 on the Committee.

25 “(B) APPOINTMENTS.—



1           “(i) IN GENERAL.—After timely notice  
2 is published, the Secretary shall, as nec-  
3 essary, appoint members to the Committee.

4           “(ii) LIMITATIONS.—The Secretary  
5 may not seek, consider, or otherwise use  
6 information concerning the political affili-  
7 ation of a nominee in making an appoint-  
8 ment to the Committee.

9           “(iii) REAPPOINTMENTS.—The Sec-  
10 retary may reappoint a member to the  
11 Committee more than once.

12           “(C) SERVICE.—Each member of the Com-  
13 mittee shall serve at the pleasure of the Sec-  
14 retary.

15           “(5) TERM; VACANCY.—

16           “(A) TERM.—

17           “(i) IN GENERAL.—The term of each  
18 member of the Committee shall expire on  
19 December 31 of the third full year after  
20 the effective date of the appointment.

21           “(ii) EXTENSION.—Notwithstanding  
22 clause (i), paragraph (4), or any other pro-  
23 vision of law or policy, the Commandant  
24 (or the Commandant’s designee) may ex-  
25 tend the term of a member of the Com-

1           mittee to December 31 of the fifth fall  
2           year after the effective date of the appoint-  
3           ment.

4           “(B) VACANCY.—In the case of an ap-  
5           pointment to fill a vacancy on the Committee,  
6           the Secretary shall appoint an individual for a  
7           full term.

8           “(6) CHAIRMAN; VICE CHAIRMAN.—

9           “(A) IN GENERAL.—The Commandant (or  
10          the Commandant’s designee) shall designate 1  
11          member of the Committee as the Chairman and  
12          another member of the Committee as the Vice  
13          Chairman, both of whom shall serve in such ca-  
14          pacity at the pleasure of the Commandant (or  
15          the Commandant’s designee) and for a term to  
16          be fixed by the Commandant (or the Com-  
17          mandant’s designee).

18          “(B) RECOMMENDATIONS.—The Com-  
19          mandant (or the Commandant’s designee) may  
20          solicit, from the Committee, recommendations  
21          with regard to the members whom the Com-  
22          mandant (or the Commandant’s designee) shall  
23          designate as the Chairman and the Vice Chair-  
24          man.

1           “(C) VACANCY.—The Vice Chairman shall  
2           act as Chairman in the absence or incapacity  
3           of, or in the event of a vacancy in the office of,  
4           the Chairman.

5           “(7) DESIGNATED FEDERAL OFFICER.—The  
6           Commandant (or the Commandant’s designee) shall  
7           designate a Designated Federal Officer to the Com-  
8           mittee in accordance with the Federal Advisory  
9           Committee Act (5 U.S.C. App.).

10          “(d) CONSULTATION.—The Commandant (or the  
11         Commandant’s designee) shall, whenever practicable, con-  
12         sult with the Committee before taking any significant ac-  
13         tion relating to navigation safety in the Lower Mississippi  
14         River.

15          “(e) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
16         NATION.—

17                 “(1) FACA.—The Federal Advisory Committee  
18         Act (5 U.S.C. App.) shall apply to the Committee.

19                 “(2) TERMINATION.—The Committee shall ter-  
20         minate on September 30, 2027.

21         **“§ 706. Merchant Marine Personnel Advisory Com-**  
22                 **mittee**

23                 “(a) ESTABLISHMENT.—There is established a Mer-  
24         chant Marine Personnel Advisory Committee (referred to  
25         in this section as the ‘Committee’).

1       “(b) FUNCTION.—The Committee, acting through  
 2 the Commandant (or the Commandant’s designee), is au-  
 3 thorized to advise, consult with, report to, and make rec-  
 4 ommendations to the Secretary on matters relating to per-  
 5 sonnel in the United States merchant marine, including  
 6 training, qualifications, certification, documentation, and  
 7 fitness standards.

8       “(c) MEETING.—The Committee shall, at least once  
 9 each calendar year, meet at the call of the Commandant  
 10 (or the Commandant’s designee).

11       “(d) MEMBERSHIP.—

12               “(1) IN GENERAL.—The Committee shall con-  
 13 sist of 19 members.

14               “(2) POINTS OF VIEW.—Except as provided in  
 15 subparagraph (C), each member of the Committee  
 16 shall represent the point of view of an entity or  
 17 group, as follows:

18                       “(A) 9 members representing the interests  
 19 of mariners—

20                               “(i) each of whom—

21                                       “(I) shall be a citizen of the  
 22 United States; and

23                                       “(II) shall hold an active license  
 24 or certificate issued under chapter 71  
 25 of this title or a merchant mariner

1 document issued under chapter 73 of  
2 this title; and

3 “(ii) among whom shall be—

4 “(I) 3 deck officers representing  
5 the interests of merchant marine deck  
6 officers, of whom—

7 “(aa) 2 shall be licensed for  
8 oceans any gross tons;

9 “(bb) 1 shall be licensed for  
10 inland river route with a limited  
11 or unlimited tonnage;

12 “(cc) 2 shall have a master’s  
13 license or a master of towing ves-  
14 sels license;

15 “(dd) 1 shall have signifi-  
16 cant tanker experience; and

17 “(ee) to the extent prae-  
18 ticable—

19 “(AA) 1 shall represent  
20 the interests of labor; and

21 “(BB) 1 shall represent  
22 the interests of manage-  
23 ment;

24 “(II) 3 engineering officers rep-  
25 resenting the interests of merchant

1 marine engineering officers, of  
2 whom—

3 “(aa) 2 shall be licensed as  
4 chief engineer any horsepower;

5 “(bb) 1 shall be licensed as  
6 either a limited chief engineer or  
7 a designated duty engineer; and

8 “(cc) to the extent prac-  
9 ticable—

10 “(AA) 1 shall represent  
11 the interests of labor; and

12 “(BB) 1 shall represent  
13 the interests of manage-  
14 ment;

15 “(III) 2 unlicensed seamen, of  
16 whom—

17 “(aa) 1 shall represent the  
18 interests of able-bodied seamen;  
19 and

20 “(bb) 1 shall represent the  
21 interests of qualified members of  
22 the engine department; and

23 “(IV) 1 pilot representing the in-  
24 terests of merchant marine pilots.

1           “(B) 6 members representing the interests  
2 of marine educators—

3           “(i) each of whom shall be a marine  
4 educator; and

5           “(ii) among whom shall be—

6           “(I) 3 marine educators who  
7 shall represent the interests of mari-  
8 time academies, including—

9           “(aa) 2 who shall represent  
10 the interests of State maritime  
11 academies; and

12           “(bb) 1 who shall represent  
13 either the viewpoint of the State  
14 maritime academies or the  
15 United States Merchant Marine  
16 Academy; and

17           “(II) 3 marine educators who  
18 shall represent the interests of other  
19 maritime training institutions; 1 of  
20 whom shall represent the interests of  
21 the small vessel industry.

22           “(C) 2 members representing the interests  
23 of shipping companies employed in ship oper-  
24 ation management.

1           “(D) 2 members of the Committee shall  
2 represent the general public.

3           ~~“(3) STATUS OF MEMBERS.—~~

4           ~~“(A) IN GENERAL.—For the purposes of~~  
5 ~~Federal law, including the Ethics in Govern-~~  
6 ~~ment Act of 1978 and chapter 11 of title 18—~~

7           ~~“(i) a member of the Committee,~~  
8 ~~whom the Secretary appoints to represent~~  
9 ~~the point of view of an entity or group set~~  
10 ~~out in paragraph (2)(B), is hereby deemed~~  
11 ~~a representative of the member’s respective~~  
12 ~~special interest entity or group, and not a~~  
13 ~~special Government employee (as defined~~  
14 ~~in section 202(a) of title 18); and~~

15           ~~“(ii) a member of the Committee,~~  
16 ~~whom the Secretary appoints to represent~~  
17 ~~the general public, is hereby deemed a spe-~~  
18 ~~cial Government employee (as defined in~~  
19 ~~section 202(a) of title 18).~~

20           ~~“(B) RULE OF CONSTRUCTION.—Nothing~~  
21 ~~in this section shall be construed to prohibit the~~  
22 ~~nomination or appointment of a Federal em-~~  
23 ~~ployee to serve as a member of the Committee~~  
24 ~~representing the interests of the United States~~  
25 ~~Merchant Marine Academy.~~



1           “(4) NOMINATIONS; APPOINTMENTS; SERV-  
2       ICE.—

3           “(A) NOMINATIONS.—As necessary, the  
4       Secretary shall publish, in the Federal Register,  
5       a notice soliciting nominations for membership  
6       on the Committee.

7           “(B) APPOINTMENTS.—

8           “(i) IN GENERAL.—After timely notice  
9       is published, the Secretary shall, as nec-  
10      essary, appoint members to the Committee.

11          “(ii) LIMITATIONS.—The Secretary  
12      may not seek, consider, or otherwise use  
13      information concerning the political affili-  
14      ation of a nominee in making an appoint-  
15      ment to the Committee.

16          “(iii) REAPPOINTMENT.—The Sec-  
17      retary may reappoint a member to the  
18      Committee more than once.

19          “(C) SOLICITING NOMINATIONS.—Notwith-  
20      standing subparagraphs (A) and (B), the Sec-  
21      retary may—

22           “(i) with regard to the appointment of  
23      a member or members to represent the in-  
24      terests of the State maritime academies;  
25      solicit nominations for membership on the

1 Committee from each State maritime acad-  
2 emy or a joint nomination from some or all  
3 State maritime academies; and

4 “(ii) with regard to the appointment  
5 of a member to represent the interests of  
6 the United States Merchant Marine Acad-  
7 emy, solicit a nomination for membership  
8 on the Committee from the Secretary of  
9 Transportation.

10 “(D) SERVICE.—Each member of the  
11 Committee shall serve at the pleasure of the  
12 Secretary.

13 “(5) TERM; VACANCY.—

14 “(A) TERM.—

15 “(i) IN GENERAL.—The term of each  
16 member of the Committee shall expire on  
17 December 31 of the third full year after  
18 the effective date of the appointment.

19 “(ii) EXTENSIONS.—Notwithstanding  
20 clause (i), paragraph (4), or any other pro-  
21 vision of law or policy, the Commandant  
22 (or the Commandant’s designee) may ex-  
23 tend the term of a member of the Com-  
24 mittee to December 31 of the fifth full

1           year after the effective date of the appoint-  
2           ment.

3           “(iii) VACANCY.—In the case of an  
4           appointment to fill a vacancy on the Com-  
5           mittee, the Secretary shall appoint an indi-  
6           vidual for a full term.

7           “(6) CHAIRMAN; VICE CHAIRMAN.—

8           “(A) IN GENERAL.—The Commandant (or  
9           the Commandant’s designee) shall designate 1  
10          member of the Committee as the Chairman and  
11          another member of the Committee as the Vice  
12          Chairman, both of whom shall serve in such ca-  
13          pacity at the pleasure of the Commandant (or  
14          the Commandant’s designee) and for a term to  
15          be fixed by the Commandant (or the Com-  
16          mandant’s designee).

17          “(B) RECOMMENDATIONS.—The Com-  
18          mandant (or the Commandant’s designee) may  
19          solicit, from the Committee, recommendations  
20          with regard to the members whom the Com-  
21          mandant (or the Commandant’s designee) shall  
22          designate as the Chairman and the Vice Chair-  
23          man.

24          “(C) VACANCY.—The Vice Chairman shall  
25          act as Chairman in the absence or incapacity

1 of, or in the event of a vacancy in the office of,  
2 the Chairman.

3 “(7) DESIGNATED FEDERAL OFFICER.—The  
4 Commandant (or the Commandant’s designee) shall  
5 designate a Designated Federal Officer to the Com-  
6 mittee in accordance with the Federal Advisory  
7 Committee Act (5 U.S.C. App.).

8 “(e) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
9 NATION.—

10 “(1) FACA.—The Federal Advisory Committee  
11 Act (5 U.S.C. App.) shall apply to the Committee.

12 “(2) TERMINATION.—The Committee shall ter-  
13 minate on September 30, 2027.

14 **“§ 707. Merchant Mariner Medical Advisory Com-  
15 mittee**

16 “(a) ESTABLISHMENT.—There is established a Mer-  
17 chant Mariner Medical Advisory Committee (referred to  
18 in this section as the ‘Committee’).

19 “(b) FUNCTION.—The Committee, acting through  
20 the Commandant (or the Commandant’s designee), is au-  
21 thorized to advise, consult with, report to, and make rec-  
22 ommendations to the Secretary on matters relating to—

23 “(1) medical certification determinations of  
24 merchant mariners;

1           “(2) medical standards and guidelines for the  
2           physical qualifications of operators of commercial  
3           vessels;

4           “(3) medical examiner education; and

5           “(4) medical research.

6           “(e) ORGANIZATION.—

7           “(1) MEETING.—The Committee shall, at least  
8           once each calendar year, meet at the call of the  
9           Commandant (or the Commandant’s designee).

10          “(2) MEMBERSHIP.—

11           “(A) IN GENERAL.—The Committee shall  
12           consist of 14 members.

13           “(B) RESTRICTION.—No member of the  
14           Committee shall be a regular Federal employee.

15           “(C) EXPERIENCE.—Of the members of  
16           the Committee—

17           “(i) 10 members shall be health-care  
18           professionals with particular expertise,  
19           knowledge, or experience regarding the  
20           medical examinations of merchant mari-  
21           ners or occupational medicine; and

22           “(ii) 4 members shall be professional  
23           mariners with knowledge and experience in  
24           mariners’ occupational requirements.

1           “(3) STATUS OF MEMBERS.—For the purposes  
2 of Federal law, including the Ethics in Government  
3 Act of 1978 and chapter 11 of title 18, each member  
4 of the Committee is hereby deemed a special Govern-  
5 ment employee (as defined in section 202(a) of title  
6 18).

7           “(4) NOMINATIONS; APPOINTMENTS; SERV-  
8 ICE.—

9           “(A) NOMINATIONS.—As necessary, the  
10 Secretary shall publish, in the Federal Register,  
11 a notice soliciting nominations for membership  
12 on the Committee.

13           “(B) APPOINTMENTS.—

14           “(i) IN GENERAL.—After timely notice  
15 is published, the Secretary shall, as nec-  
16 essary, appoint members to the Committee.

17           “(ii) LIMITATIONS.—The Secretary  
18 may not seek, consider, or otherwise use  
19 information concerning the political affili-  
20 ation of a nominee in making an appoint-  
21 ment to the Committee.

22           “(iii) REAPPOINTMENTS.—The Sec-  
23 retary may reappoint a member to the  
24 Committee more than once.

1           “(C) SERVICE.—Each member of the Com-  
2           mittee shall serve at the pleasure of the Sec-  
3           retary.

4           “(5) TERM; VACANCY.—

5           “(A) TERM.—

6           “(i) IN GENERAL.—The term of each  
7           member of the Committee shall expire on  
8           December 31 of the third full year after  
9           the effective date of the appointment.

10          “(ii) EXTENSIONS.—Notwithstanding  
11          clause (i), paragraph (4), or any other pro-  
12          vision of law or policy, the Commandant  
13          (or the Commandant’s designee) may ex-  
14          tend the term of a member of the Com-  
15          mittee to December 31 of the fifth full  
16          year after the effective date of the appoint-  
17          ment.

18          “(iii) VACANCY.—In the case of an  
19          appointment to fill a vacancy on the Com-  
20          mittee, the Secretary shall appoint an indi-  
21          vidual for a full term.

22          “(6) CHAIRMAN; VICE CHAIRMAN.—

23          “(A) IN GENERAL.—The Commandant (or  
24          the Commandant’s designee) shall designate 1  
25          member of the Committee as the Chairman and

1 another member of the Committee as the Vice  
2 Chairman, both of whom shall serve in such ca-  
3 pacity at the pleasure of the Commandant (or  
4 the Commandant's designee) and for a term to  
5 be fixed by the Commandant (or the Com-  
6 mandant's designee).

7 “(B) RECOMMENDATIONS.—The Com-  
8 mandant (or the Commandant's designee) may  
9 solicit, from the Committee, recommendations  
10 with regard to the members whom the Com-  
11 mandant (or the Commandant's designee) shall  
12 designate as the Chairman and the Vice Chair-  
13 man.

14 “(C) VACANCY.—The Vice Chairman shall  
15 act as Chairman in the absence or incapacity  
16 of, or in the event of a vacancy in the office of,  
17 the Chairman.

18 “(7) DESIGNATED FEDERAL OFFICER.—The  
19 Commandant (or the Commandant's designee) shall  
20 designate a Designated Federal Officer to the Com-  
21 mittee in accordance with the Federal Advisory  
22 Committee Act (5 U.S.C. App.).

23 “(d) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
24 NATION.—



1           “(1) FACA.—The Federal Advisory Committee  
2           Act (5 U.S.C. App.) shall apply to the Committee.

3           “(2) TERMINATION.—The Committee shall ter-  
4           minate on September 30, 2027.

5   **“§ 708. National Boating Safety Advisory Council**

6           “(a) ESTABLISHMENT.—There is established a Na-  
7           tional Boating Safety Advisory Council (referred to in this  
8           section as the ‘Council’).

9           “(b) ORGANIZATION.—

10           “(1) MEETING.—The Council shall, at least  
11           once each calendar year, meet at the call of the  
12           Commandant (or the Commandant’s designee).

13           “(2) MEMBERSHIP.—

14           “(A) IN GENERAL.—The Council shall con-  
15           sist of 21 members.

16           “(B) EXPERIENCE.—Each member of the  
17           Council shall have particular expertise, knowl-  
18           edge, and experience in recreational boating  
19           safety.

20           “(C) POINTS OF VIEW.—Except as pro-  
21           vided in subparagraph (D), each member of the  
22           Council shall represent the point of view of an  
23           entity or group, as follows:

1           “(i) 7 members representing State of-  
2           ficials responsible for State boating safety  
3           programs.

4           “(ii) 7 members representing manu-  
5           facturers, wholesale distributors, or retail  
6           distributors of recreational vessels or asso-  
7           ciated equipment.

8           “(iii) At least 5 members representing  
9           national recreational boating organizations.

10          “(D) ADDITIONAL MEMBERS.—Not more  
11          than 2 members of the Council may represent  
12          the general public.

13          “(E) PANELS.—Additional individuals  
14          from an entity or group set out in subpara-  
15          graph (C) may be appointed to panels of the  
16          Council to assist the Council in performing its  
17          duties.

18          “(3) STATUS OF MEMBERS.—For the purposes  
19          of Federal law, including the Ethics in Government  
20          Act of 1978 and chapter 11 of title 18—

21                 “(A) a member of the Council, whom the  
22                 Secretary appoints to represent the point of  
23                 view of an entity or group set out in paragraph  
24                 (2)(C), is hereby deemed a representative of the  
25                 member’s respective special interest entity or

1 group, and not a special Government employee  
2 (as defined in section 202(a) of title 18); and

3 “(B) in the event that the Secretary ap-  
4 points a member to represent the general pub-  
5 lie, such member of the Council is hereby  
6 deemed a special Government employee (as de-  
7 fined in section 202(a) of title 18).

8 “(4) NOMINATIONS; APPOINTMENTS; SERV-  
9 ICE.—

10 “(A) NOMINATIONS.—As necessary, the  
11 Secretary shall publish, in the Federal Register,  
12 a notice soliciting nominations for membership  
13 on the Council.

14 “(B) APPOINTMENTS.—

15 “(i) IN GENERAL.—After timely notice  
16 is published, the Secretary shall, as nec-  
17 essary, appoint members to the Council.

18 “(ii) LIMITATIONS.—The Secretary  
19 may not seek, consider, or otherwise use  
20 information concerning the political affili-  
21 ation of a nominee in making an appoint-  
22 ment to the Council.

23 “(iii) VACANCY.—The Secretary may  
24 reappoint a member to the Council more  
25 than once.

1           “(C) SERVICE.—Each member of the  
2 Council shall serve at the pleasure of the Sec-  
3 retary.

4           “(5) TERM; VACANCY.—

5           “(A) TERM.—

6           “(i) IN GENERAL.—The term of each  
7 member of the Council shall expire on De-  
8 cember 31 of the third full year after the  
9 effective date of the appointment.

10          “(ii) EXTENSIONS.—Notwithstanding  
11 clause (1), paragraph (4), or any other  
12 provision of law or policy, the Com-  
13 mandant (or the Commandant’s designee)  
14 may extend the term of a member of the  
15 Council to December 31 of the fifth full  
16 year after the effective date of the appoint-  
17 ment.

18          “(iii) VACANCY.—In the case of an  
19 appointment to fill a vacancy on the Coun-  
20 cil, the Secretary shall appoint an indi-  
21 vidual for a full term.

22          “(6) CHAIRMAN; VICE CHAIRMAN.—

23          “(A) IN GENERAL.—The Commandant (or  
24 the Commandant’s designee) shall designate 1  
25 member of the Council as the Chairman and

1 another member of the Council as the Vice  
2 Chairman, both of whom shall serve in such ca-  
3 pacity at the pleasure of the Commandant (or  
4 the Commandant's designee) and for a term to  
5 be fixed by the Commandant (or the Com-  
6 mandant's designee).

7 “(B) RECOMMENDATIONS.—The Com-  
8 mandant (or the Commandant's designee) may  
9 solicit, from the Council, recommendations with  
10 regard to the members whom the Commandant  
11 (or the Commandant's designee) shall designate  
12 as the Chairman and the Vice Chairman.

13 “(C) VACANCY.—The Vice Chairman shall  
14 act as Chairman in the absence or incapacity  
15 of, or in the event of a vacancy in the office of,  
16 the Chairman.

17 “(7) DESIGNATED FEDERAL OFFICER.—The  
18 Commandant (or the Commandant's designee) shall  
19 designate a Designated Federal Officer to the Coun-  
20 cil in accordance with the Federal Advisory Com-  
21 mittee Act (5 U.S.C. App.).

22 “(e) CONSULTATION.—In addition to the consulta-  
23 tion required by section 4302 of this title, the Com-  
24 mandant (or the Commandant's designee) shall, whenever

1 practicable, consult with the Council on boating safety  
 2 matters related to chapter 131 of this title.

3 “(d) ~~FEDERAL ADVISORY COMMITTEE ACT; TERMI-~~  
 4 ~~NATION.—~~

5 “(1) ~~FACA.—~~The Federal Advisory Committee  
 6 ~~Act (5 U.S.C. App.)~~ shall apply to the Council.

7 “(2) ~~TERMINATION.—~~The Council shall termi-  
 8 ~~nate on September 30, 2027.~~

9 **“§ 709. National Maritime Security Advisory Com-**  
 10 **mittee**

11 “(a) ~~ESTABLISHMENT.—~~There is established a Na-  
 12 ~~tional Maritime Security Advisory Committee (referred to~~  
 13 ~~in this section as the ‘Committee’).~~

14 “(b) ~~FUNCTION.—~~The Committee, acting through  
 15 ~~the Commandant (or the Commandant’s designee), is au-~~  
 16 ~~thorized to advise, consult with, report to, and make rec-~~  
 17 ~~ommendations to the Secretary on matters relating to na-~~  
 18 ~~tional maritime security.~~

19 “(c) ~~ORGANIZATION.—~~

20 “(1) ~~MEETING.—~~The Committee shall, at least  
 21 ~~once each calendar year, meet at the call of the~~  
 22 ~~Commandant (or the Commandant’s designee).~~

23 “(2) ~~MEMBERSHIP.—~~

1           “(A) IN GENERAL.—The Committee shall  
2 consist of not less than 8 members, but not  
3 more than 12 members.

4           “(B) EXPERIENCE.—Each member of the  
5 Committee shall have at least 5 years practical  
6 experience in maritime security operations.

7           “(C) POINTS OF VIEW.—Each member of  
8 the Committee shall represent the point of view  
9 of an entity or group, as follows:

10           “(i) At least 1 member representing  
11 the port authorities.

12           “(ii) At least 1 member representing  
13 the facilities owners or operators.

14           “(iii) At least 1 member representing  
15 the terminal owners or operators.

16           “(iv) At least 1 member representing  
17 the vessel owners or operators.

18           “(v) At least 1 member representing  
19 the maritime labor organizations.

20           “(vi) At least 1 member representing  
21 the academic community.

22           “(vii) At least 1 member representing  
23 State or local governments.

24           “(viii) At least 1 member representing  
25 the maritime industry.

1           “(ix) Not more than 4 members, each  
2           representing an entity or group, the point  
3           of view of which or the area of expertise of  
4           which the Commandant (or the Com-  
5           mandant’s designee) determines would aid  
6           the Committee’s deliberations.

7           “(3) STATUS OF MEMBERS.—For the purposes  
8           of Federal law, including the Ethics in Government  
9           Act of 1978 and chapter 11 of title 18, each member  
10          of the Committee is hereby deemed a representative  
11          of the member’s respective special interest entity or  
12          group, and not a special Government employee (as  
13          defined in section 202(a) of title 18).

14          “(4) NOMINATIONS; APPOINTMENTS; SERV-  
15          ICE.—

16                 “(A) NOMINATIONS.—As necessary, the  
17                 Secretary shall publish in the Federal Register,  
18                 a notice soliciting nominations for membership  
19                 on the Committee.

20                 “(B) APPOINTMENTS.—

21                         “(i) IN GENERAL.—After timely notice  
22                         is published, the Secretary shall appoint  
23                         members to the Committee.

24                         “(ii) LIMITATIONS.—The Secretary  
25                         may not seek, consider, or otherwise use



1 information concerning the political affili-  
2 ation of an individual in making an ap-  
3 pointment to the Committee.

4 “(iii) REAPPOINTMENTS.—The Sec-  
5 retary may reappoint a member to the  
6 Committee more than once.

7 “(C) SERVICE.—Each member of the Com-  
8 mittee shall serve at the pleasure of the Sec-  
9 retary.

10 “(D) BACKGROUND EXAMINATIONS.—The  
11 Secretary may require an individual to have  
12 passed an appropriate security background ex-  
13 amination before appointment to the Com-  
14 mittee.

15 “(5) TERM; VACANCY.—

16 “(A) TERM.—

17 “(i) IN GENERAL.—The term of each  
18 member of the Committee shall expire on  
19 December 31 of the third full year after  
20 the effective date of the appointment.

21 “(ii) EXTENSIONS.—Notwithstanding  
22 clause (i), paragraph (4), or any other pro-  
23 vision of law or policy, the Commandant  
24 (or the Commandant’s designee) may ex-  
25 tend the term of a member of the Com-

1           mittee to December 31 of the fifth fall  
2           year after the effective date of the appoint-  
3           ment.

4           “(iii) VACANCY.—In the case of an  
5           appointment to fill a vacancy on the Com-  
6           mittee, the Secretary shall appoint an indi-  
7           vidual for a full term.

8           “(6) CHAIRMAN; VICE CHAIRMAN.—

9           “(A) IN GENERAL.—The Commandant (or  
10          the Commandant’s designee) shall designate 1  
11          member of the Committee as the Chairman and  
12          another member of the Committee as the Vice  
13          Chairman, both of whom shall serve in such ca-  
14          pacity at the pleasure of the Commandant (or  
15          the Commandant’s designee) and for a term to  
16          be fixed by the Commandant (or the Com-  
17          mandant’s designee).

18          “(B) RECOMMENDATIONS.—The Com-  
19          mandant (or the Commandant’s designee) may  
20          solicit, from the Committee, recommendations  
21          with regard to the members whom the Com-  
22          mandant (or the Commandant’s designee) shall  
23          designate as the Chairman and the Vice Chair-  
24          man.

1           “(C) VACANCY.—The Vice Chairman shall  
2           act as Chairman in the absence or incapacity  
3           of, or in the event of a vacancy in the office of,  
4           the Chairman.

5           “(7) DESIGNATED FEDERAL OFFICER.—The  
6           Commandant (or the Commandant’s designee) shall  
7           designate a Designated Federal Officer to the Com-  
8           mittee in accordance with the Federal Advisory  
9           Committee Act (5 U.S.C. App.).

10          “(d) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
11          NATION.—

12           “(1) FACA.—The Federal Advisory Committee  
13           Act (5 U.S.C. App.) shall apply to the Committee.

14           “(2) TERMINATION.—The Committee shall ter-  
15           minate on September 30, 2027.

16          “§ 710. National Offshore Safety Advisory Committee

17           “(a) ESTABLISHMENT.—There is established a Na-  
18           tional Offshore Safety Advisory Committee (referred to in  
19           this section as the ‘Committee’).

20           “(b) FUNCTION.—The Committee, acting through  
21           the Commandant (or the Commandant’s designee), is au-  
22           thorized to advise, consult with, report to, and make rec-  
23           ommendations to the Secretary on matters relating to ac-  
24           tivities directly involved with, or in support of, the explo-  
25           ration of offshore mineral and energy resources insofar as

1 such activities relate to matters within Coast Guard juris-  
2 diction.

3 ~~“(e) ORGANIZATION.—~~

4 ~~“(1) MEETING.—The Committee shall, at least~~  
5 ~~once each calendar year, meet at the call of the~~  
6 ~~Commandant (or the Commandant’s designee).~~

7 ~~“(2) MEMBERSHIP.—~~

8 ~~“(A) IN GENERAL.—The Committee shall~~  
9 ~~consist of 15 members.~~

10 ~~“(B) POINTS OF VIEW.—Except as pro-~~  
11 ~~vided in subparagraph (C), each member of the~~  
12 ~~Committee shall represent the point of view of~~  
13 ~~an entity or group, as follows:~~

14 ~~“(i) 2 members representing compa-~~  
15 ~~nies, organizations, enterprises, or similar~~  
16 ~~entities engaged in the production of petro-~~  
17 ~~leum.~~

18 ~~“(ii) 2 members representing compa-~~  
19 ~~nies, organizations, enterprises, or similar~~  
20 ~~entities engaged in offshore drilling.~~

21 ~~“(iii) 2 members representing compa-~~  
22 ~~nies, organizations, enterprises or similar~~  
23 ~~entities engaged in the support, by offshore~~  
24 ~~supply vessels or other vessels, of offshore~~  
25 ~~operations.~~

1           “(iv) 1 member representing a com-  
2           pany, organization, enterprise or similar  
3           entity engaged in the construction of off-  
4           shore facilities.

5           “(v) 1 member representing a com-  
6           pany, organization, enterprise or similar  
7           entity providing diving services to the off-  
8           shore industry.

9           “(vi) 1 member representing a com-  
10          pany, organization, enterprise or similar  
11          entity providing safety and training serv-  
12          ices to the offshore industry.

13          “(vii) 1 member representing a com-  
14          pany, organization, enterprise or similar  
15          entity providing subsea engineering, con-  
16          struction or remotely operated vehicle sup-  
17          port to the offshore industry.

18          “(viii) 2 members representing em-  
19          ployees of companies, organizations, enter-  
20          prises or similar entities engaged in off-  
21          shore operations, 1 of whom should have  
22          recent practical experience on vessels or  
23          units involved in the offshore industry.

24          “(ix) 1 member representing a com-  
25          pany, organization, enterprise or similar

1           entity providing environmental protection;  
2           compliance or response services to the off-  
3           shore industry.

4           “(x) 1 member representing a com-  
5           pany, organization, enterprise or similar  
6           entity engaged in offshore oil exploration  
7           or production on the Outer Continental  
8           Shelf of Alaska.

9           “(C) ADDITIONAL MEMBER.—1 member of  
10          the Committee shall represent the general pub-  
11          lic.

12          “(3) STATUS OF MEMBERS.—For the purposes  
13          of Federal law, including the Ethics in Government  
14          Act of 1978 and chapter 11 of title 18—

15                 “(A) a member of the Committee, whom  
16                 the Secretary appoints to represent the point of  
17                 view of an entity or group set out in paragraph  
18                 (2)(C), is hereby deemed a representative of the  
19                 member’s respective special interest entity or  
20                 group, and not a special Government employee  
21                 (as defined in section 202(a) of title 18); and

22                 “(B) a member of the Committee, whom  
23                 the Secretary appoints to represent the general  
24                 public, is hereby deemed a special Government

1 employee (as defined in section 202(a) of title  
2 18).

3 “(4) NOMINATIONS; APPOINTMENTS; SERV-  
4 ICE.—

5 “(A) NOMINATIONS.—As necessary, the  
6 Secretary shall publish, in the Federal Register,  
7 a notice soliciting nominations for membership  
8 on the Committee.

9 “(B) APPOINTMENTS.—

10 “(i) IN GENERAL.—After timely notice  
11 is published, the Secretary shall, as nec-  
12 essary, appoint members to the Committee.

13 “(ii) LIMITATIONS.—The Secretary  
14 may not seek, consider, or otherwise use  
15 information concerning the political affili-  
16 ation of a nominee in making an appoint-  
17 ment to the Committee.

18 “(iii) REAPPOINTMENTS.—The Sec-  
19 retary may reappoint a member to the  
20 Committee more than once.

21 “(C) SERVICE.—Each member of the Com-  
22 mittee shall serve at the pleasure of the Sec-  
23 retary.

24 “(5) TERM; VACANCY.—

25 “(A) TERM.—

1           “(i) IN GENERAL.—The term of each  
2           member of the Committee shall expire on  
3           December 31 of the third full year after  
4           the effective date of the appointment.

5           “(ii) EXTENSIONS.—Notwithstanding  
6           clause (i), paragraph (4), or any other pro-  
7           vision of law or policy, the Commandant  
8           (or the Commandant’s designee) may ex-  
9           tend the term of a member of the Com-  
10          mittee to December 31 of the fifth full  
11          year after the effective date of the appoint-  
12          ment.

13          “(iii) VACANCY.—In the case of an  
14          appointment to fill a vacancy on the Com-  
15          mittee, the Secretary shall appoint an indi-  
16          vidual for a full term.

17          “(6) CHAIRMAN; VICE CHAIRMAN.—

18          “(A) IN GENERAL.—The Commandant (or  
19          the Commandant’s designee) shall designate  
20          one member of the Committee as the Chairman  
21          and another member of the Committee as the  
22          Vice Chairman, both of whom shall serve in  
23          such capacity at the pleasure of the Com-  
24          mandant (or the Commandant’s designee) and



1 for a term to be fixed by the Commandant (or  
2 the Commandant's designee).

3 “(B) RECOMMENDATIONS.—The Com-  
4 mandant (or the Commandant's designee) may  
5 solicit, from the Committee, recommendations  
6 with regard to the members whom the Com-  
7 mandant (or the Commandant's designee) shall  
8 designate as the Chairman and the Vice Chair-  
9 man.

10 “(C) VACANCY.—The Vice Chairman shall  
11 act as Chairman in the absence or incapacity  
12 of, or in the event of a vacancy in the office of,  
13 the Chairman.

14 “(7) DESIGNATED FEDERAL OFFICER.—The  
15 Commandant (or the Commandant's designee) shall  
16 designate a Designated Federal Officer to the Com-  
17 mittee in accordance with the Federal Advisory  
18 Committee Act (5 U.S.C. App.).

19 “(d) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
20 NATION.—

21 “(1) FACA.—The Federal Advisory Committee  
22 Act (5 U.S.C. App.) shall apply to the Committee.

23 “(2) TERMINATION.—The Committee shall ter-  
24minate on September 30, 2027.

1 **“§ 711. Navigation Safety Advisory Council**

2       “(a) ESTABLISHMENT.—There is established a Navi-  
3 gation Safety Advisory Council (referred to in this section  
4 as the ‘Council’).

5       “(b) FUNCTION.—The Council, acting through the  
6 Commandant (or the Commandant’s designee), is author-  
7 ized to advise, consult with, report to, and make rec-  
8 ommendations to the Secretary on matters relating to  
9 maritime collisions, rammings and groundings, Inland  
10 Rules of the Road, International Rules of the Road, navi-  
11 gation regulations and equipment, routing measures, ma-  
12 rine information, and aids to navigation systems.

13       “(c) ORGANIZATION.—

14               “(1) MEETING.—The Council shall, at least  
15 once each calendar year, meet at the call of the  
16 Commandant (or the Commandant’s designee).

17               “(2) MEMBERSHIP.—

18                       “(A) IN GENERAL.—The Council shall con-  
19 sist of not more than 21 members.

20                       “(B) EXPERIENCE.—Each member of the  
21 Council shall have expertise in Inland and  
22 International vessel navigation Rules of the  
23 Road, aids to maritime navigation, maritime  
24 law, vessel safety, or port safety.

1           “(C) POINTS OF VIEW.—Each member of  
2           the Council shall represent the point of view of  
3           one of the following entities or groups:

4                   “(i) Commercial vessel owners or op-  
5                   erators:

6                   “(ii) Professional mariners:

7                   “(iii) Recreational boaters:

8                   “(iv) State agencies responsible for  
9                   vessel or port safety:

10                  “(v) The Maritime Law Association:

11           “(3) STATUS OF MEMBERS.—For the purposes  
12           of Federal law, including the Ethics in Government  
13           Act of 1978 and chapter 11 of title 18, each member  
14           of the Council is hereby deemed a representative of  
15           the member’s respective special interest entity or  
16           group, and not a special Government employee (as  
17           defined in section 202(a) of title 18):

18           “(4) NOMINATIONS; APPOINTMENTS; SERV-  
19           ICE.—

20                   “(A) NOMINATIONS.—As necessary, the  
21                   Secretary shall publish, in the Federal Register,  
22                   a notice soliciting nominations for membership  
23                   on the Council:

24                   “(B) APPOINTMENTS.—

1           “(i) IN GENERAL.—After timely notice  
2 is published, the Secretary shall, as nec-  
3 essary, appoint members to the Council.

4           “(ii) LIMITATIONS.—The Secretary  
5 may not seek, consider, or otherwise use  
6 information concerning the political affili-  
7 ation of a nominee in making an appoint-  
8 ment to the Council.

9           “(iii) REAPPOINTMENTS.—The Sec-  
10 retary may reappoint a member to the  
11 Council more than once.

12           “(C) SERVICE.—Each member of the  
13 Council shall serve at the pleasure of the Sec-  
14 retary.

15           “(5) TERM; VACANCY.—

16           “(A) TERM.—

17           “(i) IN GENERAL.—The term of each  
18 member of the Council shall expire on De-  
19 cember 31 of the third full year after the  
20 effective date of the appointment.

21           “(ii) EXTENSIONS.—Notwithstanding  
22 clause (i), paragraph (4), or any other pro-  
23 vision of law or policy, the Commandant  
24 (or the Commandant’s designee) may ex-  
25 tend the term of a member of the Council

1 to December 31 of the fifth full year after  
2 the effective date of the appointment.

3 “(iii) REAPPOINTMENTS.—In the case  
4 of an appointment to fill a vacancy on the  
5 Council, the Secretary shall appoint an in-  
6 dividual for a full term.

7 “(6) CHAIRMAN; VICE CHAIRMAN.—

8 “(A) IN GENERAL.—The Commandant (or  
9 the Commandant’s designee) shall designate 1  
10 member of the Council as the Chairman and  
11 another member of the Council as the Vice  
12 Chairman, both of whom shall serve in such ca-  
13 pacity at the pleasure of the Commandant (or  
14 the Commandant’s designee) and for a term to  
15 be fixed by the Commandant (or the Com-  
16 mandant’s designee).

17 “(B) RECOMMENDATIONS.—The Com-  
18 mandant (or the Commandant’s designee) may  
19 solicit, from the Council, recommendations with  
20 regard to the members whom the Commandant  
21 (or the Commandant’s designee) shall designate  
22 as the Chairman and the Vice Chairman.

23 “(C) VACANCY.—The Vice Chairman shall  
24 act as Chairman in the absence or incapacity

1 of, or in the event of a vacancy in the office of,  
2 the Chairman.

3 ~~“(7) DESIGNATED FEDERAL OFFICER.—The~~  
4 ~~Commandant (or the Commandant’s designee) shall~~  
5 ~~designate a Designated Federal Officer to the Coun-~~  
6 ~~cil who shall perform the duties set forth in section~~  
7 ~~10(c) of the Federal Advisory Committee Act (5~~  
8 ~~U.S.C. App.).~~

9 ~~“(d) FEDERAL ADVISORY COMMITTEE ACT; TERMI-~~  
10 ~~NATION.—~~

11 ~~“(1) FACA.—The Federal Advisory Committee~~  
12 ~~Act (5 U.S.C. App.) shall apply to the Council.~~

13 ~~“(2) TERMINATION.—The Council shall termi-~~  
14 ~~nate on September 30, 2027.~~

15 **“§ 712. Towing Safety Advisory Committee**

16 ~~“(a) ESTABLISHMENT.—There is established a Tow-~~  
17 ~~ing Safety Advisory Committee (referred to in this section~~  
18 ~~as the ‘Committee’).~~

19 ~~“(b) FUNCTION.—The Committee, acting through~~  
20 ~~the Commandant (or the Commandant’s designee), is au-~~  
21 ~~thorized to advise, consult with, report to, and make rec-~~  
22 ~~ommendations to the Secretary on matters relating to~~  
23 ~~shallow-draft inland navigation, coastal waterway naviga-~~  
24 ~~tion, and towing safety.~~

25 ~~“(c) ORGANIZATION.—~~

1           “(1) MEETING.—The Committee shall, at least  
2           once each calendar year, meet at the call of the  
3           Commandant (or the Commandant’s designee).

4           “(2) MEMBERSHIP.—

5           “(A) IN GENERAL.—The Committee shall  
6           consist of 18 members.

7           “(B) EXPERIENCE.—Each member of the  
8           Committee shall have particular expertise,  
9           knowledge, and experience regarding—

10           “(i) shallow-draft inland navigation or  
11           coastal waterway navigation; and

12           “(ii) towing safety.

13           “(C) POINTS OF VIEW.—Except as pro-  
14           vided in subparagraph (D), each member of the  
15           Committee shall represent the point of view of  
16           an entity or group, as follows:

17           “(i) 7 members representing the barge  
18           and towing industry, reflecting a regional  
19           geographic balance.

20           “(ii) 1 member representing the off-  
21           shore mineral and oil supply vessel indus-  
22           try.

23           “(iii) 1 member representing Masters  
24           or Pilots of towing vessels who have experi-

1           ence on the Western Rivers and the Gulf  
2           Intracoastal Waterway.

3           ~~“(iv) 1 member representing Masters~~  
4           of towing vessels who have experience in  
5           offshore service.

6           ~~“(v) 1 member representing Masters~~  
7           of towing vessels who have experience in  
8           harbor-assist operations.

9           ~~“(vi) 1 member representing towing~~  
10          vessel engineers.

11          ~~“(vii) 2 members representing port~~  
12          districts, authorities, or terminal operators.

13          ~~“(viii) 1 member representing ship-~~  
14          pers.

15          ~~“(ix) 1 member representing shippers~~  
16          who are engaged in the chartering or ship-  
17          ping of oil or hazardous materials by  
18          barge.

19          ~~“(D) ADDITIONAL MEMBERS.—2 members~~  
20          of the Committee shall represent the general  
21          public.

22          ~~“(3) STATUS OF MEMBERS.—For the purposes~~  
23          of Federal law, including the Ethics in Government  
24          Act of 1978 and chapter 11 of title 18—



1           “(A) a member of the Committee, whom  
2           the Secretary appoints to represent the point of  
3           view of an entity or group set out in paragraph  
4           (2)(C), is hereby deemed a representative of the  
5           member’s respective special interest entity or  
6           group, and not a special Government employee  
7           (as defined in section 202(a) of title 18); and

8           “(B) a member of the Committee, whom  
9           the Secretary appoints to represent the general  
10          public, is hereby deemed a special Government  
11          employee (as defined in section 202(a) of title  
12          18).

13          “(4) NOMINATIONS; APPOINTMENTS; SERV-  
14          ICE.—

15               “(A) NOMINATIONS.—As necessary, the  
16               Secretary shall publish, in the Federal Register,  
17               a notice soliciting nominations for membership  
18               on the Committee.

19               “(B) APPOINTMENTS.—

20                   “(i) IN GENERAL.—After timely notice  
21                   is published, the Secretary shall, as nec-  
22                   essary, appoint members to the Committee.

23                   “(ii) LIMITATIONS.—The Secretary  
24                   may not seek, consider, or otherwise use  
25                   information concerning the political affili-

1           ation of an individual in making an ap-  
2           pointment to the Committee.

3           “~~(iii)~~ REAPPOINTMENTS.—The Sec-  
4           retary may reappoint a member to the  
5           Committee more than once.

6           “~~(C)~~ SERVICE.—Each member of the Com-  
7           mittee shall serve at the pleasure of the Sec-  
8           retary.

9           “~~(5)~~ TERM; VACANCY.—

10          “~~(A)~~ TERM.—

11           “~~(i)~~ IN GENERAL.—The term of each  
12           member of the Committee shall expire on  
13           December 31 of the third full year after  
14           the effective date of the appointment.

15           “~~(ii)~~ EXTENSIONS.—Notwithstanding  
16           clause ~~(i)~~, paragraph ~~(4)~~, or any other pro-  
17           vision of law or policy, the Commandant  
18           (or the Commandant’s designee) may ex-  
19           tend the term of a member of the Com-  
20           mittee to December 31 of the fifth full  
21           year after the effective date of the appoint-  
22           ment.

23           “~~(iii)~~ VACANCY.—In the case of an  
24           appointment to fill a vacancy on the Com-

1           mittee, the Secretary shall appoint an indi-  
2           vidual for a full term.

3           ~~“(6) CHAIRMAN; VICE CHAIRMAN.—~~

4           ~~“(A) IN GENERAL.—The Commandant (or~~  
5           ~~the Commandant’s designee) shall designate 1~~  
6           ~~member of the Committee as the Chairman and~~  
7           ~~another member of the Committee as the Vice~~  
8           ~~Chairman, both of whom shall serve in such ea-~~  
9           ~~capacity at the pleasure of the Commandant (or~~  
10          ~~the Commandant’s designee) and for a term to~~  
11          ~~be fixed by the Commandant (or the Com-~~  
12          ~~mandant’s designee).~~

13          ~~“(B) RECOMMENDATIONS.—The Com-~~  
14          ~~mandant (or the Commandant’s designee) may~~  
15          ~~solicit, from the Committee, recommendations~~  
16          ~~with regard to the members whom the Com-~~  
17          ~~mandant (or the Commandant’s designee) shall~~  
18          ~~designate as the Chairman and the Vice Chair-~~  
19          ~~man.~~

20          ~~“(C) VACANCY.—The Vice Chairman shall~~  
21          ~~act as Chairman in the absence or incapacity~~  
22          ~~of, or in the event of a vacancy in the office of,~~  
23          ~~the Chairman.~~

24          ~~“(7) DESIGNATED FEDERAL OFFICER.—The~~  
25          ~~Commandant (or the Commandant’s designee) shall~~

1 designate a Designated Federal Officer to the Com-  
 2 mittee in accordance with the Federal Advisory  
 3 Committee Act (5 U.S.C. App.).

4 “(d) CONSULTATION.—The Commandant (or the  
 5 Commandant’s designee) shall, whenever practicable, con-  
 6 sult with the Committee before taking any significant ac-  
 7 tion affecting shallow-draft inland navigation, coastal wa-  
 8 terway navigation, and towing safety.

9 “(e) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
 10 NATION.—

11 “(1) FACA.—The Federal Advisory Committee  
 12 Act (5 U.S.C. App.) shall apply to the Committee.

13 “(2) TERMINATION.—The Committee shall ter-  
 14minate on September 30, 2027.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF CHAPTERS.—The table of chap-  
 17 ters for subtitle I of title 46, United States Code, is  
 18 amended by adding at the end the following:

“7. Coast Guard advisory committees ..... 701”.

19 (2) COMMERCIAL FISHING SAFETY ADVISORY  
 20 COMMITTEE.—

21 (A) REPEAL.—Section 4508 of title 46,  
 22 United States Code, is repealed.

23 (B) TABLE OF CONTENTS.—The table of  
 24 contents of chapter 45 of title 46, United

1 States Code, is amended by striking the item  
2 relating to section 4508.

3 ~~(3) GREAT LAKES PILOTAGE ADVISORY COM-~~  
4 ~~MITTEE.—~~

5 (A) REPEAL.—Section 9307 of title 46,  
6 United States Code, is repealed.

7 (B) TABLE OF CONTENTS.—The table of  
8 contents of chapter 93 of title 46, United  
9 States Code, is amended by striking the item  
10 relating to section 9307.

11 (4) LOWER MISSISSIPPI RIVER WATERWAY  
12 SAFETY ADVISORY COMMITTEE.—Section 19 of the  
13 Coast Guard Authorization Act of 1991 (Public Law  
14 102–241; 105 Stat. 2215) is repealed.

15 (5) MERCHANT MARINE PERSONNEL ADVISORY  
16 COMMITTEE.—

17 (A) REPEAL.—Section 8108 of title 46,  
18 United States Code, is repealed.

19 (B) TABLE OF CONTENTS.—The table of  
20 contents of chapter 81 of title 46, United  
21 States Code, is amended by striking the item  
22 relating to section 8108.

23 (6) MERCHANT MARINER MEDICAL ADVISORY  
24 COMMITTEE.—

1           (A) REPEAL.—Section 7115 of title 46,  
2           United States Code, is repealed.

3           (B) TABLE OF CONTENTS.—The table of  
4           contents of chapter 71 of title 46, United  
5           States Code, is amended by striking the item  
6           relating to section 7115.

7           (7) NATIONAL BOATING SAFETY ADVISORY  
8           COUNCIL.—

9           (A) REPEAL.—Section 13110 of title 46,  
10           United States Code, is repealed.

11           (B) TABLE OF CONTENTS.—The table of  
12           contents of chapter 131 of title 46, United  
13           States Code, is amended by striking the item  
14           relating to section 13110.

15           (C) TECHNICAL AMENDMENT.—Section  
16           4302(c)(4) of title 46, United States Code, is  
17           amended by striking “13110” and inserting  
18           “708”.

19           (8) NATIONAL MARITIME SECURITY ADVISORY  
20           COMMITTEE.—Section 109(a)(1) of the Maritime  
21           Transportation Security Act of 2002 (46 U.S.C.  
22           70101 note) is amended by striking “section 70112  
23           of title 46, United States Code, as amended by this  
24           Act” and inserting “section 709 of title 46, United  
25           States Code”.

1           (9) NAVIGATION SAFETY ADVISORY COUNCIL.—  
2           Section 5 of the Inland Navigational Rules Act of  
3           1980 (33 U.S.C. 2073) is repealed.

4           (10) TOWING SAFETY ADVISORY COMMITTEE.—  
5           The Act to establish a Towing Safety Advisory Com-  
6           mittee in the Department of Transportation, ap-  
7           proved October 6, 1980 (33 U.S.C. 1231a), is re-  
8           pealed.

9           (c) AREA MARITIME SECURITY ADVISORY COMMIT-  
10          TEES.—

11           (1) IN GENERAL.—Section 70112 of title 46,  
12          United States Code, is amended—

13                   (A) in the heading, by striking “**Mari-**  
14                   **time Security Advisory Committees**”  
15                   and inserting “**Area Maritime Security**  
16                   **Advisory Committees**”;

17                   (B) by amending subsection (a) to read as  
18                   follows:

19           “(a) ESTABLISHMENT OF COMMITTEES.—

20                   “(1) The Secretary may—

21                           “(A) establish an Area Maritime Security  
22                           Advisory Committee for any port area of the  
23                           United States; and

24                           “(B) request an Area Maritime Security  
25                           Committee to review the proposed Area Mari-

1           time Transportation Security Plan developed  
2           under section 70103(b) and make recommenda-  
3           tions to the Secretary that the Committee con-  
4           siders appropriate.

5           “(2) Each Area Maritime Security Advisory  
6           Committee—

7                   “(A) may advise, consult with, report to,  
8                   and make recommendations to the Secretary on  
9                   matters relating to maritime security in that  
10                  area;

11                  “(B) may make available to the Congress  
12                  recommendations that the Committee makes to  
13                  the Secretary; and

14                  “(C) shall meet at the call of—

15                          “(i) the Secretary, who shall call such  
16                          a meeting at least once during each cal-  
17                          endar year; or

18                          “(ii) a majority of the Committee.”;

19                  (C) in subsection (b)—

20                          (i) in paragraph (1), by striking “of  
21                          the committees” and inserting “Area Mari-  
22                          time Security Advisory Committee”;

23                          (ii) in paragraph (3)—

24                                  (I) by striking “such a com-  
25                                  mittee” and inserting “an Area Mari-



1 time Security Advisory Committee”;

2 and

3 ~~(H)~~ by striking “the committee”

4 and inserting “an Area Maritime Se-  
5 curity Advisory Committee”;

6 ~~(iii)~~ in paragraph (4), by striking “the  
7 Committee” and inserting “an Area Mari-  
8 time Security Advisory Committee”; and

9 ~~(iv)~~ in paragraph (5)—

10 ~~(I)~~ by striking subparagraph (A);

11 and

12 ~~(H)~~ in subparagraph (B), by  
13 striking “(B)” and indenting appro-  
14 priately;

15 ~~(D)~~ in subsection (e)(1), by striking “com-  
16 mittee” and inserting “Area Maritime Security  
17 Advisory Committee”;

18 ~~(E)~~ by striking subsection (d);

19 ~~(F)~~ by redesignating subsections (e), (f),  
20 and (g) as subsections (d), (e), and (f), respec-  
21 tively;

22 ~~(G)~~ in subsection (d), as redesignated—

23 ~~(i)~~ by striking “the Committee” and  
24 inserting “an Area Maritime Security Ad-  
25 visory Committee”; and

1 (ii) by striking the period at the end  
2 and inserting “for an area.”;

3 (H) in subsection (e), as redesignated—

4 (i) in paragraph (1), by striking “a  
5 committee” and inserting “an Area Mari-  
6 time Security Advisory Committee”; and

7 (ii) in paragraph (2), by striking  
8 “such a committee” and inserting “an  
9 Area Maritime Security Advisory Com-  
10 mittee”; and

11 (I) by amending subsection (f), as redesi-  
12 gnated, to read as follows:

13 “(f) FEDERAL ADVISORY COMMITTEE ACT; TERMI-  
14 NATION DATE.—

15 “(1) FACA.—The Federal Advisory Committee  
16 Act (5 U.S.C. App.) does not apply to Area Mari-  
17 time Security Advisory Committees established  
18 under this section.

19 “(2) TERMINATION.—The Area Maritime Secu-  
20 rity Advisory Committees shall terminate on Sep-  
21 tember 30, 2027.”.

22 (d) TABLE OF CONTENTS.—The table of contents of  
23 chapter 701 of title 46, United States Code, is amended  
24 in the item relating to section 70112 by striking “Mari-

1 time Security Advisory Committees” and inserting “Area  
2 Maritime Security Advisory Committees”.

3 (c) ~~HOUSTON-GALVESTON NAVIGATION SAFETY AD-~~  
4 ~~VISORY COMMITTEE; REPEAL.~~—Section 18 of the Coast  
5 Guard Authorization Act of 1991 (Public Law 102–241;  
6 105 Stat. 2213) is repealed.

7 (f) ~~TRANSITION OF COAST GUARD ADVISORY COM-~~  
8 ~~MITTEES.~~—

9 (1) ~~IN GENERAL.~~—Notwithstanding the amend-  
10 ments made under subsections (b) and (c) of this  
11 section, an advisory committee described in para-  
12 graph (2) of this subsection shall continue to be sub-  
13 ject to the requirements under law to which such ad-  
14 visory committee was subject as in effect on the day  
15 before the date of enactment of this Act, including  
16 its charter, and the members appointed to such advi-  
17 sory committee shall continue to serve pursuant  
18 thereto, until the Secretary of the department in  
19 which the Coast Guard is operating makes the appli-  
20 cable appointments under sections 702 through 712  
21 of title 46, United States Code.

22 (2) ~~COAST GUARD ADVISORY COMMITTEES.~~—An  
23 advisory committee described in this paragraph is as  
24 follows:

1           (A) Chemical Transportation Advisory  
2 Committee.

3           (B) Commercial Fishing Safety Advisory  
4 Committee established under section 4508 of  
5 title 46, United States Code.

6           (C) Great Lakes Pilotage Advisory Com-  
7 mittee established under section 9307 of title  
8 46, United States Code.

9           (D) Lower Mississippi River Waterway  
10 Safety Advisory Committee established under  
11 section 19 of the Coast Guard Authorization  
12 Act of 1991 (Public Law 102-241; 105 Stat.  
13 2215).

14           (E) Merchant Marine Personnel Advisory  
15 Committee established under section 8108 of  
16 title 46, United States Code.

17           (F) Merchant Mariner Medical Advisory  
18 Committee established under section 7115 of  
19 title 46, United States Code.

20           (G) National Boating Safety Advisory  
21 Committee established under section 13110 of  
22 title 46, United States Code.

23           (H) National Maritime Security Advisory  
24 Committee established under section 70112 of  
25 title 46, United States Code.

1           (I) National Offshore Safety Advisory  
2           Committee.

3           (J) Navigation Safety Advisory Council es-  
4           tablished under section 5 of the Inland Naviga-  
5           tional Rules Act of 1980 (33 U.S.C. 2073).

6           (K) Towing Safety Advisory Committee es-  
7           tablished under the Act entitled the “Act to es-  
8           tablish a Towing Safety Advisory Committee in  
9           the Department of Transportation”, approved  
10          October 6, 1980 (33 U.S.C. 1231a).

11          (3) DEADLINE.—Not later than 2 years after  
12          the date of enactment of this Act, the Secretary of  
13          the department in which the Coast Guard is oper-  
14          ating shall make the appointments, and file any nec-  
15          essary charters, under sections 702 through 712 of  
16          title 46, United States Code.

17 **SEC. 302. CLARIFICATION OF LOGBOOK AND ENTRY RE-**  
18 **QUIREMENTS.**

19          Section 11304 of title 46, United States Code, is  
20          amended—

21               (1) in subsection (a)—

22                       (A) by striking “an official logbook, which”  
23                       and inserting “a logbook, which may be in any  
24                       form, including electronic, and”; and

1           (B) by inserting “or a ferry, passenger ves-  
 2           sel, or small passenger vessel (as those terms  
 3           are defined in section 2101)” after “Canada”;  
 4           and

5           (2) in subsection (b)—

6           (A) in the matter preceding paragraph (1),  
 7           by striking “log book” and inserting “logbook”;  
 8           and

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

11          “(3) Each illness of or injury, the nature of the  
 12          illness or injury, and any medical treatment admin-  
 13          istered.”.

14   **SEC. 303. TECHNICAL CORRECTIONS; LICENSES, CERTIFI-**  
 15                   **CATIONS OF REGISTRY, AND MERCHANT**  
 16                   **MARINER DOCUMENTS.**

17          Part E of subtitle II of title 46, United States Code,  
 18   is amended—

19          (1) in section 7106(b), by striking “merchant  
 20          mariner’s document” and inserting “license”;

21          (2) in section 7107(b), by striking “merchant  
 22          mariner’s document” and inserting “certificate of  
 23          registry”; and

1           (3) in section 7507(b)(2), by striking “a mer-  
 2           chant mariner’s document” and inserting “a license  
 3           or a certificate of registry.”.

4 **SEC. 304. NUMBERING FOR UNDOCUMENTED BARGES.**

5           Chapter 121 of title 46, United States Code, is  
 6 amended—

7           (1) in section 12102—

8                   (A) in subsection (e), by adding at the end  
 9                   the following: “The Secretary may require such  
 10                   an undocumented barge more than 100 gross  
 11                   tons operating on the navigable waters of the  
 12                   United States to be numbered under chapter  
 13                   123 of this title.”; and

14                   (B) in subsection (d), by striking “Sec-  
 15                   retary of Transportation” and inserting “Sec-  
 16                   retary of the department in which the Coast  
 17                   Guard is operating”; and

18           (2) in section 12301—

19                   (A) by striking subsection (b); and

20                   (B) by striking the subsection designation  
 21                   in subsection (a) and indenting appropriately.

22 **SEC. 305. AIDS TO NAVIGATION.**

23           (a) AUTHORIZATIONS.—Section 210(a) of the Water  
 24 Resources Development Act of 1986 (33 U.S.C. 2238) is  
 25 amended—

1           (1) in paragraph (1), by striking “; and” and  
2 inserting a semicolon;

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

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

6           “(3) up to 100 percent of the Coast Guard’s el-  
7 igible operations and maintenance costs necessitated  
8 by the completion of a navigation improvement  
9 project.”.

10          (b) DEFINITIONS.—Section 214(2) of the Water Re-  
11 sources Development Act of 1986 (33 U.S.C. 2241) is  
12 amended—

13           (1) in subparagraph (A), by striking “subpara-  
14 graph (B)” and inserting “subparagraphs (B) and  
15 (C)”;

16           (2) by redesignating subparagraph (C) as sub-  
17 paragraph (D);

18           (3) by inserting after subparagraph (B) the fol-  
19 lowing:

20           “(C) As applied to the Coast Guard, the  
21 term ‘eligible operations and maintenance’  
22 means all operations and maintenance reason-  
23 ably necessary to relocate or establish a Federal  
24 navigational aid necessary for a navigation im-  
25 provement project.”; and



1           (4) in subparagraph (D), as redesignated, by  
2           striking the period at the end and inserting “; except  
3           as applied to the Coast Guard under subparagraph  
4           (C).”.

5 **SEC. 306. EQUIPMENT REQUIREMENTS; EXEMPTION FROM**  
6                   **THROWABLE PERSONAL FLOTATION DE-**  
7                   **VICES.**

8           Not later than 180 days after the date of enactment  
9           of this Act, the Secretary of the department in which the  
10          Coast Guard is operating shall revise section 175.17 of  
11          title 33, Code of Federal Regulations, to exempt  
12          paddleboards and rafts from the requirement for carriage  
13          of an additional throwable personal flotation device if each  
14          person is required to wear a personal flotation device while  
15          under way and at least 1 rescue throw bag, as typically  
16          used in whitewater rafting, is on board.

17 **SEC. 307. ENSURING MARITIME COVERAGE.**

18          In order to meet all of the mission requirements of  
19          its maritime response program, as the Coast Guard re-  
20          capitalizes assets, it shall ensure continuity of the coverage  
21          currently provided by that program to locations that may  
22          lose assets.

1 **SEC. 308. DEADLINE FOR COMPLIANCE WITH ALTERNATE**  
2 **SAFETY COMPLIANCE PROGRAM.**

3 (a) IN GENERAL.—Section 4503(d) of title 46,  
4 United States Code, is amended—

5 (1) in paragraph (1), by striking “After Janu-  
6 ary 1, 2020,” and all that follows through “the Sec-  
7 retary, if” and inserting “Subject to paragraph (3),  
8 beginning on the date that is 3 years after the date  
9 that the Secretary prescribes an alternate safety  
10 compliance program, a fishing vessel, fish processing  
11 vessel, or fish tender vessel to which section 4502(b)  
12 of this title applies shall comply with the alternate  
13 safety compliance program if”;

14 (2) in paragraph (2), by striking “establishes  
15 standards for an alternate safety compliance pro-  
16 gram, shall comply with such an alternative safety  
17 compliance program that is developed in cooperation  
18 with the commercial fishing industry and prescribed  
19 by the Secretary” and inserting “prescribes an alter-  
20 nate safety compliance program under paragraph  
21 (1), shall comply with the alternate safety compli-  
22 ance program”; and

23 (3) by amending paragraph (3) to read as fol-  
24 lows:

1           “(3) For purposes of paragraph (1), a separate  
2           alternate safety compliance program may be devel-  
3           oped for a specific region or specific fishery.”.

4           (b) FINAL RULE.—Not later than 1 year after the  
5           date of enactment of this Act, the Secretary of the depart-  
6           ment in which the Coast Guard is operating shall issue  
7           a final rule implementing the alternate safety compliance  
8           programs under section 4503 of title 46, United States  
9           Code, as amended by subsection (a) of this section.

10   **SEC. 309. FISHING, FISH TENDER, AND FISH PROCESSING**

11                           **VESSEL CERTIFICATION.**

12           (a) NONAPPLICATION.—Section 4503(e)(2)(A) of  
13           title 46, United States Code, is amended by striking “79”  
14           and inserting “180”.

15           (b) DETERMINING WHEN KEEL IS LAID.—Section  
16           4503 of title 46, United States Code, is amended—

17                   (1) by redesignating subsection (g) as sub-  
18                   section (h); and

19                   (2) by inserting after subsection (f) the fol-  
20                   lowing:

21           “(g) For purposes of this section, a keel is laid when  
22           a structure, adequate of serving as a keel for a vessel  
23           greater than 79 feet in length is identified for use in the  
24           construction of a specific vessel and is so affirmed by a  
25           marine surveyor.”.

1 **SEC. 310. TERMINATION OF UNSAFE OPERATIONS; TECH-**  
 2 **NICAL AMENDMENT.**

3 Section 4505 of title 46, United States Code, is  
 4 amended by striking “4503(1)” and inserting  
 5 “4503(a)(1)”.

6 **SEC. 311. INSTALLATION AND USE OF ENGINE CUT-OFF**  
 7 **SWITCHES ON RECREATIONAL VESSEL.**

8 (a) USE OF ENGINE CUT-OFF SWITCH LINKS.—

9 (1) REQUIREMENT.—The Secretary of the de-  
 10 partment in which the Coast Guard is operating  
 11 shall revised the regulations under part 175 of title  
 12 33, Code of Federal Regulations, to prohibit a per-  
 13 son from operating a recreational vessel 25 feet or  
 14 less in length unless—

15 (A) the person is wearing an engine cut-off  
 16 switch link while operating on plane or above  
 17 displacement speed; and

18 (B) the engine cut-off switch is factory  
 19 equipped on the primary propulsion machinery.

20 (2) EXCEPTIONS.—The requirement under  
 21 paragraph (1) shall not apply to the following:

22 (A) A vessel 25 feet or less in length whose  
 23 main helm is installed within an enclosed cabin  
 24 that would protect an operator from being  
 25 thrown overboard should the operator be dis-  
 26 placed from the helm.

1           (B) A vessel with propulsion machinery de-  
 2           veloping static thrust of less than 115 pounds  
 3           or  $\frac{2}{3}$  horsepower.

4           (C) A vessel without factory equipped en-  
 5           gine cut-off switches.

6           (b) ~~INSTALLATION OF ENGINE CUT-OFF SWITCH-~~  
 7 ~~ES.~~—The Secretary of the department in which the Coast  
 8 Guard is operating shall revise the regulations under part  
 9 183 of title 33, Code of Federal Regulations, to require  
 10 an equipment manufacturer, distributor, or dealer that in-  
 11 stalls propulsion machinery and associate starting controls  
 12 on a recreational vessel 25 feet or less in length and capa-  
 13 ble of developing at least 115 pounds of static thrust to  
 14 install an engine cut-off switch on such recreational vessel  
 15 in accordance with the American Boat and Yacht Stand-  
 16 ard A-33, as amended.

17          (c) ~~PENALTY.~~—A person that violates a regulation  
 18 promulgated under subsection (a)(1) of this section shall  
 19 be subject to a civil penalty under section 4311 of title  
 20 46, United States Code, not to exceed—

- 21           (1) \$100 for the first offense;  
 22           (2) \$250 for the second offense; and  
 23           (3) \$500 for any subsequent offense.

24          (d) ~~PREEMPTION.~~—In accordance with section 4306  
 25 of title 46, United States Code, a State may not establish,

1 continue in effect, or enforce any law or regulation ad-  
2 dressing engine cut-off switch requirements that is not  
3 identical to a regulation prescribed under this section.

4 (e) DEFINITIONS.—In this section:

5 (1) ENGINE CUT-OFF SWITCH.—The term “en-  
6 gine cut-off switch” means a mechanical or elec-  
7 tronic device that is connected to propulsion machin-  
8 ery that will stop propulsion if—

9 (A) the switch is not properly connected;

10 or

11 (B) the switch components are submerged  
12 in water or separated from the switch by a pre-  
13 determined distance.

14 (2) ENGINE CUT-OFF SWITCH LINK.—The term  
15 “engine cut-off switch link” means the equipment  
16 attached to the recreational vessel operator and  
17 which activates the engine cut-off switch.

18 (f) EFFECTIVE DATES.—A regulation prescribed  
19 under this section shall specify an effective date that is  
20 not earlier than 1 year from the date the regulation was  
21 published.

22 **SEC. 312. VISUAL DISTRESS SIGNALS AND ALTERNATIVE**  
23 **USE.**

24 (a) IN GENERAL.—The Secretary of the department  
25 in which the Coast Guard is operating shall develop a per-

1 performance standard for the alternative use and possession  
 2 of visual distress signals as mandated by carriage require-  
 3 ments for recreational boats in subpart C of part 175 of  
 4 title 33, Code of Federal Regulations.

5 (b) REGULATIONS.—Not later than 180 days after  
 6 the performance standard for alternative use and posses-  
 7 sion of a visual distress signal is finalized, the Secretary  
 8 shall revise part 175 of title 33, Code of Federal Regula-  
 9 tions, to allow for carriage of such alternative signal de-  
 10 vices.

11 (c) EPIRBs AND PLBs.—In revising the regulations  
 12 under subsection (b), the Secretary shall allow use of a  
 13 position indicating radio beacons (EPIRBs) or Personal  
 14 Locating Devices (PLBs) of 406 megahertz, operating on  
 15 the COSPAS-SARSAT system to meet the alternative  
 16 carriage requirements for recreational boats under subpart  
 17 C of part 175 of title 33, Code of Federal Regulations.

18 **SEC. 313. RENEWAL PERIOD FOR DOCUMENTED REC-**  
 19 **REATIONAL VESSELS.**

20 (a) IN GENERAL.—Not later than 2 years after the  
 21 date of the enactment of this Act, the Secretary of the  
 22 department in which the Coast Guard is operating shall  
 23 issue certificates of documentation for recreational vessels  
 24 effective for 5 years and charge a nonrefundable fee of  
 25 \$130 per issuance.

1 (b) FEES.—All fees collected from recreational vessel  
 2 owners under subsection (a) shall be available to fund rec-  
 3 reational vessel documentation costs until expended.

4 **SEC. 314. EXCEPTION FROM SURVIVAL CRAFT REQUIRE-**  
 5 **MENTS.**

6 Section 3104 of title 46, United States Code, is  
 7 amended—

8 (1) by redesignating subsection (d) as sub-  
 9 section (e); and

10 (2) by inserting after subsection (e) the fol-  
 11 lowing:

12 “(d) AUXILIARY CRAFT.—

13 “(1) EXCEPTION.—Subject to paragraph (2),  
 14 this section shall not apply to a vessel carrying an  
 15 auxiliary craft on board, except an inflatable liferaft,  
 16 if the auxiliary craft—

17 “(A) is readily accessible during an emer-  
 18 gency; and

19 “(B) is capable of safely holding all indi-  
 20 viduals on board the vessel.

21 “(2) REQUIREMENT.—A vessel described in  
 22 paragraph (1) may not exceed the rated capacity on  
 23 the capacity plate of the auxiliary craft if the auxil-  
 24 iary craft is equipped with a Coast Guard required  
 25 capacity plate.”



1 **SEC. 315. INLAND WATERWAY AND RIVER TENDER ACQUISITION PLAN.**  
2

3 (a) **ACQUISITION PLAN.**—Not later than 545 days  
4 after the date of enactment of this Act, the Commandant  
5 of the Coast Guard shall submit to the Committee on  
6 Commerce, Science, and Transportation of the Senate and  
7 the Committee on Transportation and Infrastructure of  
8 the House of Representatives a plan to replace the aging  
9 fleet of inland waterway and river tenders.

10 (b) **CONTENTS.**—The plan described in subsection (a)  
11 shall include—

- 12 (1) a schedule for the acquisition to begin;  
13 (2) the date the first vessel will be delivered;  
14 (3) the date the acquisition will be complete;  
15 (4) a description of the order and location of re-  
16 placements;  
17 (5) an estimate of the cost per vessel and for  
18 total acquisition program of record; and  
19 (6) an analysis of whether existing vessels can  
20 be used.

21 **SEC. 316. ARCTIC PLANNING CRITERIA.**

22 (a) **IN GENERAL.**—Not later than 180 days after the  
23 date of enactment of this Act, the Commandant of the  
24 Coast Guard shall submit to the Committee on Commerce,  
25 Science, and Transportation of the Senate and the Com-  
26 mittee on Transportation and Infrastructure of the House

1 of Representatives a report on the oil spill prevention and  
2 response capabilities for the area covered by the Captain  
3 of the Port Zone that includes the Arctic.

4 (b) CONTENTS.—The report shall include the fol-  
5 lowing:

6 (1) Levels of equipment and assets.

7 (2) Location the equipment and assets that are  
8 to be deployed, including an estimate of the time to  
9 deploy the equipment and assets.

10 (3) A determination on the degree of how effec-  
11 tively the assets are distributed throughout the area.

12 (4) A statement on whether performance of  
13 ability to deploy equipment is taken into account  
14 when measuring the level of equipment available.

15 (5) Validation of port assessment visit process  
16 and response resource inventory.

17 (6) A description of the resources need through-  
18 out the Coast Guard to conduct port assessments,  
19 exercises, response plan review and spill responses.

20 (c) DEFINITION OF ARCTIC.—In this section, the  
21 term “Arctic” has the meaning given the term under sec-  
22 tion 112 of the Arctic Research and Policy Act of 1984  
23 (15 U.S.C. 4111).

1 **TITLE IV—MARITIME SECURITY**

2 **SEC. 401. MARITIME BORDER SECURITY COOPERATION.**

3 The Secretary of the department in which the Coast  
4 Guard is operating shall, in accordance with law—

5 (1) partner with other Federal, State, and local  
6 government agencies to leverage technology, includ-  
7 ing existing sensor and camera systems and other  
8 sensors, to provide continuous monitoring of the  
9 maritime border; and

10 (2) enter into such agreements as the Secretary  
11 considers necessary to ensure 24-hour monitoring of  
12 such technology.

13 **SEC. 402. CURRENCY DETECTION CANINE TEAM PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) CANINE CURRENCY DETECTION TEAM.—

16 The term “canine currency detection team” means a  
17 canine and a canine handler that are trained to de-  
18 tect currency.

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

22 (b) ESTABLISHMENT.—Not later than 1 year after  
23 the date of enactment of this Act, the Secretary shall es-  
24 tablish a program to allow the use of canine currency de-  
25 tection teams for purposes of Coast Guard maritime law

1 enforcement and maritime security operations, including  
2 underway vessel boardings.

3 (c) OPERATION.—The Secretary may cooperate with,  
4 or enter into an agreement with, the head of another Fed-  
5 eral agency to meet the requirements under subsection (b).

6 **SEC. 403. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

7 Section 658 of title 14, United States Code, is  
8 amended by striking “\$45,000” and inserting  
9 “\$250,000”.

10 **SEC. 404. ARCTIC MARITIME DOMAIN AWARENESS.**

11 (a) IN GENERAL.—The Secretary of the department  
12 in which the Coast Guard is operating shall conduct a 1-  
13 year pilot program to determine the impact of persistent  
14 aircraft-based surveillance on illegal maritime activities in  
15 the Alaskan and Western Pacific regions.

16 (b) REQUIREMENTS.—The pilot program shall—

17 (1) use light aircraft-based detection systems  
18 which can identify potential illegal activity from  
19 higher altitudes and produce enforcement-quality  
20 evidence at lower altitudes; and

21 (2) be directed at detecting and deterring ille-  
22 gal, unreported, and unregulated fishing and en-  
23 hancing maritime domain awareness.

1 **SEC. 405. STRATEGIC ASSETS IN THE ARCTIC.**

2 (a) **DEFINITION OF ARCTIC.**—In this section, the  
3 term “Arctic” has the meaning given the term in section  
4 112 of the Arctic Research and Policy Act of 1984 (15  
5 U.S.C. 4111).

6 (b) **SENSE OF CONGRESS.**—It is the sense of Con-  
7 gress that—

8 (1) the Arctic continues to grow in significance  
9 to both the national security interests and the eco-  
10 nomic prosperity of the United States; and

11 (2) the Coast Guard must ensure it is posi-  
12 tioned to respond to any accident, incident, or threat  
13 with appropriate assets.

14 (c) **REPORT.**—Not later than 1 year after the date  
15 of enactment of this Act, the Commandant of the Coast  
16 Guard shall submit to the Committee on Commerce,  
17 Science, and Transportation of the Senate and the Com-  
18 mittee on Transportation and Infrastructure of the House  
19 of Representatives a report on the progress toward imple-  
20 menting the strategic objectives described in the United  
21 States Coast Guard Arctic Strategy dated May 2013.

22 (d) **CONTENTS.**—The report under subsection (c)  
23 shall include—

24 (1) a description of the Coast Guard’s progress  
25 toward each strategic objective;

1           (2) plans to provide communications throughout  
2 the entire Coastal Western Alaska Captain of the  
3 Port zone to improve waterway safety and mitigate  
4 close calls, collisions, and other dangerous inter-  
5 actions between the shipping industry and subsist-  
6 ence hunters;

7           (3) plans to prevent marine casualties, when  
8 possible, by ensuring vessels avoid environmentally  
9 sensitive areas and permanent security zones;

10          (4) an explanation of—

11               (A) whether it is feasible to establish a ves-  
12 sel traffic service, using existing resources or  
13 otherwise; and

14               (B) whether an Arctic Response Center of  
15 Expertise is necessary to address the gaps in  
16 experience, skills, equipment, resources, train-  
17 ing, and doctrine to prepare, respond to, and  
18 recover spilled oil in the Arctic;

19          (5) an assessment of whether sufficient agree-  
20 ments are in place to ensure the Coast Guard is re-  
21 ceiving the information it needs to carry out its re-  
22 sponsibilities;

23          (6) an assessment of the assets and infrastruc-  
24 ture necessary to meet the strategic objectives iden-  
25 tified in the United States Coast Guard Arctic

1 Strategy dated May 2013 based on factors such  
2 as—

3 (A) response time;

4 (B) coverage area;

5 (C) endurance on scene;

6 (D) presence; and

7 (E) deterrence; and

8 (7) an analysis of National Security Cutters,  
9 Offshore Patrol Cutters, and Fast Response Cutters  
10 capabilities based on the factors described in sub-  
11 paragraphs (A) through (E) of paragraph (6), both  
12 stationed from various Alaska ports and in other lo-  
13 cations.

## 14 **TITLE V—MISCELLANEOUS**

### 15 **SEC. 501. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.**

16 Section 27 of the Coast Guard Authorization Act of  
17 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

### 18 **SEC. 502. ACQUISITION WORKFORCE EXPEDITED HIRING**

#### 19 **AUTHORITY.**

20 (a) **EXPEDITED HIRING AUTHORITY.**—

21 (1) **IN GENERAL.**—Chapter 15 of title 14,  
22 United States Code, is amended by inserting after  
23 section 563 the following:

1 **“§ 563a. Acquisition workforce expedited hiring au-**  
 2 **thority**

3 “For purposes of section 3304 of title 5, the Com-  
 4 mandant of the Coast Guard may—

5 “(1) designate any category of acquisition posi-  
 6 tions within the Coast Guard as shortage category  
 7 positions; and

8 “(2) use the authorities in such section to re-  
 9 cruit and appoint highly qualified persons directly to  
 10 positions so designated.”.

11 (2) TABLE OF CONTENTS.—The table of con-  
 12 tents of chapter 15 of title 14, United States Code,  
 13 is amended by inserting after the item relating to  
 14 section 563 the following:

“563a. Acquisition workforce expedited hiring authority.”.

15 (3) REPEAL.—Section 404 of the Coast Guard  
 16 Authorization Act of 2010 (Public Law 111–281;  
 17 124 Stat. 2950) is repealed.

18 (b) ACQUISITION WORKFORCE REEMPLOYMENT AU-  
 19 THORITY.—

20 (1) IN GENERAL.—Chapter 15 of title 14, as  
 21 amended by subsection (a) of this section, is further  
 22 amended by inserting after section 563a the fol-  
 23 lowing:



1 **“§ 563b. Acquisition workforce reemployment author-**  
 2 **ity**

3 “(a) IN GENERAL.—Except as provided in subsection  
 4 (b), if an annuitant receiving an annuity from the Civil  
 5 Service Retirement and Disability Fund becomes em-  
 6 ployed in any category of acquisition positions designated  
 7 by the Commandant of the Coast Guard under section  
 8 563a of this title, the annuity of an annuitant so employed  
 9 shall continue. An annuitant so reemployed shall not be  
 10 considered an employee for purposes of subchapter III of  
 11 chapter 83 or chapter 84 of title 5.

12 “(b)(1) ELECTION.—An annuitant retired under sec-  
 13 tion 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an  
 14 annuity from the Civil Service Retirement and Disability  
 15 Fund, who becomes employed in a position within the  
 16 Coast Guard after the date of enactment of the Coast  
 17 Guard Authorization Act of 2017, may elect to be subject  
 18 to section 8344 or 8468 of such title (as the case may  
 19 be).

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

24 “(B) COVERAGE.—If an employee files an elec-  
 25 tion under this subsection, coverage shall be effective  
 26 beginning on the first day of the first applicable pay

1 period beginning on or after the date of the filing of  
2 the election.

3 “(2) APPLICATION.—Paragraph (1) shall apply to an  
4 individual who is eligible to file an election under subpara-  
5 graph (A) and does not file a timely election under sub-  
6 paragraph (B).”

7 (2) TABLE OF CONTENTS.—The table of con-  
8 tents of chapter 15 of title 14, United States Code,  
9 as amended in subsection (a) of this section, is fur-  
10 ther amended by inserting after the item relating to  
11 section 563a the following:

“563b. Acquisition workforce reemployment authority.”

12 **SEC. 503. DRAWBRIDGES.**

13 (a) PURPOSES.—The purposes of this section are—

14 (1) to ensure the public is made aware of any  
15 temporary change to a drawbridge operating sched-  
16 ule; and

17 (2) to ensure the operators are maintaining logs  
18 of drawbridge movement.

19 (b) TEMPORARY CHANGES TO DRAWBRIDGE OPER-  
20 ATING SCHEDULES.—Section 5 of the Act entitled “An  
21 Act making appropriations for the construction, repair,  
22 and preservation of certain public works on rivers and har-  
23 bors, and for other purposes”, approved August 18, 1894  
24 (33 U.S.C. 499), is amended by adding at the end the  
25 following—

1       “(d) TEMPORARY CHANGES TO DRAWBRIDGE OPER-  
2     ATING SCHEDULES.—Notwithstanding section 553 of title  
3     5, United States Code, whenever a temporary change to  
4     the operating schedule of a drawbridge, lasting 180 days  
5     or less, is approved—

6             “(1) the Secretary of the department in which  
7     the Coast Guard is operating shall—

8                 “(A) issue a deviation approval letter to  
9     the bridge owner;

10                “(B) publish a notice of the temporary de-  
11     viation from the regulations in the Federal Reg-  
12     ister; and

13                “(C) announce the temporary change in—

14                    “(i) the Local Notice to Mariners;

15                    “(ii) broadcast notices to mariners  
16     through the Coast Guard radio station or  
17     Navy radio station; or both; or

18                    “(iii) such other local media as the  
19     Secretary considers appropriate; and

20             “(2) the bridge owner, except a railroad bridge  
21     owner, shall notify—

22                 “(A) the public by publishing notice of the  
23     temporary change in a newspaper of general  
24     circulation published in the place where the  
25     bridge is located;

1           “(B) the department, agency, or office of  
2           transportation with jurisdiction over the road-  
3           way that abuts the approaches to the bridge;  
4           and

5           “(C) the law enforcement organization  
6           with jurisdiction over the roadway that abuts  
7           the approaches to the bridge.

8           “(e) DRAWBRIDGE MOVEMENTS.—The Secretary of  
9           the department in which the Coast Guard is operating—

10           “(1) shall require a drawbridge operator to  
11           record each movement of the drawbridge in a log;

12           “(2) may inspect the log to ensure drawbridge  
13           movement is in accordance with the posted operating  
14           schedule; and

15           “(3) may determine if the operating schedule  
16           should be adjusted for efficiency.”.

17           **SEC. 504. INCENTIVE CONTRACT; COAST GUARD YARD AND**  
18           **INDUSTRIAL ESTABLISHMENTS.**

19           (a) IN GENERAL.—Whenever the parties to a project  
20           order for industrial work to be performed by the Coast  
21           Guard Yard or a designated Coast Guard industrial estab-  
22           lishment agree that delivery or technical performance of  
23           the wage-grade industrial employees may, during the term  
24           of such project order, improve, the parties to such project  
25           order may, notwithstanding any other provision of law, in-

1 eluding any provision of law that provides for the time  
2 or purpose of appropriated funds, enter into an incentive  
3 project order or a cost-plus-incentive-fee project order by  
4 which an agreed upon amount of the adjustment to be  
5 made pursuant to section 648(a) of title 14, United States  
6 Code, may, notwithstanding that provision of law or any  
7 other provision of law, be distributed as an incentive to  
8 the wage-grade industrial employees who completed the  
9 project order.

10 (b) **CONDITION.**—Before entering into an incentive  
11 project order or a cost-plus-incentive-fee project order, the  
12 commanding officer of the Coast Guard Yard or the com-  
13 manding officer of the Coast Guard industrial establish-  
14 ment, as the case may be, shall complete a determination  
15 and finding for such incentive project order or cost-plus-  
16 incentive-fee project order that justifies the use of such  
17 project order as in the best interest of the Federal Govern-  
18 ment.

19 (c) **TREATMENT OF INCENTIVE AWARD.**—Notwith-  
20 standing any other provision of law, in the event that the  
21 industrial workforce of the Coast Guard Yard or a Coast  
22 Guard industrial establishment satisfies the performance  
23 target set out in an incentive project order or a cost-plus-  
24 incentive-fee project order—

1           (1) the adjustment to be made pursuant to sec-  
2           tion 648(a) of title 14, United States Code, shall,  
3           notwithstanding that provision of law, be reduced by  
4           the agreed amount and distributed as an incentive to  
5           such wage-grade industrial employees; and

6           (2) the remainder of the adjustment shall be  
7           credited to the appropriation current at that time.

8 **SEC. 505. COAST GUARD HEALTH-CARE PROFESSIONALS;**  
9                                   **LICENSURE PORTABILITY.**

10          (a) **IN GENERAL.**—Section 1094(d)(1) of title 10,  
11          United States Code, shall apply in the same manner and  
12          to the same degree as such section applies to a health-  
13          care professional described in subsection (d)(2) of that  
14          section to a health-care professional described in sub-  
15          section (b) of this section.

16          (b) **HEALTH-CARE PROFESSIONAL.**—A health-care  
17          professional described in this subsection is a member of  
18          the Coast Guard, civilian employee of the Coast Guard,  
19          member of the Public Health Service assigned to the Coast  
20          Guard, personal services contractor under section 1091 of  
21          title 10, United States Code, or other health-care profes-  
22          sional credentialed and privileged at a Federal health care  
23          institution or location specially designated by the Sec-  
24          retary of the department in which the Coast Guard is op-  
25          erating for this purpose who—

1           (1) has a current license to practice medicine,  
2           osteopathic medicine, dentistry, or another health  
3           profession; and

4           (2) is performing authorized duties for the  
5           Coast Guard.

6 **SEC. 506. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**

7           (a) ~~LAND EXCHANGE; AYAKULIK ISLAND, ALAS-~~  
8 ~~KA.~~—If the owner of Ayakulik Island, Alaska, offers to  
9 exchange the Island for the Tract—

10           (1) within 30 days after receiving such offer,  
11           the Secretary shall provide notice of the offer to the  
12           Commandant;

13           (2) within 30 days after receiving the notice  
14           under paragraph (1), the Commandant shall develop  
15           and transmit to the Secretary proposed operational  
16           restrictions on commercial activity conducted on the  
17           Tract, including the right of the Commandant to—

18                   (A) order the immediate termination, for a  
19                   period of up to 72 hours, of any activity occur-  
20                   ring on or from the Tract that violates or  
21                   threatens to violate 1 or more of such restric-  
22                   tions; or

23                   (B) commence a civil action for appro-  
24                   priate relief, including a permanent or tem-

1           porary injunction enjoining the activity that vio-  
2           lates or threatens to violate such restrictions;

3           ~~(3)~~ within 30 days after receiving the proposed  
4           operational restrictions from the Commandant, the  
5           Secretary shall transmit such restrictions to the  
6           owner of Ayakulik Island; and

7           (4) within 30 days after transmitting the pro-  
8           posed operational restrictions to the owner of  
9           Ayakulik Island, and if the owner agrees to such re-  
10          strictions, the Secretary shall convey all right, title,  
11          and interest of the United States in and to the  
12          Tract to the owner, subject to an easement granted  
13          to the Commandant to enforce such restrictions, in  
14          exchange for all right, title, and interest of such  
15          owner in and to Ayakulik Island.

16          (b) BOUNDARY REVISIONS.—The Secretary may  
17          make technical and conforming revisions to the boundaries  
18          of the Tract before the date of the exchange.

19          (c) PUBLIC LAND ORDER.—Effective on the date of  
20          an exchange under subsection (a), Public Land Order  
21          5550 shall have no force or effect with respect to sub-  
22          merged lands that are part of the Tract.

23          (d) FAILURE TO TIMELY RESPOND TO NOTICE.—If  
24          the Commandant does not transmit proposed operational  
25          restrictions to the Secretary within 30 days after receiving



1 the notice under subsection (a)(1), the Secretary shall, by  
2 not later than 60 days after transmitting such notice, con-  
3 vey all right, title, and interest of the United States in  
4 and to the Tract to the owner of Ayakulik Island in ex-  
5 change for all right, title, and interest of such owner in  
6 and to Ayakulik Island.

7 (e) CERCLA NOT AFFECTED.—This section and an  
8 exchange under this section shall not be construed to limit  
9 the application of or otherwise affect section 120(h) of the  
10 Comprehensive Environmental Response, Compensation,  
11 and Liability Act of 1980 (42 U.S.C. 9620(h)).

12 (f) DEFINITIONS.—In this section:

13 (1) COMMANDANT.—The term “Commandant”  
14 means the Secretary of the department in which the  
15 Coast Guard is operating, acting through the Com-  
16 mandant of the Coast Guard.

17 (2) SECRETARY.—The term “Secretary” means  
18 the Secretary of the Interior.

19 (3) TRACT.—The term “Tract” means the land  
20 (including submerged land) depicted as “PRO-  
21 POSED PROPERTY EXCHANGE AREA” on the  
22 survey titled “PROPOSED PROPERTY EX-  
23 CHANGE PARCEL” and dated March 22, 2017.

1 **SEC. 507. ABANDONED SEAFARERS FUND AMENDMENTS.**

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

4 (1) in subsection (a)(2), by striking “may be  
5 appropriated to the Secretary” in the matter before  
6 subparagraph (A) and inserting “shall be available  
7 to the Secretary without further appropriation, and  
8 shall remain available until expended,”; and

9 (2) in subsection (c)—

10 (A) in paragraph (1), by inserting “plus a  
11 surcharge of 25 percent of such total amount,”  
12 after “seafarer,” in the matter preceding sub-  
13 paragraph (A); and

14 (B) by striking paragraph (4).

15 **SEC. 508. ASSISTANCE FOR SMALL SHIPYARDS.**

16 (a) **IN GENERAL.**—Section ~~54101~~ of title 46, United  
17 States Code, is amended—

18 (1) in the heading, by striking “**and mari-**  
19 **time communities**”;

20 (2) in subsection (a)(2), by striking “in commu-  
21 nities” and all that follows through the period and  
22 inserting “relating to shipbuilding, ship repair, and  
23 associated industries.”;

24 (3) by amending subsection (b)(1) to read as  
25 follows:

26 “(1) consider projects that foster—

1           “(A) efficiency, competitive operations, and  
2           quality ship construction, repair, and reconfig-  
3           uration; and

4           “(B) employee skills and enhancing pro-  
5           ductivity related to shipbuilding, ship repair,  
6           and associated industries; and”;

7           (4) in subsection (c)(1), by striking subpara-  
8           graphs (A), (B), and (C) and inserting the following:

9           “(A) to make capital and related improve-  
10          ments in small shipyards; and

11          “(B) to provide training for workers in  
12          shipbuilding, ship repair, and associated indus-  
13          tries.”;

14          (5) in subsection (d), by striking “unless” and  
15          all that follows and inserting a period;

16          (6) in subsection (e)—

17                 (A) by striking paragraph (2); and

18                 (B) by redesignating paragraph (3) as  
19                 paragraph (2); and

20          (7) in subsection (i), by striking “for each of  
21          fiscal years 2015 through 2017” and all that follows  
22          and inserting “to carry out this section \$5,000,000  
23          for each of fiscal years 2018 and 2019.”.

24          (b) TECHNICAL AMENDMENT.—Section 54101(f)(2)  
25          is amended by striking “shall include” and all that follows

1 and inserting: “shall include a comprehensive description  
2 of—

3           “(1) the need for the project;

4           “(2) the methodology for implementing the  
5 project; and

6           “(3) any existing programs or arrangements  
7 that can be used to supplement or leverage assist-  
8 ance under the program.”.

9       (c) SAVINGS CLAUSE.—Nothing in this section, or  
10 the amendments made by this section, shall affect an  
11 agreement to provide assistance under section 54101 of  
12 title 46, United States Code, that was executed before Oc-  
13 tober 1, 2017. Such an agreement shall continue to be  
14 subject to the requirements to which such agreement was  
15 subject under section 54101 of that title as in effect on  
16 the day before October 1, 2017.

17 **SEC. 509. SMALL SHIPYARD CONTRACTS.**

18       (a) IN GENERAL.—Chapter 17 of title 14, United  
19 States Code, is amended by inserting after section 667 the  
20 following:

21 **“§ 667a. Construction of Coast Guard vessels and as-  
22 signment of vessel projects**

23       “The assignment of Coast Guard vessel conversion,  
24 alteration, and repair projects shall be based on economic  
25 and military considerations and may not be restricted by

1 a requirement that certain parts of Coast Guard shipwork  
 2 be assigned to a particular type of shipyard or geo-  
 3 graphical area or by a similar requirement.”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
 5 chapter 17 of title 14, United States Code, is amended  
 6 by inserting after the item relating to section 667 the fol-  
 7 lowing:

“667a. Construction of Coast Guard vessels and assignment of vessel projects.”.

8 **SEC. 510. WESTERN CHALLENGER; CERTIFICATE OF DOCU-**  
 9 **MENTATION.**

10 Section 604(b) of the Howard Coble Coast Guard and  
 11 Maritime Transportation Act of 2014 (Public Law 113-  
 12 281; 128 Stat. 3062) is amended by inserting “and a fish-  
 13 eries endorsement” after “endorsement”.

14 **TITLE VI—DEPARTMENT OF**  
 15 **COMMERCE VESSELS**

16 **SEC. 601. WAIVERS FOR CERTAIN CONTRACTS.**

17 Section 3134 of title 40, United States Code, is  
 18 amended—

19 (1) by inserting “Secretary of Homeland Secu-  
 20 rity,” after “Air Force,” each place it appears; and

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

22 “(e) COMMERCE.—The Secretary of Commerce may  
 23 waive this subchapter with respect to contracts for the  
 24 construction, alteration, or repair of vessels, regardless of  
 25 the terms of the contracts as to payment or title, when

1 the contract is made under the Act entitled ‘An Act to  
 2 define the functions and duties of the Coast and Geodetic  
 3 Survey, and for other purposes’, approved August 6, 1947  
 4 (~~33~~ U.S.C. 883a et seq.).”

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

6 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 7 *“Coast Guard Authorization Act of 2017”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Effective dates.*

*TITLE I—AUTHORIZATIONS*

*Sec. 101. Authorization of appropriations.*

*Sec. 102. Authorized levels of military strength and training.*

*TITLE II—COAST GUARD*

*Sec. 201. Primary duties.*

*Sec. 202. Training; emergency response providers.*

*Sec. 203. Commissioned service retirement.*

*Sec. 204. Officer promotion zones.*

*Sec. 205. Officer evaluation report.*

*Sec. 206. Retired pay; amounts for payments in connection with modernized re-  
 tirement system.*

*Sec. 207. Inclusion of vessel for investigation purposes.*

*Sec. 208. Leave for the birth or adoption of a child.*

*Sec. 209. Aviation cadets; appointment as Reserve officers; cross reference.*

*Sec. 210. Clothing at time of discharge for good of service; repeal.*

*Sec. 211. Multiyear contracts.*

*Sec. 212. Coast Guard ROTC Program.*

*Sec. 213. National Coast Guard Museum.*

*Sec. 214. Polar icebreakers.*

*Sec. 215. Great Lakes icebreaker acquisition.*

*TITLE III—MARINE SAFETY*

*Sec. 301. Coast Guard advisory committees.*

*Sec. 302. Clarification of logbook and entry requirements.*

*Sec. 303. Technical amendments; licenses, certifications of registry, and merchant  
 mariner documents.*

*Sec. 304. Numbering for undocumented barges.*

*Sec. 305. Equipment requirements; exemption from throwable personal flotation  
 devices.*

*Sec. 306. Ensuring maritime coverage.*

- Sec. 307. Deadline for compliance with alternate safety compliance program.*
- Sec. 308. Fishing, fish tender, and fish processing vessel certification.*
- Sec. 309. Termination of unsafe operations; technical amendment.*
- Sec. 310. Installation and use of engine cut-off switches on recreational vessel.*
- Sec. 311. Visual distress signals and alternative use.*
- Sec. 312. Renewal period for documented recreational vessels.*
- Sec. 313. Exception from survival craft requirements.*
- Sec. 314. Inland waterway and river tender, and bay class icebreaker acquisition plan.*
- Sec. 315. Arctic planning criteria.*
- Sec. 316. Fishing safety grant programs.*
- Sec. 317. Safety standards.*
- Sec. 318. Commercial fishing vessel safety outreach strategy.*

#### *TITLE IV—MARITIME SECURITY*

- Sec. 401. Maritime border security cooperation.*
- Sec. 402. Currency detection canine team program.*
- Sec. 403. Confidential investigative expenses.*
- Sec. 404. Monitoring of illegal, unreported, and unregulated fishing.*
- Sec. 405. Strategic assets in the Arctic.*
- Sec. 406. Fleet requirements assessment and strategy.*
- Sec. 407. Comptroller General report on certain task forces.*

#### *TITLE V—MISCELLANEOUS*

- Sec. 501. Ship shoal lighthouse transfer; repeal.*
- Sec. 502. Acquisition workforce expedited hiring authority.*
- Sec. 503. Drawbridges.*
- Sec. 504. Incentive contract; Coast Guard yard and industrial establishments.*
- Sec. 505. Coast Guard health-care professionals; licensure portability.*
- Sec. 506. Land exchange; Ayakulik Island, Alaska.*
- Sec. 507. Abandoned seafarers fund amendments.*
- Sec. 508. Small shipyard contracts.*
- Sec. 509. Western challenger; certificate of documentation.*
- Sec. 510. Radar refresher training.*
- Sec. 511. Vessel response plan audit.*
- Sec. 512. Center of Expertise for Great Lakes Oil Spill Research and Response.*

#### *TITLE VI—DEPARTMENT OF COMMERCE VESSELS*

- Sec. 601. Waivers for certain contracts.*

#### *TITLE VII—FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 2017*

- Sec. 701. Short title.*
- Sec. 702. Authorization of appropriations.*
- Sec. 703. Record of meetings and votes.*
- Sec. 704. Public participation.*
- Sec. 705. Preventing deceptive practices.*
- Sec. 706. Reports filed with the Commission.*
- Sec. 707. Transparency.*
- Sec. 708. Treatment of tug operators.*
- Sec. 709. Prohibitions and penalties.*

*TITLE VIII—VESSEL INCIDENTAL DISCHARGE ACT*

- Sec. 801. Short title.*  
*Sec. 802. Definitions.*  
*Sec. 803. Existing ballast water regulations.*  
*Sec. 804. Ballast water discharge requirements.*  
*Sec. 805. Review of ballast water discharge standard.*  
*Sec. 806. Alternative compliance program.*  
*Sec. 807. Reception facilities.*  
*Sec. 808. Requirements for discharges incidental to the normal operation of a commercial vessel.*  
*Sec. 809. Judicial review.*  
*Sec. 810. State enforcement.*  
*Sec. 811. Effect on State authority.*  
*Sec. 812. Effect on other laws.*

*TITLE IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS AND HYDROGRAPHIC SERVICES IMPROVEMENT ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2017*

- Sec. 901. Short title.*  
*Sec. 902. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.*

*Subtitle A—General Provisions*

- Sec. 911. Strength and distribution in grade.*  
*Sec. 912. Recalled officers.*  
*Sec. 913. Obligated service requirement.*  
*Sec. 914. Training and physical fitness.*  
*Sec. 915. Recruiting materials.*  
*Sec. 916. Technical correction.*

*Subtitle B—Parity and Recruitment*

- Sec. 921. Education loans.*  
*Sec. 922. Interest payments.*  
*Sec. 923. Student pre-commissioning program.*  
*Sec. 924. Limitation on educational assistance.*  
*Sec. 925. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.*  
*Sec. 926. Applicability of certain provisions of title 37, United States Code.*  
*Sec. 927. Legion of Merit award.*  
*Sec. 928. Prohibition on retaliatory personnel actions.*  
*Sec. 929. Penalties for wearing uniform without authority.*  
*Sec. 930. Application of certain provisions of competitive service law.*  
*Sec. 931. Employment and reemployment rights.*  
*Sec. 932. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.*  
*Sec. 933. Direct hire authority.*

*Subtitle C—Appointments and Promotion of Officers*

- Sec. 941. Appointments.*  
*Sec. 942. Personnel boards.*



Sec. 943. *Delegation of authority.*

Sec. 944. *Assistant Administrator of the Office of Marine and Aviation Operations.*

Sec. 945. *Temporary appointments.*

Sec. 946. *Officer candidates.*

Sec. 947. *Procurement of personnel.*

*Subtitle D—Separation and Retirement of Officers*

Sec. 951. *Involuntary retirement or separation.*

Sec. 952. *Separation pay.*

*Subtitle E—Hydrographic Services and Other Matters*

Sec. 961. *Reauthorization of Hydrographic Services Improvement Act of 1998.*

Sec. 962. *System for tracking and reporting all-inclusive cost of hydrographic surveys.*

Sec. 963. *Homeport of certain research vessels.*

1 **SEC. 2. EFFECTIVE DATES.**

2 (a) *IN GENERAL.—Except as otherwise specifically*  
 3 *provided in this Act, this Act and the amendments made*  
 4 *by this Act shall take effect on the date of enactment of this*  
 5 *Act.*

6 (b) *CERTAIN DELAYED EFFECTIVE DATES.—The*  
 7 *amendments made by sections 101, 102, 403, and 702 shall*  
 8 *take effect on October 1, 2017, or the date of enactment of*  
 9 *this Act, whichever is later. The amendments made by sec-*  
 10 *tion 206 shall take effect on January 1, 2018.*

11 **TITLE I—AUTHORIZATIONS**

12 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 2702 of title 14, United States Code, is amend-*  
 14 *ed to read as follows:*

1 **“§2702. Authorization of appropriations**

2 *“Funds are authorized to be appropriated for each of*  
3 *fiscal years 2018 and 2019 for necessary expenses of the*  
4 *Coast Guard as follows:*

5 *“(1) For the operation and maintenance of the*  
6 *Coast Guard, not otherwise provided for—*

7 *“(A) \$7,300,000,000 for fiscal year 2018;*

8 *and*

9 *“(B) \$7,592,000,000 for fiscal year 2019.*

10 *“(2) For the acquisition, construction, renova-*  
11 *tion, and improvement of aids to navigation, shore*  
12 *and offshore facilities, vessels, and aircraft, including*  
13 *equipment related thereto, and for maintenance, reha-*  
14 *bilitation, lease, and operation of facilities and equip-*  
15 *ment—*

16 *“(A) \$1,985,845,000 for fiscal year 2018, to*  
17 *remain available through September 30, 2022;*

18 *and*

19 *“(B) \$2,027,547,745 for fiscal year 2019, to*  
20 *remain available through September 30, 2023.*

21 *“(3) For the Coast Guard Reserve program, in-*  
22 *cluding operations and maintenance of the program,*  
23 *personnel and training costs, equipment, and serv-*  
24 *ices—*

25 *“(A) \$142,956,336 for fiscal year 2018; and*

26 *“(B) \$145,958,419 for fiscal year 2019.*

1           “(4) *For the environmental compliance and res-*  
2           *toration of the Coast Guard under chapter 19 of this*  
3           *title—*

4                   “(A) \$17,051,721 for fiscal year 2018, to re-  
5                   *main available through September 30, 2022; and*

6                   “(B) \$17,409,807 for fiscal year 2019, to re-  
7                   *main available through September 20, 2023.*

8           “(5) *To the Commandant of the Coast Guard for*  
9           *research, development, test, and evaluation of tech-*  
10           *nologies, materials, and human factors directly re-*  
11           *lated to improving the performance of the Coast*  
12           *Guard’s mission with respect to search and rescue,*  
13           *aids to navigation, marine safety, marine environ-*  
14           *mental protection, enforcement of laws and treaties,*  
15           *ice operations, oceanographic research, and defense*  
16           *readiness, and for maintenance, rehabilitation, lease,*  
17           *and operation of facilities and equipment—*

18                   “(A) \$20,307,690 for fiscal year 2018; and

19                   “(B) \$20,734,151 for fiscal year 2019.”.

20   **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
21                   **AND TRAINING.**

22           *Section 2704 of title 14, United States Code, is amend-*  
23           *ed to read as follows:*

1 **“§2704. Authorized levels of military strength and**  
 2 **training**

3 “(a) *ACTIVE DUTY STRENGTH.*—*The Coast Guard is*  
 4 *authorized an end-of-year strength for active duty personnel*  
 5 *of 43,000 for each of fiscal years 2018 and 2019.*

6 “(b) *MILITARY TRAINING STUDENT LOADS.*—*The*  
 7 *Coast Guard is authorized average military training stu-*  
 8 *dent loads for each of fiscal years 2018 and 2019 as follows:*

9 “(1) *For recruit and special training, 2,500 stu-*  
 10 *dent years.*

11 “(2) *For flight training, 165 student years.*

12 “(3) *For professional training in military and*  
 13 *civilian institutions, 350 student years.*

14 “(4) *For officer acquisition, 1,200 student*  
 15 *years.”.*

16 **TITLE II—COAST GUARD**

17 **SEC. 201. PRIMARY DUTIES.**

18 *Section 2(7) of title 14, United States Code, is amend-*  
 19 *ed by striking “including the fulfillment of Maritime De-*  
 20 *fense Zone command responsibilities” and inserting “and*  
 21 *at all times assist in the defense of the United States”.*

22 **SEC. 202. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

23 (a) *IN GENERAL.*—*Chapter 7 of title 14, United States*  
 24 *Code, is amended by inserting after section 141 the fol-*  
 25 *lowing:*

1 **“§ 141a. Training; emergency response providers**

2       “(a) *IN GENERAL.*—*The Commandant (or the Com-*  
3 *mandant’s designee) may, on a reimbursable or a nonreim-*  
4 *bursable basis, make training available to public safety per-*  
5 *sonnel whenever the Commandant (or the Commandant’s*  
6 *designee) determines that—*

7               “(1) *a member of the Coast Guard, who was*  
8 *scheduled to participate in such training, is unable or*  
9 *unavailable to participate in such training;*

10              “(2) *no other member of the Coast Guard, who*  
11 *is assigned to the unit to which the member of the*  
12 *Coast Guard described in paragraph (1), is able or*  
13 *available to participate in such training; and*

14              “(3) *such training, if made available to public*  
15 *safety personnel, would further the goal of interoper-*  
16 *ability among Federal agencies, non-Federal govern-*  
17 *mental agencies, or both.*

18       “(b) *DEFINITION OF EMERGENCY RESPONSE PRO-*  
19 *VIDER.*—*In this section, the term ‘emergency response pro-*  
20 *vider’ has the meaning given the term in section 101 of*  
21 *title 6.*

22       “(c) *TREATMENT OF REIMBURSEMENT.*—*Any reim-*  
23 *bursement for training that the Coast Guard receives under*  
24 *this section shall be credited to the appropriation used to*  
25 *pay the costs for such training.*

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

1           “(1) *STATUS*.—Any individual to whom, as an  
 2           emergency response provider, training is made avail-  
 3           able under this section shall not be considered a Fed-  
 4           eral employee for any purpose, including the purposes  
 5           of—

6                       “(A) chapter 81 of title 5 (relating to com-  
 7                       pensation for injury); or

8                       “(B) sections 2671 through 2680 of title 28  
 9                       (relating to tort claims).

10           “(2) *LIMITATION ON LIABILITY*.—The individual  
 11           described in paragraph (1) or that individual’s em-  
 12           ployer shall be liable for any claim arising out of  
 13           such training.”.

14           (b) *TABLE OF CONTENTS*.—The table of contents of  
 15           chapter 7 of title 14, United States Code, is amended by  
 16           inserting after the item relating to section 141 the following:  
                   “141a. Training; emergency response providers.”.

17   **SEC. 203. COMMISSIONED SERVICE RETIREMENT.**

18           Section 291 of title 14, United States Code, is amend-  
 19           ed—

20                       (1) by inserting “(a) *IN GENERAL*.—” before  
 21                       “Any regular” and indenting appropriately;

22                       (2) in subsection (a), as designated—

23                               (A) by inserting “of the Coast Guard” after  
 24                               “officer”; and

1                   (B) by striking “President” and inserting  
2                   “Secretary”; and

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

4                   “(b) *ACTIVE COMMISSIONED SERVICE.*—The Secretary  
5                   may authorize the Commandant, through fiscal year 2019,  
6                   to reduce the requirement under subsection (a) for at least  
7                   ten years of active service as a commissioned officer to a  
8                   period of not less than eight years.”.

9                   **SEC. 204. OFFICER PROMOTION ZONES.**

10                  Section 256(a) of title 14, United States Code, is  
11                  amended by striking “six-tenths” and inserting “one-half”.

12                  **SEC. 205. OFFICER EVALUATION REPORT.**

13                  (a) *IN GENERAL.*—Beginning with the first evaluation  
14                  cycle after the date of enactment of this Act, the Com-  
15                  mandant of the Coast Guard shall reduce lieutenant junior  
16                  grade evaluation reports to the same length as an ensign  
17                  or place lieutenant junior grade evaluations on an annual  
18                  schedule.

19                  (b) *BOARD SURVEY.*—The Commandant of the Coast  
20                  Guard shall survey outgoing promotion board members and  
21                  assignment officers to determine, at a minimum—

22                         (1) which sections of the officer evaluation report  
23                         were most useful;

24                         (2) which sections of the officer evaluation report  
25                         were least useful;

1           (3) *how to better reflect high performers; and*

2           (4) *any recommendations for improving the offi-*  
3 *cer evaluation report.*

4           (c) *SURVEY OF OFFICERS.*—*The Commandant of the*  
5 *Coast Guard shall conduct a survey on the officer evalua-*  
6 *tion report to—*

7           (1) *cover at least 10 percent of the officers from*  
8 *each grade of officers from O1 to O6; and*

9           (2) *determine how much time each member of the*  
10 *rating chain spends on that member's portion of the*  
11 *officer evaluation report.*

12          (d) *REVISIONS.*—

13           (1) *IN GENERAL.*—*Not later than 5 years after*  
14 *the date of enactment of this Act, the Commandant of*  
15 *the Coast Guard shall revise the officer evaluation re-*  
16 *port, and providing corresponding directions, taking*  
17 *into account the requirements under paragraph (2).*

18           (2) *REQUIREMENTS.*—*In revising the officer*  
19 *evaluation report under paragraph (1), the Com-*  
20 *mandant shall—*

21           (A) *consider the findings of the surveys*  
22 *under subsections (b) and (c);*

23           (B) *improve administrative efficiency;*

24           (C) *reduce and streamline performance di-*  
25 *mensions and narrative text;*



1           (D) eliminate redundancy with the officer  
2 specialty management system and any other  
3 record information systems that are used during  
4 the officer assignment or promotion process;

5           (E) provide for fairness and equity for  
6 Coast Guard officers with regard to promotion  
7 boards, selection panels, and the assignment  
8 process; and

9           (F) ensure officer evaluation responsibilities  
10 can be accomplished within normal working  
11 hours—

12           (i) to minimize any impact to officer  
13 duties; and

14           (ii) to eliminate any need for an offi-  
15 cer to take liberty or leave for administra-  
16 tive purposes.

17 (e) REPORT.—

18           (1) IN GENERAL.—Not later than 545 days after  
19 the date of enactment of this Act, the Commandant of  
20 the Coast Guard shall submit to the Committee on  
21 Commerce, Science, and Transportation of the Senate  
22 and the Committee on Transportation and Infrastruc-  
23 ture of the House of Representatives a report—

24           (A) on the findings of the survey under sub-  
25 section (b); and

1                   (B) on the findings of the survey under sub-  
2                   section (c).

3                   (2) *FORMAT.*—The report under paragraph (1)  
4                   shall be formatted by each rank, type of board, and  
5                   position, as applicable.

6 **SEC. 206. RETIRED PAY; AMOUNTS FOR PAYMENTS IN CON-**  
7                   **NECTION WITH MODERNIZED RETIREMENT**  
8                   **SYSTEM.**

9                   (a) *IN GENERAL.*—Chapter 11 of title 14, United  
10                  States Code, is amended by inserting after section 424a the  
11                  following:

12 **“§ 424b. Retired pay; amounts for payments in connec-**  
13                  **tion with modernized retirement system**

14                  “Of the amounts appropriated for retirement pay  
15                  under this chapter in any fiscal year, the Secretary may  
16                  use such sums as are necessary for the following purposes  
17                  (in addition to other amounts that may be available for  
18                  such purposes) as such purposes relate to a member:

19                         “(1) Lump sum payment of certain retired pay  
20                         under section 1415 of title 10.

21                         “(2) Thrift Savings Plan contributions under  
22                         section 8440e(e) of title 5.

23                         “(3) Continuation pay under section 356 of title  
24                         37.”.

1           (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 2 *chapter 11 of title 14, United States Code, is amended by*  
 3 *inserting after the item relating to section 424 the following:*

*“424b. Retired pay; amounts for payments in connection with modernized retirement system.”.*

4 **SEC. 207. INCLUSION OF VESSEL FOR INVESTIGATION PURPOSES.**  
 5

6           (a) *IN GENERAL.*—*Section 678 of title 14, United*  
 7 *States Code, is amended by inserting “or vessel” after “air-*  
 8 *craft” each place it appears.*

9           (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
 10 *Chapter 17 of title 14, United States Code, is amended—*

11                   (1) *in the table of contents of chapter 17, by in-*  
 12 *serting “and vessel” after “Aircraft” in the item re-*  
 13 *lating to section 678; and*

14                   (2) *in the heading for section 678, by inserting*  
 15 ***“and vessel” after “Aircraft”.***

16 **SEC. 208. LEAVE FOR THE BIRTH OR ADOPTION OF A CHILD.**

17           *Section 431 of title 14, United States Code, is amend-*  
 18 *ed—*

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

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

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

1       “(b) *LEAVE ASSOCIATED WITH THE BIRTH OR ADOPTION OF A CHILD.*—Notwithstanding section 701 of title 10  
 2       or any other provision of law, the Secretary of the department in which the Coast Guard is operating shall ensure  
 3       that any rule, policy, or memorandum that provides leave  
 4       associated with the birth or adoption of a child to an officer  
 5       or enlisted member of the Coast Guard permits, for not later  
 6       than 1 year after the date of such birth or adoption and  
 7       at the discretion of the Commanding Officer—

10               “(1) the officer or member, as applicable, to take  
 11       such leave in increments; and

12               “(2) flexible work schedules (as defined in regulation promulgated by the Secretary) for the officer or  
 13       member, as applicable, until all such leave is expended.”.

16 **SEC. 209. AVIATION CADETS; APPOINTMENT AS RESERVE OFFICERS; CROSS REFERENCE.**

18       Section 373(a) of title 14, United States Code, is  
 19       amended by inserting “designated under section 371” after  
 20       “cadet”.

21 **SEC. 210. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF SERVICE; REPEAL.**

23       Section 482 of title 14, United States Code, and the  
 24       item relating to that section in the table of contents of chapter 13 of that title, are repealed.

1 **SEC. 211. MULTIYEAR CONTRACTS.**

2       *The Secretary is authorized to enter into a multiyear*  
3 *contract for the procurement of a tenth, eleventh, and*  
4 *twelfth National Security Cutter and associated govern-*  
5 *ment-furnished equipment.*

6 **SEC. 212. COAST GUARD ROTC PROGRAM.**

7       *Not later than 1 year after the date of enactment of*  
8 *this Act, the Commandant of the Coast Guard shall submit*  
9 *to the Committee on Commerce, Science, and Transporta-*  
10 *tion of the Senate and the Committee on Transportation*  
11 *and Infrastructure of the House of Representatives a report*  
12 *on the costs and benefits of creating a Coast Guard Reserve*  
13 *Officers' Training Corps Program based on the other armed*  
14 *forces programs.*

15 **SEC. 213. NATIONAL COAST GUARD MUSEUM.**

16       *Subsection (b) of section 98 of title 14, United States*  
17 *Code, is amended to read as follows:*

18       “(b) *EXPENDITURES.*—*The Secretary shall fund the*  
19 *operation and maintenance of the National Coast Guard*  
20 *Museum with nonappropriated and non-Federal funds to*  
21 *the maximum extent practicable. The priority use of Fed-*  
22 *eral operation and maintenance funds should be to preserve*  
23 *and protect historic Coast Guard artifacts, including the*  
24 *design, fabrication, and installation of exhibits or displays*  
25 *in which such artifacts are included.”.*

1 **SEC. 214. POLAR ICEBREAKERS.**

2 (a) *ROLLING RECAPITALIZATION REPORT FOR THE*  
3 *POLAR STAR.*—

4 (1) *REQUIREMENT FOR REPORT.*—*The Secretary*  
5 *of the department in which the Coast Guard is oper-*  
6 *ating, in consultation with Naval Sea Systems Com-*  
7 *mand, shall submit to the Committee on Commerce,*  
8 *Science, and Transportation of the Senate and the*  
9 *Committee on Transportation and Infrastructure of*  
10 *the House of Representatives a detailed report describ-*  
11 *ing a plan to extend the service life of the Coast*  
12 *Guard Cutter POLAR STAR (WAGB-10) under a*  
13 *rolling recapitalization plan for 7 to 10 years.*

14 (2) *CONTENT.*—*The report required by para-*  
15 *graph (1) shall include the following:*

16 (A) *Based upon a materiel condition assess-*  
17 *ment of the Coast Guard Cutter POLAR STAR*  
18 *(WAGB-10)—*

19 (i) *a description of the service life ex-*  
20 *tension needs of the vessel;*

21 (ii) *detailed information regarding*  
22 *planned shipyard work for each fiscal year*  
23 *to meet such needs; and*

24 (iii) *an estimate of the specific amount*  
25 *needed to be appropriated to complete the*  
26 *rolling recapitalization of the vessel.*

1                   (B) *A plan to ensure the vessel will main-*  
2                   *tain seasonally operational status during the*  
3                   *rolling recapitalization.*

4           (b) *AUTHORIZATION OF APPROPRIATIONS.—The Com-*  
5           *mandant of the Coast Guard may use funds made available*  
6           *pursuant to section 2702(2) of title 14, United States Code,*  
7           *as amended by section 101 of this Act, for the rolling recapi-*  
8           *talization described in the report required by subsection (a).*

9   **SEC. 215. GREAT LAKES ICEBREAKER ACQUISITION.**

10           (a) *ICEBREAKING ON THE GREAT LAKES.—For fiscal*  
11           *years 2018 and 2019, the Commandant of the Coast Guard*  
12           *may use funds made available pursuant to section 2702(2)*  
13           *of title 14, United States Code, as amended by section 101*  
14           *of this Act, for the selection of a design for, and the con-*  
15           *struction of, an icebreaker that is at least as capable as*  
16           *the Coast Guard Cutter Mackinaw to enhance icebreaking*  
17           *capacity on the Great Lakes.*

18           (b) *INITIAL SURVEY AND DESIGN WORK.—The Com-*  
19           *mandant of the Coast Guard shall commence initial survey*  
20           *and design work associated with the acquisition of a new*  
21           *Coast Guard icebreaker that is at least as capable as the*  
22           *Coast Guard Cutter Mackinaw to enhance icebreaking ca-*  
23           *capacity on the Great Lakes.*

24           (c) *ACQUISITION PLAN.—Not later than 45 days after*  
25           *the date of enactment of this Act, the Commandant shall*

1 *submit a plan to the Committee on Commerce, Science, and*  
2 *Transportation of the Senate and the Committee on Trans-*  
3 *portation and Infrastructure of the House of Representa-*  
4 *tives for acquiring an icebreaker described in subsections*  
5 *(a) and (b). Such plan shall include—*

6 (1) *the details and schedule of the acquisition ac-*  
7 *tivities to be completed; and*

8 (2) *a description of how the funding for Coast*  
9 *Guard acquisition, construction, and improvements*  
10 *that was appropriated under the Consolidated Appro-*  
11 *propriations Act of 2017 (Public Law 115–31) will be al-*  
12 *located to support the acquisition activities referred to*  
13 *in paragraph (1).*

14 **TITLE III—MARINE SAFETY**

15 **SEC. 301. COAST GUARD ADVISORY COMMITTEES.**

16 (a) *ESTABLISHMENT.—Subtitle I of title 46, United*  
17 *States Code, is amended by adding at the end the following:*

18 **“CHAPTER 7—COAST GUARD ADVISORY**  
19 **COMMITTEES**

- “Sec. ....
- “701. *Administration.*
- “702. *Chemical Transportation Advisory Committee.*
- “703. *Commercial Fishing Safety Advisory Committee.*
- “704. *Great Lakes Pilotage Advisory Committee.*
- “705. *Lower Mississippi River Waterway Safety Advisory Committee.*
- “706. *Merchant Marine Personnel Advisory Committee.*
- “707. *Merchant Mariner Medical Advisory Committee.*
- “708. *National Boating Safety Advisory Council.*
- “709. *National Maritime Security Advisory Committee.*
- “710. *National Offshore Safety Advisory Committee.*
- “711. *Navigation Safety Advisory Council.*
- “712. *Towing Safety Advisory Committee.*



1 **“§ 701. Administration**

2       “(a) *EMPLOYEE STATUS*.—A member of an advisory  
3 committee or advisory council established under this chap-  
4 ter shall not be considered an employee of the Federal Gov-  
5 ernment by reason of service on such committee or council,  
6 except for the purposes of the following provisions of law:

7               “(1) Section 5703 of title 5 (relating to travel ex-  
8 penses).

9               “(2) Chapter 81 of title 5 (relating to compensa-  
10 tion for work injuries).

11              “(3) Chapter 171 of title 28 and any other Fed-  
12 eral statute relating to tort liability.

13              “(4) If the member is a special Government em-  
14 ployee—

15                      “(A) chapter 73 of title 5;

16                      “(B) sections 201, 202, 203, 205, 207, 208,  
17 and 209 of title 18;

18                      “(C) the *Ethics in Government Act of 1978*  
19 (*5 U.S.C. App*); and

20                      “(D) any other provision of law relating to  
21 employee conduct, political activities, ethics, con-  
22 flict of interest, and corruption that applies to a  
23 special Government employee.

24       “(b) *COMPENSATION*.—A member of an advisory com-  
25 mittee or advisory council established under this chapter

1 *who is not otherwise a Federal employee shall not receive*  
 2 *pay by reason of service on such committee or council.*

3 “(c) *ACCEPTANCE OF VOLUNTEER SERVICES.—A*  
 4 *member of an advisory committee or advisory council estab-*  
 5 *lished under this chapter may serve on a voluntary basis*  
 6 *without pay without regard to section 1342 of title 31 or*  
 7 *any other law.*

8 **“§ 702. Chemical Transportation Advisory Committee**

9 “(a) *ESTABLISHMENT.—There is established a Chem-*  
 10 *ical Transportation Advisory Committee (referred to in this*  
 11 *section as the ‘Committee’).*

12 “(b) *FUNCTION.—The Committee, acting through the*  
 13 *Commandant (or the Commandant’s designee), is author-*  
 14 *ized to advise, consult with, report to, and make rec-*  
 15 *ommendations to the Secretary on matters relating to the*  
 16 *safe and secure marine transportation of hazardous mate-*  
 17 *rials.*

18 “(c) *ORGANIZATION.—*

19 “(1) *MEETING.—The Committee shall, at least*  
 20 *once each calendar year, meet at the call of the Com-*  
 21 *mandant (or the Commandant’s designee).*

22 “(2) *MEMBERSHIP.—*

23 “(A) *IN GENERAL.—The Committee shall*  
 24 *consist of not more than 25 members.*

1           “(B) *POINTS OF VIEW.*—Each member of  
2           the Committee shall represent the point of view  
3           of 1 of the following entities or groups associated  
4           with marine transportation of hazardous mate-  
5           rials:

6                   “(i) *Chemical manufacturing.*

7                   “(ii) *Marine handling or transpor-*  
8                   *tation of chemicals.*

9                   “(iii) *Vessel design and construction.*

10                  “(iv) *Marine safety or security.*

11                  “(v) *Marine environmental protection.*

12           “(C) *NEEDS OF THE COAST GUARD.*—The  
13           Commandant (or the Commandant’s designee)  
14           shall, based on the needs of the Coast Guard, de-  
15           termine the number of members who represent a  
16           specific point of view.

17           “(D) *RULE OF CONSTRUCTION.*—Neither  
18           this subsection nor any other provision of law or  
19           policy shall be construed to require an equal dis-  
20           tribution of members representing specific points  
21           of view among the membership of the Committee.

22           “(3) *STATUS OF MEMBERS.*—For the purposes of  
23           Federal law, including the Ethics in Government Act  
24           of 1978 and chapter 11 of title 18, each member of  
25           the Committee is hereby deemed a representative of

1 *the member's respective special interest entity or*  
2 *group, and not a special Government employee (as*  
3 *defined in section 202(a) of title 18).*

4 “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.—*

5 “(A) *NOMINATIONS.—As necessary, the Sec-*  
6 *retary shall publish, in the Federal Register, a*  
7 *notice soliciting nominations for membership on*  
8 *the Committee.*

9 “(B) *APPOINTMENTS.—*

10 “(i) *IN GENERAL.—After timely notice*  
11 *is published, the Secretary shall, as nec-*  
12 *essary, appoint members to the Committee.*

13 “(ii) *LIMITATIONS.—The Secretary*  
14 *may not seek, consider, or otherwise use in-*  
15 *formation concerning the political affili-*  
16 *ation of a nominee in making an appoint-*  
17 *ment to the Committee.*

18 “(iii) *REAPPOINTMENTS.—The Sec-*  
19 *retary may reappoint a member to the*  
20 *Committee more than once.*

21 “(C) *SERVICE.—Each member of the Com-*  
22 *mittee shall serve at the pleasure of the Sec-*  
23 *retary.*

24 “(5) *TERM; VACANCY.—*

25 “(A) *TERM.—*

1           “(i) *IN GENERAL.*—*The term of each*  
2           *member of the Committee shall expire on*  
3           *December 31 of the third full year after the*  
4           *effective date of the appointment.*

5           “(ii) *EXTENSIONS.*—*Notwithstanding*  
6           *clause (i), paragraph (4), or any other pro-*  
7           *vision of law or policy, the Commandant*  
8           *(or the Commandant’s designee) may extend*  
9           *the term of a member of the Committee to*  
10          *December 31 of the fifth full year after the*  
11          *effective date of the appointment.*

12          “(B) *VACANCY.*—*In the case of an appoint-*  
13          *ment to fill a vacancy on the Committee, the*  
14          *Secretary shall appoint an individual for a full*  
15          *term.*

16          “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

17                 “(A) *IN GENERAL.*—*The Commandant (or*  
18                 *the Commandant’s designee) shall designate 1*  
19                 *member of the Committee as the Chairperson*  
20                 *and another member of the Committee as the*  
21                 *Vice Chairperson, both of whom shall serve in*  
22                 *such capacity at the pleasure of the Com-*  
23                 *mandant (or the Commandant’s designee) and*  
24                 *for a term to be fixed by the Commandant (or*  
25                 *the Commandant’s designee).*

1           “(B) *RECOMMENDATIONS.*—*The Com-*  
2           *mandant (or the Commandant’s designee) may*  
3           *solicit, from the Committee, recommendations*  
4           *with regard to the members whom the Com-*  
5           *mandant (or the Commandant’s designee) shall*  
6           *designate as the Chairperson and the Vice Chair-*  
7           *person.*

8           “(C) *VACANCY.*—*The Vice Chairperson shall*  
9           *act as Chairperson in the absence or incapacity*  
10          *of, or in the event of a vacancy in the office of,*  
11          *the Chairperson.*

12          “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
13          *Commandant (or the Commandant’s designee) shall*  
14          *designate a Designated Federal Officer to the Com-*  
15          *mittee in accordance with the Federal Advisory Com-*  
16          *mittee Act (5 U.S.C. App.).*

17          “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
18          *NATION.*—

19                 “(1) *FACA.*—*The Federal Advisory Committee*  
20                 *Act (5 U.S.C. App.) shall apply to the Committee.*

21                 “(2) *TERMINATION.*—*The Committee shall termi-*  
22                 *nate on September 30, 2027.*

1 **“§ 703. Commercial Fishing Safety Advisory Com-**  
2 **mittee**

3 “(a) *ESTABLISHMENT.*—*There is established a Com-*  
4 *mmercial Fishing Safety Advisory Committee (referred to in*  
5 *this section as the ‘Committee’).*

6 “(b) *FUNCTION.*—*The Committee, acting through the*  
7 *Commandant (or the Commandant’s designee)—*

8 “(1) *shall advise, consult with, report to, and*  
9 *make recommendations to the Secretary on matters*  
10 *relating to the safe operation of vessels to which chap-*  
11 *ter 45 of this title applies, including navigation safe-*  
12 *ty, safety equipment and procedures, marine insur-*  
13 *ance, vessel design, construction, maintenance and op-*  
14 *eration, and personnel qualifications and training;*

15 “(2) *shall review proposed regulations promul-*  
16 *gated pursuant to chapter 45 of this title;*

17 “(3) *shall submit recommendations described in*  
18 *paragraph (1) to the Secretary in writing;*

19 “(4) *may submit any recommendations described*  
20 *in paragraph (1) at any time and frequency as deter-*  
21 *mined to be appropriate by the Committee;*

22 “(5) *shall to review proposed regulations promul-*  
23 *gated pursuant to chapter 45 of this title; and*

24 “(6) *shall make available to Congress any infor-*  
25 *mation, advice, and recommendations that the Com-*  
26 *mittee is authorized to give to the Secretary.*

1       “(c) ORGANIZATION.—

2               “(1) MEETING.—*The Committee shall, at least*  
3       *once each calendar year, meet at the call of the Com-*  
4       *mandant (or the Commandant’s designee).*

5               “(2) MEMBERSHIP.—

6                       “(A) IN GENERAL.—*The Committee shall*  
7       *consist of 18 members.*

8                       “(B) EXPERIENCE.—*Each member of the*  
9       *Committee shall have particular expertise,*  
10       *knowledge, and experience regarding the commer-*  
11       *cial fishing industry.*

12                      “(C) POINTS OF VIEW.—*Except as provided*  
13       *in subparagraph (D), a member of the Com-*  
14       *mittee shall represent the point of view of an en-*  
15       *tity or group, as follows:*

16                               “(i) *10 members representing the com-*  
17       *mercial fishing industry who—*

18                                       “(I) *reflect a regional and rep-*  
19       *resentational balance; and*

20                                       “(II) *have experience in the oper-*  
21       *ation of vessels to which chapter 45 of*  
22       *this title applies or as a crew member*  
23       *or processing line worker on a fish*  
24       *processing vessel.*



1           “(ii) 1 member representing naval ar-  
2           chitects or marine engineers.

3           “(iii) 1 member representing manufac-  
4           turers of equipment for vessels to which  
5           chapter 45 of this title applies.

6           “(iv) 1 member representing education  
7           or training professionals related to fishing  
8           vessel, fish processing vessel, or fish tender  
9           vessel safety or personnel qualifications.

10           “(v) 1 member representing under-  
11           writers that insure vessels to which chapter  
12           45 of this title applies.

13           “(vi) 1 member representing owners of  
14           vessels to which chapter 45 of this title ap-  
15           plies.

16           “(D) EXCEPTION.—

17           “(i) IN GENERAL.—Subject to clause  
18           (ii), 3 members of the Committee shall rep-  
19           resent the general public.

20           “(ii) EXPERIENCE.—Whenever pos-  
21           sible, a member who represents the general  
22           public shall be either—

23                   “(I) an independent expert or  
24                   consultant in maritime safety;

1           “(II) a marine surveyor who pro-  
2           vides services to vessels to which chap-  
3           ter 45 of this title applies; or

4           “(III) a person familiar with  
5           issues affecting fishing communities  
6           and families of fishermen.

7           “(3) STATUS OF MEMBERS.—For the purposes of  
8           Federal law, including the Ethics in Government Act  
9           of 1978 and chapter 11 of title 18—

10           “(A) a member of the Committee, whom the  
11           Secretary appoints to represent a point of view  
12           of an entity or group under paragraph (2)(C), is  
13           hereby deemed a representative of the member’s  
14           respective special interest entity or group, and  
15           not a special Government employee (as defined  
16           in section 202(a) of title 18); and

17           “(B) a member of the Committee, whom the  
18           Secretary may appoint to represent the general  
19           public, is hereby deemed a special Government  
20           employee (as defined in section 202(a) of title  
21           18).

22           “(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

23           “(A) NOMINATIONS.—As necessary, the Sec-  
24           retary shall publish, in the Federal Register, a

1           *notice soliciting nominations for membership on*  
2           *the Committee.*

3           “(B) *APPOINTMENTS.*—

4                   “(i) *IN GENERAL.*—*After timely notice*  
5                   *is published, the Secretary shall, as nec-*  
6                   *essary, appoint members to the Committee.*

7                   “(ii) *LIMITATIONS.*—*The Secretary*  
8                   *may not seek, consider, or otherwise use in-*  
9                   *formation concerning the political affili-*  
10                   *ation of a nominee in making an appoint-*  
11                   *ment to the Committee.*

12                   “(iii) *REAPPOINTMENTS.*—*The Sec-*  
13                   *retary may reappoint a member to the*  
14                   *Committee more than once.*

15           “(5) *TERM; VACANCY.*—

16                   “(A) *TERM.*—

17                   “(i) *IN GENERAL.*—*The term of each*  
18                   *member of the Committee shall expire on*  
19                   *December 31 of the third full year after the*  
20                   *effective date of the appointment.*

21                   “(ii) *EXTENSIONS.*—*Notwithstanding*  
22                   *clause (i), paragraph (4), or any other pro-*  
23                   *vision of law or policy, the Commandant*  
24                   *(or the Commandant’s designee) may extend*  
25                   *the term of a member of the Committee to*

1           *December 31 of the fifth full year after the*  
2           *effective date of the appointment.*

3           “(B) *VACANCY.*—*In the case of an appoint-*  
4           *ment to fill a vacancy on the Committee, the*  
5           *Secretary shall appoint an individual for a full*  
6           *term.*

7           “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

8           “(A) *IN GENERAL.*—*The Committee shall*  
9           *elect a Chairperson and Vice Chairperson from*  
10          *among its members.*

11          “(B) *RECOMMENDATIONS.*—*The Com-*  
12          *mandant (or the Commandant’s designee) may*  
13          *solicit, from the Committee, recommendations*  
14          *with regard to the members whom the Com-*  
15          *mandant (or the Commandant’s designee) shall*  
16          *designate as the Chairperson and the Vice Chair-*  
17          *person.*

18          “(C) *VACANCY.*—*The Vice Chairperson shall*  
19          *act as Chairperson in the absence or incapacity*  
20          *of, or in the event of a vacancy in the office of,*  
21          *the Chairperson.*

22          “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
23          *Commandant (or the Commandant’s designee) shall*  
24          *designate a Designated Federal Officer to the Com-*

1        *mittee in accordance with the Federal Advisory Com-*  
2        *mittee Act (5 U.S.C. App.).*

3        “(d) *CONSULTATION.—The Commandant (or the Com-*  
4        *mandant’s designee) shall, whenever practicable—*

5                “(1) *consult with the Committee before taking*  
6                *any significant action relating to the safe operation*  
7                *of vessels to which chapter 45 of this title applies;*

8                “(2) *consider the information, advice, and rec-*  
9                *ommendations of the Committee in consulting with*  
10               *other agencies and the public or in formulating policy*  
11               *regarding the safe operation of vessels to which chap-*  
12               *ter 45 of this title applies;*

13               “(3) *make all recommendations made by the*  
14               *Committee in paragraph (b) public and available for*  
15               *comment within 30 days of receiving the rec-*  
16               *ommendation from the Committee;*

17               “(4) *respond in writing to all public comments*  
18               *made regarding recommendations made by the Com-*  
19               *mittee in paragraph (b);*

20               “(5) *respond in writing to any recommendations*  
21               *or resolutions made by the Committee in paragraph*  
22               *(b) and provide reasoning for acceptance or rejection*  
23               *to all recommendations within 60 days of receiving*  
24               *the recommendation; and*

1           “(6) *make all responses in paragraph (5) avail-*  
 2           *able to the Congress and the public at the time the re-*  
 3           *sponse is transmitted.*

4           “(e) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
 5           *NATION.—*

6           “(1) *FACA.—The Federal Advisory Committee*  
 7           *Act (5 U.S.C. App.) shall apply to the Committee.*

8           “(2) *TERMINATION.—The Committee shall termi-*  
 9           *nate on September 30, 2027.*

10       **“§ 704. Great Lakes Pilotage Advisory Committee**

11       “(a) *ESTABLISHMENT.—*

12           “(1) *IN GENERAL.—The Secretary shall establish*  
 13           *a Great Lakes Pilotage Advisory Committee (referred*  
 14           *to in this section as the ‘Committee’).*

15           “(2) *DUTIES.—The Committee—*

16                   “(A) *may review proposed Great Lakes pi-*  
 17                   *lotage regulations and policies and make rec-*  
 18                   *ommendations to the Secretary that the Com-*  
 19                   *mittee considers appropriate;*

20                   “(B) *may advise, consult with, report to,*  
 21                   *and make recommendations to the Secretary on*  
 22                   *matters relating to Great Lakes pilotage;*

23                   “(C) *may make available to the Congress*  
 24                   *recommendations that the Committee makes to*  
 25                   *the Secretary; and*

1           “(D) shall meet at the call of—

2                   “(i) the Secretary, who shall call such  
3           a meeting at least once during each cal-  
4           endar year; or

5                   “(ii) a majority of the Committee.

6           “(b) ORGANIZATION.—

7                   “(1) IN GENERAL.—

8                           “(A) MEMBERSHIP.—The Committee shall  
9           consist of 7 members appointed by the Secretary  
10          in accordance with this subsection, each of whom  
11          has at least 5 years practical experience in mar-  
12          itime operations.

13                          “(B) TERM.—The term of each member is  
14          for a period of not more than 5 years, specified  
15          by the Secretary.

16                          “(C) NOTICE.—Before filling a position on  
17          the Committee, the Secretary shall publish a no-  
18          tice in the Federal Register soliciting nomina-  
19          tions for membership on the Committee.

20                          “(2) REPRESENTATION.—The membership of the  
21          Committee shall include—

22                           “(A) the President of each of the 3 Great  
23          Lakes pilotage districts, or the President’s rep-  
24          resentative;

1           “(B) 1 member representing the interests of  
2 vessel operators that contract for Great Lakes pi-  
3 lotage services;

4           “(C) 1 member representing the interests of  
5 Great Lakes ports;

6           “(D) 1 member representing the interests of  
7 shippers whose cargoes are transported through  
8 Great Lakes ports; and

9           “(E) a member with a background in fi-  
10 nance or accounting, who—

11           “(i) must have been recommended to  
12 the Secretary by a unanimous vote of the  
13 other members of the Committee, and

14           “(ii) may be appointed without regard  
15 to requirement in paragraph (1) that each  
16 member have 5 years of practical experience  
17 in maritime operations.

18           “(c)(1) CHAIRPERSON; VICE CHAIRPERSON.—The  
19 Committee shall elect 1 of its members as the Chairperson  
20 and 1 of its members as the Vice Chairperson. The Vice  
21 Chairperson shall act as Chairperson in the absence or in-  
22 capacity of the Chairperson, or in the event of a vacancy  
23 in the office of the Chairperson.

24           “(2) OBSERVER.—The Secretary shall, and any other  
25 interested agency may, designate a representative to par-



1 *ticipate as an observer with the Committee. The Secretary's*  
2 *designated representative shall act as the executive secretary*  
3 *of the Committee and shall perform the duties set forth in*  
4 *section 10(c) of the Federal Advisory Committee Act (5*  
5 *U.S.C. App.).*

6 “(d) *RECOMMENDATIONS.*—

7 “(1) *IN GENERAL.*—*The Secretary shall, when-*  
8 *ever practicable, consult with the Committee before*  
9 *taking any significant action relating to Great Lakes*  
10 *pilotage.*

11 “(2) *CONSIDERATION.*—*The Secretary shall con-*  
12 *sider the information, advice, and recommendations*  
13 *of the Committee in formulating policy regarding*  
14 *matters affecting Great Lakes pilotage.*

15 “(3) *APPROVAL.*—*Any recommendations to the*  
16 *Secretary under subsection (a)(2)(B) must have been*  
17 *approved by at least all but 1 of the members then*  
18 *serving on the Committee.*

19 “(e)(1) *COMPENSATION.*—*Notwithstanding section*  
20 *701, a member of the Committee, when attending meetings*  
21 *of the Committee or when otherwise engaged in the business*  
22 *of the Committee, is entitled to receive—*

23 “(A) *compensation at a rate fixed by the Sec-*  
24 *retary, not exceeding the daily equivalent of the cur-*  
25 *rent rate of basic pay in effect for GS-18 of the Gen-*

1 *eral Schedule under section 5332 of title 5 including*  
2 *travel time; and*

3 *“(B) travel or transportation expenses under sec-*  
4 *tion 5703 of title 5.*

5 *“(2) EMPLOYEE STATUS.—Notwithstanding section*  
6 *701, a member of the Committee shall not be considered to*  
7 *be an officer or employee of the United States for any pur-*  
8 *pose based on their receipt of any payment under this sub-*  
9 *section.*

10 *“(f) FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
11 *NATION.—*

12 *“(1) FACA.—The Federal Advisory Committee*  
13 *Act (5 U.S.C. App.) applies to the Committee, except*  
14 *that the Committee terminates on September 30,*  
15 *2020.*

16 *“(2) RENEWAL.—2 years before the termination*  
17 *date set forth in paragraph (1) of this subsection, the*  
18 *Committee shall submit to the Congress its rec-*  
19 *ommendation regarding whether the Committee*  
20 *should be renewed and continued beyond the termi-*  
21 *nation date.*

1 **“§ 705. Lower Mississippi River Waterway Safety Advi-**  
2 **sory Committee**

3 “(a) *ESTABLISHMENT.*—*There is established a Lower*  
4 *Mississippi River Waterway Safety Advisory Committee*  
5 *(referred to in this section as the ‘Committee’).*

6 “(b) *FUNCTION.*—*The Committee, acting through the*  
7 *Commandant (or the Commandant’s designee), is author-*  
8 *ized to advise, consult with, report to, and make rec-*  
9 *ommendations to the Secretary on matters relating to com-*  
10 *munication, surveillance, traffic management, anchorages,*  
11 *development and operation of New Orleans Vessel Traffic*  
12 *Services, and other related topics dealing with and actions*  
13 *relating to navigational safety on the Lower Mississippi*  
14 *River.*

15 “(c) *ORGANIZATION.*—

16 “(1) *MEETING.*—*The Committee shall, at least*  
17 *once each calendar year, meet at the call of the Com-*  
18 *mandant (or the Commandant’s designee).*

19 “(2) *MEMBERSHIP.*—

20 “(A) *IN GENERAL.*—*The Committee shall*  
21 *consist of 24 members.*

22 “(B) *EXPERIENCE.*—*Each member of the*  
23 *Committee shall have expertise, knowledge, and*  
24 *experience regarding the transportation, equip-*  
25 *ment, and techniques that are used to ship cargo*  
26 *and to navigate vessels on the Lower Mississippi*

1           *River and its connecting navigable waterways,*  
2           *including the Gulf of Mexico.*

3           “(C) *POINTS OF VIEW.*—*Except as provided*  
4           *in subparagraph (D), each member of the Com-*  
5           *mittee shall represent the point of view of an en-*  
6           *tity or group, as follows:*

7                   “(i) *5 members representing River Port*  
8                   *Authorities between Baton Rouge, Lou-*  
9                   *isiana, and the head of passes of the Lower*  
10                   *Mississippi River, of which—*

11                           “(I) *1 member shall be from the*  
12                           *Port of St. Bernard; and*

13                           “(II) *1 member from the Port of*  
14                           *Plaquemines.*

15                   “(ii) *2 members representing vessel*  
16                   *owners or ship owners domiciled in the*  
17                   *State of Louisiana.*

18                   “(iii) *2 members representing organi-*  
19                   *zations which operate harbor tugs or barge*  
20                   *fleets in the geographical area covered by*  
21                   *the Committee.*

22                   “(iv) *2 members representing compa-*  
23                   *nies which transport cargo or passengers on*  
24                   *the navigable waterways in the geographical*  
25                   *area covered by the Committee.*

1           “(v) 3 members representing State  
2           Commissioned Pilot organizations, with 1  
3           member each representing—

4                   “(I) the New Orleans-Baton  
5                   Rouge Steamship Pilots Association;

6                   “(II) the Crescent River Port Pi-  
7                   lots Association; and

8                   “(III) the Association Branch Pi-  
9                   lots.

10           “(vi) 3 members representing con-  
11           sumers, shippers, or importers and export-  
12           ers that utilize vessels which utilize the nav-  
13           igable waterways covered by the Committee.

14           “(vii) 2 members representing those li-  
15           censed merchant mariners, other than pi-  
16           lots, who perform shipboard duties on those  
17           vessels which utilize navigable waterways  
18           covered by the Committee.

19           “(viii) 1 member representing an orga-  
20           nization that serves in a consulting or advi-  
21           sory capacity to the maritime industry.

22           “(ix) 1 member representing an envi-  
23           ronmental organization.

24           “(D) ADDITIONAL MEMBERS.—

1           “(i) *IN GENERAL.*—3 members of the  
2           *Committee shall represent the general pub-*  
3           *lic.*

4           “(ii) *WATER TRANSPORTATION FACILI-*  
5           *TIES.*—Whenever possible, 2 of the 3 mem-  
6           *bers who represent the general public shall*  
7           *be individuals who utilize water transpor-*  
8           *tation facilities located in the geographic*  
9           *area that the Committee covers.*

10           “(3) *STATUS OF MEMBERS.*—For the purposes of  
11           *Federal law, including the Ethics in Government Act*  
12           *of 1978 and chapter 11 of title 18—*

13           “(A) *each member of the Committee, whom*  
14           *the Secretary appoints to represent the point of*  
15           *view of an entity or group set out in paragraph*  
16           *(2)(C), is hereby deemed a representative of the*  
17           *member’s respective special interest entity or*  
18           *group, and not a special Government employee*  
19           *(as defined in section 202(a) of title 18); and*

20           “(B) *each member of the Committee, whom*  
21           *the Secretary appoints to represent the general*  
22           *public, is hereby deemed a special Government*  
23           *employee (as defined in section 202(a) of title*  
24           *18).*

25           “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.*—

1           “(A) *NOMINATIONS.*—*As necessary, the Sec-*  
2           *retary shall publish, in the Federal Register, a*  
3           *notice soliciting nominations for membership on*  
4           *the Committee.*

5           “(B) *APPOINTMENTS.*—

6           “(i) *IN GENERAL.*—*After timely notice*  
7           *is published, the Secretary shall, as nec-*  
8           *essary, appoint members to the Committee.*

9           “(ii) *LIMITATIONS.*—*The Secretary*  
10          *may not seek, consider, or otherwise use in-*  
11          *formation concerning the political affili-*  
12          *ation of a nominee in making an appoint-*  
13          *ment to the Committee.*

14          “(iii) *REAPPOINTMENTS.*—*The Sec-*  
15          *retary may reappoint a member to the*  
16          *Committee more than once.*

17          “(C) *SERVICE.*—*Each member of the Com-*  
18          *mittee shall serve at the pleasure of the Sec-*  
19          *retary.*

20          “(5) *TERM; VACANCY.*—

21          “(A) *TERM.*—

22          “(i) *IN GENERAL.*—*The term of each*  
23          *member of the Committee shall expire on*  
24          *December 31 of the third full year after the*  
25          *effective date of the appointment.*

1                   “(i) *EXTENSION.*—*Notwithstanding*  
2                   *clause (i), paragraph (4), or any other pro-*  
3                   *vision of law or policy, the Commandant*  
4                   *(or the Commandant’s designee) may extend*  
5                   *the term of a member of the Committee to*  
6                   *December 31 of the fifth full year after the*  
7                   *effective date of the appointment.*

8                   “(B) *VACANCY.*—*In the case of an appoint-*  
9                   *ment to fill a vacancy on the Committee, the*  
10                   *Secretary shall appoint an individual for a full*  
11                   *term.*

12                   “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

13                   “(A) *IN GENERAL.*—*The Commandant (or*  
14                   *the Commandant’s designee) shall designate 1*  
15                   *member of the Committee as the Chairperson*  
16                   *and another member of the Committee as the*  
17                   *Vice Chairperson, both of whom shall serve in*  
18                   *such capacity at the pleasure of the Com-*  
19                   *mandant (or the Commandant’s designee) and*  
20                   *for a term to be fixed by the Commandant (or*  
21                   *the Commandant’s designee).*

22                   “(B) *RECOMMENDATIONS.*—*The Com-*  
23                   *mandant (or the Commandant’s designee) may*  
24                   *solicit, from the Committee, recommendations*  
25                   *with regard to the members whom the Com-*



1           *mandant (or the Commandant’s designee) shall*  
2           *designate as the Chairperson and the Vice Chair-*  
3           *person.*

4           “(C) *VACANCY.—The Vice Chairperson shall*  
5           *act as Chairperson in the absence or incapacity*  
6           *of, or in the event of a vacancy in the office of,*  
7           *the Chairperson.*

8           “(7) *DESIGNATED FEDERAL OFFICER.—The*  
9           *Commandant (or the Commandant’s designee) shall*  
10          *designate a Designated Federal Officer to the Com-*  
11          *mittee in accordance with the Federal Advisory Com-*  
12          *mittee Act (5 U.S.C. App.).*

13          “(d) *CONSULTATION.—The Commandant (or the Com-*  
14          *mandant’s designee) shall, whenever practicable, consult*  
15          *with the Committee before taking any significant action re-*  
16          *lating to navigation safety in the Lower Mississippi River.*

17          “(e) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
18          *NATION.—*

19                 “(1) *FACA.—The Federal Advisory Committee*  
20                 *Act (5 U.S.C. App.) shall apply to the Committee.*

21                 “(2) *TERMINATION.—The Committee shall termi-*  
22                 *nate on September 30, 2027.*

1 **“§ 706. Merchant Marine Personnel Advisory Com-**  
2 **mittee**

3 “(a) *ESTABLISHMENT.*—*There is established a Mer-*  
4 *chant Marine Personnel Advisory Committee (referred to in*  
5 *this section as the ‘Committee’).*

6 “(b) *FUNCTION.*—*The Committee, acting through the*  
7 *Commandant (or the Commandant’s designee), is author-*  
8 *ized to advise, consult with, report to, and make rec-*  
9 *ommendations to the Secretary on matters relating to per-*  
10 *sonnel in the United States merchant marine, including*  
11 *training, qualifications, certification, documentation, and*  
12 *fitness standards.*

13 “(c) *MEETING.*—*The Committee shall, at least once*  
14 *each calendar year, meet at the call of the Commandant*  
15 *(or the Commandant’s designee).*

16 “(d) *MEMBERSHIP.*—

17 “(1) *IN GENERAL.*—*The Committee shall consist*  
18 *of 19 members.*

19 “(2) *POINTS OF VIEW.*—*Except as provided in*  
20 *subparagraph (C), each member of the Committee*  
21 *shall represent the point of view of an entity or*  
22 *group, as follows:*

23 “(A) *9 members representing the interests of*  
24 *mariners—*

25 “(i) *each of whom—*

1           “(I) shall be a citizen of the  
2           United States; and

3           “(II) shall hold an active license  
4           or certificate issued under chapter 71  
5           of this title or a merchant mariner  
6           document issued under chapter 73 of  
7           this title; and

8           “(ii) among whom shall be—

9           “(I) 3 deck officers representing  
10          the interests of merchant marine deck  
11          officers, of whom—

12           “(aa) 2 shall be licensed for  
13           oceans any gross tons;

14           “(bb) 1 shall be licensed for  
15           inland river route with a limited  
16           or unlimited tonnage;

17           “(cc) 2 shall have a master’s  
18           license or a master of towing ves-  
19           sels license;

20           “(dd) 1 shall have significant  
21           tanker experience; and

22           “(ee) to the extent prac-  
23           ticable—

24           “(AA) 1 shall represent  
25           the interests of labor; and

1                                   “(BB) 1 shall represent  
2                                   the interests of management;

3                                   “(II) 3 engineering officers rep-  
4                                   resenting the interests of merchant ma-  
5                                   rine engineering officers, of whom—

6                                   “(aa) 2 shall be licensed as  
7                                   chief engineer any horsepower;

8                                   “(bb) 1 shall be licensed as  
9                                   either a limited chief engineer or  
10                                   a designated duty engineer; and

11                                   “(cc) to the extent prac-  
12                                   ticable—

13                                   “(AA) 1 shall represent  
14                                   the interests of labor; and

15                                   “(BB) 1 shall represent  
16                                   the interests of management;

17                                   “(III) 2 unlicensed seamen, of  
18                                   whom—

19                                   “(aa) 1 shall represent the  
20                                   interests of able-bodied seamen;  
21                                   and

22                                   “(bb) 1 shall represent the  
23                                   interests of qualified members of  
24                                   the engine department; and

1                   “(IV) 1 pilot representing the in-  
2                   terests of merchant marine pilots.

3                   “(B) 6 members representing the interests of  
4                   marine educators—

5                   “(i) each of whom shall be a marine  
6                   educator; and

7                   “(ii) among whom shall be—

8                   “(I) 3 marine educators who shall  
9                   represent the interests of maritime  
10                  academies, including—

11                  “(aa) 2 who shall represent  
12                  the interests of State maritime  
13                  academies; and

14                  “(bb) 1 who shall represent  
15                  either the viewpoint of the State  
16                  maritime academies or the United  
17                  States Merchant Marine Academy;  
18                  and

19                  “(II) 3 marine educators who  
20                  shall represent the interests of other  
21                  maritime training institutions, 1 of  
22                  whom shall represent the interests of  
23                  the small vessel industry.

1           “(C) 2 members representing the interests of  
2 shipping companies employed in ship operation  
3 management.

4           “(D) 2 members of the Committee shall rep-  
5 resent the general public.

6           “(3) STATUS OF MEMBERS.—

7           “(A) IN GENERAL.—For the purposes of  
8 Federal law, including the Ethics in Government  
9 Act of 1978 and chapter 11 of title 18—

10           “(i) a member of the Committee, whom  
11 the Secretary appoints to represent the  
12 point of view of an entity or group set out  
13 in paragraph (2)(B), is hereby deemed a  
14 representative of the member’s respective  
15 special interest entity or group, and not a  
16 special Government employee (as defined in  
17 section 202(a) of title 18); and

18           “(ii) a member of the Committee,  
19 whom the Secretary appoints to represent  
20 the general public, is hereby deemed a spe-  
21 cial Government employee (as defined in  
22 section 202(a) of title 18).

23           “(B) RULE OF CONSTRUCTION.—Nothing in  
24 this section shall be construed to prohibit the  
25 nomination or appointment of a Federal em-

1            *ployee to serve as a member of the Committee*  
2            *representing the interests of the United States*  
3            *Merchant Marine Academy.*

4            “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.—*

5                    “(A) *NOMINATIONS.—As necessary, the Sec-*  
6            *retary shall publish, in the Federal Register, a*  
7            *notice soliciting nominations for membership on*  
8            *the Committee.*

9                    “(B) *APPOINTMENTS.—*

10                    “(i) *IN GENERAL.—After timely notice*  
11            *is published, the Secretary shall, as nec-*  
12            *essary, appoint members to the Committee.*

13                    “(ii) *LIMITATIONS.—The Secretary*  
14            *may not seek, consider, or otherwise use in-*  
15            *formation concerning the political affili-*  
16            *ation of a nominee in making an appoint-*  
17            *ment to the Committee.*

18                    “(iii) *REAPPOINTMENT.—The Sec-*  
19            *retary may reappoint a member to the*  
20            *Committee more than once.*

21                    “(C) *SOLICITING NOMINATIONS.—Notwith-*  
22            *standing subparagraphs (A) and (B), the Sec-*  
23            *retary may—*

24                    “(i) *with regard to the appointment of*  
25            *a member or members to represent the inter-*

1            *ests of the State maritime academies, solicit*  
2            *nominations for membership on the Com-*  
3            *mittee from each State maritime academy*  
4            *or a joint nomination from some or all*  
5            *State maritime academies; and*

6            *“(ii) with regard to the appointment of*  
7            *a member to represent the interests of the*  
8            *United States Merchant Marine Academy,*  
9            *solicit a nomination for membership on the*  
10           *Committee from the Secretary of Transpor-*  
11           *tation.*

12           *“(D) SERVICE.—Each member of the Com-*  
13           *mittee shall serve at the pleasure of the Sec-*  
14           *retary.*

15           *“(5) TERM; VACANCY.—*

16           *“(A) TERM.—*

17           *“(i) IN GENERAL.—The term of each*  
18           *member of the Committee shall expire on*  
19           *December 31 of the third full year after the*  
20           *effective date of the appointment.*

21           *“(ii) EXTENSIONS.—Notwithstanding*  
22           *clause (i), paragraph (4), or any other pro-*  
23           *vision of law or policy, the Commandant*  
24           *(or the Commandant’s designee) may extend*  
25           *the term of a member of the Committee to*



1                   *December 31 of the fifth full year after the*  
2                   *effective date of the appointment.*

3                   “(iii) *VACANCY.—In the case of an ap-*  
4                   *pointment to fill a vacancy on the Com-*  
5                   *mittee, the Secretary shall appoint an indi-*  
6                   *vidual for a full term.*

7                   “(6) *CHAIRPERSON; VICE CHAIRPERSON.—*

8                   “(A) *IN GENERAL.—The Commandant (or*  
9                   *the Commandant’s designee) shall designate 1*  
10                  *member of the Committee as the Chairperson*  
11                  *and another member of the Committee as the*  
12                  *Vice Chairperson, both of whom shall serve in*  
13                  *such capacity at the pleasure of the Com-*  
14                  *mandant (or the Commandant’s designee) and*  
15                  *for a term to be fixed by the Commandant (or*  
16                  *the Commandant’s designee).*

17                  “(B) *RECOMMENDATIONS.—The Com-*  
18                  *mandant (or the Commandant’s designee) may*  
19                  *solicit, from the Committee, recommendations*  
20                  *with regard to the members whom the Com-*  
21                  *mandant (or the Commandant’s designee) shall*  
22                  *designate as the Chairperson and the Vice Chair-*  
23                  *person.*

24                  “(C) *VACANCY.—The Vice Chairperson shall*  
25                  *act as Chairperson in the absence or incapacity*

1           *of, or in the event of a vacancy in the office of,*  
 2           *the Chairperson.*

3           “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
 4           *Commandant (or the Commandant’s designee) shall*  
 5           *designate a Designated Federal Officer to the Com-*  
 6           *mittee in accordance with the Federal Advisory Com-*  
 7           *mittee Act (5 U.S.C. App.).*

8           “(e) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
 9           *NATION.*—

10           “(1) *FACA.*—*The Federal Advisory Committee*  
 11           *Act (5 U.S.C. App.) shall apply to the Committee.*

12           “(2) *TERMINATION.*—*The Committee shall termi-*  
 13           *nate on September 30, 2027.*

14           **“§ 707. Merchant Mariner Medical Advisory Com-**  
 15           ***mittee***

16           “(a) *ESTABLISHMENT.*—*There is established a Mer-*  
 17           *chant Mariner Medical Advisory Committee (referred to in*  
 18           *this section as the ‘Committee’).*

19           “(b) *FUNCTION.*—*The Committee, acting through the*  
 20           *Commandant (or the Commandant’s designee), is author-*  
 21           *ized to advise, consult with, report to, and make rec-*  
 22           *ommendations to the Secretary on matters relating to—*

23           “(1) *medical certification determinations of mer-*  
 24           *chant mariners;*

1           “(2) *medical standards and guidelines for the*  
2           *physical qualifications of operators of commercial ves-*  
3           *sels;*

4           “(3) *medical examiner education; and*

5           “(4) *medical research.*

6           “(c) *ORGANIZATION.—*

7           “(1) *MEETING.—The Committee shall, at least*  
8           *once each calendar year, meet at the call of the Com-*  
9           *mandant (or the Commandant’s designee).*

10          “(2) *MEMBERSHIP.—*

11           “(A) *IN GENERAL.—The Committee shall*  
12           *consist of 14 members.*

13           “(B) *RESTRICTION.—No member of the*  
14           *Committee shall be a regular Federal employee.*

15           “(C) *EXPERIENCE.—Of the members of the*  
16           *Committee—*

17           “(i) *10 members shall be healthcare*  
18           *professionals with particular expertise,*  
19           *knowledge, or experience regarding the med-*  
20           *ical examinations of merchant mariners or*  
21           *occupational medicine; and*

22           “(ii) *4 members shall be professional*  
23           *mariners with knowledge and experience in*  
24           *mariners’ occupational requirements.*

1           “(3) *STATUS OF MEMBERS.*—*For the purposes of*  
2           *Federal law, including the Ethics in Government Act*  
3           *of 1978 and chapter 11 of title 18, each member of*  
4           *the Committee is hereby deemed a special Government*  
5           *employee (as defined in section 202(a) of title 18).*

6           “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.*—

7           “(A) *NOMINATIONS.*—*As necessary, the Sec-*  
8           *retary shall publish, in the Federal Register, a*  
9           *notice soliciting nominations for membership on*  
10           *the Committee.*

11           “(B) *APPOINTMENTS.*—

12           “(i) *IN GENERAL.*—*After timely notice*  
13           *is published, the Secretary shall, as nec-*  
14           *essary, appoint members to the Committee.*

15           “(ii) *LIMITATIONS.*—*The Secretary*  
16           *may not seek, consider, or otherwise use in-*  
17           *formation concerning the political affili-*  
18           *ation of a nominee in making an appoint-*  
19           *ment to the Committee.*

20           “(iii) *REAPPOINTMENTS.*—*The Sec-*  
21           *retary may reappoint a member to the*  
22           *Committee more than once.*

23           “(C) *SERVICE.*—*Each member of the Com-*  
24           *mittee shall serve at the pleasure of the Sec-*  
25           *retary.*

1           “(5) *TERM; VACANCY.*—

2                 “(A) *TERM.*—

3                     “(i) *IN GENERAL.*—*The term of each*  
4                     *member of the Committee shall expire on*  
5                     *December 31 of the third full year after the*  
6                     *effective date of the appointment.*

7                     “(ii) *EXTENSIONS.*—*Notwithstanding*  
8                     *clause (i), paragraph (4), or any other pro-*  
9                     *vision of law or policy, the Commandant*  
10                    *(or the Commandant’s designee) may extend*  
11                    *the term of a member of the Committee to*  
12                    *December 31 of the fifth full year after the*  
13                    *effective date of the appointment.*

14                    “(iii) *VACANCY.*—*In the case of an ap-*  
15                    *pointment to fill a vacancy on the Com-*  
16                    *mittee, the Secretary shall appoint an indi-*  
17                    *vidual for a full term.*

18           “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

19                 “(A) *IN GENERAL.*—*The Commandant (or*  
20                 *the Commandant’s designee) shall designate 1*  
21                 *member of the Committee as the Chairperson*  
22                 *and another member of the Committee as the*  
23                 *Vice Chairperson, both of whom shall serve in*  
24                 *such capacity at the pleasure of the Com-*  
25                 *mandant (or the Commandant’s designee) and*

1           *for a term to be fixed by the Commandant (or*  
2           *the Commandant's designee).*

3           “(B) *RECOMMENDATIONS.*—*The Com-*  
4           *mandant (or the Commandant's designee) may*  
5           *solicit, from the Committee, recommendations*  
6           *with regard to the members whom the Com-*  
7           *mandant (or the Commandant's designee) shall*  
8           *designate as the Chairperson and the Vice Chair-*  
9           *person.*

10           “(C) *VACANCY.*—*The Vice Chairperson shall*  
11           *act as Chairperson in the absence or incapacity*  
12           *of, or in the event of a vacancy in the office of,*  
13           *the Chairperson.*

14           “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
15           *Commandant (or the Commandant's designee) shall*  
16           *designate a Designated Federal Officer to the Com-*  
17           *mittee in accordance with the Federal Advisory Com-*  
18           *mittee Act (5 U.S.C. App.).*

19           “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
20           *NATION.*—

21           “(1) *FACA.*—*The Federal Advisory Committee*  
22           *Act (5 U.S.C. App.) shall apply to the Committee.*

23           “(2) *TERMINATION.*—*The Committee shall termi-*  
24           *nate on September 30, 2027.*

1 **“§ 708. National Boating Safety Advisory Council**

2       “(a) *ESTABLISHMENT.*—*There is established a Na-*  
3 *tional Boating Safety Advisory Council (referred to in this*  
4 *section as the ‘Council’).*

5       “(b) *ORGANIZATION.*—

6               “(1) *MEETING.*—*The Council shall, at least once*  
7 *each calendar year, meet at the call of the Com-*  
8 *mandant (or the Commandant’s designee).*

9               “(2) *MEMBERSHIP.*—

10                       “(A) *IN GENERAL.*—*The Council shall con-*  
11 *sist of 21 members.*

12                       “(B) *EXPERIENCE.*—*Each member of the*  
13 *Council shall have particular expertise, knowl-*  
14 *edge, and experience in recreational boating safe-*  
15 *ty.*

16                       “(C) *POINTS OF VIEW.*—*Except as provided*  
17 *in subparagraph (D), each member of the Coun-*  
18 *cil shall represent the point of view of an entity*  
19 *or group, as follows:*

20                               “(i) *7 members representing State offi-*  
21 *cial’s responsible for State boating safety*  
22 *programs.*

23                               “(ii) *7 members representing manufac-*  
24 *turers, wholesale distributors, or retail dis-*  
25 *tributors of recreational vessels or associated*  
26 *equipment.*

1                   “(iii) *At least 5 members representing*  
2                   *national recreational boating organizations.*

3                   “(D) *ADDITIONAL MEMBERS.—Not more*  
4                   *than 2 members of the Council may represent the*  
5                   *general public.*

6                   “(E) *PANELS.—Additional individuals*  
7                   *from an entity or group set out in subparagraph*  
8                   *(C) may be appointed to panels of the Council*  
9                   *to assist the Council in performing its duties.*

10                  “(3) *STATUS OF MEMBERS.—For the purposes of*  
11                  *Federal law, including the Ethics in Government Act*  
12                  *of 1978 and chapter 11 of title 18—*

13                         “(A) *a member of the Council, whom the*  
14                         *Secretary appoints to represent the point of view*  
15                         *of an entity or group set out in paragraph*  
16                         *(2)(C), is hereby deemed a representative of the*  
17                         *member’s respective special interest entity or*  
18                         *group, and not a special Government employee*  
19                         *(as defined in section 202(a) of title 18); and*

20                         “(B) *in the event that the Secretary ap-*  
21                         *points a member to represent the general public,*  
22                         *such member of the Council is hereby deemed a*  
23                         *special Government employee (as defined in sec-*  
24                         *tion 202(a) of title 18).*

25                         “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.—*



1           “(A) *NOMINATIONS.*—*As necessary, the Sec-*  
2           *retary shall publish, in the Federal Register, a*  
3           *notice soliciting nominations for membership on*  
4           *the Council.*

5           “(B) *APPOINTMENTS.*—

6           “(i) *IN GENERAL.*—*After timely notice*  
7           *is published, the Secretary shall, as nec-*  
8           *essary, appoint members to the Council.*

9           “(ii) *LIMITATIONS.*—*The Secretary*  
10          *may not seek, consider, or otherwise use in-*  
11          *formation concerning the political affili-*  
12          *ation of a nominee in making an appoint-*  
13          *ment to the Council.*

14          “(iii) *VACANCY.*—*The Secretary may*  
15          *reappoint a member to the Council more*  
16          *than once.*

17          “(C) *SERVICE.*—*Each member of the Coun-*  
18          *cil shall serve at the pleasure of the Secretary.*

19          “(5) *TERM; VACANCY.*—

20          “(A) *TERM.*—

21          “(i) *IN GENERAL.*—*The term of each*  
22          *member of the Council shall expire on De-*  
23          *cember 31 of the third full year after the ef-*  
24          *fective date of the appointment.*

1           “(ii) *EXTENSIONS.*—*Notwithstanding*  
2           *clause (1), paragraph (4), or any other pro-*  
3           *vision of law or policy, the Commandant*  
4           *(or the Commandant’s designee) may extend*  
5           *the term of a member of the Council to De-*  
6           *cember 31 of the fifth full year after the ef-*  
7           *fective date of the appointment.*

8           “(iii) *VACANCY.*—*In the case of an ap-*  
9           *pointment to fill a vacancy on the Council,*  
10           *the Secretary shall appoint an individual*  
11           *for a full term.*

12           “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

13           “(A) *IN GENERAL.*—*The Commandant (or*  
14           *the Commandant’s designee) shall designate 1*  
15           *member of the Council as the Chairperson and*  
16           *another member of the Council as the Vice Chair-*  
17           *person, both of whom shall serve in such capacity*  
18           *at the pleasure of the Commandant (or the Com-*  
19           *mandant’s designee) and for a term to be fixed*  
20           *by the Commandant (or the Commandant’s des-*  
21           *ignee).*

22           “(B) *RECOMMENDATIONS.*—*The Com-*  
23           *mandant (or the Commandant’s designee) may*  
24           *solicit, from the Council, recommendations with*  
25           *regard to the members whom the Commandant*

1           *(or the Commandant’s designee) shall designate*  
2           *as the Chairperson and the Vice Chairperson.*

3           “(C) *VACANCY.—The Vice Chairperson shall*  
4           *act as Chairperson in the absence or incapacity*  
5           *of, or in the event of a vacancy in the office of,*  
6           *the Chairperson.*

7           “(7) *DESIGNATED FEDERAL OFFICER.—The*  
8           *Commandant (or the Commandant’s designee) shall*  
9           *designate a Designated Federal Officer to the Council*  
10          *in accordance with the Federal Advisory Committee*  
11          *Act (5 U.S.C. App.).*

12          “(c) *CONSULTATION.—In addition to the consultation*  
13          *required by section 4302 of this title, the Commandant (or*  
14          *the Commandant’s designee) shall, whenever practicable,*  
15          *consult with the Council on boating safety matters related*  
16          *to chapter 131 of this title.*

17          “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
18          *NATION.—*

19                 “(1) *FACA.—The Federal Advisory Committee*  
20                 *Act (5 U.S.C. App.) shall apply to the Council.*

21                 “(2) *TERMINATION.—The Council shall termi-*  
22                 *nate on September 30, 2027.*

1 **“§ 709. National Maritime Security Advisory Com-**  
2 **mittee**

3 “(a) *ESTABLISHMENT.*—*There is established a Na-*  
4 *tional Maritime Security Advisory Committee (referred to*  
5 *in this section as the ‘Committee’).*

6 “(b) *FUNCTION.*—*The Committee, acting through the*  
7 *Commandant (or the Commandant’s designee), is author-*  
8 *ized to advise, consult with, report to, and make rec-*  
9 *ommendations to the Secretary on matters relating to na-*  
10 *tional maritime security.*

11 “(c) *ORGANIZATION.*—

12 “(1) *MEETING.*—*The Committee shall, at least*  
13 *once each calendar year, meet at the call of the Com-*  
14 *mandant (or the Commandant’s designee).*

15 “(2) *MEMBERSHIP.*—

16 “(A) *IN GENERAL.*—*The Committee shall*  
17 *consist of not less than 8 members, but not more*  
18 *than 12 members.*

19 “(B) *EXPERIENCE.*—*Each member of the*  
20 *Committee shall have at least 5 years practical*  
21 *experience in maritime security operations.*

22 “(C) *POINTS OF VIEW.*—*Each member of*  
23 *the Committee shall represent the point of view*  
24 *of an entity or group, as follows:*

25 “(i) *At least 1 member representing the*  
26 *port authorities.*

1           “(ii) *At least 1 member representing*  
2           *the facilities owners or operators.*

3           “(iii) *At least 1 member representing*  
4           *the terminal owners or operators.*

5           “(iv) *At least 1 member representing*  
6           *the vessel owners or operators.*

7           “(v) *At least 1 member representing*  
8           *the maritime labor organizations.*

9           “(vi) *At least 1 member representing*  
10          *the academic community.*

11          “(vii) *At least 1 member representing*  
12          *State or local governments.*

13          “(viii) *At least 1 member representing*  
14          *the maritime industry.*

15          “(ix) *Not more than 4 members, each*  
16          *representing an entity or group, the point*  
17          *of view of which or the area of expertise of*  
18          *which the Commandant (or the Com-*  
19          *mandant’s designee) determines would aid*  
20          *the Committee’s deliberations.*

21          “(3) *STATUS OF MEMBERS.—For the purposes of*  
22          *Federal law, including the Ethics in Government Act*  
23          *of 1978 and chapter 11 of title 18, each member of*  
24          *the Committee is hereby deemed a representative of*  
25          *the member’s respective special interest entity or*

1 *group, and not a special Government employee (as*  
2 *defined in section 202(a) of title 18).*

3 “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.—*

4 “(A) *NOMINATIONS.—As necessary, the Sec-*  
5 *retary shall publish in the Federal Register, a*  
6 *notice soliciting nominations for membership on*  
7 *the Committee.*

8 “(B) *APPOINTMENTS.—*

9 “(i) *IN GENERAL.—After timely notice*  
10 *is published, the Secretary shall appoint*  
11 *members to the Committee.*

12 “(ii) *LIMITATIONS.—The Secretary*  
13 *may not seek, consider, or otherwise use in-*  
14 *formation concerning the political affili-*  
15 *ation of an individual in making an ap-*  
16 *pointment to the Committee.*

17 “(iii) *REAPPOINTMENTS.—The Sec-*  
18 *retary may reappoint a member to the*  
19 *Committee more than once.*

20 “(C) *SERVICE.—Each member of the Com-*  
21 *mittee shall serve at the pleasure of the Sec-*  
22 *retary.*

23 “(D) *BACKGROUND EXAMINATIONS.—The*  
24 *Secretary may require an individual to have*

1           *passed an appropriate security background ex-*  
2           *amination before appointment to the Committee.*

3           “(5) *TERM; VACANCY.—*

4                 “(A) *TERM.—*

5                         “(i) *IN GENERAL.—The term of each*  
6                         *member of the Committee shall expire on*  
7                         *December 31 of the third full year after the*  
8                         *effective date of the appointment.*

9                         “(ii) *EXTENSIONS.—Notwithstanding*  
10                         *clause (i), paragraph (4), or any other pro-*  
11                         *vision of law or policy, the Commandant*  
12                         *(or the Commandant’s designee) may extend*  
13                         *the term of a member of the Committee to*  
14                         *December 31 of the fifth full year after the*  
15                         *effective date of the appointment.*

16                         “(iii) *VACANCY.—In the case of an ap-*  
17                         *pointment to fill a vacancy on the Com-*  
18                         *mittee, the Secretary shall appoint an indi-*  
19                         *vidual for a full term.*

20           “(6) *CHAIRPERSON; VICE CHAIRPERSON.—*

21                 “(A) *IN GENERAL.—The Commandant (or*  
22                 *the Commandant’s designee) shall designate 1*  
23                 *member of the Committee as the Chairperson*  
24                 *and another member of the Committee as the*  
25                 *Vice Chairperson, both of whom shall serve in*

1           *such capacity at the pleasure of the Com-*  
2           *mandant (or the Commandant's designee) and*  
3           *for a term to be fixed by the Commandant (or*  
4           *the Commandant's designee).*

5           “(B) *RECOMMENDATIONS.*—*The Com-*  
6           *mandant (or the Commandant's designee) may*  
7           *solicit, from the Committee, recommendations*  
8           *with regard to the members whom the Com-*  
9           *mandant (or the Commandant's designee) shall*  
10          *designate as the Chairperson and the Vice Chair-*  
11          *person.*

12          “(C) *VACANCY.*—*The Vice Chairperson shall*  
13          *act as Chairperson in the absence or incapacity*  
14          *of, or in the event of a vacancy in the office of,*  
15          *the Chairperson.*

16          “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
17          *Commandant (or the Commandant's designee) shall*  
18          *designate a Designated Federal Officer to the Com-*  
19          *mittee in accordance with the Federal Advisory Com-*  
20          *mittee Act (5 U.S.C. App.).*

21          “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
22          *NATION.*—

23          “(1) *FACA.*—*The Federal Advisory Committee*  
24          *Act (5 U.S.C. App.) shall apply to the Committee.*



1           “(2) *TERMINATION.*—*The Committee shall termi-*  
2           *nate on September 30, 2027.*

3           **“§ 710. National Offshore Safety Advisory Committee**

4           “(a) *ESTABLISHMENT.*—*There is established a Na-*  
5           *tional Offshore Safety Advisory Committee (referred to in*  
6           *this section as the ‘Committee’).*

7           “(b) *FUNCTION.*—*The Committee, acting through the*  
8           *Commandant (or the Commandant’s designee), is author-*  
9           *ized to advise, consult with, report to, and make rec-*  
10           *ommendations to the Secretary on matters relating to ac-*  
11           *tivities directly involved with, or in support of, the explo-*  
12           *ration of offshore mineral and energy resources insofar as*  
13           *such activities relate to matters within Coast Guard juris-*  
14           *diction.*

15           “(c) *ORGANIZATION.*—

16           “(1) *MEETING.*—*The Committee shall, at least*  
17           *once each calendar year, meet at the call of the Com-*  
18           *mandant (or the Commandant’s designee).*

19           “(2) *MEMBERSHIP.*—

20           “(A) *IN GENERAL.*—*The Committee shall*  
21           *consist of 15 members.*

22           “(B) *POINTS OF VIEW.*—*Except as provided*  
23           *in subparagraph (C), each member of the Com-*  
24           *mittee shall represent the point of view of an en-*  
25           *tity or group, as follows:*

1           “(i) 2 members representing compa-  
2           nies, organizations, enterprises, or similar  
3           entities engaged in the production of petro-  
4           leum.

5           “(ii) 2 members representing compa-  
6           nies, organizations, enterprises, or similar  
7           entities engaged in offshore drilling.

8           “(iii) 2 members representing compa-  
9           nies, organizations, enterprises or similar  
10          entities engaged in the support, by offshore  
11          supply vessels or other vessels, of offshore  
12          operations.

13          “(iv) 1 member representing a com-  
14          pany, organization, enterprise or similar  
15          entity engaged in the construction of off-  
16          shore facilities.

17          “(v) 1 member representing a com-  
18          pany, organization, enterprise or similar  
19          entity providing diving services to the off-  
20          shore industry.

21          “(vi) 1 member representing a com-  
22          pany, organization, enterprise or similar  
23          entity providing safety and training serv-  
24          ices to the offshore industry.

1           “(vii) 1 member representing a com-  
2           pany, organization, enterprise or similar  
3           entity providing subsea engineering, con-  
4           struction or remotely operated vehicle sup-  
5           port to the offshore industry.

6           “(viii) 2 members representing employ-  
7           ees of companies, organizations, enterprises  
8           or similar entities engaged in offshore oper-  
9           ations, 1 of whom should have recent prac-  
10          tical experience on vessels or units involved  
11          in the offshore industry.

12          “(ix) 1 member representing a com-  
13          pany, organization, enterprise or similar  
14          entity providing environmental protection,  
15          compliance or response services to the off-  
16          shore industry.

17          “(x) 1 member representing a com-  
18          pany, organization, enterprise or similar  
19          entity engaged in offshore oil exploration or  
20          production on the Outer Continental Shelf  
21          of Alaska.

22          “(C) *ADDITIONAL MEMBER.*—1 member of  
23          the Committee shall represent the general public.

1           “(3) *STATUS OF MEMBERS.*—*For the purposes of*  
2           *Federal law, including the Ethics in Government Act*  
3           *of 1978 and chapter 11 of title 18—*

4                   “(A) *a member of the Committee, whom the*  
5                   *Secretary appoints to represent the point of view*  
6                   *of an entity or group set out in paragraph*  
7                   *(2)(C), is hereby deemed a representative of the*  
8                   *member’s respective special interest entity or*  
9                   *group, and not a special Government employee*  
10                   *(as defined in section 202(a) of title 18); and*

11                   “(B) *a member of the Committee, whom the*  
12                   *Secretary appoints to represent the general pub-*  
13                   *lic, is hereby deemed a special Government em-*  
14                   *ployee (as defined in section 202(a) of title 18).*

15           “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.*—

16                   “(A) *NOMINATIONS.*—*As necessary, the Sec-*  
17                   *retary shall publish, in the Federal Register, a*  
18                   *notice soliciting nominations for membership on*  
19                   *the Committee.*

20                   “(B) *APPOINTMENTS.*—

21                           “(i) *IN GENERAL.*—*After timely notice*  
22                           *is published, the Secretary shall, as nec-*  
23                           *essary, appoint members to the Committee.*

24                           “(ii) *LIMITATIONS.*—*The Secretary*  
25                           *may not seek, consider, or otherwise use in-*

1           *formation concerning the political affili-*  
2           *ation of a nominee in making an appoint-*  
3           *ment to the Committee.*

4           “(iii) *REAPPOINTMENTS.*—*The Sec-*  
5           *retary may reappoint a member to the*  
6           *Committee more than once.*

7           “(C) *SERVICE.*—*Each member of the Com-*  
8           *mittee shall serve at the pleasure of the Sec-*  
9           *retary.*

10          “(5) *TERM; VACANCY.*—

11           “(A) *TERM.*—

12           “(i) *IN GENERAL.*—*The term of each*  
13           *member of the Committee shall expire on*  
14           *December 31 of the third full year after the*  
15           *effective date of the appointment.*

16           “(ii) *EXTENSIONS.*—*Notwithstanding*  
17           *clause (i), paragraph (4), or any other pro-*  
18           *vision of law or policy, the Commandant*  
19           *(or the Commandant’s designee) may extend*  
20           *the term of a member of the Committee to*  
21           *December 31 of the fifth full year after the*  
22           *effective date of the appointment.*

23           “(iii) *VACANCY.*—*In the case of an ap-*  
24           *pointment to fill a vacancy on the Com-*

1                   *mittee, the Secretary shall appoint an indi-*  
2                   *vidual for a full term.*

3                   “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

4                   “(A) *IN GENERAL.*—*The Commandant (or*  
5                   *the Commandant’s designee) shall designate one*  
6                   *member of the Committee as the Chairperson*  
7                   *and another member of the Committee as the*  
8                   *Vice Chairperson, both of whom shall serve in*  
9                   *such capacity at the pleasure of the Com-*  
10                   *mandant (or the Commandant’s designee) and*  
11                   *for a term to be fixed by the Commandant (or*  
12                   *the Commandant’s designee).*

13                   “(B)    *RECOMMENDATIONS.*—*The Com-*  
14                   *mandant (or the Commandant’s designee) may*  
15                   *solicit, from the Committee, recommendations*  
16                   *with regard to the members whom the Com-*  
17                   *mandant (or the Commandant’s designee) shall*  
18                   *designate as the Chairperson and the Vice Chair-*  
19                   *person.*

20                   “(C) *VACANCY.*—*The Vice Chairperson shall*  
21                   *act as Chairperson in the absence or incapacity*  
22                   *of, or in the event of a vacancy in the office of,*  
23                   *the Chairperson.*

24                   “(7)    *DESIGNATED FEDERAL OFFICER.*—*The*  
25                   *Commandant (or the Commandant’s designee) shall*

1       *designate a Designated Federal Officer to the Com-*  
 2       *mittee in accordance with the Federal Advisory Com-*  
 3       *mittee Act (5 U.S.C. App.).*

4       “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
 5       *NATION.—*

6               “(1) *FACA.—The Federal Advisory Committee*  
 7       *Act (5 U.S.C. App.) shall apply to the Committee.*

8               “(2) *TERMINATION.—The Committee shall termi-*  
 9       *nate on September 30, 2027.*

10    **“§ 711. Navigation Safety Advisory Council**

11       “(a) *ESTABLISHMENT.—There is established a Naviga-*  
 12       *tion Safety Advisory Council (referred to in this section as*  
 13       *the ‘Council’).*

14       “(b) *FUNCTION.—The Council, acting through the*  
 15       *Commandant (or the Commandant’s designee), is author-*  
 16       *ized to advise, consult with, report to, and make rec-*  
 17       *ommendations to the Secretary on matters relating to mari-*  
 18       *time collisions, rammings and groundings, Inland Rules of*  
 19       *the Road, International Rules of the Road, navigation regu-*  
 20       *lations and equipment, routing measures, marine informa-*  
 21       *tion, and aids to navigation systems.*

22       “(c) *ORGANIZATION.—*

23               “(1) *MEETING.—The Council shall, at least once*  
 24       *each calendar year, meet at the call of the Com-*  
 25       *mandant (or the Commandant’s designee).*

1           “(2) *MEMBERSHIP.*—

2                   “(A) *IN GENERAL.*—*The Council shall con-*  
3                   *sist of not more than 21 members.*

4                   “(B) *EXPERIENCE.*—*Each member of the*  
5                   *Council shall have expertise in Inland and Inter-*  
6                   *national vessel navigation Rules of the Road,*  
7                   *aids to maritime navigation, maritime law, ves-*  
8                   *sel safety, or port safety.*

9                   “(C) *POINTS OF VIEW.*—*Each member of*  
10                   *the Council shall represent the point of view of*  
11                   *one of the following entities or groups:*

12                           “(i) *Commercial vessel owners or oper-*  
13                           *ators.*

14                           “(ii) *Professional mariners.*

15                           “(iii) *Recreational boaters.*

16                           “(iv) *State agencies responsible for ves-*  
17                           *sel or port safety.*

18                           “(v) *The Maritime Law Association.*

19                   “(3) *STATUS OF MEMBERS.*—*For the purposes of*  
20                   *Federal law, including the Ethics in Government Act*  
21                   *of 1978 and chapter 11 of title 18, each member of*  
22                   *the Council is hereby deemed a representative of the*  
23                   *member’s respective special interest entity or group,*  
24                   *and not a special Government employee (as defined in*  
25                   *section 202(a) of title 18).*



1           “(4) *NOMINATIONS; APPOINTMENTS; SERVICE.*—

2                   “(A) *NOMINATIONS.*—*As necessary, the Sec-*  
3                   *retary shall publish, in the Federal Register, a*  
4                   *notice soliciting nominations for membership on*  
5                   *the Council.*

6                   “(B) *APPOINTMENTS.*—

7                           “(i) *IN GENERAL.*—*After timely notice*  
8                           *is published, the Secretary shall, as nec-*  
9                           *essary, appoint members to the Council.*

10                           “(ii) *LIMITATIONS.*—*The Secretary*  
11                           *may not seek, consider, or otherwise use in-*  
12                           *formation concerning the political affili-*  
13                           *ation of a nominee in making an appoint-*  
14                           *ment to the Council.*

15                           “(iii) *REAPPOINTMENTS.*—*The Sec-*  
16                           *retary may reappoint a member to the*  
17                           *Council more than once.*

18                   “(C) *SERVICE.*—*Each member of the Coun-*  
19                   *cil shall serve at the pleasure of the Secretary.*

20           “(5) *TERM; VACANCY.*—

21                   “(A) *TERM.*—

22                           “(i) *IN GENERAL.*—*The term of each*  
23                           *member of the Council shall expire on De-*  
24                           *cember 31 of the third full year after the ef-*  
25                           *fective date of the appointment.*

1           “(ii) *EXTENSIONS.*—*Notwithstanding*  
 2           *clause (i), paragraph (4), or any other pro-*  
 3           *vision of law or policy, the Commandant*  
 4           *(or the Commandant’s designee) may extend*  
 5           *the term of a member of the Council to De-*  
 6           *cember 31 of the fifth full year after the ef-*  
 7           *fective date of the appointment.*

8           “(iii) *REAPPOINTMENTS.*—*In the case*  
 9           *of an appointment to fill a vacancy on the*  
 10           *Council, the Secretary shall appoint an in-*  
 11           *dividual for a full term.*

12           “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

13           “(A) *IN GENERAL.*—*The Commandant (or*  
 14           *the Commandant’s designee) shall designate 1*  
 15           *member of the Council as the Chairperson and*  
 16           *another member of the Council as the Vice Chair-*  
 17           *person, both of whom shall serve in such capacity*  
 18           *at the pleasure of the Commandant (or the Com-*  
 19           *mandant’s designee) and for a term to be fixed*  
 20           *by the Commandant (or the Commandant’s des-*  
 21           *ignee).*

22           “(B) *RECOMMENDATIONS.*—*The Com-*  
 23           *mandant (or the Commandant’s designee) may*  
 24           *solicit, from the Council, recommendations with*  
 25           *regard to the members whom the Commandant*

1           *(or the Commandant’s designee) shall designate*  
 2           *as the Chairperson and the Vice Chairperson.*

3           “(C) *VACANCY.—The Vice Chairperson shall*  
 4           *act as Chairperson in the absence or incapacity*  
 5           *of, or in the event of a vacancy in the office of,*  
 6           *the Chairperson.*

7           “(7) *DESIGNATED FEDERAL OFFICER.—The*  
 8           *Commandant (or the Commandant’s designee) shall*  
 9           *designate a Designated Federal Officer to the Council*  
 10          *in accordance with the Federal Advisory Committee*  
 11          *Act (5 U.S.C. App.).*

12          “(d) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
 13          *NATION.—*

14           “(1) *FACA.—The Federal Advisory Committee*  
 15          *Act (5 U.S.C. App.) shall apply to the Council.*

16           “(2) *TERMINATION.—The Council shall termi-*  
 17          *nate on September 30, 2027.*

18          **“§ 712. Towing Safety Advisory Committee**

19           “(a) *ESTABLISHMENT.—There is established a Towing*  
 20          *Safety Advisory Committee (referred to in this section as*  
 21          *the ‘Committee’).*

22           “(b) *FUNCTION.—The Committee, acting through the*  
 23          *Commandant (or the Commandant’s designee), is author-*  
 24          *ized to advise, consult with, report to, and make rec-*  
 25          *ommendations to the Secretary on matters relating to shal-*

1 *low-draft inland navigation, coastal waterway navigation,*  
2 *and towing safety.*

3 “(c) *ORGANIZATION.*—

4 “(1) *MEETING.*—*The Committee shall, at least*  
5 *once each calendar year, meet at the call of the Com-*  
6 *mandant (or the Commandant’s designee).*

7 “(2) *MEMBERSHIP.*—

8 “(A) *IN GENERAL.*—*The Committee shall*  
9 *consist of 18 members.*

10 “(B) *EXPERIENCE.*—*Each member of the*  
11 *Committee shall have particular expertise,*  
12 *knowledge, and experience regarding—*

13 “(i) *shallow-draft inland navigation or*  
14 *coastal waterway navigation; and*

15 “(ii) *towing safety.*

16 “(C) *POINTS OF VIEW.*—*Except as provided*  
17 *in subparagraph (D), each member of the Com-*  
18 *mittee shall represent the point of view of an en-*  
19 *tity or group, as follows:*

20 “(i) *7 members representing the barge*  
21 *and towing industry, reflecting a regional*  
22 *geographic balance.*

23 “(ii) *1 member representing the off-*  
24 *shore mineral and oil supply vessel indus-*  
25 *try.*

1           “(iii) 1 member representing Masters  
2           or Pilots of towing vessels who have experi-  
3           ence on the Western Rivers and the Gulf In-  
4           tracoastal Waterway.

5           “(iv) 1 member representing Masters of  
6           towing vessels who have experience in off-  
7           shore service.

8           “(v) 1 member representing Masters of  
9           towing vessels who have experience in har-  
10          bor-assist operations.

11          “(vi) 1 member representing towing  
12          vessel engineers.

13          “(vii) 2 members representing port dis-  
14          tricts, authorities, or terminal operators.

15          “(viii) 1 member representing shippers.

16          “(ix) 1 member representing shippers  
17          who are engaged in the chartering or ship-  
18          ping of oil or hazardous materials by barge.

19          “(D) *ADDITIONAL MEMBERS.*—2 members of  
20          the Committee shall represent the general public.

21          “(3) *STATUS OF MEMBERS.*—For the purposes of  
22          Federal law, including the Ethics in Government Act  
23          of 1978 and chapter 11 of title 18—

24                 “(A) a member of the Committee, whom the  
25          Secretary appoints to represent the point of view

1           of an entity or group set out in paragraph  
2           (2)(C), is hereby deemed a representative of the  
3           member's respective special interest entity or  
4           group, and not a special Government employee  
5           (as defined in section 202(a) of title 18); and

6           “(B) a member of the Committee, whom the  
7           Secretary appoints to represent the general pub-  
8           lic, is hereby deemed a special Government em-  
9           ployee (as defined in section 202(a) of title 18).

10          “(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

11           “(A) NOMINATIONS.—As necessary, the Sec-  
12           retary shall publish, in the Federal Register, a  
13           notice soliciting nominations for membership on  
14           the Committee.

15           “(B) APPOINTMENTS.—

16           “(i) IN GENERAL.—After timely notice  
17           is published, the Secretary shall, as nec-  
18           essary, appoint members to the Committee.

19           “(ii) LIMITATIONS.—The Secretary  
20           may not seek, consider, or otherwise use in-  
21           formation concerning the political affili-  
22           ation of an individual in making an ap-  
23           pointment to the Committee.

1                   “(iii) *REAPPOINTMENTS.*—*The Sec-*  
2                   *retary may reappoint a member to the*  
3                   *Committee more than once.*

4                   “(C) *SERVICE.*—*Each member of the Com-*  
5                   *mittee shall serve at the pleasure of the Sec-*  
6                   *retary.*

7                   “(5) *TERM; VACANCY.*—

8                   “(A) *TERM.*—

9                   “(i) *IN GENERAL.*—*The term of each*  
10                  *member of the Committee shall expire on*  
11                  *December 31 of the third full year after the*  
12                  *effective date of the appointment.*

13                  “(ii) *EXTENSIONS.*—*Notwithstanding*  
14                  *clause (i), paragraph (4), or any other pro-*  
15                  *vision of law or policy, the Commandant*  
16                  *(or the Commandant’s designee) may extend*  
17                  *the term of a member of the Committee to*  
18                  *December 31 of the fifth full year after the*  
19                  *effective date of the appointment.*

20                  “(iii) *VACANCY.*—*In the case of an ap-*  
21                  *pointment to fill a vacancy on the Com-*  
22                  *mittee, the Secretary shall appoint an indi-*  
23                  *vidual for a full term.*

24                  “(6) *CHAIRPERSON; VICE CHAIRPERSON.*—

1           “(A) *IN GENERAL.*—*The Commandant (or*  
2           *the Commandant’s designee) shall designate 1*  
3           *member of the Committee as the Chairperson*  
4           *and another member of the Committee as the*  
5           *Vice Chairperson, both of whom shall serve in*  
6           *such capacity at the pleasure of the Com-*  
7           *mandant (or the Commandant’s designee) and*  
8           *for a term to be fixed by the Commandant (or*  
9           *the Commandant’s designee).*

10           “(B) *RECOMMENDATIONS.*—*The Com-*  
11           *mandant (or the Commandant’s designee) may*  
12           *solicit, from the Committee, recommendations*  
13           *with regard to the members whom the Com-*  
14           *mandant (or the Commandant’s designee) shall*  
15           *designate as the Chairperson and the Vice Chair-*  
16           *person.*

17           “(C) *VACANCY.*—*The Vice Chairperson shall*  
18           *act as Chairperson in the absence or incapacity*  
19           *of, or in the event of a vacancy in the office of,*  
20           *the Chairperson.*

21           “(7) *DESIGNATED FEDERAL OFFICER.*—*The*  
22           *Commandant (or the Commandant’s designee) shall*  
23           *designate a Designated Federal Officer to the Com-*  
24           *mittee in accordance with the Federal Advisory Com-*  
25           *mittee Act (5 U.S.C. App.).*



1       “(d) *CONSULTATION.*—*The Commandant (or the Com-*  
 2 *mandant’s designee) shall, whenever practicable, consult*  
 3 *with the Committee before taking any significant action af-*  
 4 *fecting shallow-draft inland navigation, coastal waterway*  
 5 *navigation, and towing safety.*

6       “(e) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
 7 *NATION.*—

8           “(1) *FACA.*—*The Federal Advisory Committee*  
 9 *Act (5 U.S.C. App.) shall apply to the Committee.*

10          “(2) *TERMINATION.*—*The Committee shall termi-*  
 11 *nate on September 30, 2027.”*

12       (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

13           (1) *TABLE OF CHAPTERS.*—*The table of chapters*  
 14 *for subtitle I of title 46, United States Code, is*  
 15 *amended by adding at the end the following:*

“7. *Coast Guard advisory committees* ..... 701.”

16           (2) *COMMERCIAL FISHING SAFETY ADVISORY*  
 17 *COMMITTEE.*—

18           (A) *REPEAL.*—*Section 4508 of title 46,*  
 19 *United States Code, is repealed.*

20           (B) *TABLE OF CONTENTS.*—*The table of*  
 21 *contents of chapter 45 of title 46, United States*  
 22 *Code, is amended by striking the item relating to*  
 23 *section 4508.*

24           (3) *GREAT LAKES PILOTAGE ADVISORY COM-*  
 25 *MITTEE.*—

1           (A) *REPEAL.*—Section 9307 of title 46,  
2           *United States Code, is repealed.*

3           (B) *TABLE OF CONTENTS.*—The table of  
4           *contents of chapter 93 of title 46, United States*  
5           *Code, is amended by striking the item relating to*  
6           *section 9307.*

7           (4) *LOWER MISSISSIPPI RIVER WATERWAY SAFE-*  
8           *TY ADVISORY COMMITTEE.*—Section 19 of the *Coast*  
9           *Guard Authorization Act of 1991 (Public Law 102-*  
10           *241; 105 Stat. 2215) is repealed.*

11           (5) *MERCHANT MARINE PERSONNEL ADVISORY*  
12           *COMMITTEE.*—

13           (A) *REPEAL.*—Section 8108 of title 46,  
14           *United States Code, is repealed.*

15           (B) *TABLE OF CONTENTS.*—The table of  
16           *contents of chapter 81 of title 46, United States*  
17           *Code, is amended by striking the item relating to*  
18           *section 8108.*

19           (6) *MERCHANT MARINER MEDICAL ADVISORY*  
20           *COMMITTEE.*—

21           (A) *REPEAL.*—Section 7115 of title 46,  
22           *United States Code, is repealed.*

23           (B) *TABLE OF CONTENTS.*—The table of  
24           *contents of chapter 71 of title 46, United States*

1           Code, is amended by striking the item relating to  
2           section 7115.

3           (7) NATIONAL BOATING SAFETY ADVISORY COUN-  
4           CIL.—

5           (A) REPEAL.—Section 13110 of title 46,  
6           United States Code, is repealed.

7           (B) TABLE OF CONTENTS.—The table of  
8           contents of chapter 131 of title 46, United States  
9           Code, is amended by striking the item relating to  
10          section 13110.

11          (C) TECHNICAL AMENDMENT.—Section  
12          4302(c)(4) of title 46, United States Code, is  
13          amended by striking “13110” and inserting  
14          “708”.

15          (8) NATIONAL MARITIME SECURITY ADVISORY  
16          COMMITTEE.—Section 109(a)(1) of the Maritime  
17          Transportation Security Act of 2002 (46 U.S.C.  
18          70101 note) is amended by striking “section 70112 of  
19          title 46, United States Code, as amended by this Act”  
20          and inserting “section 709 of title 46, United States  
21          Code”.

22          (9) NAVIGATION SAFETY ADVISORY COUNCIL.—  
23          Section 5 of the Inland Navigational Rules Act of  
24          1980 (33 U.S.C. 2073) is repealed.

1           (10) *TOWING SAFETY ADVISORY COMMITTEE.*—  
 2           *The Act to establish a Towing Safety Advisory Com-*  
 3           *mittee in the Department of Transportation, ap-*  
 4           *proved October 6, 1980, (33 U.S.C. 1231a) is re-*  
 5           *pealed.*

6           (c) *AREA MARITIME SECURITY ADVISORY COMMIT-*  
 7           *TEES.*—

8           (1) *IN GENERAL.*—*Section 70112 of title 46,*  
 9           *United States Code, is amended—*

10                   (A) *in the heading, by striking “**Mari-***  
 11                   *time Security Advisory Committees”*  
 12                   *and inserting “**Area Maritime Security***  
 13                   *Advisory Committees”;*

14                   (B) *by amending subsection (a) to read as*  
 15                   *follows:*

16           “(a) *ESTABLISHMENT OF COMMITTEES.*—

17                   “(1) *The Secretary may—*

18                           “(A) *establish an Area Maritime Security*  
 19                           *Advisory Committee for any port area of the*  
 20                           *United States; and*

21                           “(B) *request an Area Maritime Security*  
 22                           *Committee to review the proposed Area Maritime*  
 23                           *Transportation Security Plan developed under*  
 24                           *section 70103(b) and make recommendations to*

1           *the Secretary that the Committee considers ap-*  
2           *propriate.*

3           “(2) *Each Area Maritime Security Advisory*  
4           *Committee—*

5                   “(A) *may advise, consult with, report to,*  
6                   *and make recommendations to the Secretary on*  
7                   *matters relating to maritime security in that*  
8                   *area;*

9                   “(B) *may make available to the Congress*  
10                  *recommendations that the Committee makes to*  
11                  *the Secretary; and*

12                  “(C) *shall meet at the call of—*

13                          “(i) *the Secretary, who shall call such*  
14                          *a meeting at least once during each cal-*  
15                          *endar year; or*

16                          “(ii) *a majority of the Committee.”;*

17                  (C) *in subsection (b)—*

18                          (i) *in paragraph (1), by striking “of*  
19                          *the committees” and inserting “Area Mari-*  
20                          *time Security Advisory Committee”;*

21                          (ii) *in paragraph (3)—*

22                                  (I) *by striking “such a com-*  
23                                  *mittee” and inserting “an Area Mari-*  
24                                  *time Security Advisory Committee”;*  
25                                  *and*

- 1                   (II) by striking “the committee”  
2                   and inserting “an Area Maritime Se-  
3                   curity Advisory Committee”;
- 4                   (iii) in paragraph (4), by striking “the  
5                   Committee” and inserting “an Area Mari-  
6                   time Security Advisory Committee”; and
- 7                   (iv) in paragraph (5)—
- 8                   (I) by striking subparagraph (A);  
9                   and
- 10                  (II) in subparagraph (B), by  
11                  striking “(B)” and indenting appro-  
12                  priately;
- 13                  (D) in subsection (c)(1), by striking “com-  
14                  mittee” and inserting “Area Maritime Security  
15                  Advisory Committee”;
- 16                  (E) by striking subsection (d);
- 17                  (F) by redesignating subsections (e), (f),  
18                  and (g) as subsections (d), (e), and (f), respec-  
19                  tively;
- 20                  (G) in subsection (d), as redesignated—
- 21                  (i) by striking “the Committee” and  
22                  inserting “an Area Maritime Security Ad-  
23                  visory Committee”; and
- 24                  (ii) by striking the period at the end  
25                  and inserting “for an area.”;

1                   (H) in subsection (e), as redesignated—

2                   (i) in paragraph (1), by striking “a  
3                   committee” and inserting “an Area Mari-  
4                   time Security Advisory Committee”; and

5                   (ii) in paragraph (2), by striking  
6                   “such a committee” and inserting “an Area  
7                   Maritime Security Advisory Committee”;  
8                   and

9                   (I) by amending subsection (f), as redesi-  
10                  gnated, to read as follows:

11               “(f) *FEDERAL ADVISORY COMMITTEE ACT; TERMI-*  
12               *NATION DATE.*—

13               “(1) *FACA.*—*The Federal Advisory Committee*  
14               *Act (5 U.S.C. App.) does not apply to Area Maritime*  
15               *Security Advisory Committees established under this*  
16               *section.*

17               “(2) *TERMINATION.*—*The Area Maritime Secu-*  
18               *rity Advisory Committees shall terminate on Sep-*  
19               *tember 30, 2027.”.*

20               “(d) *TABLE OF CONTENTS.*—*The table of contents of*  
21               *chapter 701 of title 46, United States Code, is amended in*  
22               *the item relating to section 70112 by striking “Maritime*  
23               *Security Advisory Committees” and inserting “Area Mari-*  
24               *time Security Advisory Committees”.*

1           (e) *HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-*  
2 *SORY COMMITTEE; REPEAL.*—Section 18 of the Coast  
3 *Guard Authorization Act of 1991 (Public Law 102–241;*  
4 *105 Stat. 2213) is repealed.*

5           (f) *TRANSITION OF COAST GUARD ADVISORY COMMIT-*  
6 *TEES.*—

7           (1) *IN GENERAL.*—Notwithstanding the amend-  
8 *ments made under subsections (b) and (c) of this sec-*  
9 *tion, an advisory committee described in paragraph*  
10 *(2) of this subsection shall continue to be subject to*  
11 *the requirements under law to which such advisory*  
12 *committee was subject as in effect on the day before*  
13 *the date of enactment of this Act, including its char-*  
14 *ter, and the members appointed to such advisory com-*  
15 *mittee shall continue to serve pursuant thereto, until*  
16 *the Secretary of the department in which the Coast*  
17 *Guard is operating makes the applicable appoint-*  
18 *ments under sections 702 through 712 of title 46,*  
19 *United States Code.*

20           (2) *COAST GUARD ADVISORY COMMITTEES.*—An  
21 *advisory committee described in this paragraph is as*  
22 *follows:*

23           (A) *Chemical Transportation Advisory*  
24 *Committee.*



1           (B) *Commercial Fishing Safety Advisory*  
2           *Committee established under section 4508 of title*  
3           *46, United States Code.*

4           (C) *Great Lakes Pilotage Advisory Com-*  
5           *mittee established under section 9307 of title 46,*  
6           *United States Code.*

7           (D) *Lower Mississippi River Waterway*  
8           *Safety Advisory Committee established under*  
9           *section 19 of the Coast Guard Authorization Act*  
10          *of 1991 (Public Law 102–241; 105 Stat. 2215).*

11          (E) *Merchant Marine Personnel Advisory*  
12          *Committee established under section 8108 of title*  
13          *46, United States Code.*

14          (F) *Merchant Mariner Medical Advisory*  
15          *Committee established under section 7115 of title*  
16          *46, United States Code.*

17          (G) *National Boating Safety Advisory*  
18          *Council established under section 13110 of title*  
19          *46, United States Code.*

20          (H) *National Maritime Security Advisory*  
21          *Committee established under section 70112 of*  
22          *title 46, United States Code.*

23          (I) *National Offshore Safety Advisory Com-*  
24          *mittee.*

1           *(J) Navigation Safety Advisory Council es-*  
 2           *tablished under section 5 of the Inland Naviga-*  
 3           *tional Rules Act of 1980 (33 U.S.C. 2073).*

4           *(K) Towing Safety Advisory Committee es-*  
 5           *tablished under the Act entitled the “Act to es-*  
 6           *tablish a Towing Safety Advisory Committee in*  
 7           *the Department of Transportation”, approved*  
 8           *October 6, 1980 (33 U.S.C. 1231a).*

9           *(3) DEADLINE.—Not later than 2 years after the*  
 10          *date of enactment of this Act, the Secretary of the de-*  
 11          *partment in which the Coast Guard is operating shall*  
 12          *make the appointments, and file any necessary char-*  
 13          *ters, under sections 702 through 712 of title 46,*  
 14          *United States Code.*

15 **SEC. 302. CLARIFICATION OF LOGBOOK AND ENTRY RE-**  
 16                                   **QUIREMENTS.**

17          *Section 11304 of title 46, United States Code, is*  
 18          *amended—*

19                   *(1) in subsection (a)—*

20                                   *(A) by striking “an official logbook, which”*  
 21                                   *and inserting “a logbook, which may be in any*  
 22                                   *form, including electronic, and”; and*

23                                   *(B) by inserting “or a ferry, passenger ves-*  
 24                                   *sel, or small passenger vessel (as those terms are*  
 25                                   *defined in section 2101)” after “Canada”; and*

1           (2) *in subsection (b)—*

2                   (A) *in the matter preceding paragraph (1),*  
 3           *by striking “log book” and inserting “logbook”;*  
 4           *and*

5                   (B) *by amending paragraph (3) to read as*  
 6           *follows:*

7                   “(3) *Each illness or injury, the nature of the ill-*  
 8           *ness or injury, and any medical treatment adminis-*  
 9           *tered.”.*

10 **SEC. 303. TECHNICAL AMENDMENTS; LICENSES, CERTIFI-**  
 11 **CATIONS OF REGISTRY, AND MERCHANT MAR-**  
 12 **INER DOCUMENTS.**

13           *Part E of subtitle II of title 46, United States Code,*  
 14 *is amended—*

15                   (1) *in section 7106(b), by striking “merchant*  
 16 *mariner’s document” and inserting “license”;*

17                   (2) *in section 7107(b), by striking “merchant*  
 18 *mariner’s document” and inserting “certificate of reg-*  
 19 *istry”;* *and*

20                   (3) *in section 7507(b)—*

21                   (A) *in paragraph (1), by striking “licenses*  
 22 *or certificates of registry” and inserting “mer-*  
 23 *chant mariner documents”;* *and*

1           (B) in paragraph (2), by striking “a mer-  
2           chant mariner’s document” and inserting “a li-  
3           cense or a certificate of registry.”.

4 **SEC. 304. NUMBERING FOR UNDOCUMENTED BARGES.**

5           Chapter 121 of title 46, United States Code, is amend-  
6 ed—

7           (1) in section 12102—

8                 (A) in subsection (c), by adding at the end  
9                 the following: “The Secretary may require such  
10                an undocumented barge more than 100 gross  
11                tons operating on the navigable waters of the  
12                United States to be numbered under chapter 123  
13                of this title.”; and

14               (B) in subsection (d), by striking “Sec-  
15               retary of Transportation” and inserting “Sec-  
16               retary of the department in which the Coast  
17               Guard is operating”; and

18           (2) in section 12301—

19                 (A) by striking subsection (b); and

20                 (B) by striking the subsection designation  
21                 in subsection (a) and indenting appropriately.

22 **SEC. 305. EQUIPMENT REQUIREMENTS; EXEMPTION FROM**  
23 **THROWABLE PERSONAL FLOTATION DEVICES.**

24           Not later than 180 days after the date of enactment  
25 of this Act, the Secretary of the department in which the

1 *Coast Guard is operating shall revise section 175.17 of title*  
 2 *33, Code of Federal Regulations, to exempt paddleboards*  
 3 *and rafts from the requirement for carriage of an additional*  
 4 *throwable personal flotation device if each person is re-*  
 5 *quired to wear a personal flotation device while under way*  
 6 *and at least 1 rescue throw bag, as typically used in white-*  
 7 *water rafting, is on board.*

8 **SEC. 306. ENSURING MARITIME COVERAGE.**

9 *In order to meet all of the mission requirements of its*  
 10 *maritime response program, as the Coast Guard recapital-*  
 11 *izes assets, it shall ensure continuity of the coverage cur-*  
 12 *rently provided by that program to locations that may lose*  
 13 *assets.*

14 **SEC. 307. DEADLINE FOR COMPLIANCE WITH ALTERNATE**  
 15 **SAFETY COMPLIANCE PROGRAM.**

16 *(a) IN GENERAL.—Section 4503(d) of title 46, United*  
 17 *States Code, is amended—*

18 *(1) in paragraph (1), by striking “After Janu-*  
 19 *ary 1, 2020,” and all that follows through “the Sec-*  
 20 *retary, if” and inserting “Subject to paragraph (3),*  
 21 *beginning on the date that is 3 years after the date*  
 22 *that the Secretary prescribes an alternate safety com-*  
 23 *pliance program, a fishing vessel, fish processing ves-*  
 24 *sel, or fish tender vessel to which section 4502(b) of*

1        *this title applies shall comply with the alternate safe-*  
2        *ty compliance program if”;*

3            (2) *in paragraph (2), by striking “establishes*  
4        *standards for an alternate safety compliance pro-*  
5        *gram, shall comply with such an alternative safety*  
6        *compliance program that is developed in cooperation*  
7        *with the commercial fishing industry and prescribed*  
8        *by the Secretary” and inserting “prescribes an alter-*  
9        *nate safety compliance program under paragraph (1),*  
10       *shall comply with the alternate safety compliance*  
11       *program”;* and

12           (3) *by amending paragraph (3) to read as fol-*  
13       *lows:*

14           “(3) *For purposes of paragraph (1), a separate*  
15       *alternate safety compliance program may be devel-*  
16       *oped for a specific region or specific fishery.”.*

17        (b) *FINAL RULE.—Not later than 1 year after the date*  
18       *of enactment of this Act, the Secretary of the department*  
19       *in which the Coast Guard is operating shall issue a final*  
20       *rule implementing the alternate safety compliance pro-*  
21       *grams under section 4503 of title 46, United States Code,*  
22       *as amended by subsection (a) of this section.*

1 **SEC. 308. FISHING, FISH TENDER, AND FISH PROCESSING**  
2 **VESSEL CERTIFICATION.**

3 (a) *NONAPPLICATION.*—Section 4503(c)(2)(A) of title  
4 46, United States Code, is amended by striking “79” and  
5 inserting “180”.

6 (b) *DETERMINING WHEN KEEL IS LAID.*—Section  
7 4503 of title 46, United States Code, is amended—

8 (1) by redesignating subsection (g) as subsection  
9 (h); and

10 (2) by inserting after subsection (f) the following:

11 “(g) For purposes of this section, a keel is laid when  
12 a structure, adequate of serving as a keel for a vessel greater  
13 than 79 feet in length is identified for use in the construc-  
14 tion of a specific vessel and is so affirmed by a marine  
15 surveyor.”.

16 **SEC. 309. TERMINATION OF UNSAFE OPERATIONS; TECH-**  
17 **NICAL AMENDMENT.**

18 Section 4505 of title 46, United States Code, is amend-  
19 ed by striking “4503(1)” and inserting “4503(a)”.

20 **SEC. 310. INSTALLATION AND USE OF ENGINE CUT-OFF**  
21 **SWITCHES ON RECREATIONAL VESSEL.**

22 (a) *USE OF ENGINE CUT-OFF SWITCH LINKS.*—

23 (1) *REQUIREMENT.*—The Secretary of the de-  
24 partment in which the Coast Guard is operating shall  
25 revise the regulations under part 175 of title 33, Code  
26 of Federal Regulations, to prohibit a person from op-

1        *erating a recreational vessel 25 feet or less in length*  
2        *unless—*

3                *(A) the person is wearing an engine cut-off*  
4                *switch link while operating on plane or above*  
5                *displacement speed; and*

6                *(B) the engine cut-off switch is factory*  
7                *equipped on the primary propulsion machinery.*

8                *(2) EXCEPTIONS.—The requirement under para-*  
9                *graph (1) shall not apply to the following:*

10                *(A) A vessel 25 feet or less in length whose*  
11                *main helm is installed within an enclosed cabin*  
12                *that would protect an operator from being*  
13                *thrown overboard should the operator be dis-*  
14                *placed from the helm.*

15                *(B) A vessel with propulsion machinery de-*  
16                *veloping static thrust of less than 115 pounds or*  
17                *3 horsepower.*

18                *(C) A vessel without factory equipped en-*  
19                *gine cut-off switches.*

20                *(b) INSTALLATION OF ENGINE CUT-OFF SWITCHES.—*

21        *The Secretary of the department in which the Coast Guard*  
22        *is operating shall revise the regulations under part 183 of*  
23        *title 33, Code of Federal Regulations, to require an equip-*  
24        *ment manufacturer, distributor, or dealer that installs pro-*  
25        *ulsion machinery and associate starting controls on a rec-*



1 *reational vessel 25 feet or less in length and capable of devel-*  
 2 *oping at least 115 pounds of static thrust to install an en-*  
 3 *gine cut-off switch on such recreational vessel in accordance*  
 4 *with the American Boat and Yacht Standard A-33, as*  
 5 *amended.*

6 (c) *PENALTY.*—*A person that violates a regulation pro-*  
 7 *mulgated under subsection (a)(1) of this section shall be*  
 8 *subject to a civil penalty under section 4311 of title 46,*  
 9 *United States Code, not to exceed—*

10 (1) *\$100 for the first offense;*

11 (2) *\$250 for the second offense; and*

12 (3) *\$500 for any subsequent offense.*

13 (d) *PREEMPTION.*—*In accordance with section 4306 of*  
 14 *title 46, United States Code, a State may not establish, con-*  
 15 *tinue in effect, or enforce any law or regulation addressing*  
 16 *engine cut-off switch requirements that is not identical to*  
 17 *a regulation prescribed under this section.*

18 (e) *DEFINITIONS.*—*In this section:*

19 (1) *ENGINE CUT-OFF SWITCH.*—*The term “en-*  
 20 *gine cut-off switch” means a mechanical or electronic*  
 21 *device that is connected to propulsion machinery that*  
 22 *will stop propulsion if—*

23 (A) *the switch is not properly connected; or*

1           (B) the switch components are submerged in  
2           water or separated from the switch by a pre-  
3           determined distance.

4           (2) *ENGINE CUT-OFF SWITCH LINK.*—The term  
5           “engine cut-off switch link” means the equipment at-  
6           tached to the recreational vessel operator and which  
7           activates the engine cut-off switch.

8           (f) *EFFECTIVE DATES.*—A regulation prescribed under  
9           this section shall specify an effective date that is not earlier  
10          than 1 year from the date the regulation was published.

11 **SEC. 311. VISUAL DISTRESS SIGNALS AND ALTERNATIVE**  
12 **USE.**

13          (a) *IN GENERAL.*—The Secretary of the department in  
14          which the Coast Guard is operating shall develop a perform-  
15          ance standard for the alternative use and possession of vis-  
16          ual distress signals as mandated by carriage requirements  
17          for recreational boats in subpart C of part 175 of title 33,  
18          Code of Federal Regulations.

19          (b) *REGULATIONS.*—Not later than 180 days after the  
20          performance standard for alternative use and possession of  
21          a visual distress signal is finalized, the Secretary shall re-  
22          vise part 175 of title 33, Code of Federal Regulations, to  
23          allow for carriage of such alternative signal devices.

24          (c) *EPIRBs AND PLBS.*—In revising the regulations  
25          under subsection (b), the Secretary shall allow use of posi-

1 *tion indicating radio beacons (EPIRBs) or Personal Locat-*  
 2 *ing Devices (PLBs) of 406 megahertz, operating on the*  
 3 *COSPAS–SARSAT system, to meet the alternative carriage*  
 4 *requirements for recreational boats under subpart C of part*  
 5 *175 of title 33, Code of Federal Regulations.*

6 **SEC. 312. RENEWAL PERIOD FOR DOCUMENTED REC-**  
 7 **REATIONAL VESSELS.**

8 *Section 12114 of title 46, United States Code, is*  
 9 *amended by adding at the end the following:*

10 *“(d) ISSUANCE OF CERTIFICATE OF DOCUMENTA-*  
 11 *TION.—The Secretary of the department in which the Coast*  
 12 *Guard is operating is authorized to issue certificates of doc-*  
 13 *umentation with effective periods of 1 year, 2 years, 3 years,*  
 14 *4 years, or 5 years.*

15 *“(1) PHASED IN ISSUANCE OF CERTIFICATES.—*

16 *“(A) In fiscal year 2019, vessel owners or*  
 17 *operators with vessel documentation numbers*  
 18 *ending in 0, 1, 2, 3 shall be qualified to apply*  
 19 *for a renewal certificate of documentation with*  
 20 *an effective period of 5 years. Alternatively, ves-*  
 21 *sel owners or operators with vessel documenta-*  
 22 *tion numbers ending in 0, 1, 2, 3 may elect to*  
 23 *apply for a renewal certificate of documentation*  
 24 *with an effective period of 1 year, 2 years, 3*  
 25 *years, or 4 years. All other vessel owners and op-*

1            *erators shall be qualified to apply for an initial*  
2            *or renewal certificate with an effective period of*  
3            *1 year.*

4            *“(B) In fiscal year 2020, vessel owners or*  
5            *operators with vessel documentation numbers*  
6            *ending in 4, 5, or 6 shall be qualified to apply*  
7            *for a renewal certificate of documentation with*  
8            *an effective period of 5 years. Alternatively, ves-*  
9            *sel owners or operators with vessel documenta-*  
10           *tion numbers ending in 4, 5, or 6 may elect to*  
11           *apply for a renewal certificate of documentation*  
12           *with an effective period of 1 year, 2 years, 3*  
13           *years, or 4 years. All other vessel owners and op-*  
14           *erators shall be qualified to apply for an initial*  
15           *or renewal certificate with an effective period of*  
16           *1 year.*

17           *“(C) In fiscal year 2021, vessel owners or*  
18           *operators with vessel documentation numbers*  
19           *ending in 7, 8, or 9 shall be qualified to apply*  
20           *for an initial or renewal certificate of docu-*  
21           *mentation with an effective period of 5 years. Al-*  
22           *ternatively, vessel owners or operators with vessel*  
23           *documentation numbers ending in 7, 8, or 9*  
24           *may elect to apply for an initial or renewal cer-*  
25           *tificate of documentation with an effective period*

1           *of 1 year, 2 years, 3 years, or 4 years. All other*  
2           *vessel owners and operators shall be qualified to*  
3           *apply for an initial or renewal certificate with*  
4           *an effective period of 1 year.*

5           “(D) *Starting in fiscal year 2022 all vessel*  
6           *owners and operators shall be qualified to apply*  
7           *for a renewal certificate of documentation with*  
8           *effective periods of 1 year, 2 years, 3 years, 4*  
9           *years, or 5 years.*

10           “(E) *Starting in fiscal year 2019 vessel*  
11           *owners and operators applying for an initial*  
12           *certificate of documentation may apply for such*  
13           *documentation with an effective period of 1 year,*  
14           *2 years, 3 years, 4 years, or 5 years.*

15           “(2) *APPLICATION FOR RENEWAL.—Applications*  
16           *for renewal may be submitted no earlier than 90 days*  
17           *prior to the expiration date of a certificate of docu-*  
18           *mentation.*

19           “(3) *FEEES.—*

20           “(A) *For fiscal years 2019 through 2021,*  
21           *the Secretary shall collect the following fees from*  
22           *vessel owners or operators:*

23           “(i) *For a certificate of documentation*  
24           *with an effective period of 5 years the fee*

1           *collected from the vessel owner or operator*  
2           *shall be \$130.*

3           “(ii) *For a certificate of documentation*  
4           *with an effective period of 4 years the fee*  
5           *collected from the vessel owner or operator*  
6           *shall be \$104.*

7           “(iii) *For a certificate of documenta-*  
8           *tion with an effective period of 3 years the*  
9           *fee collected from the vessel owner or oper-*  
10          *ator shall be \$78.*

11          “(iv) *For a certificate of documenta-*  
12          *tion with an effective period of 2 years the*  
13          *fee collected from the vessel owner or oper-*  
14          *ator shall be \$52.*

15          “(v) *For a certificate of documentation*  
16          *with an effective period of 1 year the fee col-*  
17          *lected from the vessel owner or operator*  
18          *shall be \$26.*

19          “(B) *For fiscal years 2022 and thereafter,*  
20          *such fees shall be published in the Federal Reg-*  
21          *ister as a direct final rule. Such rulemaking*  
22          *shall be exempt from the requirements of the Ad-*  
23          *ministrative Procedure Act (Public Law 79–404;*  
24          *60 Stat 237).*

1           “(4) *FUNDS AVAILABILITY.*—*Fees collected for the*  
 2           *issuance of certificates of documentation by the Sec-*  
 3           *retary of the department in which the Coast Guard*  
 4           *is operating—*

5                     “(A) *shall be deposited into the account that*  
 6                     *bore the expense for issuance of such certificate*  
 7                     *of documentation, and*

8                     “(B) *shall be available until expended.*”.

9   **SEC. 313. EXCEPTION FROM SURVIVAL CRAFT REQUIRE-**  
 10                   **MENTS.**

11           *Section 3104 of title 46, United States Code, is amend-*  
 12           *ed—*

13                   (1) *by redesignating subsection (d) as subsection*  
 14                   *(e); and*

15                   (2) *by inserting after subsection (c) the fol-*  
 16                   *lowing:*

17                   “(d) *AUXILIARY CRAFT.*—

18                             “(1) *EXCEPTION.*—*Subject to paragraph (2), this*  
 19                             *section shall not apply to a vessel carrying an auxil-*  
 20                             *iary craft on board, except an inflatable liferaft, if the*  
 21                             *auxiliary craft—*

22                                     “(A) *is readily accessible during an emer-*  
 23                                     *gency; and*

24                                     “(B) *is capable of safely holding all indi-*  
 25                                     *viduals on board the vessel.*

1           “(2) *REQUIREMENT.*—A vessel described in para-  
2           graph (1) may not exceed the rated capacity on the  
3           capacity plate of the auxiliary craft if the auxiliary  
4           craft is equipped with a Coast Guard required capac-  
5           ity plate.”.

6 **SEC. 314. INLAND WATERWAY AND RIVER TENDER, AND BAY**

7                           **CLASS ICEBREAKER ACQUISITION PLAN.**

8           (a) *ACQUISITION PLAN.*—Not later than 545 days after  
9           the date of enactment of this Act, the Commandant of the  
10          Coast Guard shall submit to the Committee on Commerce,  
11          Science, and Transportation of the Senate and the Com-  
12          mittee on Transportation and Infrastructure of the House  
13          of Representatives a plan to replace the aging fleet of inland  
14          waterway and river tenders, and the bay class icebreakers.

15          (b) *CONTENTS.*—The plan described in subsection (a)  
16          shall include—

17                   (1) a schedule for the acquisition to begin;

18                   (2) the date the first vessel will be delivered;

19                   (3) the date the acquisition will be complete;

20                   (4) a description of the order and location of re-  
21          placements;

22                   (5) an estimate of the cost per vessel and for  
23          total acquisition program of record; and

24                   (6) an analysis of whether existing vessels can be  
25          used.



1 **SEC. 315. ARCTIC PLANNING CRITERIA.**

2 (a) *ALTERNATIVE PLANNING CRITERIA.*—

3 (1) *IN GENERAL.*—*The Commandant of the*  
4 *Coast Guard may approve alternative planning cri-*  
5 *teria for the area covered by the Captain of the Port*  
6 *Zone that includes the Arctic, or for an area of lesser*  
7 *geographic extent than the area covered by the Cap-*  
8 *tain of the Port Zone that includes the Arctic, for*  
9 *purposes of complying with subpart D and subpart J*  
10 *of section 155 of title 33, Code of Federal Regulations,*  
11 *if the Commandant, in addition to the requirements*  
12 *described in sections 155.1065 and 155.5067 of that*  
13 *title—*

14 (A) *verifies that equipment included in the*  
15 *plan has been tested and proven capable of oper-*  
16 *ating in the environmental conditions expected*  
17 *in the area in which it is intended to be oper-*  
18 *ated; and*

19 (B) *verifies that training has been con-*  
20 *ducted by the equipment operators on the equip-*  
21 *ment listed in the plan.*

22 (2) *POST-APPROVAL REQUIREMENTS.*—*For each*  
23 *plan approved under paragraph (1)—*

24 (A) *an alternative planning criteria pro-*  
25 *vider shall conduct regular exercises and drills of*  
26 *the plan as described in the Coast Guard Pre-*

1            *paredness for Response Exercise Program guide-*  
2            *lines; or*

3            *(B) an alternative planning criteria pro-*  
4            *vider may take credit for responses to actual*  
5            *spills or releases, or to significant threats of a*  
6            *spill, instead of conducting regular exercises and*  
7            *drills of the plan, if the provider—*

8            *(i) documents which exercise require-*  
9            *ments, as described in the Preparedness for*  
10           *Response Exercise Program guidelines, were*  
11           *met during the response; and*

12           *(ii) submits a request for credit to and*  
13           *receives approval from the Commandant.*

14           *(b) REPORT.—*

15           *(1) IN GENERAL.—Not later than 180 days after*  
16           *the date of enactment of this Act, the Commandant of*  
17           *the Coast Guard shall submit to the Committee on*  
18           *Commerce, Science, and Transportation of the Senate*  
19           *and the Committee on Transportation and Infrastruc-*  
20           *ture of the House of Representatives a report on the*  
21           *oil spill prevention and response capabilities for the*  
22           *area covered by the Captain of the Port Zone that in-*  
23           *cludes the Arctic.*

24           *(2) CONTENTS.—The report shall include the fol-*  
25           *lowing:*

1           (A) *Levels of equipment and assets.*

2           (B) *Location the equipment and assets that*  
3 *are to be deployed, including an estimate of the*  
4 *time to deploy the equipment and assets.*

5           (C) *A determination on the degree of how*  
6 *effectively the assets are distributed throughout*  
7 *the area.*

8           (D) *A statement on whether performance of*  
9 *ability to deploy equipment and impact on other*  
10 *areas covered by the Captain of the Port Zone is*  
11 *taken into account when measuring the level of*  
12 *equipment available.*

13           (E) *Validation of port assessment visit*  
14 *process and response resource inventory.*

15           (F) *A description of the resources need*  
16 *throughout the Coast Guard to conduct port as-*  
17 *sessments, exercises, response plan review and*  
18 *spill responses.*

19           (c) *DEFINITION OF ARCTIC.—In this section, the term*  
20 *“Arctic” has the meaning given the term under section 112*  
21 *of the Arctic Research and Policy Act of 1984 (15 U.S.C.*  
22 *4111).*

23 **SEC. 316. FISHING SAFETY GRANT PROGRAMS.**

24           (a) *FISHING SAFETY TRAINING GRANT PROGRAM.—*  
25 *Section 4502(i)(4) of title 46, United States Code, is*

1 *amended by striking “2015 through 2017” and inserting*  
2 *“2015 through 2019”.*

3 *(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—*  
4 *Section 4502(j)(4) of title 46, United States Code, is amend-*  
5 *ed by striking “2015 through 2017” and inserting “2015*  
6 *through 2019”.*

7 **SEC. 317. SAFETY STANDARDS.**

8 *Section 4502(f) of title 46, United States Code, is*  
9 *amended—*

10 *(1) by redesignating paragraph (3) as para-*  
11 *graph (4); and*

12 *(2) by striking paragraph (2), and inserting the*  
13 *following:*

14 *“(2) shall examine at dockside a vessel described*  
15 *in subsection (b) at least once every 5 years, but may*  
16 *require an exam at dockside every 2 years for certain*  
17 *vessels described in subsection (b) requested by the*  
18 *owner or operator;*

19 *“(3) shall issue a certificate of compliance to a*  
20 *vessel meeting the requirements of this chapter and*  
21 *satisfying the requirements in paragraph (2); and”.*

22 **SEC. 318. COMMERCIAL FISHING VESSEL SAFETY OUT-**  
23 **REACH STRATEGY.**

24 *(a) REQUIREMENT FOR STRATEGY.—Not later than 1*  
25 *year after the date of enactment of this Act, the Secretary*

1 of the department in which the Coast Guard is operating  
2 shall develop and submit to the Committee on Commerce,  
3 Science, and Transportation of the Senate and the Com-  
4 mittee on Transportation and Infrastructure of the House  
5 of Representatives a national communications plan for the  
6 purposes of—

7           (1) disseminating information to the commercial  
8       *fishing vessel industry;*

9           (2) conducting outreach with the commercial  
10       *fishing vessel industry;*

11           (3) facilitating interaction with the commercial  
12       *fishing vessel industry; and*

13           (4) releasing information collected under section  
14       703 of title 46, United States Code, as amended by  
15       *this Act, to the commercial fishing vessel industry.*

16       (b) *CONTENT.*—The plan required by subsection (a),  
17 and each annual update, shall—

18           (1) employ all available staff, resources, and sys-  
19       *tems available to the Secretary to ensure the widest*  
20       *dissemination of information to the commercial fish-*  
21       *ing vessel industry;*

22           (2) be individually adapted as necessary by Cap-  
23       *tain of the Port Zone to ensure the most effective*  
24       *strategy and means to communicate with commercial*  
25       *fishing vessel industry;*

1           (3) include a means to document all communica-  
2           tion and outreach conducted with the commercial  
3           fishing vessel industry; and

4           (4) include a mechanism to measure effectiveness  
5           of such plan.

6           (c) *UPDATES.*—The Secretary of the department in  
7           which the Coast Guard is operating shall—

8           (1) update and submit to the Committee on  
9           Commerce, Science, and Transportation of the Senate  
10          and the Committee on Transportation and Infrastruc-  
11          ture of the House of Representatives the plan required  
12          by subsection (a) not less frequently than once each  
13          year; and

14          (2) include input from individual Captain of the  
15          Port's and any feedback received from the commercial  
16          fishing vessel industry under subsection (b)(3).

## 17       **TITLE IV—MARITIME SECURITY**

### 18       **SEC. 401. MARITIME BORDER SECURITY COOPERATION.**

19           The Secretary of the department in which the Coast  
20           Guard is operating shall, in accordance with law—

21           (1) partner with other Federal, State, and local  
22           government agencies to leverage technology, including  
23           existing sensor and camera systems and other sensors,  
24           to provide continuous monitoring of the maritime  
25           border; and

1           (2) *enter into such agreements as the Secretary*  
2           *considers necessary to ensure 24-hour monitoring of*  
3           *such technology.*

4 **SEC. 402. CURRENCY DETECTION CANINE TEAM PROGRAM.**

5           (a) *DEFINITIONS.—In this section:*

6           (1) *CANINE CURRENCY DETECTION TEAM.—The*  
7           *term “canine currency detection team” means a ca-*  
8           *nine and a canine handler that are trained to detect*  
9           *currency.*

10          (2) *SECRETARY.—The term “Secretary” means*  
11          *the Secretary of the department in which the Coast*  
12          *Guard is operating.*

13          (b) *ESTABLISHMENT.—Not later than 1 year after the*  
14          *date of enactment of this Act, the Secretary shall establish*  
15          *a program to allow the use of canine currency detection*  
16          *teams for purposes of Coast Guard maritime law enforce-*  
17          *ment and maritime security operations, including under-*  
18          *way vessel boardings.*

19          (c) *OPERATION.—The Secretary may cooperate with,*  
20          *or enter into an agreement with, the head of another Fed-*  
21          *eral agency to meet the requirements under subsection (b).*

22 **SEC. 403. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

23          *Section 658 of title 14, United States Code, is amended*  
24          *by striking “\$45,000” and inserting “\$250,000”.*

1 **SEC. 404. MONITORING OF ILLEGAL, UNREPORTED, AND**  
2 **UNREGULATED FISHING.**

3 (a) *IN GENERAL.*—*The Secretary of the department in*  
4 *which the Coast Guard is operating shall conduct a 1-year*  
5 *pilot program to determine the impact of persistent air-*  
6 *craft-based surveillance on illegal maritime activities in the*  
7 *Alaskan and Western Pacific regions.*

8 (b) *REQUIREMENTS.*—*The pilot program shall—*

9 (1) *use light aircraft-based detection systems*  
10 *which can identify potential illegal activity from*  
11 *higher altitudes and produce enforcement-quality evi-*  
12 *dence at lower altitudes; and*

13 (2) *be directed at detecting and deterring illegal,*  
14 *unreported, and unregulated fishing and enhancing*  
15 *maritime domain awareness.*

16 **SEC. 405. STRATEGIC ASSETS IN THE ARCTIC.**

17 (a) *DEFINITION OF ARCTIC.*—*In this section, the term*  
18 *“Arctic” has the meaning given the term in section 112 of*  
19 *the Arctic Research and Policy Act of 1984 (15 U.S.C.*  
20 *4111).*

21 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
22 *that—*

23 (1) *the Arctic continues to grow in significance*  
24 *to both the national security interests and the eco-*  
25 *nomic prosperity of the United States; and*



1           (2) *the Coast Guard must ensure it is positioned*  
2           *to respond to any accident, incident, or threat with*  
3           *appropriate assets.*

4           (c) *REPORT.—Not later than 1 year after the date of*  
5           *enactment of this Act, the Commandant of the Coast Guard,*  
6           *in consultation with the Secretary of Defense and taking*  
7           *into consideration the Department of Defense 2016 Arctic*  
8           *Strategy, shall submit to the Committee on Commerce,*  
9           *Science, and Transportation of the Senate and the Com-*  
10          *mittee on Transportation and Infrastructure of the House*  
11          *of Representatives a report on the progress toward imple-*  
12          *menting the strategic objectives described in the United*  
13          *States Coast Guard Arctic Strategy dated May 2013.*

14          (d) *CONTENTS.—The report under subsection (c) shall*  
15          *include—*

16                 (1) *a description of the Coast Guard’s progress*  
17                 *toward each strategic objective;*

18                 (2) *plans to provide communications throughout*  
19                 *the entire Coastal Western Alaska Captain of the Port*  
20                 *zone to improve waterway safety and mitigate close*  
21                 *calls, collisions, and other dangerous interactions be-*  
22                 *tween the shipping industry and subsistence hunters;*

23                 (3) *plans to prevent marine casualties, when*  
24                 *possible, by ensuring vessels avoid environmentally*  
25                 *sensitive areas and permanent security zones;*

1           (4) *an explanation of—*

2                 (A) *whether it is feasible to establish a ves-*  
3 *sel traffic service, using existing resources or oth-*  
4 *erwise; and*

5                 (B) *whether an Arctic Response Center of*  
6 *Expertise is necessary to address the gaps in ex-*  
7 *perience, skills, equipment, resources, training,*  
8 *and doctrine to prepare, respond to, and recover*  
9 *spilled oil in the Arctic;*

10           (5) *an assessment of whether sufficient agree-*  
11 *ments are in place to ensure the Coast Guard is re-*  
12 *ceiving the information it needs to carry out its re-*  
13 *sponsibilities;*

14           (6) *an assessment of the assets and infrastruc-*  
15 *ture necessary to meet the strategic objectives identi-*  
16 *fied in the United States Coast Guard Arctic Strategy*  
17 *dated May 2013 based on factors such as—*

18                 (A) *response time;*

19                 (B) *coverage area;*

20                 (C) *endurance on scene;*

21                 (D) *presence; and*

22                 (E) *deterrence; and*

23           (7) *an analysis of National Security Cutters,*  
24 *Offshore Patrol Cutters, and Fast Response Cutters*  
25 *capabilities based on the factors described in subpara-*



1           (B) the Coast Guard's current fleet, its oper-  
2           ational lifespan, and how the aging of the fleet  
3           will impact at-sea operational needs;

4           (C) fleet operations and recommended im-  
5           provements to minimize costs and extend oper-  
6           ational vessel life spans; and

7           (D) actual cutter requirements for the Fast  
8           Response Cutter, the Offshore Patrol Cutter, and  
9           the National Security Cutter to meet at-sea oper-  
10          ational needs as compared to planned acquisi-  
11          tions under the current programs of record;

12          (2) an analysis of—

13           (A) how the Coast Guard at-sea operational  
14           fleet requirements are currently met, including  
15           the use of the Coast Guard's current cutter fleet,  
16           agreements with partners, chartered vessels, and  
17           unmanned vehicle technology; and

18           (B) how existing and planned cutter pro-  
19           grams of record meet the at-sea operational re-  
20           quirements, including the Fast Response Cutter,  
21           the Offshore Patrol Cutter, and the National Se-  
22           curity Cutter; and

23          (3) a description of—

24           (A) planned manned and unmanned vessel  
25           acquisition; and

1           (B) how such acquisitions will change the  
2           extent to which the Coast Guard at-sea oper-  
3           ational requirements are met.

4           (c) *CONSULTATION AND TRANSPARENCY.*—

5           (1) *CONSULTATION.*—In consulting with the Fed-  
6           eral and non-Federal stakeholders under subsection  
7           (a), the Secretary of the department in which the  
8           Coast Guard is operating shall—

9           (A) provide the stakeholders with opportuni-  
10          ties for input—

11           (i) prior to initially drafting the re-  
12           port, including the assessment and strategic  
13           plan; and

14           (ii) not later than 3 months prior to  
15           finalizing the report, including the assess-  
16           ment and strategic plan, for submission;  
17           and

18           (B) document the input and its disposition  
19           in the report.

20           (2) *TRANSPARENCY.*—All input provided under  
21           paragraph (1) shall be made available to the public.

22           **SEC. 407. COMPTROLLER GENERAL REPORT ON CERTAIN**  
23           **TASK FORCES.**

24           (a) *FINDINGS.*—Congress finds that the Joint Inter-  
25           agency Task Force South (referred to in this section as the

1 “*JIATF-South*”) is an exemplary program that executes its  
2 counter-narcotics mission with distinction and in a cost-  
3 effective manner.

4 (b) *STUDY*.—The Comptroller General of the United  
5 States shall study each of the following task forces and com-  
6 pare the execution of the task force’s counter-narcotics and  
7 illegal migrant operation to that of the *JIATF-South*:

8 (1) *The Joint Interagency Task Force West* (re-  
9 ferred to in this section as the “*JIATF-West*”).

10 (2) *The Department of Homeland Security’s*  
11 *Joint Task Forces* (referred to in this section as the  
12 “*DHS-JTF*”).

13 (c) *CONTENTS*.—In conducting the study under sub-  
14 section (b), the Comptroller General shall, at a minimum—

15 (1) review the *JIATF-West Counternarcotics Op-*  
16 *erations Center* and its performance of its mission to  
17 support counter-narcotics missions by United States  
18 law enforcement agencies;

19 (2) compare the *JIATF-West*, *DHS-JTFs*, and  
20 *JIATF-South* organizational and manning structure;

21 (3) assess the *JIATF-West’s* current organiza-  
22 tional and manning structure as it relates to *JIATF-*  
23 *West’s* ability to conduct counter-narcotics missions;

1           (4) review the *JIATF-West's* December 2015–  
2           *May 2017 reorganization initiative and its impact, if*  
3           *any, on improving mission performance;*

4           (5) review the *JIATF-West's* leadership, includ-  
5           ing an assessment of—

6                   (A) the role of a Coast Guard flag officer as  
7                   the director as compared to the Coast Guard's  
8                   role in *JIAFT-South*; and

9                   (B) the process used by the *JIATF-West* for  
10                  developing and implementing its December  
11                  2015–May 2017 reorganization initiative, in-  
12                  cluding how it assessed progress and solicited  
13                  feedback on the initiative;

14                  (C) its general management and personnel  
15                  practices, and their impact, if any, on mission  
16                  performance;

17           (6) include recommendations for improving the  
18           *JIATF-West's* performance; and

19           (7) review whether there is any redundancy be-  
20           tween *DHS-JTF* and *JIATF-South* or *JIATF-West*.

21           (d) *REPORT.*—The Comptroller General shall submit  
22           to the Committee on Commerce, Science, and Transpor-  
23           tation of the Senate and the Committee on Transportation  
24           and Infrastructure of the House of Representatives a report  
25           on the findings of the study under subsection (b), including

1 *any recommendations for improving the counter-narcotics*  
 2 *and illegal migrant operations of the JIATF-West or DHS-*  
 3 *JTF.*

## 4 **TITLE V—MISCELLANEOUS**

### 5 **SEC. 501. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.**

6 *Section 27 of the Coast Guard Authorization Act of*  
 7 *1991 (Public Law 102–241; 105 Stat. 2218) is repealed.*

### 8 **SEC. 502. ACQUISITION WORKFORCE EXPEDITED HIRING** 9 **AUTHORITY.**

10 *(a) EXPEDITED HIRING AUTHORITY.—*

11 *(1) IN GENERAL.—Chapter 15 of title 14, United*  
 12 *States Code, is amended by inserting after section 563*  
 13 *the following:*

14 **“§ 563a. Acquisition workforce expedited hiring au-**  
 15 **thority**

16 *“For purposes of section 3304 of title 5, the Com-*  
 17 *mandant of the Coast Guard may—*

18 *“(1) designate any category of acquisition posi-*  
 19 *tions within the Coast Guard as shortage category po-*  
 20 *sitions; and*

21 *“(2) use the authorities in such section to recruit*  
 22 *and appoint highly qualified persons directly to posi-*  
 23 *tions so designated.”.*

24 *(2) TABLE OF CONTENTS.—The table of contents*  
 25 *of chapter 15 of title 14, United States Code, is*



1        *amended by inserting after the item relating to sec-*  
 2        *tion 563 the following:*

*“563a. Acquisition workforce expedited hiring authority.”.*

3            (3) *REPEAL.—Section 404 of the Coast Guard*  
 4        *Authorization Act of 2010 (Public Law 111–281; 124*  
 5        *Stat. 2950) is repealed.*

6        (b) *ACQUISITION WORKFORCE REEMPLOYMENT AU-*  
 7        *THORITY.—*

8            (1) *IN GENERAL.—Chapter 15 of title 14, as*  
 9        *amended by subsection (a) of this section, is further*  
 10       *amended by inserting after section 563a the following:*

11       **“§ 563b. Acquisition workforce reemployment author-**  
 12       **ity**

13       *“(a) IN GENERAL.—Except as provided in subsection*  
 14       *(b), if an annuitant receiving an annuity from the Civil*  
 15       *Service Retirement and Disability Fund becomes employed*  
 16       *in any category of acquisition positions designated by the*  
 17       *Commandant of the Coast Guard under section 563a of this*  
 18       *title, the annuity of an annuitant so employed shall con-*  
 19       *tinue. An annuitant so reemployed shall not be considered*  
 20       *an employee for purposes of subchapter III of chapter 83*  
 21       *or chapter 84 of title 5.*

22       *“(b)(1) ELECTION.—An annuitant retired under sec-*  
 23       *tion 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an an-*  
 24       *nuity from the Civil Service Retirement and Disability*  
 25       *Fund, who becomes employed in a position within the Coast*

1 *Guard after the date of enactment of the Coast Guard Au-*  
 2 *thorization Act of 2017, may elect to be subject to section*  
 3 *8344 or 8468 of such title (as the case may be).*

4           “(A) *DEADLINE.*—*An election for coverage*  
 5 *under this subsection shall be filed not later than*  
 6 *90 days after the Commandant takes reasonable*  
 7 *actions to notify employees who may file an elec-*  
 8 *tion.*

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

14           “(2) *APPLICATION.*—*Paragraph (1) shall apply*  
 15 *to an individual who is eligible to file an election*  
 16 *under paragraph (1) and does not file a timely elec-*  
 17 *tion under this subsection.”.*

18           “(2) *TABLE OF CONTENTS.*—*The table of contents*  
 19 *of chapter 15 of title 14, United States Code, as*  
 20 *amended in subsection (a) of this section, is further*  
 21 *amended by inserting after the item relating to sec-*  
 22 *tion 563a the following:*

“563b. *Acquisition workforce reemployment authority.*”.

23 **SEC. 503. DRAWBRIDGES.**

24           “(a) *PURPOSES.*—*The purposes of this section are—*

1           (1) *to ensure the public is made aware of any*  
 2           *temporary change to a drawbridge operating schedule;*  
 3           *and*

4           (2) *to ensure the operators are maintaining logs*  
 5           *of drawbridge movement.*

6           (b) *TEMPORARY CHANGES TO DRAWBRIDGE OPER-*  
 7           *ATING SCHEDULES.—Section 5 of the Act entitled “An Act*  
 8           *making appropriations for the construction, repair, and*  
 9           *preservation of certain public works on rivers and harbors,*  
 10           *and for other purposes”, approved August 18, 1894 (33*  
 11           *U.S.C. 499), is amended by adding at the end the fol-*  
 12           *lowing—*

13           “(d) *TEMPORARY CHANGES TO DRAWBRIDGE OPER-*  
 14           *ATING SCHEDULES.—Notwithstanding section 553 of title*  
 15           *5, United States Code, whenever a temporary change to the*  
 16           *operating schedule of a drawbridge, lasting 180 days or*  
 17           *less—*

18           “(1) *is approved—*

19                   “(A) *the Secretary of the department in*  
 20                   *which the Coast Guard is operating shall—*

21                           “(i) *issue a deviation approval letter to*  
 22                           *the bridge owner; and*

23                           “(ii) *announce the temporary change*  
 24                           *in—*

25                                   “(I) *the Local Notice to Mariners;*

1                   “(II) broadcast notices to mari-  
2                   ners through the Coast Guard radio  
3                   station or Navy radio station, or both;  
4                   or

5                   “(III) such other local media as  
6                   the Secretary considers appropriate;  
7                   and

8                   “(B) the bridge owner, except a railroad  
9                   bridge owner, shall notify—

10                   “(i) the public by publishing notice of  
11                   the temporary change in a newspaper of  
12                   general circulation published in the place  
13                   where the bridge is located;

14                   “(ii) the department, agency, or office  
15                   of transportation with jurisdiction over the  
16                   roadway that abuts the approaches to the  
17                   bridge; and

18                   “(iii) the law enforcement organization  
19                   with jurisdiction over the roadway that  
20                   abuts the approaches to the bridge; or

21                   “(2) is denied, the Secretary of the department  
22                   in which the Coast Guard is operating shall—

23                   “(A) not later than 10 days after the date  
24                   of receipt of the request, provide the bridge owner  
25                   in writing the reasons for the denial, including

1           *any supporting data and evidence used to make*  
 2           *the determination; and*

3                   “(B) *provide the bridge owner a reasonable*  
 4                   *opportunity to address each reason for the denial*  
 5                   *and resubmit the request.*

6           “(e) *DRAWBRIDGE MOVEMENTS.—The Secretary of the*  
 7           *department in which the Coast Guard is operating—*

8                   “(1) *shall require a drawbridge operator to*  
 9                   *record each movement of the drawbridge in a log;*

10                   “(2) *may inspect the log to ensure drawbridge*  
 11                   *movement is in accordance with the posted operating*  
 12                   *schedule;*

13                   “(3) *shall review whether deviations from the*  
 14                   *posted operating schedule are impairing vehicular*  
 15                   *and pedestrian traffic; and*

16                   “(4) *may determine if the operating schedule*  
 17                   *should be adjusted for efficiency of maritime or vehic-*  
 18                   *ular and pedestrian traffic.”.*

19   **SEC. 504. INCENTIVE CONTRACT; COAST GUARD YARD AND**  
 20                   **INDUSTRIAL ESTABLISHMENTS.**

21           “(a) *IN GENERAL.—Whenever the parties to a project*  
 22           *order for industrial work to be performed by the Coast*  
 23           *Guard Yard or a designated Coast Guard industrial estab-*  
 24           *lishment agree that delivery or technical performance of the*  
 25           *wage-grade industrial employees may, during the term of*

1 *such project order, improve, the parties to such project order*  
2 *may, notwithstanding any other provision of law, including*  
3 *any provision of law that provides for the time or purpose*  
4 *of appropriated funds, enter into an incentive project order*  
5 *or a cost-plus-incentive-fee project order by which an agreed*  
6 *upon amount of the adjustment to be made pursuant to sec-*  
7 *tion 648(a) of title 14, United States Code, may, notwith-*  
8 *standing that provision of law or any other provision of*  
9 *law, be distributed as an incentive to the wage-grade indus-*  
10 *trial employees who completed the project order.*

11 *(b) CONDITION.—Before entering into an incentive*  
12 *project order or a cost-plus-incentive-fee project order, the*  
13 *commanding officer of the Coast Guard Yard or the com-*  
14 *manding officer of the Coast Guard industrial establish-*  
15 *ment, as the case may be, shall complete a determination*  
16 *and finding for such incentive project order or cost-plus-*  
17 *incentive-fee project order that justifies the use of such*  
18 *project order as in the best interest of the Federal Govern-*  
19 *ment.*

20 *(c) TREATMENT OF INCENTIVE AWARD.—Notwith-*  
21 *standing any other provision of law, in the event that the*  
22 *industrial workforce of the Coast Guard Yard or a Coast*  
23 *Guard industrial establishment satisfies the performance*  
24 *target set out in an incentive project order or a cost-plus-*  
25 *incentive-fee project order—*

1           (1) *the adjustment to be made pursuant to sec-*  
2           *tion 648(a) of title 14, United States Code, shall, not-*  
3           *withstanding that provision of law, be reduced by the*  
4           *agreed amount and distributed as an incentive to*  
5           *such wage-grade industrial employees; and*

6           (2) *the remainder of the adjustment shall be*  
7           *credited to the appropriation current at that time.*

8   **SEC. 505. COAST GUARD HEALTH-CARE PROFESSIONALS; LI-**  
9                                   **CENSURE PORTABILITY.**

10          (a) *IN GENERAL.*—Section 1094(d)(1) of title 10,  
11 *United States Code, shall apply in the same manner and*  
12 *to the same degree as such section applies to a health-care*  
13 *professional described in subsection (d)(2) of that section*  
14 *to a health-care professional described in subsection (b) of*  
15 *this section.*

16          (b) *HEALTH-CARE PROFESSIONAL.*—A *health-care*  
17 *professional described in this subsection is a member of the*  
18 *Coast Guard, civilian employee of the Coast Guard, member*  
19 *of the Public Health Service assigned to the Coast Guard,*  
20 *personal services contractor under section 1091 of title 10,*  
21 *United States Code, or other health-care professional*  
22 *credentialed and privileged at a Federal health care institu-*  
23 *tion or location specially designated by the Secretary of the*  
24 *department in which the Coast Guard is operating for this*  
25 *purpose who—*

1           (1) *has a current license to practice medicine, os-*  
2           *teopathic medicine, dentistry, or another health pro-*  
3           *ession; and*

4           (2) *is performing authorized duties for the Coast*  
5           *Guard.*

6 **SEC. 506. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**

7           (a) *LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—*  
8           *If the owner of Ayakulik Island, Alaska, offers to exchange*  
9           *the Island for the Tract—*

10           (1) *within 10 days after receiving such offer, the*  
11           *Secretary shall provide notice of the offer to the Com-*  
12           *mandant;*

13           (2) *within 90 days after receiving the notice*  
14           *under paragraph (1), the Commandant shall develop*  
15           *and transmit to the Secretary proposed operational*  
16           *restrictions on commercial activity conducted on the*  
17           *Tract, including the right of the Commandant to—*

18                   (A) *order the immediate termination, for a*  
19                   *period of up to 72 hours, of any activity occur-*  
20                   *ring on or from the Tract that violates or threat-*  
21                   *ens to violate 1 or more of such restrictions; or*

22                   (B) *commence a civil action for appropriate*  
23                   *relief, including a permanent or temporary in-*  
24                   *junction enjoining the activity that violates or*  
25                   *threatens to violate such restrictions;*



1           (3) *within 90 days after receiving the proposed*  
2           *operational restrictions from the Commandant, the*  
3           *Secretary shall transmit such restrictions to the*  
4           *owner of Ayakulik Island; and*

5           (4) *within 30 days after transmitting the pro-*  
6           *posed operational restrictions to the owner of*  
7           *Ayakulik Island, and if the owner agrees to such re-*  
8           *strictions, the Secretary shall convey all right, title,*  
9           *and interest of the United States in and to the Tract*  
10          *to the owner, subject to an easement granted to the*  
11          *Commandant to enforce such restrictions, in exchange*  
12          *for all right, title, and interest of such owner in and*  
13          *to Ayakulik Island.*

14          (b) *BOUNDARY REVISIONS.*—*The Secretary may make*  
15          *technical and conforming revisions to the boundaries of the*  
16          *Tract before the date of the exchange.*

17          (c) *PUBLIC LAND ORDER.*—*Effective on the date of an*  
18          *exchange under subsection (a), Public Land Order 5550*  
19          *shall have no force or effect with respect to submerged lands*  
20          *that are part of the Tract.*

21          (d) *FAILURE TO TIMELY RESPOND TO NOTICE.*—*If the*  
22          *Commandant does not transmit proposed operational re-*  
23          *strictions to the Secretary within 30 days after receiving*  
24          *the notice under subsection (a)(1), the Secretary shall, by*  
25          *not later than 60 days after transmitting such notice, con-*

1 *vey all right, title, and interest of the United States in and*  
2 *to the Tract to the owner of Ayakulik Island in exchange*  
3 *for all right, title, and interest of such owner in and to*  
4 *Ayakulik Island.*

5 *(e) CERCLA.—*

6 *(1) IN GENERAL.—This section and an exchange*  
7 *under this section shall not be construed to limit the*  
8 *application of or otherwise affect section 120(h) of the*  
9 *Comprehensive Environmental Response, Compensa-*  
10 *tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).*

11 *(2) EXEMPTION.—Notwithstanding paragraph*  
12 *(1), the Coast Guard shall be exempt from liability*  
13 *under the Comprehensive Environmental Response,*  
14 *Compensation, and Liability Act of 1980 (42 U.S.C.*  
15 *9620(h)).*

16 *(f) DEFINITIONS.—In this section:*

17 *(1) COMMANDANT.—The term “Commandant”*  
18 *means the Secretary of the department in which the*  
19 *Coast Guard is operating, acting through the Com-*  
20 *mandant of the Coast Guard.*

21 *(2) SECRETARY.—The term “Secretary” means*  
22 *the Secretary of the Interior.*

23 *(3) TRACT.—The term “Tract” means the land*  
24 *(including submerged land) depicted as “PROPOSED*  
25 *PROPERTY EXCHANGE AREA” on the survey ti-*

1 *tled “PROPOSED PROPERTY EXCHANGE PAR-*  
 2 *CEL” and dated March 22, 2017.*

3 **SEC. 507. ABANDONED SEAFARERS FUND AMENDMENTS.**

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

6 *(1) in subsection (a)(2), by striking “may be ap-*  
 7 *propriated to the Secretary” in the matter before sub-*  
 8 *paragraph (A) and inserting “shall be available to*  
 9 *the Secretary without further appropriation, and*  
 10 *shall remain available until expended,”; and*

11 *(2) in subsection (c)—*

12 *(A) in paragraph (1), by inserting “plus a*  
 13 *surcharge of 25 percent of such total amount,”*  
 14 *after “seafarer,” in the matter preceding sub-*  
 15 *paragraph (A); and*

16 *(B) by striking paragraph (4).*

17 **SEC. 508. SMALL SHIPYARD CONTRACTS.**

18 *(a) IN GENERAL.—Chapter 17 of title 14, United*  
 19 *States Code, is amended by inserting after section 667 the*  
 20 *following:*

21 **“§667a. Construction of Coast Guard vessels and as-**  
 22 **signment of vessel projects**

23 *“The assignment of Coast Guard vessel conversion, al-*  
 24 *teration, and repair projects shall be based on economic and*  
 25 *military considerations and may not be restricted by a re-*

1 *quirement that certain parts of Coast Guard shipwork be*  
 2 *assigned to a particular type of shipyard or geographical*  
 3 *area or by a similar requirement.”.*

4 (b) *TABLE OF CONTENTS.—The table of contents of*  
 5 *chapter 17 of title 14, United States Code, is amended by*  
 6 *inserting after the item relating to section 667 the following:*

*“667a. Construction of Coast Guard vessels and assignment of vessel projects.”.*

7 **SEC. 509. WESTERN CHALLENGER; CERTIFICATE OF DOCU-**  
 8 **MENTATION.**

9 *Section 604(b) of the Howard Coble Coast Guard and*  
 10 *Maritime Transportation Act of 2014 (Public Law 113–*  
 11 *281; 128 Stat. 3062) is amended by inserting “and a fish-*  
 12 *eries endorsement” after “endorsement”.*

13 **SEC. 510. RADAR REFRESHER TRAINING.**

14 *Not later than 60 days after the date of enactment of*  
 15 *this Act, the Secretary of the department in which the Coast*  
 16 *Guard is operating shall prescribe a final rule eliminating*  
 17 *the requirement that a mariner complete an approved re-*  
 18 *resher or recertification course to maintain a radar ob-*  
 19 *server endorsement. This rulemaking shall be exempt from*  
 20 *the notice and comment requirements of section 553 of title*  
 21 *5, United States Code.*

22 **SEC. 511. VESSEL RESPONSE PLAN AUDIT.**

23 (a) *REQUIREMENT FOR AUDIT.—Not later than 1 year*  
 24 *after the date of enactment of this Act, the Comptroller Gen-*  
 25 *eral of the United States shall complete and submit to the*

1 *Committee on Commerce, Science, and Transportation of*  
2 *the Senate and the Committee on Transportation and In-*  
3 *frastructure of the House of Representatives an audit of the*  
4 *verification and approval process of the Coast Guard for*  
5 *vessel response plans required under section 311 of the Fed-*  
6 *eral Water Pollution Control Act (33 U.S.C. 1321).*

7 (b) *REVIEW AND RECOMMENDATIONS.—The audit re-*  
8 *quired by subsection (a) shall—*

9 (1) *review and make recommendations regarding*  
10 *the verification and approval process of the Coast*  
11 *Guard for vessel response plans required under section*  
12 *311 of the Federal Water Pollution Control Act (33*  
13 *U.S.C. 1321) for—*

14 (A) *the current Coast Guard staffing model*  
15 *and organization used for such process;*

16 (B) *the amount of time expended by the*  
17 *Coast Guard verifying and approving such vessel*  
18 *response plans; and*

19 (C) *the amount of time expended by the*  
20 *Coast Guard for verification and approval of a*  
21 *single such vessel response plan; and*

22 (2) *include a detailed analysis of—*

23 (A) *such process beginning with initial sub-*  
24 *mission from the vessel through final approval;*

1           (B) how such process ensures compliance  
2 with applicable statutes and regulations;

3           (C) the role of local and regional Coast  
4 Guard units in such process;

5           (D) any public comment or other forms of  
6 engagement with regional stakeholders, including  
7 State governments and Indian tribes;

8           (E) any engagement or utilization of Fed-  
9 eral or State agency resources and consultation,  
10 including weather data systems, oil spill trajec-  
11 tory modeling, or risk management information  
12 for the purposes of reviewing vessel response  
13 plans;

14           (F) how the Coast Guard verifies avail-  
15 ability and contractual obligation of resources  
16 required in a such a vessel response plan;

17           (G) the resources available and used by the  
18 Coast Guard to verify operational capability and  
19 capacity of equipment listed in a vessel response  
20 plan for the applicable operating environment;

21           (H) how the Coast Guard verifies alternate  
22 measures when a vessel cannot meet the National  
23 Planning Criteria;

24           (I) the weather data, modeling software,  
25 and information systems available and used by

1           *the Coast Guard when determining compliance*  
2           *for response resource mobilization times stipu-*  
3           *lated in regulation;*

4           *(J) how the Coast Guard factors in regional*  
5           *specific adverse weather, as defined in section*  
6           *155.1020 of title 33, Code of Federal Regula-*  
7           *tions, in determining compliance for response re-*  
8           *source mobilization times stipulated in regula-*  
9           *tion;*

10          *(K) how the Coast Guard reviews and*  
11          *verifies previously approved vessel response plans*  
12          *for compliance when there is a change in statute*  
13          *or regulation which effects response planning cri-*  
14          *teria or resource mobilization times;*

15          *(L) the Coast Guard process for calculating*  
16          *compliance for response resource mobilization*  
17          *times stipulated in statute and regulation;*

18          *(M) how the Coast Guard verifies avail-*  
19          *ability and compliance with response resource*  
20          *mobilization requirements for different geo-*  
21          *graphic regions;*

22          *(N) how the Coast Guard ensures vessel re-*  
23          *sponse plans are adapted and updated to ac-*  
24          *count for new regional response needs, such as*

1 regional trends of transportation of heavy oils  
2 and volume of traffic;

3 (O) the Coast Guard processes and actions  
4 taken if an approved vessel response plan is dis-  
5 covered to be noncompliant;

6 (P) how such process could be improved;  
7 and

8 (Q) the resources needed to improve such  
9 process.

10 **SEC. 512. CENTER OF EXPERTISE FOR GREAT LAKES OIL**  
11 **SPILL RESEARCH AND RESPONSE.**

12 (a) *IN GENERAL.*—Not later than 1 year after the date  
13 of enactment of this Act, the Commandant of the Coast  
14 Guard shall establish a Center of Expertise for Great Lakes  
15 Oil Spill Preparedness and Response (referred to in this  
16 section as the “Center of Expertise”) in accordance with  
17 section 58 of title 14, United States Code.

18 (b) *LOCATION.*—The Center of Expertise shall be lo-  
19 cated in close proximity to—

20 (1) critical crude oil transportation infrastruc-  
21 ture on and connecting the Great Lakes, such as sub-  
22 merged pipelines and high-traffic navigation locks;  
23 and

24 (2) an institution of higher education with ade-  
25 quate aquatic research laboratory facilities and capa-



1 *bilities and expertise in Great Lakes aquatic ecology,*  
2 *environmental chemistry, fish and wildlife, and water*  
3 *resources.*

4 *(c) FUNCTIONS.—The Center of Expertise shall—*

5 *(1) monitor and assess, on an ongoing basis, the*  
6 *current state of knowledge regarding freshwater oil*  
7 *spill response technologies and the behavior and effects*  
8 *of oil spills in the Great Lakes;*

9 *(2) identify any significant gaps in Great Lakes*  
10 *oil spill research, including an assessment of major*  
11 *scientific or technological deficiencies in responses to*  
12 *past spills in the Great Lakes and other freshwater*  
13 *bodies, and seek to fill those gaps;*

14 *(3) conduct research, development, testing, and*  
15 *evaluation for freshwater oil spill response equipment,*  
16 *technologies, and techniques to mitigate and respond*  
17 *to oil spills in the Great Lakes;*

18 *(4) educate and train Federal, State, and local*  
19 *first responders located in United States Coast Guard*  
20 *District 9 in—*

21 *(A) the incident command system structure;*

22 *(B) Great Lakes oil spill response tech-*  
23 *niques and strategies; and*

24 *(C) public affairs; and*

1           (5) *work with academic and private sector re-*  
 2           *ponse training centers to develop and standardize*  
 3           *maritime oil spill response training and techniques*  
 4           *for use on the Great Lakes.*

5           (d) *DEFINITION.—In this section, the term “Great*  
 6           *Lakes” means Lake Superior, Lake Michigan, Lake Huron,*  
 7           *Lake Erie, and Lake Ontario.*

8           **TITLE VI—DEPARTMENT OF**  
 9           **COMMERCE VESSELS**

10 **SEC. 601. WAIVERS FOR CERTAIN CONTRACTS.**

11           *Section 3134 of title 40, United States Code, is amend-*  
 12           *ed—*

13           (1) *by inserting “Secretary of Homeland Secu-*  
 14           *urity,” after “Air Force,” each place it appears; and*

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

16           “(c) *COMMERCE.—The Secretary of Commerce may*  
 17           *wave this subchapter with respect to contracts for the con-*  
 18           *struction, alteration, or repair of vessels, regardless of the*  
 19           *terms of the contracts as to payment or title, when the con-*  
 20           *tract is made under the Act entitled ‘An Act to define the*  
 21           *functions and duties of the Coast and Geodetic Survey, and*  
 22           *for other purposes’, approved August 6, 1947 (33 U.S.C.*  
 23           *883a et seq.).”.*

1 **TITLE VII—FEDERAL MARITIME**  
2 **COMMISSION AUTHORIZA-**  
3 **TION ACT OF 2017**

4 **SEC. 701. SHORT TITLE.**

5 *This title may be cited as the “Federal Maritime Com-*  
6 *mission Authorization Act of 2017”.*

7 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

8 *Section 308 of title 46, United States Code, is amended*  
9 *by striking “\$24,700,000 for each of fiscal years 2016 and*  
10 *2017” and inserting “\$28,490,000 for each of fiscal years*  
11 *2018 and 2019”.*

12 **SEC. 703. RECORD OF MEETINGS AND VOTES.**

13 *(a) IN GENERAL.—Section 303 of title 46, United*  
14 *States Code, is amended to read as follows:*

15 **“§ 303. Meetings**

16 *“(a) IN GENERAL.—The Federal Maritime Commis-*  
17 *sion shall be deemed to be an agency for purposes of section*  
18 *552b of title 5.*

19 *“(b) RECORD.—The Commission, through its sec-*  
20 *retary, shall keep a record of its meetings and the votes*  
21 *taken on any action, order, contract, or financial trans-*  
22 *action of the Commission.*

23 *“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—*

24 *“(1) IN GENERAL.—Notwithstanding section*  
25 *552b of title 5, a majority of the Commissioners may*

1 *hold a meeting that is not open to public observation*  
2 *to discuss official agency business if—*

3 *“(A) no formal or informal vote or other of-*  
4 *ficial agency action is taken at the meeting;*

5 *“(B) each individual present at the meeting*  
6 *is a Commissioner or an employee of the Com-*  
7 *mission; and*

8 *“(C) the General Counsel of the Commission*  
9 *is present at the meeting.*

10 *“(2) DISCLOSURE OF NONPUBLIC COLLABO-*  
11 *RATIVE DISCUSSIONS.—Except as provided under*  
12 *paragraph (3), not later than 2 business days after*  
13 *the conclusion of a meeting under paragraph (1), the*  
14 *Commission shall make available to the public, in a*  
15 *place easily accessible to the public—*

16 *“(A) a list of the individuals present at the*  
17 *meeting; and*

18 *“(B) a summary of the matters discussed at*  
19 *the meeting, except for any matters the Commis-*  
20 *sion properly determines may be withheld from*  
21 *the public under section 552b(c) of title 5.*

22 *“(3) EXCEPTION.—If the Commission properly*  
23 *determines matters may be withheld from the public*  
24 *under section 555b(c) of title 5, the Commission shall*  
25 *provide a summary with as much general informa-*

1        *tion as possible on those matters withheld from the*  
2        *public.*

3            “(4) *ONGOING PROCEEDINGS.*—*If a meeting*  
4        *under paragraph (1) directly relates to an ongoing*  
5        *proceeding before the Commission, the Commission*  
6        *shall make the disclosure under paragraph (2) on the*  
7        *date of the final Commission decision.*

8            “(5) *PRESERVATION OF OPEN MEETINGS RE-*  
9        *QUIREMENTS FOR AGENCY ACTION.*—*Nothing in this*  
10       *subsection may be construed to limit the applicability*  
11       *of section 552b of title 5 with respect to a meeting of*  
12       *the Commissioners other than that described in this*  
13       *subsection.*

14           “(6) *STATUTORY CONSTRUCTION.*—*Nothing in*  
15       *this subsection may be construed—*

16                “(A) *to limit the applicability of section*  
17                *552b of title 5 with respect to any information*  
18                *which is proposed to be withheld from the public*  
19                *under paragraph (2)(B) of this subsection; or*

20                “(B) *to authorize the Commission to with-*  
21                *hold from any individual any record that is ac-*  
22                *cessible to that individual under section 552a of*  
23                *title 5.”.*

1       (b) *TABLE OF CONTENTS.*—*The table of contents of*  
2 *chapter 3 of title 46, United States Code, is amended by*  
3 *amending the item relating to section 303 to read as follows:*

      “303. *Meetings.*”.

4 **SEC. 704. PUBLIC PARTICIPATION.**

5       (a) *NOTICE OF FILING.*—*Section 40304(a) of title 46,*  
6 *United States Code, is amended to read as follows:*

7       “(a) *NOTICE OF FILING.*—*Not later than 7 days after*  
8 *the date an agreement is filed, the Federal Maritime Com-*  
9 *mission shall—*

10               “(1) *transmit a notice of the filing to the Federal*  
11 *Register for publication; and*

12               “(2) *request interested persons to submit relevant*  
13 *information and documents.*”.

14       (b) *REQUEST FOR INFORMATION AND DOCUMENTS.*—  
15 *Section 40304(d) of title 46, United States Code, is amend-*  
16 *ed by striking “section” and inserting “part”.*

17       (c) *SAVING CLAUSE.*—*Nothing in this section, or the*  
18 *amendments made by this section, may be construed—*

19               (1) *to prevent the Federal Maritime Commission*  
20 *from requesting from a person, at any time, any ad-*  
21 *ditional information or documents the Commission*  
22 *considers necessary to carry out chapter 403 of title*  
23 *46, United States Code;*

24               (2) *to prescribe a specific deadline for the sub-*  
25 *mission of relevant information and documents in re-*

1        *sponse to a request under section 40304(a)(2) of title*  
2        *46, United States Code; or*

3                *(3) to limit the authority of the Commission to*  
4        *request information under section 40304(d) of title*  
5        *46, United States Code.*

6        **SEC. 705. PREVENTING DECEPTIVE PRACTICES.**

7                *(a) LICENSE REQUIREMENT.—Section 40901(a) of*  
8        *title 46, United States Code, is amended, in the first sen-*  
9        *tence, by striking “act” and inserting “act, including hold-*  
10        *ing itself out by solicitation, advertisement, or otherwise,”.*

11                *(b) FINANCIAL RESPONSIBILITY.—Section 40902(a) of*  
12        *title 46, United States Code, is amended, in the language*  
13        *preceding paragraph (1), by striking “act” and inserting*  
14        *“act, including holding itself out by solicitation, advertise-*  
15        *ment, or otherwise,”.*

16        **SEC. 706. REPORTS FILED WITH THE COMMISSION.**

17                *Section 40104(a) of title 46, United States Code, is*  
18        *amended to read as follows:*

19                *“(a) REPORTS.—*

20                        *“(1) IN GENERAL.—The Federal Maritime Com-*  
21        *mission may require a common carrier or marine ter-*  
22        *минаl operator, or an officer, receiver, trustee, lessee,*  
23        *agent, or employee of the common carrier or marine*  
24        *terminal operator to file with the Commission a peri-*  
25        *odical or special report, an account, record, rate, or*

1       *charge, or a memorandum of facts and transactions*  
2       *related to the business of the common carrier or ma-*  
3       *rine terminal operator, as applicable.*

4               “(2) *REQUIREMENTS.*—*The report, account,*  
5       *record, rate, charge, or memorandum shall—*

6                       “(A) *be made under oath if the Commission*  
7       *requires; and*

8                       “(B) *be filed in the form and within the*  
9       *time prescribed by the Commission.”.*

10 **SEC. 707. TRANSPARENCY.**

11       (a) *IN GENERAL.*—*Beginning not later than 60 days*  
12 *after the date of enactment of this Act, the Federal Maritime*  
13 *Commission 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 biannual reports that describe the Com-*  
17 *mission’s progress toward addressing the issues raised in*  
18 *each unfinished regulatory proceeding, regardless of whether*  
19 *the proceeding is subject to a statutory or regulatory dead-*  
20 *line.*

21       (b) *FORMAT OF REPORTS.*—*Each report under sub-*  
22 *section (a) shall, among other things, clearly identify for*  
23 *each unfinished regulatory proceeding—*

24                       (1) *the popular title;*

25                       (2) *the current stage of the proceeding;*



- 1           (3) *an abstract of the proceeding;*
- 2           (4) *what prompted the action in question;*
- 3           (5) *any applicable statutory, regulatory, or judi-*  
4 *cial deadline;*
- 5           (6) *the associated docket number;*
- 6           (7) *the date the rulemaking was initiated;*
- 7           (8) *a date for the next action; and*
- 8           (9) *if a date for next action identified in the pre-*  
9 *vious report is not met, the reason for the delay.*

10 **SEC. 708. TREATMENT OF TUG OPERATORS.**

11           (a) *EXCEPTIONS.*—Section 40307(b)(1) of title 46,  
12 *United States Code, is amended by inserting “tug opera-*  
13 *tors,” after “motor carriers.”*

14           (b) *CONCERTED ACTION.*—Section 41105(4) of title 46,  
15 *United States Code, is amended—*

16                 (1) *by striking “non-ocean carrier” and insert-*  
17 *ing “tug operator, non-ocean carrier;”; and*

18                 (2) *by inserting “tug operators or” after “States*  
19 *by those”.*

20 **SEC. 709. PROHIBITIONS AND PENALTIES.**

21           Section 41104(11) of title 46, *United States Code, is*  
22 *amended by striking “a tariff as required by section 40501*  
23 *of this title and”.*

1 **TITLE VIII—VESSEL INCIDENTAL**  
2 **DISCHARGE ACT**

3 **SEC. 801. SHORT TITLE.**

4 *This title may be cited as the “Vessel Incidental Dis-*  
5 *charge Act”.*

6 **SEC. 802. DEFINITIONS.**

7 *In this title:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
9 *trator” means the Administrator of the Environ-*  
10 *mental Protection Agency.*

11 (2) *AQUATIC NUISANCE SPECIES.*—*The term*  
12 *“aquatic nuisance species” means a nonindigenous*  
13 *species (including a pathogen) that threatens the di-*  
14 *versity or abundance of native species or the ecologi-*  
15 *cal stability of navigable waters of the United States,*  
16 *or commercial, agricultural, aquacultural, or rec-*  
17 *reational activities dependent on such waters.*

18 (3) *BALLAST WATER.*—*The term “ballast water”*  
19 *means any water and suspended matter taken on*  
20 *board a commercial vessel to control or maintain*  
21 *trim, draught, stability, or stresses of the commercial*  
22 *vessel, regardless of how it is carried.*

23 (4) *BALLAST WATER DISCHARGE STANDARD.*—  
24 *The term “ballast water discharge standard” means*  
25 *the numerical ballast water discharge standard set*

1       *forth in section 151.2030 of title 33, Code of Federal*  
2       *Regulations, or section 151.1511 of such title, or a re-*  
3       *vised numerical ballast water discharge standard es-*  
4       *tablished under section 805, as applicable.*

5           (5) *BALLAST WATER MANAGEMENT SYSTEM.—*  
6       *The term “ballast water management system” means*  
7       *any system (including all ballast water treatment*  
8       *equipment and all associated control and monitoring*  
9       *equipment) that processes ballast water to kill, render*  
10       *harmless, or remove organisms.*

11           (6) *COMMERCIAL VESSEL.—*

12           (A) *IN GENERAL.—The term “commercial*  
13       *vessel” means a vessel (as defined in section 3 of*  
14       *title 1, United States Code) that is engaged in*  
15       *commercial service (as defined in section 2101 of*  
16       *title 46, United States Code).*

17           (B) *EXCLUSION.—The term “commercial*  
18       *vessel” does not include a recreational vessel.*

19           (7) *DISCHARGE INCIDENTAL TO THE NORMAL*  
20       *OPERATION OF A COMMERCIAL VESSEL.—*

21           (A) *IN GENERAL.—The term “discharge in-*  
22       *cidental to the normal operation of a commercial*  
23       *vessel” means—*

1                   (i) a discharge into navigable waters of  
2                   the United States from a commercial vessel  
3                   of—

4                   (I)(aa) graywater, bilge water,  
5                   cooling water, oil water separator efflu-  
6                   ent, anti-fouling hull coating leachate,  
7                   boiler or economizer blowdown, byprod-  
8                   ucts from cathodic protection, control-  
9                   lable pitch propeller and thruster hy-  
10                  draulic fluid, distillation and reverse  
11                  osmosis brine, elevator pit effluent,  
12                  firemain system effluent, freshwater  
13                  layup effluent, gas turbine wash water,  
14                  motor gasoline and compensating efflu-  
15                  ent, refrigeration and air condensate  
16                  effluent, seawater piping biofouling  
17                  prevention substances, boat engine wet  
18                  exhaust, sonar dome effluent, exhaust  
19                  gas scrubber washwater, or stern tube  
20                  packing gland effluent; or

21                  (bb) any other pollutant associ-  
22                  ated with the operation of a marine  
23                  propulsion system, shipboard maneu-  
24                  vering system, habitability system, or  
25                  installed major equipment, or from a

1                    *protective, preservative, or absorptive*  
2                    *application to the hull of a commercial*  
3                    *vessel;*

4                    *(II) deck runoff, deck washdown,*  
5                    *above the waterline hull cleaning efflu-*  
6                    *ent, aqueous film forming foam efflu-*  
7                    *ent, chain locker effluent, non-oily ma-*  
8                    *chinery wastewater, underwater ship*  
9                    *husbandry effluent, welldeck effluent, or*  
10                   *fish hold and fish hold cleaning efflu-*  
11                   *ent; or*

12                   *(III) any effluent from a properly*  
13                   *functioning marine engine; or*

14                   *(ii) a discharge of a pollutant into*  
15                   *navigable waters of the United States in*  
16                   *connection with the testing, maintenance, or*  
17                   *repair of a system, equipment, or engine de-*  
18                   *scribed in subclause (I)(bb) or (III) of*  
19                   *clause (i) whenever the commercial vessel is*  
20                   *waterborne.*

21                   *(B) EXCLUSIONS.—The term “discharge in-*  
22                   *cidental to the normal operation of a commercial*  
23                   *vessel” does not include—*

1                   (i) a discharge into navigable waters of  
2                   the United States from a commercial vessel  
3                   of—

4                               (I) ballast water;

5                               (II) rubbish, trash, garbage, in-  
6                               cinerator ash, or other such material  
7                               discharged overboard;

8                               (III) oil or a hazardous substance  
9                               (as such terms are defined in section  
10                              311 of the Federal Water Pollution  
11                              Control Act (33 U.S.C. 1321)); or

12                              (IV) sewage (as defined in section  
13                              312(a)(6) of the Federal Water Pollu-  
14                              tion Control Act (33 U.S.C.  
15                              1322(a)(6))); or

16                   (ii) any emission of an air pollutant  
17                   resulting from the operation onboard a com-  
18                   mercial vessel of a commercial vessel pro-  
19                   pulsion system, motor driven equipment, or  
20                   incinerator; or

21                              (iii) any discharge into navigable  
22                              waters of the United States from a commer-  
23                              cial vessel when the commercial vessel is op-  
24                              erating in a capacity other than as a means  
25                              of transportation on water.

1           (8) *GENERAL PERMIT.*—The term “General Per-  
2           mit” means the Final National Pollutant Discharge  
3           Elimination System Vessel General Permit for Dis-  
4           charges Incidental to the Normal Operation of a Ves-  
5           sel noticed in the Federal Register on April 12, 2013  
6           (78 Fed. Reg. 21938).

7           (9) *GEOGRAPHICALLY LIMITED AREA.*—The term  
8           “geographically limited area” means an area—

9                   (A) with a physical limitation that prevents  
10                  a commercial vessel from operating outside the  
11                  area, such as the Great Lakes and Saint Law-  
12                  rence River, as determined by the Secretary; or

13                   (B) that is ecologically homogeneous, as de-  
14                  termined by the Secretary in consultation with  
15                  the heads of other Federal departments or agen-  
16                  cies the Secretary considers appropriate.

17           (10) *MAJOR CONVERSION.*—The term “major  
18           conversion” has the meaning given such term in sec-  
19           tion 2101(14a) of title 46, United States Code.

20           (11) *NAVIGABLE WATERS OF THE UNITED*  
21           *STATES.*—The term “navigable waters of the United  
22           States” has the meaning given such term in section  
23           2101(17a) of title 46, United States Code.

1           (12) *OWNER OR OPERATOR.*—*The term “owner*  
2 *or operator” means a person owning, operating, or*  
3 *chartering by demise a commercial vessel.*

4           (13) *POLLUTANT.*—*The term “pollutant” has the*  
5 *meaning given such term in section 502(6) of the Fed-*  
6 *eral Water Pollution Control Act (33 U.S.C. 1362(6)).*

7           (14) *RECREATIONAL VESSEL.*—*The term “rec-*  
8 *reational vessel” has the meaning given such term in*  
9 *section 2101(25) of title 46, United States Code.*

10          (15) *SECRETARY.*—*The term “Secretary” means*  
11 *the Secretary of the department in which the Coast*  
12 *Guard is operating.*

13 **SEC. 803. EXISTING BALLAST WATER REGULATIONS.**

14          (a) *EFFECT ON EXISTING REGULATIONS.*—*Any regu-*  
15 *lation issued pursuant to the Nonindigenous Aquatic Nui-*  
16 *sance Prevention and Control Act of 1990 that is in effect*  
17 *on the date immediately preceding the effective date of this*  
18 *title, and that relates to a matter subject to regulation*  
19 *under this title, shall remain in full force and effect unless*  
20 *or until superseded by a new regulation issued under this*  
21 *title relating to such matter.*

22          (b) *APPLICATION OF OTHER REGULATIONS.*—*The reg-*  
23 *ulations issued pursuant to the Nonindigenous Aquatic*  
24 *Nuisance Prevention and Control Act of 1990 (16 U.S.C.*  
25 *4701 et seq.) relating to sanctions for violating a regulation*



1 *under that Act shall apply to violations of a regulation*  
2 *issued under this title.*

3 **SEC. 804. BALLAST WATER DISCHARGE REQUIREMENTS.**

4 *(a) IN GENERAL.—*

5 *(1) REQUIREMENTS.—Except as provided in*  
6 *paragraph (3), and subject to sections 151.2035 and*  
7 *151.2036 of title 33, Code of Federal Regulations (as*  
8 *in effect on the date of the enactment of this Act), an*  
9 *owner or operator may discharge ballast water into*  
10 *navigable waters of the United States from a commer-*  
11 *cial vessel covered under subsection (b) only if—*

12 *(A) by applying the best available tech-*  
13 *nology economically achievable, the discharge*  
14 *meets the ballast water discharge standard; and*

15 *(B) the owner or operator discharges the*  
16 *ballast water in accordance with other require-*  
17 *ments established by the Secretary.*

18 *(2) COMMERCIAL VESSELS ENTERING THE GREAT*  
19 *LAKES SYSTEM AND HUDSON RIVER.—If a commercial*  
20 *vessel enters the Great Lakes through the Saint Law-*  
21 *rence River or the Hudson River north of the George*  
22 *Washington Bridge after operating outside the exclu-*  
23 *sive economic zone of the United States or Canada,*  
24 *the owner or operator shall—*

25 *(A) comply with the requirements of—*

1                   (i) paragraph (1);  
2                   (ii) subpart C of part 151 of title 33,  
3                   Code of Federal Regulations; and  
4                   (iii) section 401.30 of such title; and  
5                   (B) conduct a complete ballast water ex-  
6                   change in an area that is 200 nautical miles or  
7                   more from any shore before the owner or oper-  
8                   ator may discharge ballast water while operating  
9                   in the Saint Lawrence River or the Great Lakes,  
10                  subject to any requirements the Secretary deter-  
11                  mines necessary with regard to such exchange, or  
12                  any ballast water management system that is to  
13                  be used in conjunction with such exchange, to en-  
14                  sure that any discharge of ballast water complies  
15                  with the requirements under paragraph (1).

16               (3)    *SAFETY EXEMPTION.*—Notwithstanding  
17               paragraphs (1) and (2), an owner or operator may  
18               discharge any ballast water into navigable waters of  
19               the United States from a commercial vessel if—

20                   (A) the ballast water is discharged solely to  
21                   ensure the safety of life at sea;

22                   (B) the ballast water is discharged acciden-  
23                   tally as the result of damage to the commercial  
24                   vessel or its equipment and—

1                   (i) all reasonable precautions to pre-  
2                   vent or minimize the discharge have been  
3                   taken; and

4                   (ii) the owner or operator did not will-  
5                   fully or recklessly cause such damage; or

6                   (C) the ballast water is discharged solely for  
7                   the purpose of avoiding or minimizing a dis-  
8                   charge from the commercial vessel of a pollutant  
9                   that would violate an applicable Federal or State  
10                  law.

11                 (4) *LIMITATION ON REQUIREMENTS.*—*In estab-*  
12                 *lishing requirements under this subsection, the Sec-*  
13                 *retary may not require the installation of a ballast*  
14                 *water management system on a commercial vessel*  
15                 *that—*

16                   (A) carries all of its ballast water in sealed  
17                   tanks that are not subject to discharge; or

18                   (B) discharges ballast water solely into a re-  
19                   ception facility described in section 807.

20                 (b) *APPLICABILITY.*—

21                   (1) *COVERED VESSELS.*—*Except as provided in*  
22                   *paragraph (2), subsection (a) shall apply to any com-*  
23                   *mmercial vessel that is designed, constructed, or adapt-*  
24                   *ed to carry ballast water while such commercial vessel*  
25                   *is operating in navigable waters of the United States.*

1           (2) *EXEMPTED VESSELS.*—Subsection (a) shall  
2           not apply to a commercial vessel—

3                   (A) that continuously takes on and dis-  
4                   charges ballast water in a flow-through system,  
5                   if such system does not introduce aquatic nui-  
6                   sance species into navigable waters of the United  
7                   States, as determined by the Secretary;

8                   (B) that operates exclusively within a geo-  
9                   graphically limited area;

10                  (C) that operates pursuant to a geographic  
11                  restriction issued as a condition under section  
12                  3309 of title 46, United States Code, or an  
13                  equivalent restriction issued by the country of  
14                  registration of the commercial vessel;

15                  (D) in the National Defense Reserve Fleet  
16                  that is scheduled to be disposed of through scrap-  
17                  ping or sinking;

18                  (E) that discharges ballast water consisting  
19                  solely of water taken aboard from a public or  
20                  commercial source that, at the time the water is  
21                  taken aboard, meets the applicable regulations or  
22                  permit requirements for such source under the  
23                  Safe Drinking Water Act (42 U.S.C. 300f et  
24                  seq.); or

1                   (F) in an alternative compliance program  
2                   established pursuant to section 806.

3           (c) *TYPE APPROVAL OF BALLAST WATER MANAGE-*  
4 *MENT SYSTEMS THAT RENDER BALLAST WATER ORGA-*  
5 *NISMS INCAPABLE OF REPRODUCTION.*—

6           (1) *IN GENERAL.*—Notwithstanding chapter 5 of  
7           title 5, United States Code, part 151 of title 33, Code  
8           of Federal Regulations, and part 162 of title 46, Code  
9           of Federal Regulations, a ballast water management  
10          system that renders organisms in ballast water in-  
11          capable of reproduction at the concentrations pre-  
12          scribed in the ballast water discharge standard shall  
13          be type approved by the Secretary, if—

14                   (A) such system—

15                           (i) undergoes type approval testing at  
16                           an independent laboratory designated by  
17                           the Secretary under such regulations; and

18                           (ii) meets the requirements of subpart  
19                           162.060 of title 46, Code of Federal Regula-  
20                           tions, other than the requirements related to  
21                           staining methods or measuring the con-  
22                           centration of living organisms; and

23                   (B) such laboratory uses a type approval  
24                   testing method described in a final policy letter  
25                   published under paragraph (2).

1           (2) *TYPE APPROVAL TESTING METHODS.*—

2                   (A) *DRAFT POLICY.*—Not later than 60 days  
3 after the date of enactment of this Act, the Sec-  
4 retary shall publish a draft policy letter describ-  
5 ing type approval testing methods capable of  
6 measuring the concentration of organisms in bal-  
7 last water that are capable of reproduction.

8                   (B) *PUBLIC COMMENT.*—The Secretary shall  
9 provide for a period of not more than 60 days  
10 for the public to comment on the draft policy let-  
11 ter published under paragraph (1).

12                   (C) *FINAL POLICY.*—Not later than 150  
13 days after the date of the enactment of this Act,  
14 the Secretary shall publish a final policy letter  
15 describing type approval testing methods capable  
16 of measuring the concentration of organisms in  
17 ballast water that are capable of reproduction.

18                   (D) *REVISIONS.*—The Secretary shall revise  
19 such policy letter as additional testing methods  
20 are determined by the Secretary to be capable of  
21 measuring the concentration of organisms in bal-  
22 last water that are capable of reproduction.

23                   (E) *CONSIDERATIONS.*—In developing a  
24 policy letter under this paragraph, the Sec-  
25 retary—

1           (i) shall consider a type approval test-  
 2           ing method that uses organism grow out  
 3           and most probable number statistical anal-  
 4           ysis to determine the concentration of orga-  
 5           nisms in ballast water that are capable of  
 6           reproduction; and

7           (ii) shall not consider a type approval  
 8           testing method that relies on a staining  
 9           method that measures the concentration of  
 10          organisms greater than or equal to 10 mi-  
 11          crometers and organisms less than or equal  
 12          to 50 micrometers.

13 **SEC. 805. REVIEW OF BALLAST WATER DISCHARGE STAND-**  
 14 **ARD.**

15       (a) *EFFECTIVENESS REVIEW.*—

16           (1) *IN GENERAL.*—*The Secretary shall conduct*  
 17           *reviews in accordance with this section to determine*  
 18           *whether revising the ballast water discharge standard*  
 19           *based on the application of the best available tech-*  
 20           *nology economically achievable would result in a re-*  
 21           *duction in the risk of the introduction or establish-*  
 22           *ment of aquatic nuisance species.*

23           (2) *REQUIRED REVIEWS.*—*Not later than Janu-*  
 24           *ary 1, 2022, and every 10 years thereafter, the Sec-*

1        *retary, in consultation with the Administrator, shall*  
2        *complete a review under paragraph (1).*

3            (3) *STATE PETITIONS FOR REVIEW.—*

4            (A) *IN GENERAL.—The Governor of a State*  
5        *may submit a petition requesting the Secretary*  
6        *to conduct a review under paragraph (1) if there*  
7        *is significant new information that could reason-*  
8        *ably indicate the ballast water discharge stand-*  
9        *ard could be revised to result in a reduction in*  
10       *the risk of the introduction or establishment of*  
11       *aquatic nuisance species.*

12          (B) *TIMING.—A Governor may not submit*  
13       *a petition under subparagraph (A) during the 1-*  
14       *year period following the date of completion of a*  
15       *review under paragraph (1).*

16          (C) *REQUIRED INFORMATION.—A petition*  
17       *submitted to the Secretary under subparagraph*  
18       *(A) shall include—*

19            (i) *a proposed ballast water discharge*  
20            *standard that would result in a reduction*  
21            *in the risk of the introduction or establish-*  
22            *ment of aquatic nuisance species;*

23            (ii) *information regarding any ballast*  
24            *water management systems that may*



1           *achieve the proposed ballast water discharge*  
2           *standard;*

3                   *(iii) the scientific and technical infor-*  
4                   *mation on which the petition is based, in-*  
5                   *cluding a description of the risk reduction*  
6                   *that would result from the proposed ballast*  
7                   *water discharge standard included under*  
8                   *clause (i); and*

9                   *(iv) any additional information the*  
10                  *Secretary considers appropriate.*

11                  *(D) PUBLIC AVAILABILITY.—Upon receiving*  
12                  *a petition under subparagraph (A), the Sec-*  
13                  *retary shall make publicly available a copy of*  
14                  *the petition, including the information included*  
15                  *under subparagraph (C).*

16                  *(E) TREATMENT OF MORE THAN ONE PETI-*  
17                  *TION AS A SINGLE PETITION.—The Secretary*  
18                  *may treat more than one petition submitted*  
19                  *under subparagraph (A) as a single such peti-*  
20                  *tion.*

21                  *(F) AUTHORITY TO REVIEW.—After receiv-*  
22                  *ing a petition that meets the requirements of this*  
23                  *paragraph, the Secretary, in consultation with*  
24                  *the Administrator, may conduct a review under*  
25                  *paragraph (1).*

1       **(b) PRACTICABILITY REVIEW.**—

2           **(1) IN GENERAL.**—*If the Secretary determines*  
3       *under subsection (a) that revision of the ballast water*  
4       *discharge standard would result in a reduction in the*  
5       *risk of the introduction or establishment of aquatic*  
6       *nuisance species, the Secretary, in consultation with*  
7       *the Administrator, shall conduct a practicability re-*  
8       *view to determine whether—*

9           **(A)** *a ballast water management system*  
10       *that is capable of achieving the ballast water dis-*  
11       *charge standard as proposed to be revised is eco-*  
12       *nomically achievable and operationally prac-*  
13       *ticable; and*

14           **(B)** *testing protocols that can assure accu-*  
15       *rate measurement of compliance with the ballast*  
16       *water discharge standard as proposed to be re-*  
17       *vised can be practicably implemented.*

18           **(2) CRITERIA FOR PRACTICABILITY REVIEW.**—*In*  
19       *conducting a practicability review under paragraph*  
20       *(1), the Secretary shall consider—*

21           **(A)** *improvements in the scientific under-*  
22       *standing of biological and ecological processes*  
23       *that lead to the introduction or establishment of*  
24       *aquatic nuisance species;*

1           (B) improvements in ballast water manage-  
2           ment systems, including—

3                   (i) the capability of such systems to  
4                   achieve the ballast water discharge standard  
5                   as proposed to be revised;

6                   (ii) the effectiveness and reliability of  
7                   such systems in the shipboard environment;

8                   (iii) the compatibility of such systems  
9                   with the design and operation of a commer-  
10                  cial vessel by class, type, and size;

11                  (iv) the commercial availability of such  
12                  systems; and

13                  (v) the safety of such systems;

14           (C) improvements in the capabilities to de-  
15           tect, quantify, and assess whether aquatic nui-  
16           sance species are capable of reproduction under  
17           the ballast water discharge standard as proposed  
18           to be revised;

19           (D) the impact of ballast water manage-  
20           ment systems on water quality;

21           (E) the costs, cost-effectiveness, and effects  
22           of—

23                   (i) a revised ballast water discharge  
24                   standard; and

1                   (ii) maintaining the existing ballast  
2                   water discharge standard; and  
3                   (F) other criteria that the Secretary con-  
4                   siders appropriate.

5                   (3) *INFORMATION FROM STATES.*—In conducting  
6                   a practicability review under paragraph (1), the Sec-  
7                   retary shall solicit information from the States con-  
8                   cerning matters the Secretary is required to consider  
9                   under paragraph (2).

10                  (c) *REVISED BALLAST WATER DISCHARGE STAND-*  
11 *ARD.*—The Secretary shall issue a rule to revise the ballast  
12 *water discharge standard if the Secretary, in consultation*  
13 *with the Administrator, determines on the basis of the prac-*  
14 *ticability review under subsection (b) that—*

15                   (1) a ballast water management system that is  
16                   capable of achieving the ballast water discharge  
17                   standard as proposed to be revised is economically  
18                   achievable and operationally practicable; and

19                   (2) testing protocols that can assure accurate  
20                   measurement of compliance with the ballast water  
21                   discharge standard as proposed to be revised can be  
22                   practicably implemented.

23                  (d) *REVISED BALLAST WATER DISCHARGE STANDARD*  
24 *EFFECTIVE DATE AND COMPLIANCE DEADLINE.*—

1           (1) *IN GENERAL.*—If the Secretary issues a rule  
2 to revise the ballast water discharge standard under  
3 subsection (c), the Secretary shall include in such  
4 rule—

5           (A) an effective date for the revised ballast  
6 discharge standard that is 3 years after the date  
7 on which such rule is published in the Federal  
8 Register; and

9           (B) for the owner or operator of a commer-  
10 cial vessel that is constructed or completes a  
11 major conversion on or after the date that is 3  
12 years after the date on which the rule is pub-  
13 lished in the Federal Register, a deadline to com-  
14 ply with the revised ballast water discharge  
15 standard that is the first day on which such  
16 commercial vessel operates in navigable waters of  
17 the United States.

18           (2) *EXTENSIONS.*—The Secretary shall establish  
19 a process for an owner or operator to submit a peti-  
20 tion to the Secretary for an extension of a compliance  
21 deadline under paragraph (1)(B).

22           (3) *FACTORS.*—In reviewing a petition under  
23 this subsection, the Secretary shall consider, with re-  
24 spect to the ability of an owner or operator to meet  
25 a compliance deadline—

1           (A) *whether the ballast water management*  
2 *system to be installed, if applicable, is available*  
3 *in sufficient quantities to meet the compliance*  
4 *deadline;*

5           (B) *whether there is sufficient shipyard or*  
6 *other installation facility capacity;*

7           (C) *whether there is sufficient availability*  
8 *of engineering and design resources;*

9           (D) *commercial vessel characteristics, such*  
10 *as engine room size, layout, or a lack of installed*  
11 *pipings;*

12           (E) *electric power generating capacity*  
13 *aboard the commercial vessel;*

14           (F) *the safety of the commercial vessel and*  
15 *crew; and*

16           (G) *any other factor that the Secretary de-*  
17 *termines appropriate.*

18           (4) *CONSIDERATION OF PETITIONS.—*

19           (A) *DETERMINATIONS.—The Secretary shall*  
20 *approve or deny a petition for an extension of a*  
21 *compliance deadline submitted by an owner or*  
22 *operator under this subsection.*

23           (B) *DEADLINE.—If the Secretary does not*  
24 *approve or deny a petition referred to in sub-*  
25 *paragraph (A) on or before the last day of the*

1           90-day period beginning on the date of submis-  
2           sion of the petition, the petition shall be deemed  
3           approved.

4           (5) *PERIOD OF USE OF INSTALLED BALLAST*  
5           *WATER MANAGEMENT SYSTEM.*—

6                   (A) *IN GENERAL.*—Subject to subparagraph  
7                   (B), an owner or operator shall be considered to  
8                   be in compliance with the ballast water dis-  
9                   charge standard if—

10                           (i) the ballast water management sys-  
11                           tem installed on the commercial vessel com-  
12                           plies with the ballast water discharge stand-  
13                           ard in effect at the time of installation, not-  
14                           withstanding any revisions to the ballast  
15                           water discharge standard occurring after  
16                           the installation;

17                           (ii) the owner or operator maintains  
18                           the ballast water management system in  
19                           proper working condition, as determined by  
20                           the Secretary; and

21                           (iii) the ballast water management sys-  
22                           tem continues to meet the ballast water dis-  
23                           charge standard applicable to the commer-  
24                           cial vessel at the time of installation, as de-  
25                           termined by the Secretary.

1           (B) *LIMITATION.*—Subparagraph (A) shall  
2           cease to apply with respect to a commercial ves-  
3           sel after—

4                   (i) the expiration of the service life of  
5                   the ballast water management system of the  
6                   commercial vessel, as determined by the Sec-  
7                   retary;

8                   (ii) the expiration of the service life of  
9                   the commercial vessel, as determined by the  
10                  Secretary; or

11                  (iii) the completion of a major conver-  
12                  sion of the commercial vessel.

13 **SEC. 806. ALTERNATIVE COMPLIANCE PROGRAM.**

14           *The Secretary, in consultation with the Administrator,*  
15 *may issue a rule establishing 1 or more compliance pro-*  
16 *grams that may be used by an owner or operator as an*  
17 *alternative to compliance with the requirements of section*  
18 *804(a) for a commercial vessel that—*

19                   (1) *has a maximum ballast water capacity of*  
20                   *less than 8 cubic meters; or*

21                   (2) *is less than 3 years from the end of the serv-*  
22                   *ice life of the commercial vessel, as determined by the*  
23                   *Secretary.*



1 **SEC. 807. RECEPTION FACILITIES.**

2       (a) *IN GENERAL.*—Notwithstanding the requirements  
3 under section 804(a), an owner or operator may discharge  
4 ballast water into an onshore or offshore facility for the re-  
5 ception of ballast water that meets the standards established  
6 by the Administrator, in consultation with the Secretary,  
7 under subsection (b).

8       (b) *ISSUANCE OF STANDARDS.*—Not later than 1 year  
9 after the date of enactment of this Act, the Administrator,  
10 in consultation with the Secretary, shall publish a rule in  
11 the *Federal Register* that establishes reasonable and prac-  
12 ticable standards for reception facilities to mitigate adverse  
13 effects of aquatic nuisance species on navigable waters of  
14 the United States.

15 **SEC. 808. REQUIREMENTS FOR DISCHARGES INCIDENTAL**  
16                   **TO THE NORMAL OPERATION OF A COMMER-**  
17                   **CIAL VESSEL.**

18       (a) *IN GENERAL.*—Not later than 2 years after the  
19 date of enactment of this Act, the Secretary, in consultation  
20 with the Administrator, shall publish a rule in the *Federal*  
21 *Register* that establishes best management practices for dis-  
22 charges incidental to the normal operation of a commercial  
23 vessel for commercial vessels that are—

24                   (1) greater than or equal to 79 feet in length;  
25                   and

1           (2) *not fishing vessels, including fish processing*  
2           *vessels and fish tender vessels (as such terms are de-*  
3           *defined in section 2101 of title 46, United States Code).*

4           **(b) TRANSITION.—**

5           **(1) IN GENERAL.—***Notwithstanding the expira-*  
6           *tion date for the General Permit, any practice, limi-*  
7           *tation, or concentration applicable to any discharge*  
8           *incidental to the normal operation of a commercial*  
9           *vessel that is required by the General Permit on the*  
10          *date of enactment of this Act, and any reporting re-*  
11          *quirement required by the General Permit on such*  
12          *date of enactment, shall remain in effect until the ef-*  
13          *fective date of a rule issued by the Secretary under*  
14          *subsection (a).*

15          **(2) PART 6 CONDITIONS.—***Notwithstanding para-*  
16          *graph (1) and any other provision of law, the terms*  
17          *and conditions of Part 6 of the General Permit (relat-*  
18          *ing to specific requirements for individual States or*  
19          *Indian country lands) shall expire on the date of en-*  
20          *actment of this Act.*

21          **(c) APPLICATION TO CERTAIN VESSELS.—**

22          **(1) APPLICATION OF FEDERAL WATER POLLU-**  
23          **TION CONTROL ACT.—***No permit shall be required*  
24          *under section 402 of the Federal Water Pollution Con-*  
25          *trol Act (33 U.S.C. 1342) or prohibition enforced*

1     *under any other provision of law for, nor shall any*  
 2     *best management practice regarding a discharge inci-*  
 3     *dental to the normal operation of a commercial vessel*  
 4     *under this title apply to, a discharge incidental to the*  
 5     *normal operation of a commercial vessel if the com-*  
 6     *mmercial vessel is—*

7             *(A) less than 79 feet in length; or*

8             *(B) a fishing vessel, including a fish proc-*  
 9             *essing vessel and a fish tender vessel (as such*  
 10            *terms are defined in section 2101 of title 46,*  
 11            *United States Code).*

12            *(2) APPLICATION OF GENERAL PERMIT.—The*  
 13            *terms and conditions of the General Permit shall*  
 14            *cease to apply to vessels described in subparagraphs*  
 15            *(A) and (B) of paragraph (1) on the date of enact-*  
 16            *ment of this Act.*

17            *(d) STATE PETITION FOR REVISION OF BEST MANAGE-*  
 18            *MENT PRACTICES.—*

19            *(1) IN GENERAL.—The Governor of a State may*  
 20            *submit a petition to the Secretary requesting that the*  
 21            *Secretary revise a best management practice estab-*  
 22            *lished under subsection (a) if there is significant new*  
 23            *information that could reasonably indicate that—*

24            *(A) revising the best management practice*  
 25            *would substantially reduce the adverse effects on*

1           *navigable waters of the United States of dis-*  
2           *charges incidental to the normal operation of a*  
3           *commercial vessel; and*

4                   *(B) the revised best management practice*  
5           *would be economically achievable and operation-*  
6           *ally practicable.*

7           (2) *REQUIRED INFORMATION.*—*A petition sub-*  
8           *mitted to the Secretary under paragraph (1) shall in-*  
9           *clude—*

10                   *(A) the scientific and technical information*  
11           *on which the petition is based; and*

12                   *(B) any additional information the Sec-*  
13           *retary considers appropriate.*

14           (3) *PUBLIC AVAILABILITY.*—*Upon receiving a pe-*  
15           *tition under paragraph (1), the Secretary shall make*  
16           *publicly available a copy of the petition, including*  
17           *the information included under paragraph (2).*

18           (4) *TREATMENT OF MORE THAN ONE PETITION*  
19           *AS A SINGLE PETITION.*—*The Secretary may treat*  
20           *more than one petition submitted under paragraph*  
21           *(1) as a single petition.*

22           (5) *REVISION OF BEST MANAGEMENT PRAC-*  
23           *TICES.*—*If, after reviewing a petition submitted by a*  
24           *Governor under paragraph (1), the Secretary, in con-*  
25           *sultation with the Administrator, determines that re-*

1        *vising a best management practice would substan-*  
2        *tially reduce the adverse effects on navigable waters of*  
3        *the United States of discharges incidental to the nor-*  
4        *mal operation of a commercial vessel, and the revised*  
5        *best management practice would be economically*  
6        *achievable and operationally practicable, the Sec-*  
7        *retary, in consultation with the Administrator, may*  
8        *issue a rule to revise the best management practice es-*  
9        *tablished under subsection (a).*

10 **SEC. 809. JUDICIAL REVIEW.**

11        *(a) IN GENERAL.—A person may file a petition for*  
12        *review of a final rule issued under this title in the United*  
13        *States Court of Appeals for the District of Columbia Cir-*  
14        *cuit.*

15        *(b) DEADLINE.—*

16                *(1) IN GENERAL.—A petition shall be filed under*  
17        *this section not later than 120 days after the date on*  
18        *which the rule to be reviewed is published in the Fed-*  
19        *eral Register.*

20                *(2) EXCEPTION.—Notwithstanding paragraph*  
21        *(1), a petition that is based solely on grounds that*  
22        *arise after the deadline to file a petition under para-*  
23        *graph (1) has passed may be filed not later than 120*  
24        *days after the date on which such grounds first arise.*

1 **SEC. 810. STATE ENFORCEMENT.**

2       *The Secretary may enter into an agreement with the*  
3 *Governor of a State to authorize the State to enforce the*  
4 *provisions of this title, as the Secretary considers appro-*  
5 *priate.*

6 **SEC. 811. EFFECT ON STATE AUTHORITY.**

7       *(a) IN GENERAL.—Except as provided in subsection*  
8 *(b) and as necessary to implement an agreement entered*  
9 *into under section 810, no State or political subdivision*  
10 *thereof may adopt or enforce any statute, regulation, or*  
11 *other requirement of the State or political subdivision with*  
12 *respect to—*

13           *(1) a discharge into navigable waters of the*  
14 *United States from a commercial vessel of ballast*  
15 *water; or*

16           *(2) a discharge incidental to the normal oper-*  
17 *ation of a commercial vessel.*

18       *(b) PRESERVATION OF AUTHORITY.—Nothing in this*  
19 *title may be construed as affecting the authority of a State*  
20 *or political subdivision thereof to adopt or enforce any stat-*  
21 *ute, regulation, or other requirement with respect to any*  
22 *water or other substance discharged or emitted from a vessel*  
23 *in preparation for transport of the vessel by land from one*  
24 *body of water to another body of water.*

1 **SEC. 812. EFFECT ON OTHER LAWS.**

2 (a) *APPLICATION OF FEDERAL WATER POLLUTION*  
3 *CONTROL ACT.*—

4 (1) *IN GENERAL.*—*Except as provided in section*  
5 *808(b), on or after the date of enactment of this Act,*  
6 *the Federal Water Pollution Control Act (33 U.S.C.*  
7 *1251 et seq.) shall not apply to a discharge into navi-*  
8 *gable waters of the United States of ballast water*  
9 *from a commercial vessel or a discharge incidental to*  
10 *the normal operation of a commercial vessel.*

11 (2) *OIL AND HAZARDOUS SUBSTANCE LIABILITY;*  
12 *MARINE SANITATION DEVICES.*—*Nothing in this title*  
13 *may be construed as affecting the application to a*  
14 *commercial vessel of section 311 or 312 of the Federal*  
15 *Water Pollution Control Act (33 U.S.C. 1321 and*  
16 *1322).*

17 (b) *ESTABLISHED REGIMES.*—*Notwithstanding any*  
18 *other provision of this title, nothing in this title may be*  
19 *construed as affecting the authority of the Federal Govern-*  
20 *ment under—*

21 (1) *the Act to Prevent Pollution from Ships (33*  
22 *U.S.C. 1901 et seq.) with respect to the regulation by*  
23 *the Federal Government of any discharge or emission*  
24 *that, on or after the date of enactment of this Act, is*  
25 *covered under the International Convention for the*

1       *Prevention of Pollution from Ships, 1973, as modified*  
2       *by the Protocol of 1978; and*

3               (2) *title X of the Coast Guard Authorization Act*  
4       *of 2010 (33 U.S.C. 3801 et seq.) with respect to the*  
5       *regulation by the Federal Government of any anti-*  
6       *fouling system that, on or after the date of enactment*  
7       *of this Act, is covered under the International Con-*  
8       *vention on the Control of Harmful Anti-fouling Sys-*  
9       *tems on Ships, done at London October 5, 2001.*

10       (c) *INTERNATIONAL LAW.—*

11               (1) *IN GENERAL.—Any action taken under this*  
12       *title shall be taken in accordance with international*  
13       *law.*

14               (2) *STANDARDS.—Nothing in this title may be*  
15       *construed to impose any design, equipment, or oper-*  
16       *ation standard on a commercial vessel not docu-*  
17       *mented under the laws of the United States and en-*  
18       *gaged in innocent passage unless the standard imple-*  
19       *ments a generally accepted international rule, as de-*  
20       *termined by the Secretary.*

21       (d) *OTHER AUTHORITIES.—Nothing in this title may*  
22       *be construed as affecting the authority of the Secretary of*  
23       *Commerce or the Secretary of the Interior, as the case may*  
24       *be, to administer lands or waters under such Secretary's*  
25       *administrative control.*



1       (e) *CONFORMING AMENDMENTS.—The Nonindigenous*  
 2 *Aquatic Nuisance Prevention and Control Act of 1990 (16*  
 3 *U.S.C. 4701 et seq.) is amended—*

4           (1) *in section 1101(c)(2) (16 U.S.C.*  
 5 *4711(c)(2))—*

6               (A) *in subparagraph (K), by striking “;*  
 7 *and” and inserting a period; and*

8               (B) *by striking subparagraph (L); and*

9           (2) *in section 1205 (16 U.S.C. 4725), by adding*  
 10 *at the end the following: “Ballast water and dis-*  
 11 *charges incidental to the normal operation of a com-*  
 12 *mercial vessel (as such terms are defined in the Vessel*  
 13 *Incidental Discharge Act) shall be regulated pursuant*  
 14 *to such Act.”.*

15 **TITLE IX—NATIONAL OCEANIC**  
 16 **AND ATMOSPHERIC ADMINIS-**  
 17 **TRATION COMMISSIONED OF-**  
 18 **FICER CORPS AMENDMENTS**  
 19 **AND HYDROGRAPHIC SERV-**  
 20 **ICES IMPROVEMENT ACT RE-**  
 21 **AUTHORIZATION AND AMEND-**  
 22 **MENTS ACT OF 2017**

23 **SEC. 901. SHORT TITLE.**

24       *This title may be cited as the “National Oceanic and*  
 25 *Atmospheric Administration Commissioned Officer Corps*

1 *Amendments and Hydrographic Services Improvement Act*  
 2 *Reauthorization and Amendments Act of 2017”.*

3 **SEC. 902. REFERENCES TO NATIONAL OCEANIC AND ATMOS-**  
 4 **PHERIC ADMINISTRATION COMMISSIONED**  
 5 **OFFICER CORPS ACT OF 2002.**

6 *Except as otherwise expressly provided, whenever in*  
 7 *this title an amendment or repeal is expressed in terms of*  
 8 *an amendment to, or repeal of, a section or other provision,*  
 9 *the reference shall be considered to be made to a section or*  
 10 *other provision of the National Oceanic and Atmospheric*  
 11 *Administration Commissioned Officer Corps Act of 2002*  
 12 *(33 U.S.C. 3001 et seq.).*

13 ***Subtitle A—General Provisions***

14 **SEC. 911. STRENGTH AND DISTRIBUTION IN GRADE.**

15 *Section 214 (33 U.S.C. 3004) is amended to read as*  
 16 *follows:*

17 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

18 *“(a) GRADES.—The commissioned grades in the com-*  
 19 *missioned officer corps of the Administration are the fol-*  
 20 *lowing, in relative rank with officers of the Navy:*

21 *“(1) Vice admiral.*

22 *“(2) Rear admiral.*

23 *“(3) Rear admiral (lower half).*

24 *“(4) Captain.*

25 *“(5) Commander.*

1           “(6) *Lieutenant commander.*

2           “(7) *Lieutenant.*

3           “(8) *Lieutenant (junior grade).*

4           “(9) *Ensign.*

5           “(b) *GRADE DISTRIBUTION.—The Secretary shall pre-*  
6 *scribe, with respect to the distribution on the lineal list in*  
7 *grade, the percentages applicable to the grades set forth in*  
8 *subsection (a).*

9           “(c) *ANNUAL COMPUTATION OF NUMBER IN GRADE.—*

10           “(1) *IN GENERAL.—Not less frequently than once*  
11 *each year, the Secretary shall make a computation to*  
12 *determine the number of officers on the lineal list au-*  
13 *thorized to be serving in each grade.*

14           “(2) *METHOD OF COMPUTATION.—The number*  
15 *in each grade shall be computed by applying the ap-*  
16 *plicable percentage to the total number of such officers*  
17 *serving on active duty on the date the computation is*  
18 *made.*

19           “(3) *FRACTIONS.—If a final fraction occurs in*  
20 *computing the authorized number of officers in a*  
21 *grade, the nearest whole number shall be taken. If the*  
22 *fraction is  $\frac{1}{2}$ , the next higher whole number shall be*  
23 *taken.*

24           “(d) *TEMPORARY INCREASE IN NUMBERS.—The total*  
25 *number of officers authorized by law to be on the lineal list*

1 *during a fiscal year may be temporarily exceeded if the av-*  
 2 *erage number on that list during that fiscal year does not*  
 3 *exceed the authorized number.*

4       “(e) *POSITIONS OF IMPORTANCE AND RESPONSI-*  
 5 *BILITY.—Officers serving in positions designated under sec-*  
 6 *tion 228(a) and officers recalled from retired status shall*  
 7 *not be counted when computing authorized strengths under*  
 8 *subsection (c) and shall not count against those strengths.*

9       “(f) *PRESERVATION OF GRADE AND PAY.—No officer*  
 10 *may be reduced in grade or pay or separated from the com-*  
 11 *missioned officer corps of the Administration as the result*  
 12 *of a computation made to determine the authorized number*  
 13 *of officers in the various grades.”.*

14 **SEC. 912. RECALLED OFFICERS.**

15       *Section 215 (33 U.S.C. 3005) is amended—*

16           (1) *in the matter before paragraph (1), by strik-*  
 17 *ing “Effective” and inserting the following:*

18           “(a) *IN GENERAL.—Effective*”; and

19           (2) *by adding at the end the following new sub-*  
 20 *section:*

21       “(b) *POSITIONS OF IMPORTANCE AND RESPONSI-*  
 22 *BILITY.—Officers serving in positions designated under sec-*  
 23 *tion 228 and officers recalled from retired status or detailed*  
 24 *to an agency other than the Administration—*

1           “(1) may not be counted in determining the total  
2           number of authorized officers on the lineal list under  
3           this section; and

4           “(2) may not count against such number.”.

5 **SEC. 913. OBLIGATED SERVICE REQUIREMENT.**

6           (a) *IN GENERAL.*—Subtitle A (33 U.S.C. 3001 et seq.)  
7 is amended by adding at the end the following:

8 **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

9           “(a) *IN GENERAL.*—

10           “(1) *RULEMAKING.*—The Secretary shall pre-  
11 scribe the obligated service requirements for appoint-  
12 ments, training, promotions, separations, continu-  
13 ations, and retirement of officers not otherwise cov-  
14 ered by law.

15           “(2) *WRITTEN AGREEMENTS.*—The Secretary  
16 and officers shall enter into written agreements that  
17 describe the officers’ obligated service requirements  
18 prescribed under paragraph (1) in return for such ap-  
19 pointments, training, promotions, separations, and  
20 retirements as the Secretary considers appropriate.

21           “(b) *REPAYMENT FOR FAILURE TO SATISFY REQUIRE-*  
22 *MENTS.*—

23           “(1) *IN GENERAL.*—The Secretary may require  
24 an officer who fails to meet the service requirements  
25 prescribed under subsection (a)(1) to reimburse the

1        *Secretary in an amount that bears the same ratio to*  
2        *the total costs of the training provided to that officer*  
3        *by the Secretary as the unserved portion of active*  
4        *duty bears to the total period of active duty the officer*  
5        *agreed to serve.*

6                *“(2) OBLIGATION AS DEBT TO UNITED STATES.—*  
7        *An obligation to reimburse the Secretary under para-*  
8        *graph (1) shall be considered for all purposes as a*  
9        *debt owed to the United States.*

10                *“(3) DISCHARGE IN BANKRUPTCY.—A discharge*  
11        *in bankruptcy under title 11 that is entered less than*  
12        *5 years after the termination of a written agreement*  
13        *entered into under subsection (a)(2) does not dis-*  
14        *charge the individual signing the agreement from a*  
15        *debt arising under such agreement.*

16                *“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The*  
17        *Secretary may waive the service obligation of an officer*  
18        *who—*

19                *“(1) becomes unqualified to serve on active duty*  
20        *in the commissioned officer corps of the Administra-*  
21        *tion because of a circumstance not within the control*  
22        *of that officer; or*

23                *“(2) is—*

24                *“(A) not physically qualified for appoint-*  
25        *ment; and*

1           “(B) determined to be unqualified for serv-  
 2           ice in the commissioned officer corps of the Ad-  
 3           ministration because of a physical or medical  
 4           condition that was not the result of the officer’s  
 5           own misconduct or grossly negligent conduct.”.

6           (b) *CLERICAL AMENDMENT.*—The table of sections in  
 7           section 1 of the Act entitled “An Act to authorize the Hydro-  
 8           graphic Services Improvement Act of 1998, and for other  
 9           purposes” (Public Law 107–372) is amended by inserting  
 10          after the item relating to section 215 the following:

          “Sec. 216. Obligated service requirement.”.

11       **SEC. 914. TRAINING AND PHYSICAL FITNESS.**

12           (a) *IN GENERAL.*—Subtitle A (33 U.S.C. 3001 et seq.),  
 13           as amended by section 913(a), is further amended by add-  
 14           ing at the end the following:

15       **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

16           “(a) *TRAINING.*—The Secretary may take such meas-  
 17           ures as may be necessary to ensure that officers are pre-  
 18           pared to carry out their duties in the commissioned officer  
 19           corps of the Administration and proficient in the skills nec-  
 20           essary to carry out such duties. Such measures may include  
 21           the following:

22                   “(1) Carrying out training programs and cor-  
 23                   respondence courses, including establishing and oper-  
 24                   ating a basic officer training program to provide ini-  
 25                   tial indoctrination and maritime vocational training

1       *for officer candidates as well as refresher training,*  
2       *mid-career training, aviation training, and such*  
3       *other training as the Secretary considers necessary for*  
4       *officer development and proficiency.*

5               “(2) *Providing officers and officer candidates*  
6       *with books and school supplies.*

7               “(3) *Acquiring such equipment as may be nec-*  
8       *essary for training and instructional purposes.*

9               “(b) *PHYSICAL FITNESS.—The Secretary shall ensure*  
10       *that officers maintain a high physical state of readiness by*  
11       *establishing standards of physical fitness for officers that*  
12       *are substantially equivalent to those prescribed for officers*  
13       *in the Coast Guard.”.*

14              “(b) *CLERICAL AMENDMENT.—The table of sections in*  
15       *section 1 of the Act entitled “An Act to authorize the Hydro-*  
16       *graphic Services Improvement Act of 1998, and for other*  
17       *purposes” (Public Law 107–372), as amended by section*  
18       *913(b), is further amended by inserting after the item relat-*  
19       *ing to section 216 the following:*

*“Sec. 217. Training and physical fitness.”.*

20       **SEC. 915. RECRUITING MATERIALS.**

21              “(a) *IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.),*  
22       *as amended by section 914(a), is further amended by add-*  
23       *ing at the end the following:*



1 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RE-**  
 2 **LATIONS.**

3 *“The Secretary may use for public relations purposes*  
 4 *of the Department of Commerce any advertising materials*  
 5 *developed for use for recruitment and retention of personnel*  
 6 *for the commissioned officer corps of the Administration.*  
 7 *Any such use shall be under such conditions and subject*  
 8 *to such restrictions as the Secretary shall prescribe.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections in*  
 10 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 11 *graphic Services Improvement Act of 1998, and for other*  
 12 *purposes” (Public Law 107–372), as amended by section*  
 13 *914(b), is further amended by inserting after the item relat-*  
 14 *ing to section 217 the following:*

*“Sec. 218. Use of recruiting materials for public relations.”.*

15 **SEC. 916. TECHNICAL CORRECTION.**

16 *Section 101(21)(C) of title 38, United States Code, is*  
 17 *amended by inserting “in the commissioned officer corps”*  
 18 *before “of the National”.*

19 ***Subtitle B—Parity and Recruitment***

20 **SEC. 921. EDUCATION LOANS.**

21 (a) *IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.)*  
 22 *is amended by adding at the end the following:*

23 **“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

24 *“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For*  
 25 *the purpose of maintaining adequate numbers of officers of*

1 *the commissioned officer corps of the Administration on ac-*  
 2 *tive duty who have skills required by the commissioned offi-*  
 3 *cer corps, the Secretary may repay, in the case of a person*  
 4 *described in subsection (b), a loan that—*

5           “(1) *was used by the person to finance edu-*  
 6 *cation; and*

7           “(2) *was obtained from a governmental entity,*  
 8 *private financial institution, educational institution,*  
 9 *or other authorized entity.*

10          “(b) *ELIGIBLE PERSONS.—To be eligible to obtain a*  
 11 *loan repayment under this section, a person must—*

12           “(1) *satisfy 1 of the requirements specified in*  
 13 *subsection (c);*

14           “(2) *be fully qualified for, or hold, an appoint-*  
 15 *ment as a commissioned officer in the commissioned*  
 16 *officer corps of the Administration; and*

17           “(3) *sign a written agreement to serve on active*  
 18 *duty, or, if on active duty, to remain on active duty*  
 19 *for a period in addition to any other incurred active*  
 20 *duty obligation.*

21          “(c) *ACADEMIC AND PROFESSIONAL REQUIRE-*  
 22 *MENTS.—One of the following academic requirements must*  
 23 *be satisfied for purposes of determining the eligibility of an*  
 24 *individual for a loan repayment under this section:*

1           “(1) *The person is fully qualified in a profession*  
2           *that the Secretary has determined to be necessary to*  
3           *meet identified skill shortages in the commissioned of-*  
4           *ficer corps.*

5           “(2) *The person is enrolled as a full-time student*  
6           *in the final year of a course of study at an accredited*  
7           *educational institution (as determined by the Sec-*  
8           *retary of Education) leading to a degree in a profes-*  
9           *sion that will meet identified skill shortages in the*  
10          *commissioned officer corps.*

11          “(d) *LOAN REPAYMENTS.—*

12           “(1) *IN GENERAL.—Subject to the limits estab-*  
13          *lished under paragraph (2), a loan repayment under*  
14          *this section may consist of the payment of the prin-*  
15          *cipal, interest, and related expenses of a loan obtained*  
16          *by a person described in subsection (b).*

17           “(2) *LIMITATION ON AMOUNT.—For each year of*  
18          *obligated service that a person agrees to serve in an*  
19          *agreement described in subsection (b)(3), the Sec-*  
20          *retary may pay not more than the amount specified*  
21          *in section 2173(e)(2) of title 10, United States Code.*

22          “(e) *ACTIVE DUTY SERVICE OBLIGATION.—*

23           “(1) *IN GENERAL.—A person entering into an*  
24          *agreement described in subsection (b)(3) incurs an ac-*  
25          *tive duty service obligation.*

1           “(2) *LENGTH OF OBLIGATION DETERMINED*  
2           *UNDER REGULATIONS.*—

3           “(A) *IN GENERAL.*—*Except as provided in*  
4           *subparagraph (B), the length of the obligation*  
5           *under paragraph (1) shall be determined under*  
6           *regulations prescribed by the Secretary.*

7           “(B) *MINIMUM OBLIGATION.*—*The regula-*  
8           *tions prescribed under subparagraph (A) may*  
9           *not provide for a period of obligation of less than*  
10          *1 year for each maximum annual amount, or*  
11          *portion thereof, paid on behalf of the person for*  
12          *qualified loans.*

13          “(3) *PERSONS ON ACTIVE DUTY BEFORE ENTER-*  
14          *ING INTO AGREEMENT.*—*The active duty service obli-*  
15          *gation of persons on active duty before entering into*  
16          *the agreement shall be served after the conclusion of*  
17          *any other obligation incurred under the agreement.*

18          “(f) *EFFECT OF FAILURE TO COMPLETE OBLIGA-*  
19          *TION.*—

20          “(1) *ALTERNATIVE OBLIGATIONS.*—*An officer*  
21          *who is relieved of the officer’s active duty obligation*  
22          *under this section before the completion of that obliga-*  
23          *tion may be given any alternative obligation, at the*  
24          *discretion of the Secretary.*

1           “(2) *REPAYMENT.*—An officer who does not com-  
2           plete the period of active duty specified in the agree-  
3           ment entered into under subsection (b)(3), or the al-  
4           ternative obligation imposed under paragraph (1),  
5           shall be subject to the repayment provisions under sec-  
6           tion 216.

7           “(g) *RULEMAKING.*—The Secretary shall prescribe reg-  
8           ulations to carry out this section, including—

9                   “(1) standards for qualified loans and authorized  
10                  payees; and

11                   “(2) other terms and conditions for the making  
12                  of loan repayments.”.

13           (b) *CLERICAL AMENDMENT.*—The table of sections in  
14           section 1 of the Act entitled “An Act to authorize the Hydro-  
15           graphic Services Improvement Act of 1998, and for other  
16           purposes” (Public Law 107–372) is amended by inserting  
17           after the item relating to section 266 the following:

          “Sec. 267. *Education loan repayment program.*”.

18   **SEC. 922. INTEREST PAYMENTS.**

19           (a) *IN GENERAL.*—Subtitle E (33 U.S.C. 3071 et seq.),  
20           as amended by section 921(a), is further amended by add-  
21           ing at the end the following:

22   **“SEC. 268. INTEREST PAYMENT PROGRAM.**

23           “(a) *AUTHORITY.*—The Secretary may pay the interest  
24           and any special allowances that accrue on 1 or more stu-

1 *dent loans of an eligible officer, in accordance with this sec-*  
2 *tion.*

3 “(b) *ELIGIBLE OFFICERS.*—*An officer is eligible for*  
4 *the benefit described in subsection (a) while the officer—*

5 “(1) *is serving on active duty;*

6 “(2) *has not completed more than 3 years of*  
7 *service on active duty;*

8 “(3) *is the debtor on 1 or more unpaid loans de-*  
9 *scribed in subsection (c); and*

10 “(4) *is not in default on any such loan.*

11 “(c) *STUDENT LOANS.*—*The authority to make pay-*  
12 *ments under subsection (a) may be exercised with respect*  
13 *to the following loans:*

14 “(1) *A loan made, insured, or guaranteed under*  
15 *part B of title IV of the Higher Education Act of*  
16 *1965 (20 U.S.C. 1071 et seq.).*

17 “(2) *A loan made under part D of such title (20*  
18 *U.S.C. 1087a et seq.).*

19 “(3) *A loan made under part E of such title (20*  
20 *U.S.C. 1087aa et seq.).*

21 “(d) *MAXIMUM BENEFIT.*—*Interest and any special*  
22 *allowance may be paid on behalf of an officer under this*  
23 *section for any of the 36 consecutive months during which*  
24 *the officer is eligible under subsection (b).*

1       “(e) *FUNDS FOR PAYMENTS.*—*The Secretary may use*  
2 *amounts appropriated for the pay and allowances of per-*  
3 *sonnel of the commissioned officer corps of the Administra-*  
4 *tion for payments under this section.*

5       “(f) *COORDINATION WITH SECRETARY OF EDU-*  
6 *CATION.*—

7             “(1) *IN GENERAL.*—*The Secretary shall consult*  
8 *with the Secretary of Education regarding the admin-*  
9 *istration of this section.*

10            “(2) *TRANSFER OF FUNDS.*—*The Secretary shall*  
11 *transfer to the Secretary of Education the funds nec-*  
12 *essary—*

13                    “(A) *to pay interest and special allowances*  
14 *on student loans under this section (in accord-*  
15 *ance with sections 428(o), 455(l), and 464(j) of*  
16 *the Higher Education Act of 1965 (20 U.S.C.*  
17 *1078(o), 1087e(l), and 1087dd(j)); and*

18                    “(B) *to reimburse the Secretary of Edu-*  
19 *cation for any reasonable administrative costs*  
20 *incurred by the Secretary in coordinating the*  
21 *program under this section with the administra-*  
22 *tion of the student loan programs under parts B,*  
23 *D, and E of title IV of the Higher Education Act*  
24 *of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,*  
25 *1087aa et seq.).*

1       “(g) *SPECIAL ALLOWANCE DEFINED.*—*In this section,*  
2 *the term ‘special allowance’ means a special allowance that*  
3 *is payable under section 438 of the Higher Education Act*  
4 *of 1965 (20 U.S.C. 1087–1).”.*

5       (b) *CONFORMING AMENDMENTS.*—

6           (1) *Section 428(o) of the Higher Education Act*  
7 *of 1965 (20 U.S.C. 1078(o)) is amended—*

8               (A) *by striking the subsection heading and*  
9 *inserting “ARMED FORCES AND NOAA COMMIS-*  
10 *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
11 *EST PAYMENT PROGRAMS”;* *and*

12               (B) *in paragraph (1)—*

13                   (i) *by inserting “or section 268 of the*  
14 *National Oceanic and Atmospheric Admin-*  
15 *istration Commissioned Officer Corps Act of*  
16 *2002” after “Code,”;* *and*

17                   (ii) *by inserting “or an officer in the*  
18 *commissioned officer corps of the National*  
19 *Oceanic and Atmospheric Administration,*  
20 *respectively,” after “Armed Forces”.*

21           (2) *Sections 455(l) and 464(j) of the Higher*  
22 *Education Act of 1965 (20 U.S.C. 1087e(l) and*  
23 *1087dd(j)) are each amended—*

24               (A) *by striking the subsection heading and*  
25 *inserting “ARMED FORCES AND NOAA COMMIS-*



1           *SIGNED OFFICER CORPS STUDENT LOAN INTER-*  
 2           *EST PAYMENT PROGRAMS*”; and

3           *(B) in paragraph (1)—*

4                     *(i) by inserting “or section 268 of the*  
 5                     *National Oceanic and Atmospheric Admin-*  
 6                     *istration Commissioned Officer Corps Act of*  
 7                     *2002” after “Code,”; and*

8                     *(ii) by inserting “or an officer in the*  
 9                     *commissioned officer corps of the National*  
 10                    *Oceanic and Atmospheric Administration,*  
 11                    *respectively” after “Armed Forces”.*

12           *(c) CLERICAL AMENDMENT.—The table of sections in*  
 13           *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 14           *graphic Services Improvement Act of 1998, and for other*  
 15           *purposes” (Public Law 107–372), as amended by section*  
 16           *921(b), is further amended by inserting after the item relat-*  
 17           *ing to section 267 the following:*

*“Sec. 268. Interest payment program.”.*

18           **SEC. 923. STUDENT PRE-COMMISSIONING PROGRAM.**

19           *(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.),*  
 20           *as amended by section 922(a), is further amended by add-*  
 21           *ing at the end the following:*

22           **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 23                            **SISTANCE PROGRAM.**

24           *“(a) AUTHORITY TO PROVIDE FINANCIAL ASSIST-*  
 25           *ANCE.—For the purpose of maintaining adequate numbers*

1 *of officers of the commissioned officer corps of the Adminis-*  
2 *tration on active duty, the Secretary may provide financial*  
3 *assistance to a person described in subsection (b) for ex-*  
4 *penses of the person while the person is pursuing on a full-*  
5 *time basis at an accredited educational institution (as de-*  
6 *termined by the Secretary of Education) a program of edu-*  
7 *cation approved by the Secretary that leads to—*

8           “(1) *a baccalaureate degree in not more than 5*  
9           *academic years; or*

10           “(2) *a postbaccalaureate degree.*

11           “(b) *ELIGIBLE PERSONS.—*

12           “(1) *IN GENERAL.—A person is eligible to obtain*  
13 *financial assistance under subsection (a) if the per-*  
14 *son—*

15           “(A) *is enrolled on a full-time basis in a*  
16 *program of education referred to in subsection*  
17 *(a) at any educational institution described in*  
18 *such subsection;*

19           “(B) *meets all of the requirements for ac-*  
20 *ceptance into the commissioned officer corps of*  
21 *the Administration except for the completion of*  
22 *a baccalaureate degree; and*

23           “(C) *enters into a written agreement with*  
24 *the Secretary described in paragraph (2).*

1           “(2) *AGREEMENT.*—*A written agreement referred*  
2           *to in paragraph (1)(C) is an agreement between the*  
3           *person and the Secretary in which the person—*

4                     “(A) *agrees to accept an appointment as an*  
5                     *officer, if tendered; and*

6                     “(B) *upon completion of the person’s edu-*  
7                     *cational program, agrees to serve on active duty,*  
8                     *immediately after appointment, for—*

9                             “(i) *up to 3 years if the person re-*  
10                            *ceived less than 3 years of assistance; and*

11                           “(ii) *up to 5 years if the person re-*  
12                            *ceived at least 3 years of assistance.*

13           “(c) *QUALIFYING EXPENSES.*—*Expenses for which fi-*  
14           *nancial assistance may be provided under subsection (a)*  
15           *are the following:*

16                     “(1) *Tuition and fees charged by the educational*  
17                     *institution involved.*

18                     “(2) *The cost of books.*

19                     “(3) *In the case of a program of education lead-*  
20                     *ing to a baccalaureate degree, laboratory expenses.*

21                     “(4) *Such other expenses as the Secretary con-*  
22                     *siders appropriate.*

23           “(d) *LIMITATION ON AMOUNT.*—*The Secretary shall*  
24           *prescribe the amount of financial assistance provided to a*  
25           *person under subsection (a), which may not exceed the*

1 amount specified in section 2173(e)(2) of title 10, United  
2 States Code, for each year of obligated service that a person  
3 agrees to serve in an agreement described in subsection  
4 (b)(2).

5 “(e) *DURATION OF ASSISTANCE.*—*Financial assist-*  
6 *ance may be provided to a person under subsection (a) for*  
7 *not more than 5 consecutive academic years.*

8 “(f) *SUBSISTENCE ALLOWANCE.*—

9 “(1) *IN GENERAL.*—*A person who receives finan-*  
10 *cial assistance under subsection (a) shall be entitled*  
11 *to a monthly subsistence allowance at a rate pre-*  
12 *scribed under paragraph (2) for the duration of the*  
13 *period for which the person receives such financial as-*  
14 *sistance.*

15 “(2) *DETERMINATION OF AMOUNT.*—*The Sec-*  
16 *retary shall prescribe monthly rates for subsistence al-*  
17 *lowance provided under paragraph (1), which shall be*  
18 *equal to the amount specified in section 2144(a) of*  
19 *title 10, United States Code.*

20 “(g) *INITIAL CLOTHING ALLOWANCE.*—

21 “(1) *TRAINING.*—*The Secretary may prescribe a*  
22 *sum which shall be credited to each person who re-*  
23 *ceives financial assistance under subsection (a) to*  
24 *cover the cost of the person’s initial clothing and*  
25 *equipment issue.*

1           “(2) *APPOINTMENT.*—Upon completion of the  
2           program of education for which a person receives fi-  
3           nancial assistance under subsection (a) and accept-  
4           ance of appointment in the commissioned officer corps  
5           of the Administration, the person may be issued a  
6           subsequent clothing allowance equivalent to that nor-  
7           mally provided to a newly appointed officer.

8           “(h) *TERMINATION OF FINANCIAL ASSISTANCE.*—

9           “(1) *IN GENERAL.*—The Secretary shall termi-  
10          nate the assistance provided to a person under this  
11          section if—

12                 “(A) the Secretary accepts a request by the  
13                 person to be released from an agreement de-  
14                 scribed in subsection (b)(2);

15                 “(B) the misconduct of the person results in  
16                 a failure to complete the period of active duty re-  
17                 quired under the agreement; or

18                 “(C) the person fails to fulfill any term or  
19                 condition of the agreement.

20          “(2) *REIMBURSEMENT.*—The Secretary may re-  
21          quire a person who receives assistance described in  
22          subsection (c), (f), or (g) under an agreement entered  
23          into under subsection (b)(1)(C) to reimburse the Sec-  
24          retary in an amount that bears the same ratio to the  
25          total costs of the assistance provided to that person as

1        *the unserved portion of active duty bears to the total*  
2        *period of active duty the officer agreed to serve under*  
3        *the agreement.*

4            “(3) *WAIVER.—The Secretary may waive the*  
5        *service obligation of a person through an agreement*  
6        *entered into under subsection (b)(1)(C) if the per-*  
7        *son—*

8            *“(A) becomes unqualified to serve on active*  
9        *duty in the commissioned officer corps of the Ad-*  
10       *ministration because of a circumstance not with-*  
11       *in the control of that person; or*

12           *“(B) is—*

13           *“(i) not physically qualified for ap-*  
14        *pointment; and*

15           *“(ii) determined to be unqualified for*  
16        *service in the commissioned officer corps of*  
17        *the Administration because of a physical or*  
18        *medical condition that was not the result of*  
19        *the person’s own misconduct or grossly neg-*  
20        *ligent conduct.*

21           “(4) *OBLIGATION AS DEBT TO UNITED STATES.—*  
22        *An obligation to reimburse the Secretary imposed*  
23        *under paragraph (2) is, for all purposes, a debt owed*  
24        *to the United States.*

1           “(5) *DISCHARGE IN BANKRUPTCY.*—A discharge  
 2           in bankruptcy under title 11, United States Code,  
 3           that is entered less than 5 years after the termination  
 4           of a written agreement entered into under subsection  
 5           (b)(1)(C) does not discharge the person signing the  
 6           agreement from a debt arising under such agreement  
 7           or under paragraph (2).

8           “(i) *REGULATIONS.*—The Secretary may promulgate  
 9           such regulations and orders as the Secretary considers ap-  
 10          propriate to carry out this section.”.

11          (b) *CLERICAL AMENDMENT.*—The table of sections in  
 12          section 1 of the Act entitled “An Act to authorize the Hydro-  
 13          graphic Services Improvement Act of 1998, and for other  
 14          purposes” (Public Law 107–372), as amended by section  
 15          922(c), is further amended by inserting after the item relat-  
 16          ing to section 268 the following:

          “Sec. 269. Student pre-commissioning education assistance program.”.

17          **SEC. 924. LIMITATION ON EDUCATIONAL ASSISTANCE.**

18          (a) *IN GENERAL.*—Each fiscal year, beginning with  
 19          the fiscal year in which this Act is enacted, the Secretary  
 20          of Commerce shall ensure that the total amount expended  
 21          by the Secretary under section 267 of the National Oceanic  
 22          and Atmospheric Administration Commissioned Officer  
 23          Corps Act of 2002 (as added by section 921(a)), section 268  
 24          of such Act (as added by section 922(a)), and section 269

1 of such Act (as added by section 923(a)) does not exceed  
2 the amount by which—

3 (1) the total amount the Secretary would pay in  
4 that fiscal year to officer candidates under section  
5 203(f)(1) of title 37, United States Code (as added by  
6 section 946(d)), if such section entitled officer can-  
7 didates to pay at monthly rates equal to the basic pay  
8 of a commissioned officer in the pay grade O-1 with  
9 less than 2 years of service; exceeds

10 (2) the total amount the Secretary actually pays  
11 in that fiscal year to officer candidates under section  
12 203(f)(1) of such title (as so added).

13 (b) *OFFICER CANDIDATE DEFINED.*—In this section,  
14 the term “officer candidate” has the meaning given the term  
15 in section 212 of the National Oceanic and Atmospheric  
16 Administration Commissioned Officer Corps Act of 2002  
17 (33 U.S.C. 3002), as added by section 946(c).

18 **SEC. 925. APPLICABILITY OF CERTAIN PROVISIONS OF**  
19 **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
20 **SION OF CERTAIN AUTHORITIES APPLICABLE**  
21 **TO MEMBERS OF THE ARMED FORCES TO**  
22 **COMMISSIONED OFFICER CORPS.**

23 (a) *APPLICABILITY OF CERTAIN PROVISIONS OF TITLE*  
24 *10.*—Section 261(a) (33 U.S.C. 3071(a)) is amended—



1           (1) by redesignating paragraphs (13) through  
2           (16) as paragraphs (22) through (25), respectively;

3           (2) by redesignating paragraphs (7) through (12)  
4           as paragraphs (14) through (19), respectively;

5           (3) by redesignating paragraphs (4) through (6)  
6           as paragraphs (8) through (10), respectively;

7           (4) by inserting after paragraph (3) the fol-  
8           lowing:

9           “(4) Section 771, relating to unauthorized wear-  
10          ing of uniforms.

11          “(5) Section 774, relating to wearing religious  
12          apparel while in uniform.

13          “(6) Section 982, relating to service on State  
14          and local juries.

15          “(7) Section 1031, relating to administration of  
16          oaths.”;

17          (5) by inserting after paragraph (10), as redesign-  
18          ated, the following:

19          “(11) Section 1074n, relating to annual mental  
20          health assessments.

21          “(12) Section 1090a, relating to referrals for  
22          mental health evaluations.

23          “(13) Chapter 58, relating to the Benefits and  
24          Services for members being separated or recently sep-  
25          arated.”; and

1           (6) by inserting after paragraph (19), as redesignated, the following:

3           “(20) Subchapter I of chapter 88, relating to  
4           *Military Family Programs*.

5           “(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

8           (b) *EXTENSION OF CERTAIN AUTHORITIES*.—

9           (1) *NOTARIAL SERVICES*.—Section 1044a of title  
10          10, *United States Code*, is amended—

11           (A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

12           (B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting  
13           “uniformed services”.

14           (2) *ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES*.—Section 1588 of such title is amended—

15           (A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

16           (B) by adding at the end the following new subsection:

17           “(g) *SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA*

1 *CORPS AND THEIR FAMILIES.*—*For purposes of the accept-*  
 2 *ance of services described in subsection (a)(3), the term ‘Sec-*  
 3 *retary concerned’ in subsection (a) shall include the Sec-*  
 4 *retary of Commerce with respect to members of the commis-*  
 5 *sioned officer corps of the National Oceanic and Atmos-*  
 6 *pheric Administration.’.*

7 (3) *CAPSTONE COURSE FOR NEWLY SELECTED*  
 8 *FLAG OFFICERS.*—*Section 2153 of such title is*  
 9 *amended—*

10 (A) *in subsection (a)—*

11 (i) *by inserting “or the commissioned*  
 12 *officer corps of the National Oceanic and*  
 13 *Atmospheric Administration” after “in the*  
 14 *case of the Navy”; and*

15 (ii) *by striking “other armed forces”*  
 16 *and inserting “other uniformed services”;*  
 17 *and*

18 (B) *in subsection (b)(1), in the matter be-*  
 19 *fore subparagraph (A), by inserting “or the Sec-*  
 20 *retary of Commerce, as applicable,” after “the*  
 21 *Secretary of Defense”.*

22 **SEC. 926. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 23 **TITLE 37, UNITED STATES CODE.**

24 (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.)*  
 25 *is amended by inserting after section 261 the following:*

1 **“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF**  
2 **TITLE 37, UNITED STATES CODE.**

3 *“(a) PROVISIONS MADE APPLICABLE TO COMMIS-*  
4 *SIONED OFFICER CORPS.—The provisions of law applicable*  
5 *to the Armed Forces under the following provisions of title*  
6 *37, United States Code, shall apply to the commissioned*  
7 *officer corps of the Administration:*

8 *“(1) Section 324, relating to accession bonuses*  
9 *for new officers in critical skills.*

10 *“(2) Section 403(f)(3), relating to prescribing*  
11 *regulations defining the terms ‘field duty’ and ‘sea*  
12 *duty’.*

13 *“(3) Section 403(l), relating to temporary con-*  
14 *tinuation of housing allowance for dependents of*  
15 *members dying on active duty.*

16 *“(4) Section 488, relating to allowances for re-*  
17 *cruiting expenses.*

18 *“(5) Section 495, relating to allowances for fu-*  
19 *neral honors duty.*

20 *“(b) REFERENCES.—The authority vested by title 37,*  
21 *United States Code, in the ‘military departments’, ‘the Sec-*  
22 *retary concerned’, or ‘the Secretary of Defense’ with respect*  
23 *to the provisions of law referred to in subsection (a) shall*  
24 *be exercised, with respect to the commissioned officer corps*  
25 *of the Administration, by the Secretary of Commerce or the*  
26 *Secretary’s designee.”.*

1       (b) *PERSONAL MONEY ALLOWANCE.*—Section 414 of  
 2 title 37, United States Code, is amended by inserting “or  
 3 the director of the commissioned officer corps of the Na-  
 4 tional Oceanic and Atmospheric Administration” after  
 5 “Health Service”.

6       (c) *CLERICAL AMENDMENT.*—The table of sections in  
 7 section 1 of the Act entitled “An Act to authorize the Hydro-  
 8 graphic Services Improvement Act of 1998, and for other  
 9 purposes” (Public Law 107–372) is amended by inserting  
 10 after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

11 **SEC. 927. LEGION OF MERIT AWARD.**

12       Section 1121 of title 10, United States Code, is amend-  
 13 ed by striking “armed forces” and inserting “uniformed  
 14 services”.

15 **SEC. 928. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
 16 **TIONS.**

17       (a) *IN GENERAL.*—Subsection (a) of section 261 (33  
 18 U.S.C. 3071), as amended by section 925(a), is further  
 19 amended—

20               (1) by redesignating paragraphs (8) through (25)  
 21 as paragraphs (9) through (26), respectively; and

22               (2) by inserting after paragraph (7) the fol-  
 23 lowing:



1 **SEC. 930. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
2 **PETITIVE SERVICE LAW.**

3 *Section 3304(f) of title 5, United States Code, is*  
4 *amended—*

5 *(1) in paragraph (1), by inserting “and mem-*  
6 *bers of the commissioned officer corps of the National*  
7 *Oceanic and Atmospheric Administration (or its*  
8 *predecessor organization the Coast and Geodetic Sur-*  
9 *vey) separated from such uniformed service” after*  
10 *“separated from the armed forces”;*

11 *(2) in paragraph (2), by striking “or veteran”*  
12 *and inserting “, veteran, or member”; and*

13 *(3) in paragraph (4), by inserting “and mem-*  
14 *bers of the commissioned officer corps of the National*  
15 *Oceanic and Atmospheric Administration (or its*  
16 *predecessor organization the Coast and Geodetic Sur-*  
17 *vey) separated from such uniformed service” after*  
18 *“separated from the armed forces”.*

19 **SEC. 931. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

20 *Section 4303(16) of title 38, United States Code, is*  
21 *amended by inserting “the commissioned officer corps of the*  
22 *National Oceanic and Atmospheric Administration,” after*  
23 *“Public Health Service,”.*

1 **SEC. 932. TREATMENT OF COMMISSION IN COMMISSIONED**  
2 **OFFICER CORPS FOR PURPOSES OF CERTAIN**  
3 **HIRING DECISIONS.**

4 (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
5 *as amended by this subtitle, is further amended by adding*  
6 *at the end the following:*

7 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**  
8 **SIONED OFFICER CORPS AS EMPLOYMENT IN**  
9 **ADMINISTRATION FOR PURPOSES OF CER-**  
10 **TAIN HIRING DECISIONS.**

11 “(a) *IN GENERAL.*—*In any case in which the Sec-*  
12 *retary accepts an application for a position of employment*  
13 *with the Administration and limits consideration of appli-*  
14 *cations for such position to applications submitted by indi-*  
15 *viduals serving in a career or career-conditional position*  
16 *in the competitive service within the Administration, the*  
17 *Secretary shall deem an officer who has served as an officer*  
18 *in the commissioned officer corps for at least 3 years to*  
19 *be serving in a career or career-conditional position in the*  
20 *competitive service within the Administration for purposes*  
21 *of such limitation.*

22 “(b) *CAREER APPOINTMENTS.*—*If the Secretary selects*  
23 *an application submitted by an officer described in sub-*  
24 *section (a) for a position described in such subsection, the*  
25 *Secretary shall give such officer a career or career-condi-*



1 tional appointment in the competitive service, as appro-  
 2 priate.

3 “(c) *COMPETITIVE SERVICE DEFINED.*—In this sec-  
 4 tion, the term ‘competitive service’ has the meaning given  
 5 the term in section 2102 of title 5, United States Code.”.

6 (b) *CLERICAL AMENDMENT.*—The table of sections in  
 7 section 1 of the Act entitled “An Act to authorize the Hydro-  
 8 graphic Services Improvement Act of 1998, and for other  
 9 purposes” (Public Law 107–372) is amended by inserting  
 10 after the item relating to section 269, as added by section  
 11 923, the following new item:

“Sec. 269A. *Treatment of commission in commissioned officer corps as employ-  
 ment in Administration for purposes of certain hiring deci-  
 sions.*”.

12 **SEC. 933. DIRECT HIRE AUTHORITY.**

13 (a) *IN GENERAL.*—The head of a Federal agency may  
 14 appoint, without regard to the provisions of subchapter I  
 15 of chapter 33 of title 5, United States Code, other than sec-  
 16 tions 3303 and 3328 of such title, a qualified candidate de-  
 17 scribed in subsection (b) directly to a position in the agency  
 18 for which the candidate meets qualification standards of the  
 19 Office of Personnel Management.

20 (b) *CANDIDATES DESCRIBED.*—A candidate described  
 21 in this subsection is a current or former member of the com-  
 22 missioned officer corps of the National Oceanic and Atmos-  
 23 pheric Administration who—



1           *an officer may be made in such grades as may*  
2           *be appropriate for—*

3                   “(i) *the qualification, experience, and*  
4                   *length of service of the appointee; and*

5                   “(ii) *the commissioned officer corps of*  
6                   *the Administration.*

7                   “(B) *APPOINTMENT OF OFFICER CAN-*  
8                   *DIDATES.—*

9                           “(i) *LIMITATION ON GRADE.—An origi-*  
10                           *nal appointment of an officer candidate,*  
11                           *upon graduation from the basic officer*  
12                           *training program of the commissioned offi-*  
13                           *cer corps of the Administration, may not be*  
14                           *made in any other grade than ensign.*

15                           “(ii) *RANK.—Officer candidates receiv-*  
16                           *ing appointments as ensigns upon gradua-*  
17                           *tion from basic officer training program*  
18                           *shall take rank according to their pro-*  
19                           *iciency as shown by the order of their merit*  
20                           *at date of graduation.*

21                   “(2) *SOURCE OF APPOINTMENTS.—An original*  
22                   *appointment may be made from among the following:*

23                           “(A) *Graduates of the basic officer training*  
24                           *program of the commissioned officer corps of the*  
25                           *Administration.*

1           “(B) Graduates of the military service  
2           academies of the United States who otherwise  
3           meet the academic standards for enrollment in  
4           the training program described in subparagraph  
5           (A).

6           “(C) Graduates of the maritime academies  
7           of the States who—

8                   “(i) otherwise meet the academic  
9                   standards for enrollment in the training  
10                  program described in subparagraph (A);

11                  “(ii) completed at least 3 years of regi-  
12                  mented training while at a maritime acad-  
13                  emy of a State; and

14                  “(iii) obtained an unlimited tonnage  
15                  or unlimited horsepower Merchant Mariner  
16                  Credential from the United States Coast  
17                  Guard.

18           “(D) Licensed officers of the United States  
19           merchant marine who have served 2 or more  
20           years aboard a vessel of the United States in the  
21           capacity of a licensed officer, who otherwise meet  
22           the academic standards for enrollment in the  
23           training program described in subparagraph  
24           (A).

25           “(3) DEFINITIONS.—In this subsection:

1           “(A) *MARITIME ACADEMIES OF THE*  
2           *STATES.*—*The term ‘maritime academies of the*  
3           *States’ means the following:*

4                   “(i) *California Maritime Academy,*  
5                   *Vallejo, California.*

6                   “(ii) *Great Lakes Maritime Academy,*  
7                   *Traverse City, Michigan.*

8                   “(iii) *Maine Maritime Academy,*  
9                   *Castine, Maine.*

10                   “(iv) *Massachusetts Maritime Acad-*  
11                   *emy, Buzzards Bay, Massachusetts.*

12                   “(v) *State University of New York*  
13                   *Maritime College, Fort Schuyler, New York.*

14                   “(vi) *Texas A&M Maritime Academy,*  
15                   *Galveston, Texas.*

16           “(B) *MILITARY SERVICE ACADEMIES OF*  
17           *THE UNITED STATES.*—*The term ‘military serv-*  
18           *ice academies of the United States’ means the*  
19           *following:*

20                   “(i) *The United States Military Acad-*  
21                   *emy, West Point, New York.*

22                   “(ii) *The United States Naval Acad-*  
23                   *emy, Annapolis, Maryland.*

24                   “(iii) *The United States Air Force*  
25                   *Academy, Colorado Springs, Colorado.*

1                   “(iv) *The United States Coast Guard*  
2                   *Academy, New London, Connecticut.*

3                   “(v) *The United States Merchant Ma-*  
4                   *rine Academy, Kings Point, New York.*

5           “(b) *REAPPOINTMENT.*—

6                   “(1) *IN GENERAL.*—*Except as provided in para-*  
7                   *graph (2), an individual who previously served in the*  
8                   *commissioned officer corps of the Administration may*  
9                   *be appointed by the Secretary to the grade the indi-*  
10                   *vidual held prior to separation.*

11                   “(2) *REAPPOINTMENTS TO HIGHER GRADES.*—  
12                   *An appointment under paragraph (1) to a position of*  
13                   *importance and responsibility designated under sec-*  
14                   *tion 228 may only be made by the President.*

15                   “(c) *QUALIFICATIONS.*—*An appointment under sub-*  
16                   *section (a) or (b) may not be given to an individual until*  
17                   *the individual’s mental, moral, physical, and professional*  
18                   *fitness to perform the duties of an officer has been estab-*  
19                   *lished under such regulations as the Secretary shall pre-*  
20                   *scribe.*

21                   “(d) *PRECEDENCE OF APPOINTEES.*—*Appointees*  
22                   *under this section shall take precedence in the grade to*  
23                   *which appointed in accordance with the dates of their com-*  
24                   *missions as commissioned officers in such grade. Appointees*

1 *whose dates of commission are the same shall take prece-*  
2 *dence with each other as the Secretary shall determine.*

3       “(e) *INTER-SERVICE TRANSFERS.*—*For inter-service*  
4 *transfers (as described in the Department of Defense Direc-*  
5 *tive 1300.4 (dated December 27, 2006)) the Secretary*  
6 *shall—*

7               “(1) *coordinate with the Secretary of Defense*  
8 *and the Secretary of the Department in which the*  
9 *Coast Guard is operating to promote and streamline*  
10 *inter-service transfers;*

11               “(2) *give preference to such inter-service trans-*  
12 *fers for recruitment purposes as determined appro-*  
13 *priate by the Secretary; and*

14               “(3) *reappoint such inter-service transfers to the*  
15 *equivalent grade in the commissioned officer corps.”.*

16       “(b) *CLERICAL AMENDMENT.*—*The table of sections in*  
17 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
18 *graphic Services Improvement Act of 1998, and for other*  
19 *purposes” (Public Law 107–372) is amended by striking*  
20 *the item relating to section 221 and inserting the following:*

      “*Sec. 221. Original appointments and reappointments.”.*

21 **SEC. 942. PERSONNEL BOARDS.**

22       *Section 222 (33 U.S.C. 3022) is amended to read as*  
23 *follows:*

1 **“SEC. 222. PERSONNEL BOARDS.**

2       “(a) *CONVENING.*—*Not less frequently than once each*  
3 *year and at such other times as the Secretary determines*  
4 *necessary, the Secretary shall convene a personnel board.*

5       “(b) *MEMBERSHIP.*—

6               “(1) *IN GENERAL.*—*A board convened under sub-*  
7 *section (a) shall consist of 5 or more officers who are*  
8 *servng in or above the permanent grade of the offi-*  
9 *cers under consideration by the board.*

10              “(2) *RETIRED OFFICERS.*—*Officers on the retired*  
11 *list may be recalled to serve on such personnel boards*  
12 *as the Secretary considers necessary.*

13              “(3) *NO MEMBERSHIP ON 2 SUCCESSIVE*  
14 *BOARDS.*—*No officer may be a member of 2 successive*  
15 *personnel boards convened to consider officers of the*  
16 *same grade for promotion or separation.*

17       “(c) *DUTIES.*—*Each personnel board shall—*

18              “(1) *recommend to the Secretary such changes as*  
19 *may be necessary to correct any erroneous position on*  
20 *the lineal list that was caused by administrative*  
21 *error; and*

22              “(2) *make selections and recommendations to the*  
23 *Secretary and the President for the appointment, pro-*  
24 *motion, involuntary separation, continuation, and*  
25 *involuntary retirement of officers in the commissioned*





1           (2) *in the heading, by inserting “ASSISTANT AD-*  
2           *MINISTRATOR OF THE” before “OFFICE”.*

3 **SEC. 945. TEMPORARY APPOINTMENTS.**

4           (a) *IN GENERAL.*—Section 229 (33 U.S.C. 3029) is  
5 *amended to read as follows:*

6 **“SEC. 229. TEMPORARY APPOINTMENTS.**

7           “(a) *APPOINTMENTS BY PRESIDENT.*—Temporary ap-  
8 *pointments in the grade of ensign, lieutenant junior grade,*  
9 *or lieutenant may be made by the President.*

10           “(b) *TERMINATION.*—A temporary appointment to a  
11 *position under subsection (a) shall terminate upon ap-*  
12 *proval of a permanent appointment for such position made*  
13 *by the President.*

14           “(c) *ORDER OF PRECEDENCE.*—Appointees under sub-  
15 *section (a) shall take precedence in the grade to which ap-*  
16 *pointed in accordance with the dates of their appointments*  
17 *as officers in such grade. The order of precedence of ap-*  
18 *pointees who are appointed on the same date shall be deter-*  
19 *mined by the Secretary.*

20           “(d) *ANY ONE GRADE.*—When determined by the Sec-  
21 *retary to be in the best interest of the commissioned officer*  
22 *corps, officers in any permanent grade may be temporarily*  
23 *promoted one grade by the President. Any such temporary*  
24 *promotion terminates upon the transfer of the officer to a*  
25 *new assignment.*

1       “(e) *DELEGATION OF APPOINTMENT AUTHORITY.*—If  
 2 *the President delegates authority to the Secretary to make*  
 3 *appointments under this section, the President shall, during*  
 4 *a period in which the position of the Secretary is vacant,*  
 5 *delegate such authority to the Deputy Secretary of Com-*  
 6 *merce or the Under Secretary for Oceans and Atmosphere*  
 7 *during such period.”.*

8       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 9 *section 1 of the Act entitled “An Act to reauthorize the Hy-*  
 10 *drographic Services Improvement Act of 1998, and for other*  
 11 *purposes” (Public Law 107–372) is amended by striking*  
 12 *the item relating to section 229 and inserting the following:*

“*Sec. 229. Temporary appointments.*”.

13 **SEC. 946. OFFICER CANDIDATES.**

14       (a) *IN GENERAL.*—*Subtitle B (33 U.S.C. 3021 et seq.)*  
 15 *is amended by adding at the end the following:*

16 **“SEC. 234. OFFICER CANDIDATES.**

17       “(a) *DETERMINATION OF NUMBER.*—*The Secretary*  
 18 *shall determine the number of appointments of officer can-*  
 19 *didates.*

20       “(b) *APPOINTMENT.*—*Appointment of officer can-*  
 21 *didates shall be made under regulations which the Secretary*  
 22 *shall prescribe, including regulations with respect to deter-*  
 23 *mining age limits, methods of selection of officer candidates,*  
 24 *term of service as an officer candidate before graduation*

1 *from the program, and all other matters affecting such ap-*  
2 *pointment.*

3       “(c) *DISMISSAL.*—*The Secretary may dismiss from the*  
4 *basic officer training program of the Administration any*  
5 *officer candidate who, during the officer candidate’s term*  
6 *as an officer candidate, the Secretary considers unsatisfac-*  
7 *tory in either academics or conduct, or not adapted for a*  
8 *career in the commissioned officer corps of the Administra-*  
9 *tion. Officer candidates shall be subject to rules governing*  
10 *discipline prescribed by the Director of the National Oce-*  
11 *anic and Atmospheric Administration Commissioned Offi-*  
12 *cer Corps.*

13       “(d) *AGREEMENT.*—

14               “(1) *IN GENERAL.*—*Each officer candidate shall*  
15 *sign an agreement with the Secretary in accordance*  
16 *with section 216(a)(2) regarding the officer can-*  
17 *didate’s term of service in the commissioned officer*  
18 *corps of the Administration.*

19               “(2) *ELEMENTS.*—*An agreement signed by an of-*  
20 *ficer candidate under paragraph (1) shall provide*  
21 *that the officer candidate agrees to the following:*

22                       “(A) *That the officer candidate will com-*  
23 *plete the course of instruction at the basic officer*  
24 *training program of the Administration.*

1                   “(B) *That upon graduation from the such*  
2                   *program, the officer candidate—*

3                   “*(i) will accept an appointment, if*  
4                   *tendered, as an officer; and*

5                   “*(ii) will serve on active duty for at*  
6                   *least 4 years immediately after such ap-*  
7                   *pointment.*

8                   “(e) *REGULATIONS.—The Secretary shall prescribe*  
9                   *regulations to carry out this section. Such regulations shall*  
10                  *include—*

11                  “*(1) standards for determining what constitutes*  
12                  *a breach of an agreement signed under such sub-*  
13                  *section (d)(1); and*

14                  “*(2) procedures for determining whether such a*  
15                  *breach has occurred.*

16                  “(f) *REPAYMENT.—An officer candidate or former offi-*  
17                  *cer candidate who does not fulfill the terms of the obligation*  
18                  *to serve as specified under section (d) shall be subject to*  
19                  *the repayment provisions of section 216(b).”.*

20                  “(b) *CLERICAL AMENDMENT.—The table of sections in*  
21                  *section 1 of the Act entitled “An Act to reauthorize the Hy-*  
22                  *drographic Services Improvement Act of 1998, and for other*  
23                  *purposes” (Public Law 107–372) is amended by inserting*  
24                  *after the item relating to section 233 the following:*

“*Sec. 234. Officer candidates.*”.

1       (c) *OFFICER CANDIDATE DEFINED.*—Section 212(b)  
2 (33 U.S.C. 3002(b)) is amended—

3           (1) by redesignating paragraphs (4) through (6)  
4 as paragraphs (5) through (7), respectively; and

5           (2) by inserting after paragraph (3) the fol-  
6 lowing:

7           “(4) *OFFICER CANDIDATE.*—The term ‘officer  
8 candidate’ means an individual who is enrolled in the  
9 basic officer training program of the Administration  
10 and is under consideration for appointment as an of-  
11 ficer under section 221(a)(2)(A).”

12       (d) *PAY FOR OFFICER CANDIDATES.*—Section 203 of  
13 title 37, United States Code, is amended by adding at the  
14 end the following:

15           “(f)(1) An officer candidate enrolled in the basic officer  
16 training program of the commissioned officer corps of the  
17 National Oceanic and Atmospheric Administration is enti-  
18 tled, while participating in such program, to monthly offi-  
19 cer candidate pay at monthly rate equal to the basic pay  
20 of an enlisted member in the pay grade E-5 with less than  
21 2 years service.

22           “(2) An individual who graduates from such program  
23 shall receive credit for the time spent participating in such  
24 program as if such time were time served while on active  
25 duty as a commissioned officer. If the individual does not

1 graduate from such program, such time shall not be consid-  
 2 ered creditable for active duty or pay.”.

3 **SEC. 947. PROCUREMENT OF PERSONNEL.**

4 (a) *IN GENERAL.*—Subtitle B (33 U.S.C. 3021 et seq.),  
 5 as amended by section 946(a), is further amended by add-  
 6 ing at the end the following:

7 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

8 “The Secretary may make such expenditures as the  
 9 Secretary considers necessary in order to obtain recruits for  
 10 the commissioned officer corps of the Administration, in-  
 11 cluding advertising.”.

12 (b) *CLERICAL AMENDMENT.*—The table of sections in  
 13 section 1 of the Act entitled “An Act to reauthorize the Hy-  
 14 drographic Services Improvement Act of 1998, and for other  
 15 purposes” (Public Law 107–372), as amended by section  
 16 946(b), is further amended by inserting after the item relat-  
 17 ing to section 234 the following:

“235. Procurement of personnel.”.

18 ***Subtitle D—Separation and***  
 19 ***Retirement of Officers***

20 **SEC. 951. INVOLUNTARY RETIREMENT OR SEPARATION.**

21 Section 241 (33 U.S.C. 3041) is amended by adding  
 22 at the end the following:

23 “(d) *DEFERMENT OF RETIREMENT OR SEPARATION*  
 24 *FOR MEDICAL REASONS.*—

1           “(1) *IN GENERAL.*—If the Secretary determines  
2           that the evaluation of the medical condition of an of-  
3           ficer requires hospitalization or medical observation  
4           that cannot be completed with confidence in a man-  
5           ner consistent with the officer’s well being before the  
6           date on which the officer would otherwise be required  
7           to retire or be separated under this section, the Sec-  
8           retary may defer the retirement or separation of the  
9           officer.

10           “(2) *CONSENT REQUIRED.*—A deferment may  
11           only be made with the written consent of the officer  
12           involved. If the officer does not provide written con-  
13           sent to the deferment, the officer shall be retired or  
14           separated as scheduled.

15           “(3) *LIMITATION.*—A deferral of retirement or  
16           separation under this subsection may not extend for  
17           more than 30 days after completion of the evaluation  
18           requiring hospitalization or medical observation.”.

19 **SEC. 952. SEPARATION PAY.**

20           Section 242 (33 U.S.C. 3042) is amended by adding  
21           at the end the following:

22           “(d) *EXCEPTION.*—An officer discharged for twice fail-  
23           ing selection for promotion to the next higher grade is not  
24           entitled to separation pay under this section if the officer—



1           “(1) expresses a desire not to be selected for pro-  
2           motion; or

3           “(2) requests removal from the list of selectees.”.

4           ***Subtitle E—Hydrographic Services***  
5           ***and Other Matters***

6           **SEC. 961. REAUTHORIZATION OF HYDROGRAPHIC SERVICES**

7           **IMPROVEMENT ACT OF 1998.**

8           (a) *REAUTHORIZATIONS.*—Section 306 of the Hydro-  
9           graphic Services Improvement Act of 1998 (33 U.S.C. 892d)  
10          is amended—

11           (1) in the matter before paragraph (1), by strik-  
12          ing “There are” and inserting the following:

13           “(a) *IN GENERAL.*—There are”;

14           (2) in subsection (a) (as designated by para-  
15          graph (1))—

16           (A) in paragraph (1), by striking “sur-  
17          veys—” and all that follows through the end of  
18          the paragraph and inserting “surveys,  
19          \$70,814,000 for each of fiscal years 2017 through  
20          2021.”;

21           (B) in paragraph (2), by striking “vessels—  
22          ” and all that follows through the end of the  
23          paragraph and inserting “vessels, \$25,000,000  
24          for each of fiscal years 2017 through 2021.”;

1           (C) in paragraph (3), by striking “Admin-  
2           istration—” and all that follows through the end  
3           of the paragraph and inserting “Administration,  
4           \$29,932,000 for each of fiscal years 2017 through  
5           2021.”;

6           (D) in paragraph (4), by striking “title—  
7           ” and all that follows through the end of the  
8           paragraph and inserting “title, \$26,800,000 for  
9           each of fiscal years 2017 through 2021.”; and

10          (E) in paragraph (5), by striking “title—  
11          ” and all that follows through the end of the  
12          paragraph and inserting “title, \$30,564,000 for  
13          each of fiscal years 2017 through 2021.”; and

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

15          “(b) ARCTIC PROGRAMS.—Of the amount authorized  
16 by this section for each fiscal year—

17               “(1) \$10,000,000 is authorized for use—

18                       “(A) to acquire hydrographic data;

19                       “(B) to provide hydrographic services;

20                       “(C) to conduct coastal change analyses nec-  
21                       essary to ensure safe navigation;

22                       “(D) to improve the management of coastal  
23                       change in the Arctic; and

24                       “(E) to reduce risks of harm to Alaska Na-  
25                       tive subsistence and coastal communities associ-

1            *ated with increased international maritime traf-*  
2            *fic; and*

3            *“(2) \$2,000,000 is authorized for use to acquire*  
4            *hydrographic data and provide hydrographic services*  
5            *in the Arctic necessary to delineate the United States*  
6            *extended Continental Shelf.”.*

7            *(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
8            *SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is fur-*  
9            *ther amended by adding at the end the following:*

10            *“(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR*  
11            *SURVEYS.—Of amounts authorized by this section for each*  
12            *fiscal year for contract hydrographic surveys, not more than*  
13            *5 percent is authorized for administrative costs associated*  
14            *with contract management.”.*

15            **SEC. 962. SYSTEM FOR TRACKING AND REPORTING ALL-IN-**  
16            **CLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

17            *(a) IN GENERAL.—Not later than 1 year after the date*  
18            *of the enactment of this Act, the Secretary of Commerce*  
19            *shall—*

20            *(1) develop and implement a system to track and*  
21            *report the full cost to the Department of Commerce of*  
22            *hydrographic data collection, including costs relating*  
23            *to vessel acquisition, vessel repair, and administra-*  
24            *tion of contracts to procure data;*

1           (2) *evaluate additional measures for comparing*  
2           *cost per unit effort beyond square nautical miles; and*  
3           (3) *submit to Congress a report on which addi-*  
4           *tional measures for comparing cost per unit effort the*  
5           *Secretary intends to use and the rationale for such*  
6           *use.*

7           (b) *DEVELOPMENT OF STRATEGY FOR INCREASED*  
8           *CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR*  
9           *HYDROGRAPHIC DATA COLLECTION.—Not later than 180*  
10          *days after the date on which the Secretary completes the*  
11          *activities required by subsection (a), the Secretary shall de-*  
12          *velop a strategy for how the National Oceanic and Atmos-*  
13          *pheric Administration will increase contracting with non-*  
14          *governmental entities for hydrographic data collection in*  
15          *a manner that is consistent with the requirements of the*  
16          *Ocean and Coastal Mapping Integration Act (Public Law*  
17          *111–11; 33 U.S.C. 3501 et seq.).*

18          **SEC. 963. HOMEPORT OF CERTAIN RESEARCH VESSELS.**

19          (a) *ACCEPTANCE OF FUNDS AUTHORIZED.—The Sec-*  
20          *retary of Commerce may accept non-Federal funds for the*  
21          *purpose of obtaining such cost estimates, designs, and per-*  
22          *mits as may be necessary for construction of a new port*  
23          *facility—*

24                  (1) *to facilitate the homeporting of the R/V*  
25                  *FAIRWEATHER in accordance with title II of the*

1 *Departments of Commerce, Justice, and State, the Ju-*  
2 *diciary, and Related Agencies Appropriations Act,*  
3 *2002 (Public Law 107-77; 115 Stat. 775); and*

4 *(2) that is under the administrative jurisdiction*  
5 *of the Under Secretary for Oceans and Atmosphere.*

6 *(b) STRATEGIC PLAN REQUIRED.—Not later than 180*  
7 *days after the date of the enactment of this Act, the Sec-*  
8 *retary shall develop and submit to Congress a strategic plan*  
9 *for the construction described in subsection (a).*

10 *(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Sec-*  
11 *retary of Commerce may accept non-Federal funds for the*  
12 *purpose of obtaining such cost estimates, designs, and per-*  
13 *mits as may be necessary for construction of a new port*  
14 *facility—*

15 *(1) to facilitate the homeporting of a new, exist-*  
16 *ing, or reactivated research vessel in the city of St.*  
17 *Petersburg, Florida; and*

18 *(2) that is under the administrative jurisdiction*  
19 *of the Under Secretary for Oceans and Atmosphere.*

20 *(d) STRATEGIC PLAN REQUIRED.—Not later than 180*  
21 *days after the date of the enactment of this Act, the Sec-*  
22 *retary shall develop and submit to Congress a strategic plan*  
23 *for construction or acquisition of the facilities needed to*  
24 *allow for an oceanographic research vessel to be homeported*

- 1 *in St. Petersburg, Florida. The strategic plan shall include*
- 2 *an estimate of funding needed to construct such facilities.*



Calendar No. 112

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1129**

[Report No. 115-89]

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**A BILL**

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

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JUNE 5, 2017

Reported with an amendment