

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. _____

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 Strike all after the enacting clause and insert the following:
2

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”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 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 retirement 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 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.

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. Vessel classing.
- Sec. 511. Radar refresher training.

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. International ocean shipping supply chain information portal demonstration project.
- Sec. 708. Transparency.
- Sec. 709. Treatment of tug operators.
- Sec. 710. 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
5 this Act.

6 (b) CERTAIN DELAYED EFFECTIVE DATES.—The
7 amendments made by sections 101, 102, 403, and 702
8 shall take effect on October 1, 2017, or the date of enact-

1 ment of this Act, whichever is later. The amendments
2 made by section 206 shall take effect on January 1, 2018.

3 **TITLE I—AUTHORIZATIONS**

4 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

7 **“§ 2702. Authorization of appropriations**

8 “Funds are authorized to be appropriated for each
9 of fiscal years 2018 and 2019 for necessary expenses of
10 the Coast Guard as follows:

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

13 “(A) \$7,300,000,000 for fiscal year 2018;

14 and

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

16 “(2) For the acquisition, construction, renova-
17 tion, and improvement of aids to navigation, shore
18 and offshore facilities, vessels, and aircraft, includ-
19 ing equipment related thereto, and for maintenance,
20 rehabilitation, lease, and operation of facilities and
21 equipment—

22 “(A) \$1,985,845,000 for fiscal year 2018,

23 to remain available through September 30,

24 2022; and

1 “(B) \$2,027,547,745 for fiscal year 2019,
2 to remain available through September 30,
3 2023.

4 “(3) For the Coast Guard Reserve program, in-
5 cluding operations and maintenance of the program,
6 personnel and training costs, equipment, and serv-
7 ices—

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

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

11 “(4) For the environmental compliance and res-
12 toration of Coast Guard under chapter 19 of this
13 title—

14 “(A) \$17,051,721 for fiscal year 2018, to
15 remain available through September 30, 2022;
16 and

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

19 “(5) To the Commandant of the Coast Guard
20 for research, development, test, and evaluation of
21 technologies, materials, and human factors directly
22 related to improving the performance of the Coast
23 Guard’s mission with respect to search and rescue,
24 aids to navigation, marine safety, marine environ-
25 mental protection, enforcement of laws and treaties,

1 ice operations, oceanographic research, and defense
2 readiness, and for maintenance, rehabilitation, lease,
3 and operation of facilities and equipment—

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

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

6 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
7 **AND TRAINING.**

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

10 **“§ 2704. Authorized levels of military strength and**
11 **training**

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

15 “(b) MILITARY TRAINING STUDENT LOADS.—The
16 Coast Guard is authorized average military training stu-
17 dent loads for each of fiscal years 2018 and 2019 as fol-
18 lows:

19 “(1) For recruit and special training, 2,500
20 student years.

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

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

24 “(4) For officer acquisition, 1,200 student
25 years.”.

1 **TITLE II—COAST GUARD**

2 **SEC. 201. PRIMARY DUTIES.**

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

8 **SEC. 202. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

9 (a) IN GENERAL.—Chapter 7 of title 14, United
10 States Code, is amended by inserting after section 141 the
11 following:

12 **“§ 141a. Training; emergency response providers**

13 “(a) IN GENERAL.—The Commandant (or the Com-
14 mandant’s designee) may, on a reimbursable or a non-re-
15 imburseable basis, make training available to public safety
16 personnel whenever the Commandant (or the Com-
17 mandant’s designee) determines that—

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

21 “(2) no other member of the Coast Guard, who
22 is assigned to the unit to which the member of the
23 Coast Guard described in paragraph (1), is able or
24 available to participate in such training; and

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

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

9 “(c) TREATMENT OF REIMBURSEMENT.—Any reim-
10 bursement for training that the Coast Guard receives
11 under this section shall be credited to the appropriation
12 used to pay the costs for such training.

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

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

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

21 “(B) sections 2671 through 2680 of title
22 28 (relating to tort claims).

23 “(2) LIMITATION ON LIABILITY.—The indi-
24 vidual described in paragraph (1) or that individ-

1 ual’s employer shall be liable for any claim arising
2 out of such training.”.

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

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

7 **SEC. 203. COMMISSIONED SERVICE RETIREMENT.**

8 Section 291 of title 14, United States Code, is
9 amended—

10 (1) by inserting “(a) IN GENERAL.—” before

11 “Any regular” and indenting appropriately;

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

13 (A) by inserting “of the Coast Guard”
14 after “officer”; and

15 (B) by striking “President” and inserting
16 “Secretary”; and

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

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

1 **SEC. 204. OFFICER PROMOTION ZONES.**

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

5 **SEC. 205. OFFICER EVALUATION REPORT.**

6 (a) IN GENERAL.—Beginning with the first evalua-
7 tion cycle after the date of enactment of this Act, the Com-
8 mandant of the Coast Guard shall reduce lieutenant junior
9 grade evaluation reports to the same length as an ensign
10 or place lieutenant junior grade evaluations on an annual
11 schedule.

12 (b) BOARD SURVEY.—The Commandant of the Coast
13 Guard shall survey outgoing promotion board members
14 and assignment officers to determine, at a minimum—

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

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

19 (3) how to better reflect high performers, and

20 (4) any recommendations for improving the of-
21 ficer evaluation report.

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

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

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

4 (d) REVISIONS.—

5 (1) IN GENERAL.—Not later than 5 years after
6 the date of enactment of this Act, the Commandant
7 of the Coast Guard shall revise the officer evaluation
8 report, and providing corresponding directions, tak-
9 ing into account the requirements under paragraph
10 (2).

11 (2) REQUIREMENTS.—In revising the officer
12 evaluation report under paragraph (1), the Com-
13 mandant shall—

14 (A) consider the findings of the surveys
15 under subsections (b) and (c);

16 (B) improve administrative efficiency;

17 (C) reduce and streamline performance di-
18 mensions and narrative text;

19 (D) eliminate redundancy with the officer
20 specialty management system and any other
21 record information systems that are used dur-
22 ing the officer assignment or promotion process;

23 (E) provide for fairness and equity for
24 Coast Guard officers with regard to promotion

1 boards, selection panels, and the assignment
2 process; and

3 (F) ensure officer evaluation responsibil-
4 ities can be accomplished within normal work-
5 ing hours—

6 (i) to minimize any impact to officer
7 duties; and

8 (ii) to eliminate any need for an offi-
9 cer to take liberty or leave for administra-
10 tive purposes.

11 (e) REPORT.—

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

19 (A) on the findings of the survey under
20 subsection (b); and

21 (B) on the findings of the survey under
22 subsection (c).

23 (2) FORMAT.—The report under paragraph (1)
24 shall be formatted by each rank, type of board, and
25 position, as applicable.

1 **SEC. 206. RETIRED PAY; AMOUNTS FOR PAYMENTS IN CON-**
2 **NECTION WITH MODERNIZED RETIREMENT**
3 **SYSTEM.**

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

7 **“§ 424b. Retired pay; amounts for payments in con-**
8 **nection with modernized retirement sys-**
9 **tem**

10 “Of the amounts appropriated for retirement pay
11 under this chapter in any fiscal year, the Secretary may
12 use such sums as are necessary for the following purposes
13 (in addition to other amounts that may be available for
14 such purposes) as such purposes relate to a member:

15 “(1) Lump sum payment of certain retired pay
16 under section 1415 of title 10.

17 “(2) Thrift Savings Plan contributions under
18 section 8440e(e) of title 5.

19 “(3) Continuation pay under section 356 of title
20 37.”.

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

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

1 **SEC. 207. INCLUSION OF VESSEL FOR INVESTIGATION PUR-**
2 **POSES.**

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

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

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

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

13 **SEC. 208. LEAVE FOR THE BIRTH OF ADOPTION OF A**
14 **CHILD.**

15 Section 431 of title 14, United States Code, is
16 amended—

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

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

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

22 “(b) LEAVE ASSOCIATED WITH THE BIRTH OR
23 ADOPTION OF A CHILD.—Notwithstanding section 701 of
24 title 10 or any other provision of law, the Secretary of
25 the department in which the Coast Guard is operating
26 shall ensure that any rule, policy, or memorandum that

1 provides leave associated with the birth or adoption of a
2 child to an officer or enlisted member of the Coast Guard
3 permits, for not later than 1 year after the date of such
4 birth or adoption and at the discretion of the Commanding
5 Officer—

6 “(1) the officer or member, as applicable, to
7 take such leave in increments; and

8 “(2) flexible work schedules (as defined in regu-
9 lation promulgated by the Secretary) for the officer
10 or member, as applicable, until all such leave is ex-
11 pended.”.

12 **SEC. 209. AVIATION CADETS; APPOINTMENT AS RESERVE**
13 **OFFICERS; CROSS REFERENCE.**

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

17 **SEC. 210. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF**
18 **SERVICE; REPEAL.**

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

22 **SEC. 211. MULTIYEAR CONTRACTS.**

23 The Secretary is authorized to enter into a multiyear
24 contract for the procurement of a tenth, eleventh, and

1 twelfth National Security Cutter and associated govern-
2 ment-furnished equipment.

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

4 Not later than 1 year after the date of enactment
5 of this Act, the Commandant of the Coast Guard shall
6 submit to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives a report on the costs and benefits of creating
10 a Coast Guard Reserve Officers' Training Corps Program
11 based on the other armed forces programs.

12 **TITLE III—MARINE SAFETY**

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

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

17 **“CHAPTER 7—COAST GUARD ADVISORY**
18 **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 pensation 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,
23 conflict of interest, and corruption that applies
24 to a special Government employee.

25 “(b) COMPENSATION.—A member of an advisory
26 committee or advisory council established under this chap-

1 ter who is not otherwise a Federal employee shall not re-
2 ceive pay by reason of service on such committee or coun-
3 cil.

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

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

10 “(a) ESTABLISHMENT.—There is established a
11 Chemical Transportation Advisory Committee (referred to
12 in this section as the ‘Committee’).

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

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.—

24 “(A) IN GENERAL.—The Committee shall
25 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 associ-
4 ated with marine transportation of hazardous
5 materials:

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,
15 determine the number of members who rep-
16 resent a specific point of view.

17 “(D) RULE OF CONSTRUCTION.—Neither
18 this subsection nor any other provision of law
19 or policy shall be construed to require an equal
20 distribution of members representing specific
21 points of view among the membership of the
22 Committee.

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

1 of the Committee is hereby deemed a representative
2 of the member's respective special interest entity or
3 group, and not a special Government employee (as
4 defined in section 202(a) of title 18).

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

7 “(A) NOMINATIONS.—As necessary, the
8 Secretary shall publish, in the Federal Register,
9 a notice soliciting nominations for membership
10 on 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
17 information 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
6 the 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 ex-
11 tend the term of a member of the Com-
12 mittee to December 31 of the fifth full
13 year after the effective date of the appoint-
14 ment.

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

19 “(6) CHAIRMAN; VICE CHAIRMAN.—

20 “(A) IN GENERAL.—The Commandant (or
21 the Commandant’s designee) shall designate 1
22 member of the Committee as the Chairman and
23 another member of the Committee as the Vice
24 Chairman, both of whom shall serve in such ca-
25 pacity at the pleasure of the Commandant (or

1 the Commandant's designee) and for a term to
2 be fixed by the Commandant (or the Com-
3 mandant's designee).

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

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

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

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

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

24 “(2) TERMINATION.—The Committee shall ter-
25minate on September 30, 2027.

1 **“§ 703. Commercial Fishing Safety Advisory Com-**
2 **mittee**

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

6 “(b) FUNCTION.—The Committee, acting through
7 the Commandant (or the Commandant’s designee), is au-
8 thorized—

9 “(1) to advise, consult with, report to, and
10 make recommendations to the Secretary on matters
11 relating to the safe operation of vessels to which
12 chapter 45 of this title applies, including navigation
13 safety, safety equipment and procedures, marine in-
14 surance, vessel design, construction, maintenance
15 and operation, and personnel qualifications and
16 training; and

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

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.—

24 “(A) IN GENERAL.—The Committee shall
25 consist of 18 members.

1 “(B) EXPERIENCE.—Each member of the
2 Committee shall have particular expertise,
3 knowledge, and experience regarding the com-
4 mercial fishing industry.

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

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

11 “(I) reflect a regional and rep-
12 resentational balance; and

13 “(II) have experience in the oper-
14 ation of vessels to which chapter 45 of
15 this title applies or as a crew member
16 or processing line worker on a fish
17 processing vessel.

18 “(ii) 1 member representing naval ar-
19 chitects or marine engineers.

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

23 “(iv) 1 member representing edu-
24 cation or training professionals related to
25 fishing vessel, fish processing vessel, or

1 fish tender vessel safety or personnel quali-
2 fications.

3 “(v) 1 member representing under-
4 writers that insure vessels to which chapter
5 45 of this title applies.

6 “(vi) 1 member representing owners
7 of vessels to which chapter 45 of this title
8 applies.

9 “(D) EXCEPTION.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), 3 members of the Committee shall
12 represent the general public.

13 “(ii) EXPERIENCE.—Whenever pos-
14 sible, a member who represents the general
15 public shall be either—

16 “(I) an independent expert or
17 consultant in maritime safety;

18 “(II) a marine surveyor who pro-
19 vides services to vessels to which
20 chapter 45 of this title applies; or

21 “(III) a person familiar with
22 issues affecting fishing communities
23 and families of fishermen.

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—

4 “(A) a member of the Committee, whom
5 the Secretary appoints to represent a point of
6 view of an entity or group under 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
12 the Secretary may appoint to represent the gen-
13 eral public, is hereby deemed a special Govern-
14 ment employee (as defined in section 202(a) of
15 title 18).

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

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

22 “(B) APPOINTMENTS.—

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

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

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

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

12 “(5) TERM; VACANCY.—

13 “(A) TERM.—

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

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

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

5 “(6) CHAIRMAN; VICE CHAIRMAN.—

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

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

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

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

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

8 “(1) consult with the Committee before taking
9 any significant action relating to the safe operation
10 of vessels to which chapter 45 of this title applies;
11 and

12 “(2) consider the information, advice, and rec-
13 ommendations of the Committee in consulting with
14 other agencies and the public or in formulating pol-
15 icy regarding the safe operation of vessels to which
16 chapter 45 of this title applies.

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 ter-
22 minate on September 30, 2027.

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

24 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a Great Lakes Pilotage Advisory Committee (re-
3 ferred to in this section as the ‘Committee’).

4 “(2) DUTIES.—The Committee—

5 “(A) may review proposed Great Lakes pi-
6 lotage regulations and policies and make rec-
7 ommendations to the Secretary that the Com-
8 mittee considers appropriate;

9 “(B) may advise, consult with, report to,
10 and make recommendations to the Secretary on
11 matters relating to Great Lakes pilotage;

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

15 “(D) shall meet at the call of—

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

19 “(ii) a majority of the Committee.

20 “(b) ORGANIZATION.—

21 “(1) IN GENERAL.—

22 “(A) MEMBERSHIP.—The Committee shall
23 consist of 7 members appointed by the Sec-
24 retary in accordance with this subsection, each

1 of whom has at least 5 years practical experi-
2 ence in maritime operations.

3 “(B) TERM.—The term of each member is
4 for a period of not more than 5 years, specified
5 by the Secretary.

6 “(C) NOTICE.—Before filling a position on
7 the Committee, the Secretary shall publish a
8 notice in the Federal Register soliciting nomi-
9 nations for membership on the Committee.

10 “(2) REPRESENTATION.—The membership of
11 the Committee shall include—

12 “(A) the President of each of the 3 Great
13 Lakes pilotage districts, or the President’s rep-
14 resentative;

15 “(B) 1 member representing the interests
16 of vessel operators that contract for Great
17 Lakes pilotage services;

18 “(C) 1 member representing the interests
19 of Great Lakes ports;

20 “(D) 1 member representing the interests
21 of shippers whose cargoes are transported
22 through Great Lakes ports; and

23 “(E) a member with a background in fi-
24 nance or accounting, who—

1 “(i) must have been recommended to
2 the Secretary by a unanimous vote of the
3 other members of the Committee, and

4 “(ii) may be appointed without regard
5 to requirement in paragraph (1) that each
6 member have 5 years of practical experi-
7 ence in maritime operations.

8 “(c)(1) CHAIRMAN; VICE CHAIRMAN.—The Com-
9 mittee shall elect 1 of its members as the Chairman and
10 1 of its members as the Vice Chairman. The Vice Chair-
11 man shall act as Chairman in the absence or incapacity
12 of the Chairman, or in the event of a vacancy in the office
13 of the Chairman.

14 “(2) OBSERVER.—The Secretary shall, and any other
15 interested agency may, designate a representative to par-
16 ticipate as an observer with the Committee. The Sec-
17 retary’s designated representative shall act as the execu-
18 tive secretary of the Committee and shall perform the du-
19 ties set forth in section 10(c) of the Federal Advisory
20 Committee Act (5 U.S.C. App.).

21 “(d) RECOMMENDATIONS.—

22 “(1) IN GENERAL.—The Secretary shall, when-
23 ever practicable, consult with the Committee before
24 taking any significant action relating to Great Lakes
25 pilotage.

1 “(2) CONSIDERATION.—The Secretary shall
2 consider the information, advice, and recommenda-
3 tions of the Committee in formulating policy regard-
4 ing matters affecting Great Lakes pilotage.

5 “(3) APPROVAL.—Any recommendations to the
6 Secretary under subsection (a)(2)(B) must have
7 been approved by at least all but 1 of the members
8 then serving on the Committee.

9 “(e)(1) COMPENSATION.—Notwithstanding section
10 701, a member of the Committee, when attending meet-
11 ings of the Committee or when otherwise engaged in the
12 business of the Committee, is entitled to receive—

13 “(A) compensation at a rate fixed by the Sec-
14 retary, not exceeding the daily equivalent of the cur-
15 rent rate of basic pay in effect for GS-18 of the
16 General Schedule under section 5332 of title 5 in-
17 cluding travel time; and

18 “(B) travel or transportation expenses under
19 section 5703 of title 5.

20 “(2) EMPLOYEE STATUS.—Notwithstanding section
21 701, a member of the Committee shall not be considered
22 to be an officer or employee of the United States for any
23 purpose based on their receipt of any payment under this
24 subsection.

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

3 “(1) FACA.—The Federal Advisory Committee
4 Act (5 U.S.C. App.) applies to the Committee, ex-
5 cept that the Committee terminates on September
6 30, 2020.

7 “(2) RENEWAL.—2 years before the termi-
8 nation date set forth in paragraph (1) of this sub-
9 section, the Committee shall submit to the Congress
10 its recommendation regarding whether the Com-
11 mittee should be renewed and continued beyond the
12 termination date.

13 **“§ 705. Lower Mississippi River Waterway Safety Ad-
14 visory Committee**

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

18 “(b) FUNCTION.—The Committee, acting through
19 the Commandant (or the Commandant’s designee), is au-
20 thorized to advise, consult with, report to, and make rec-
21 ommendations to the Secretary on matters relating to
22 communication, surveillance, traffic management, anchor-
23 ages, development and operation of New Orleans Vessel
24 Traffic Services, and other related topics dealing with and

1 actions relating to navigational safety on the Lower Mis-
2 sissippi River.

3 “(c) 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 24 members.

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

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

21 “(i) 5 members representing River
22 Port Authorities between Baton Rouge,
23 Louisiana, and the head of passes of the
24 Lower Mississippi River, of which—

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

3 “(II) 1 member from the Port of
4 Plaquemines.

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

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

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

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

19 “(I) the New Orleans-Baton
20 Rouge Steamship Pilots Association;

21 “(II) the Crescent River Port Pi-
22 lots Association; and

23 “(III) the Association Branch Pi-
24 lots.

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

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

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

14 “(ix) 1 member representing an envi-
15 ronmental organization.

16 “(D) ADDITIONAL MEMBERS.—

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

20 “(ii) WATER TRANSPORTATION FA-
21 CILITIES.—Whenever possible, 2 of the 3
22 members who represent the general public
23 shall be individuals who utilize water
24 transportation facilities located in the geo-
25 graphic area that the Committee covers.

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—

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

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

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

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

23 “(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 full
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 “(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 prac-
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 “(c) 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 lic, 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 “(c) 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 full
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 “(c) 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 in accordance with the Federal Advisory Com-
7 mittee Act (5 U.S.C. App.).

8 “(d) 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 Council.

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

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

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

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

24 “(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 affli-

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 ca-
9 pacity 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-
14 minate 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 (II) 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 (II) in subparagraph (B), by

13 striking (B)” and indenting appro-

14 priately;

15 (D) in subsection (c)(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 redesign-
12 nated, 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 (e) 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 Council established under section 13110 of title
22 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 or injury, the nature of the ill-
12 ness or injury, and any medical treatment adminis-
13 tered.”.

14 **SEC. 303. TECHNICAL AMENDMENTS; 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

24 (3) in section 7507(b)—

1 (A) in paragraph (1), by “licenses or cer-
2 tificates of registry” and inserting “merchant
3 mariner documents”; and

4 (B) in paragraph (2), by striking “a mer-
5 chant mariner’s document” and inserting “a li-
6 cense or a certificate of registry.”.

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

8 Chapter 121 of title 46, United States Code, is
9 amended—

10 (1) in section 12102—

11 (A) in subsection (e), by adding at the end
12 the following: “The Secretary may require such
13 an undocumented barge more than 100 gross
14 tons operating on the navigable waters of the
15 United States to be numbered under chapter
16 123 of this title.”; and

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

21 (2) in section 12301—

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

23 (B) by striking the subsection designation
24 in subsection (a) and indenting appropriately.

1 **SEC. 305. EQUIPMENT REQUIREMENTS; EXEMPTION FROM**
2 **THROWABLE PERSONAL FLOTATION DE-**
3 **VICES.**

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

13 **SEC. 306. ENSURING MARITIME COVERAGE.**

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

19 **SEC. 307. DEADLINE FOR COMPLIANCE WITH ALTERNATE**
20 **SAFETY COMPLIANCE PROGRAM.**

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

23 (1) in paragraph (1), by striking “After Janu-
24 ary 1, 2020,” and all that follows through “the Sec-
25 retary, if” and inserting “Subject to paragraph (3),
26 beginning on the date that is 3 years after the date

1 that the Secretary prescribes an alternate safety
2 compliance program, a fishing vessel, fish processing
3 vessel, or fish tender vessel to which section 4502(b)
4 of this title applies shall comply with the alternate
5 safety compliance program if”;

6 (2) in paragraph (2), by striking “establishes
7 standards for an alternate safety compliance pro-
8 gram, shall comply with such an alternative safety
9 compliance program that is developed in cooperation
10 with the commercial fishing industry and prescribed
11 by the Secretary” and inserting “prescribes an alter-
12 nate safety compliance program under paragraph
13 (1), shall comply with the alternate safety compli-
14 ance program”; and

15 (3) by amending paragraph (3) to read as fol-
16 lows:

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

20 (b) FINAL RULE.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary of the depart-
22 ment in which the Coast Guard is operating shall issue
23 a final rule implementing the alternate safety compliance
24 programs under section 4503 of title 46, United States
25 Code, 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
4 title 46, United States Code, is amended by striking “79”
5 and 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 sub-
9 section (h); and

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

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

17 **SEC. 309. TERMINATION OF UNSAFE OPERATIONS; TECH-**
18 **NICAL AMENDMENT.**

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

21 **SEC. 310. INSTALLATION AND USE OF ENGINE CUT-OFF**
22 **SWITCHES ON RECREATIONAL VESSEL.**

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

24 (1) REQUIREMENT.—The Secretary of the de-
25 partment in which the Coast Guard is operating
26 shall revised the regulations under part 175 of title

1 33, Code of Federal Regulations, to prohibit a per-
2 son from operating a recreational vessel 25 feet or
3 less in length unless—

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

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

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

11 (A) A vessel 25 feet or less in length whose
12 main helm is installed within an enclosed cabin
13 that would protect an operator from being
14 thrown overboard should the operator be dis-
15 placed from the helm.

16 (B) A vessel with propulsion machinery de-
17 veloping static thrust of less than 115 pounds
18 or 3 horsepower.

19 (C) A vessel without factory equipped en-
20 gine cut-off switches.

21 (b) INSTALLATION OF ENGINE CUT-OFF SWITCH-
22 ES.—The Secretary of the department in which the Coast
23 Guard is operating shall revise the regulations under part
24 183 of title 33, Code of Federal Regulations, to require
25 an equipment manufacturer, distributor, or dealer that in-

1 stalls propulsion machinery and associate starting controls
2 on a recreational vessel 25 feet or less in length and capa-
3 ble of developing at least 115 pounds of static thrust to
4 install an engine cut-off switch on such recreational vessel
5 in accordance with the American Boat and Yacht Stand-
6 ard A-33, as amended.

7 (c) PENALTY.—A person that violates a regulation
8 promulgated under subsection (a)(1) of this section shall
9 be subject to a civil penalty under section 4311 of title
10 46, United States Code, not to exceed—

- 11 (1) \$100 for the first offense;
- 12 (2) \$250 for the second offense; and
- 13 (3) \$500 for any subsequent offense.

14 (d) PREEMPTION.—In accordance with section 4306
15 of title 46, United States Code, a State may not establish,
16 continue in effect, or enforce any law or regulation ad-
17 dressing engine cut-off switch requirements that is not
18 identical to a regulation prescribed under this section.

19 (e) DEFINITIONS.—In this section:

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

24 (A) the switch is not properly connected;

25 or

1 (B) the switch components are submerged
2 in water or separated from the switch by a pre-
3 determined distance.

4 (2) ENGINE CUT-OFF SWITCH LINK.—The term
5 “engine cut-off switch link” means the equipment
6 attached to the recreational vessel operator and
7 which activates the engine cut-off switch.

8 (f) EFFECTIVE DATES.—A regulation prescribed
9 under this section shall specify an effective date that is
10 not earlier than 1 year from the date the regulation was
11 published.

12 **SEC. 311. VISUAL DISTRESS SIGNALS AND ALTERNATIVE**
13 **USE.**

14 (a) IN GENERAL.—The Secretary of the department
15 in which the Coast Guard is operating shall develop a per-
16 formance standard for the alternative use and possession
17 of visual distress signals as mandated by carriage require-
18 ments for recreational boats in subpart C of part 175 of
19 title 33, Code of Federal Regulations.

20 (b) REGULATIONS.—Not later than 180 days after
21 the performance standard for alternative use and posses-
22 sion of a visual distress signal is finalized, the Secretary
23 shall revise part 175 of title 33, Code of Federal Regula-
24 tions, to allow for carriage of such alternative signal de-
25 vices.

1 (c) EPIRBs AND PLBs.—In revising the regulations
2 under subsection (b), the Secretary shall allow use of posi-
3 tion indicating radio beacons (EPIRBs) or Personal Lo-
4 cating Devices (PLBs) of 406 megahertz, operating on the
5 COSPAS-SARSAT system, to meet the alternative car-
6 riage requirements for recreational boats under subpart
7 C of part 175 of title 33, Code of Federal Regulations.

8 **SEC. 312. RENEWAL PERIOD FOR DOCUMENTED REC-**
9 **REATIONAL VESSELS.**

10 Section 12114 of title 46, United States Code, is
11 amended by adding at the end the following:

12 “(d) ISSUANCE OF CERTIFICATE OF DOCUMENTA-
13 TION.—The Secretary of the department in which the
14 Coast Guard is operating is authorized to issue certificates
15 of documentation with effective periods of 1 year, 2 years,
16 3 years, 4 years, or 5 years.

17 “(1) PHASED IN ISSUANCE OF CERTIFI-
18 CATES.—

19 “(A) In fiscal year 2019, vessel owners or
20 operators with vessel documentation numbers
21 ending in 0, 1, 2, 3 shall be qualified to apply
22 for a renewal Certificate of Documentation with
23 an effective period of 5 years. Alternatively, ves-
24 sel owners or operators with vessel documenta-
25 tion numbers ending in 0, 1, 2, 3 may elect to

1 apply for a renewal Certificate of Documenta-
2 tion with an effective period of 1 year, 2 years,
3 3 years, or 4 years. All other vessel owners and
4 operators shall be qualified to apply or an ini-
5 tial or renewal certificate with an effective pe-
6 riod of one year.

7 “(B) In fiscal year 2020, vessel owners or
8 operators with vessel documentation numbers
9 ending in 4, 5, or 6 shall be qualified to apply
10 for a renewal Certificate of Documentation with
11 an effective period of 5 years . Alternatively,
12 vessel owners or operators with vessel docu-
13 mentation numbers ending in 4, 5, or 6 may
14 elect to apply for an renewal Certificate of Doc-
15 umentation with an effective period of 1 year,
16 2 years, 3 years, or 4 years. All other vessel
17 owners and operators shall be qualified to apply
18 or an initial or renewal certificate with an effec-
19 tive period of one year.

20 “(C) In fiscal year 2021, vessels owners or
21 operators with vessel documentation numbers
22 ending in 7, 8, or 9 shall be qualified to apply
23 for an initial or renewal Certificate of Docu-
24 mentation with an effective period of 5 years.
25 Alternatively, vessel owners or operators with

1 vessel documentation numbers ending in 7, 8,
2 or 9 may elect to apply for an initial or renewal
3 Certificate of Documentation with an effective
4 period of 1 year, 2 years, 3 years, or 4 years.
5 All other vessel owners and operators shall be
6 qualified to apply for an initial or renewal cer-
7 tificate with an effective period of one year.

8 “(D) Starting in fiscal year 2022 all vessel
9 owners and operators shall be qualified to apply
10 for a renewal Certificate of Documentation with
11 effective periods of 1 year, 2 years, 3 years, 4
12 years, or 5 years.

13 “(E) Starting in fiscal year 2019 vessel
14 owners and operators applying for an initial
15 Certificate of Documentation may apply for
16 such documentation with an effective period of
17 1 year, 2 years, 3 years, 4 years, or 5 years.

18 “(2) APPLICATION FOR RENEWAL.—Applica-
19 tions for renewal may be submitted no earlier than
20 90 days prior to the expiration date of a Certificate
21 of Documentation.

22 “(3) FEES.—

23 “(A) For fiscal years 2019 through 2021
24 the Secretary shall collect the following fees
25 from vessel owners or operators—

1 “(i) For a Certificate of Documenta-
2 tion with an effective period of 5 years the
3 fee collected from the vessel owner or oper-
4 ator shall be \$ 130.00

5 “(ii) For a Certificate of Documenta-
6 tion with an effective period of 4 years the
7 fee collected from the vessel owner or oper-
8 ator shall be \$104.00.

9 “(iii) For a Certificate of Documenta-
10 tion with an effective period of 3 years the
11 fee collected from the vessel owner or oper-
12 ator shall be \$78.00.

13 “(iv) For a Certificate of Documenta-
14 tion with an effective period of 2 years the
15 fee collected from the vessel owner or oper-
16 ator shall be \$52.00.

17 “(v) For a Certificate of Documenta-
18 tion with an effective period of one year
19 the fee collected from the vessel owner or
20 operator shall be \$ 26.

21 “(B) For fiscal years 2022 and thereafter
22 such fees shall be published in the Federal reg-
23 ister as a direct final rule. Such rulemaking
24 shall be exempt from the requirements of the

1 Administrative Procedure Act Public Law 79-
2 404, 60 Stat 237, June 11, 1946.

3 “(4) FUNDS AVAILABILITY.—Fees collected for
4 the issuance of Certificates of Documentation by the
5 Secretary of the department in which the Coast
6 Guard is operating—

7 “(A) shall be deposited into the account
8 that bore the expense for issuance of such Cer-
9 tificate of Documentation, and

10 “(B) shall be available until expended.”.

11 **SEC. 313. EXCEPTION FROM SURVIVAL CRAFT REQUIRE-**
12 **MENTS.**

13 Section 3104 of title 46, United States Code, is
14 amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (e) the fol-
18 lowing:

19 “(d) AUXILIARY CRAFT.—

20 “(1) EXCEPTION.—Subject to paragraph (2),
21 this section shall not apply to a vessel carrying an
22 auxiliary craft on board, except an inflatable liferaft,
23 if the auxiliary craft—

24 “(A) is readily accessible during an emer-
25 gency; and

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

3 “(2) REQUIREMENT.—A vessel described in
4 paragraph (1) may not exceed the rated capacity on
5 the capacity plate of the auxiliary craft if the auxil-
6 iary craft is equipped with a Coast Guard required
7 capacity plate.”.

8 **SEC. 314. INLAND WATERWAY AND RIVER TENDER, AND**
9 **BAY CLASS ICEBREAKER ACQUISITION PLAN.**

10 (a) ACQUISITION PLAN.—Not later than 545 days
11 after the date of enactment of this Act, the Commandant
12 of the Coast Guard shall submit to the Committee on
13 Commerce, Science, and Transportation of the Senate and
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives a plan to replace the aging
16 fleet of inland waterway and river tenders, and the bay
17 class icebreakers.

18 (b) CONTENTS.—The plan described in subsection (a)
19 shall include—

- 20 (1) a schedule for the acquisition to begin;
21 (2) the date the first vessel will be delivered;
22 (3) the date the acquisition will be complete;
23 (4) a description of the order and location of re-
24 placements;

1 (5) an estimate of the cost per vessel and for
2 total acquisition program of record; and

3 (6) an analysis of whether existing vessels can
4 be used.

5 **SEC. 315. ARCTIC PLANNING CRITERIA.**

6 (a) ALTERNATIVE PLANNING CRITERIA.—

7 (1) IN GENERAL.—The Commandant of the
8 Coast Guard may approve alternative planning cri-
9 teria for the area covered by the Captain of the Port
10 Zone that includes the Arctic, or for an area of less-
11 er geographic extent than the area covered by the
12 Captain of the Port Zone that includes the Arctic,
13 for purposes of complying with subpart D and sub-
14 part J of section 155 of title 33, Code of Federal
15 Regulations, if the Commandant, in addition to the
16 requirements described in sections 155.1065 and
17 155.5067 of that title—

18 (A) verifies that equipment included in the
19 plan has been tested and proven capable of op-
20 erating in the environmental conditions ex-
21 pected in the area in which it is intended to be
22 operated; and

23 (B) training has been conducted by the
24 equipment operators on the equipment listed in
25 the plan.

1 (2) POST-APPROVAL REQUIREMENTS.—For
2 each plan approved under paragraph (1)—

3 (A) an alternative planning criteria pro-
4 vider shall conduct regular exercises and drills
5 of the plan as described in the Coast Guard
6 Preparedness for Response Exercise Program
7 guidelines; or

8 (B) an alternative planning criteria pro-
9 vider may take credit for responses to actual
10 spills or releases, or to significant threats of a
11 spill, instead of conducting regular exercises
12 and drills of the plan, if the provider—

13 (i) documents which exercise require-
14 ments, as described in the Preparedness
15 for Response Exercise Program guidelines,
16 were met during the response; and

17 (ii) submits a request for credit to
18 and receives approval from the Com-
19 mandant.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Com-
23 mandant of the Coast Guard shall submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Rep-
2 resentatives a report on the oil spill prevention and
3 response capabilities for the area covered by the
4 Captain of the Port Zone that includes the Arctic.

5 (2) CONTENTS.—The report shall include the
6 following:

7 (A) Levels of equipment and assets.

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

11 (C) A determination on the degree of how
12 effectively the assets are distributed throughout
13 the area.

14 (D) A statement on whether performance
15 of ability to deploy equipment and impact on
16 other areas covered by the Captain of the Port
17 Zone is taken into account when measuring the
18 level of equipment available.

19 (E) Validation of port assessment visit
20 process and response resource inventory.

21 (F) A description of the resources need
22 throughout the Coast Guard to conduct port as-
23 sessments, exercises, response plan review and
24 spill responses.

1 (c) DEFINITION OF ARCTIC.—In this section, the
2 term “Arctic” has the meaning given the term under sec-
3 tion 112 of the Arctic Research and Policy Act of 1984
4 (15 U.S.C. 4111).

5 **TITLE IV—MARITIME SECURITY**

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

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

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

14 (2) enter into such agreements as the Secretary
15 considers necessary to ensure 24-hour monitoring of
16 such technology.

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

18 (a) DEFINITIONS.—In this section:

19 (1) CANINE CURRENCY DETECTION TEAM.—

20 The term “canine currency detection team” means a
21 canine and a canine handler that are trained to de-
22 tect currency.

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

1 (b) ESTABLISHMENT.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to allow the use of canine currency de-
4 tection teams for purposes of Coast Guard maritime law
5 enforcement and maritime security operations, including
6 underway vessel boardings.

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

10 **SEC. 403. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

11 Section 658 of title 14, United States Code, is
12 amended by striking “\$45,000” and inserting
13 “\$250,000”.

14 **SEC. 404. MONITORING OF ILLEGAL, UNREPORTED, AND**
15 **UNREGULATED FISHING.**

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

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

22 (1) use light aircraft-based detection systems
23 which can identify potential illegal activity from
24 higher altitudes and produce enforcement-quality
25 evidence at lower altitudes; and

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

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

5 (a) DEFINITION OF ARCTIC.—In this section, the
6 term “Arctic” has the meaning given the term in section
7 112 of the Arctic Research and Policy Act of 1984 (15
8 U.S.C. 4111).

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the Arctic continues to grow in significance
12 to both the national security interests and the eco-
13 nomic prosperity of the United States; and

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

17 (c) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Commandant of the Coast
19 Guard, in consultation with the Secretary of Defense and
20 taking into consideration the Department of Defense 2016
21 Arctic Strategy, shall submit to the Committee on Com-
22 merce, Science, and Transportation of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the progress toward
25 implementing the strategic objectives described in the

1 United States Coast Guard Arctic Strategy dated May
2 2013.

3 (d) CONTENTS.—The report under subsection (c)
4 shall include—

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

7 (2) plans to provide communications throughout
8 the entire Coastal Western Alaska Captain of the
9 Port zone to improve waterway safety and mitigate
10 close calls, collisions, and other dangerous inter-
11 actions between the shipping industry and subsist-
12 ence hunters;

13 (3) plans to prevent marine casualties, when
14 possible, by ensuring vessels avoid environmentally
15 sensitive areas and permanent security zones;

16 (4) an explanation of—

17 (A) whether it is feasible to establish a ves-
18 sel traffic service, using existing resources or
19 otherwise; and

20 (B) whether an Arctic Response Center of
21 Expertise is necessary to address the gaps in
22 experience, skills, equipment, resources, train-
23 ing, and doctrine to prepare, respond to, and
24 recover spilled oil in the Arctic;

1 (5) an assessment of whether sufficient agree-
2 ments are in place to ensure the Coast Guard is re-
3 ceiving the information it needs to carry out its re-
4 sponsibilities;

5 (6) an assessment of the assets and infrastruc-
6 ture necessary to meet the strategic objectives iden-
7 tified in the United States Coast Guard Arctic
8 Strategy dated May 2013 based on factors such
9 as—

10 (A) response time;

11 (B) coverage area;

12 (C) endurance on scene;

13 (D) presence; and

14 (E) deterrence; and

15 (7) an analysis of National Security Cutters,
16 Offshore Patrol Cutters, and Fast Response Cutters
17 capabilities based on the factors described in sub-
18 paragraphs (A) through (E) of paragraph (6), both
19 stationed from various Alaska ports and in other lo-
20 cations.

21 **SEC. 406. FLEET REQUIREMENTS ASSESSMENT AND STRAT-**

22 **EGY.**

23 (a) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Secretary of the department
25 in which the Coast Guard is operating, in consultation

1 with interested Federal and non-Federal stakeholders,
2 shall submit to the Committee on Commerce, Science, and
3 Transportation of the Senate and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives a report including—

6 (1) an assessment of Coast Guard at-sea oper-
7 ational fleet requirements to support its statutory
8 missions established in the Homeland Security Act
9 of 2002 (6 U.S.C. 101 et seq.); and

10 (2) a strategic plan for meeting the require-
11 ments identified under paragraph (1).

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

14 (1) an assessment of—

15 (A) the extent to which the Coast Guard
16 at-sea operational fleet requirements are cur-
17 rently being met;

18 (B) the Coast Guard's current fleet, its
19 operational lifespan, and how the aging of the
20 fleet will impact at-sea operational needs;

21 (C) fleet operations and recommended im-
22 provements to minimize costs and extend oper-
23 ational vessel life spans; and

24 (D) actual cutter requirements for the
25 Fast Response Cutter, the Offshore Patrol Cut-

1 ter, and the National Security Cutter to meet
2 at-sea operational needs as compared to
3 planned acquisitions under the current pro-
4 grams of record;

5 (2) an analysis of—

6 (A) how the Coast Guard at-sea oper-
7 ational fleet requirements are currently met, in-
8 cluding the use of the Coast Guard’s current
9 cutter fleet, agreements with partners, char-
10 tered vessels, and unmanned vehicle technology;
11 and

12 (B) how existing and planned cutter pro-
13 grams of record meet the at-sea operational re-
14 quirements, including the Fast Response Cut-
15 ter, the Offshore Patrol Cutter, and the Na-
16 tional Security Cutter; and

17 (3) a description of—

18 (A) planned manned and unmanned vessel
19 acquisition; and

20 (B) how such acquisitions will change the
21 extent to which the Coast Guard at-sea oper-
22 ational requirements are met.

23 (c) CONSULTATION AND TRANSPARENCY.—

24 (1) CONSULTATION.—In consulting with the
25 Federal and non-Federal stakeholders under sub-

1 section (a), the Secretary of the department in which
2 the Coast Guard is operating shall—

3 (A) provide the stakeholders with opportu-
4 nities for input—

5 (i) prior to initially drafting the re-
6 port, including the assessment and stra-
7 tegic plan; and

8 (ii) not later than 3 months prior to
9 finalizing the report, including the assess-
10 ment and strategic plan, for submission;
11 and

12 (B) document the input and its disposition
13 in the report.

14 (2) TRANSPARENCY.—All input provided under
15 paragraph (1) shall be made available to the public.

16 **SEC. 407. COMPTROLLER GENERAL REPORT ON CERTAIN**
17 **TASK FORCES.**

18 (a) FINDINGS.—Congress finds that the Joint Inter-
19 agency Task Force South (referred to in this section as
20 the “JLATF-South”) is an exemplary program that exe-
21 cutes its counter-narcotics mission with distinction and in
22 a cost-effective manner.

23 (b) STUDY.—The Comptroller General of the United
24 States shall study each of the following task forces and

1 compare the execution of the task force’s counter-narcotics
2 and illegal migrant operation to that of the JIATF-South:

3 (1) The Joint Interagency Task Force West
4 (referred to in this section as the “JIATF-West”).

5 (2) The Department of Homeland Security’s
6 Joint Task Forces (referred to in this section as the
7 “DHS-JTF”).

8 (c) CONTENTS.—In conducting the study under sub-
9 section (b), the Comptroller General shall, at a min-
10 imum—

11 (1) review the JIATF-West Counternarcotics
12 Operations Center and its performance of its mission
13 to support counter-narcotics missions by United
14 States law enforcement agencies;

15 (2) compare the JIATF-West, DHS-JTFs, and
16 JIATF-South organizational and manning structure;

17 (3) assess the JIATF-West’s current organiza-
18 tional and manning structure as it relates to
19 JIATF-West’s ability to conduct counter-narcotics
20 missions;

21 (4) review the JIATF-West’s December 2015-
22 May 2017 reorganization initiative and its impact, if
23 any, on improving mission performance;

24 (5) review the JIATF-West’s leadership, includ-
25 ing an assessment of—

1 (A) the role of a Coast Guard flag officer
2 as the director as compared to the Coast
3 Guard's role in JIAFT-South; and

4 (B) the process used by the JIATF-West
5 for developing and implementing its December
6 2015-May 2017 reorganization initiative, in-
7 cluding how it assessed progress and solicited
8 feedback on the initiative;

9 (C) its general management and personnel
10 practices, and their impact, if any, on mission
11 performance;

12 (6) include recommendations for improving the
13 JIATF-West's performance; and

14 (7) review whether there is any redundancy be-
15 tween DHS-JTF and JIATF-South or JIATF-West.

16 (d) REPORT.—The Comptroller General shall submit
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Transportation
19 and Infrastructure of the House of Representatives a re-
20 port on the findings of the study under subsection (b),
21 including any recommendations for improving the counter-
22 narcotics and illegal migrant operations of the JIATF-
23 West or DHS-JTF.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.**

3 Section 27 of the Coast Guard Authorization Act of
4 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

5 **SEC. 502. ACQUISITION WORKFORCE EXPEDITED HIRING**
6 **AUTHORITY.**

7 (a) EXPEDITED HIRING AUTHORITY.—

8 (1) IN GENERAL.—Chapter 15 of title 14,
9 United States Code, is amended by inserting after
10 section 563 the following:

11 **“§ 563a. Acquisition workforce expedited hiring au-**
12 **thority**

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

15 “(1) designate any category of acquisition posi-
16 tions within the Coast Guard as shortage category
17 positions; and

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

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

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

1 Guard Authorization Act of 2017, may elect to be subject
2 to section 8344 or 8468 of such title (as the case may
3 be).

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

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 con-
19 tents of chapter 15 of title 14, United States Code,
20 as amended in subsection (a) of this section, is fur-
21 ther amended by inserting after the item relating to
22 section 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 sched-
3 ule; 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
8 Act making appropriations for the construction, repair,
9 and preservation of certain public works on rivers and har-
10 bors, and for other purposes”, approved August 18, 1894
11 (33 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
16 the operating schedule of a drawbridge, lasting 180 days
17 or 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
22 to the bridge owner; and

23 “(ii) announce the temporary change
24 in—

1 “(I) the Local Notice to Mari-
2 ners;

3 “(II) broadcast notices to mari-
4 ners through the Coast Guard radio
5 station or Navy radio station, or both;
6 or

7 “(III) such other local media as
8 the Secretary considers appropriate;
9 and

10 “(B) the bridge owner, except a railroad
11 bridge owner, shall notify—

12 “(i) the public by publishing notice of
13 the temporary change in a newspaper of
14 general circulation published in the place
15 where the bridge is located;

16 “(ii) the department, agency, or office
17 of transportation with jurisdiction over the
18 roadway that abuts the approaches to the
19 bridge; and

20 “(iii) the law enforcement organiza-
21 tion with jurisdiction over the roadway
22 that abuts the approaches to the bridge; or

23 “(2) is denied, the Secretary of the department
24 in which the Coast Guard is operating shall—

1 Guard Yard or a designated Coast Guard industrial estab-
2 lishment agree that delivery or technical performance of
3 the wage-grade industrial employees may, during the term
4 of such project order, improve, the parties to such project
5 order may, notwithstanding any other provision of law, in-
6 cluding any provision of law that provides for the time
7 or purpose of appropriated funds, enter into an incentive
8 project order or a cost-plus-incentive-fee project order by
9 which an agreed upon amount of the adjustment to be
10 made pursuant to section 648(a) of title 14, United States
11 Code, may, notwithstanding that provision of law or any
12 other provision of law, be distributed as an incentive to
13 the wage-grade industrial employees who completed the
14 project order.

15 (b) CONDITION.—Before entering into an incentive
16 project order or a cost-plus-incentive-fee project order, the
17 commanding officer of the Coast Guard Yard or the com-
18 manding officer of the Coast Guard industrial establish-
19 ment, as the case may be, shall complete a determination
20 and finding for such incentive project order or cost-plus-
21 incentive-fee project order that justifies the use of such
22 project order as in the best interest of the Federal Govern-
23 ment.

24 (c) TREATMENT OF INCENTIVE AWARD.—Notwith-
25 standing any other provision of law, in the event that the

1 industrial workforce of the Coast Guard Yard or a Coast
2 Guard industrial establishment satisfies the performance
3 target set out in an incentive project order or a cost-plus-
4 incentive-fee project order—

5 (1) the adjustment to be made pursuant to sec-
6 tion 648(a) of title 14, United States Code, shall,
7 notwithstanding that provision of law, be reduced by
8 the agreed amount and distributed as an incentive to
9 such wage-grade industrial employees; and

10 (2) the remainder of the adjustment shall be
11 credited to the appropriation current at that time.

12 **SEC. 505. COAST GUARD HEALTH-CARE PROFESSIONALS;**
13 **LICENSURE PORTABILITY.**

14 (a) **IN GENERAL.**—Section 1094(d)(1) of title 10,
15 United States Code, shall apply in the same manner and
16 to the same degree as such section applies to a health-
17 care professional described in subsection (d)(2) of that
18 section to a health-care professional described in sub-
19 section (b) of this section.

20 (b) **HEALTH-CARE PROFESSIONAL.**—A health-care
21 professional described in this subsection is a member of
22 the Coast Guard, civilian employee of the Coast Guard,
23 member of the Public Health Service assigned to the Coast
24 Guard, personal services contractor under section 1091 of
25 title 10, United States Code, or other health-care profes-

1 sional credentialed and privileged at a Federal health care
2 institution or location specially designated by the Sec-
3 retary of the department in which the Coast Guard is op-
4 erating for this purpose who—

5 (1) has a current license to practice medicine,
6 osteopathic medicine, dentistry, or another health
7 profession; and

8 (2) is performing authorized duties for the
9 Coast Guard.

10 **SEC. 506. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**

11 (a) LAND EXCHANGE; AYAKULIK ISLAND, ALAS-
12 KA.—If the owner of Ayakulik Island, Alaska, offers to
13 exchange the Island for the Tract—

14 (1) within 10 days after receiving such offer,
15 the Secretary shall provide notice of the offer to the
16 Commandant;

17 (2) within 90 days after receiving the notice
18 under paragraph (1), the Commandant shall develop
19 and transmit to the Secretary proposed operational
20 restrictions on commercial activity conducted on the
21 Tract, including the right of the Commandant to—

22 (A) order the immediate termination, for a
23 period of up to 72 hours, of any activity occur-
24 ring on or from the Tract that violates or

1 threatens to violate 1 or more of such restric-
2 tions; or

3 (B) commence a civil action for appro-
4 appropriate relief, including a permanent or tem-
5 porary injunction enjoining the activity that vio-
6 lates or threatens to violate such restrictions;

7 (3) within 90 days after receiving the proposed
8 operational restrictions from the Commandant, the
9 Secretary shall transmit such restrictions to the
10 owner of Ayakulik Island; and

11 (4) within 30 days after transmitting the pro-
12 posed operational restrictions to the owner of
13 Ayakulik Island, and if the owner agrees to such re-
14 strictions, the Secretary shall convey all right, title,
15 and interest of the United States in and to the
16 Tract to the owner, subject to an easement granted
17 to the Commandant to enforce such restrictions, in
18 exchange for all right, title, and interest of such
19 owner in and to Ayakulik Island.

20 (b) BOUNDARY REVISIONS.—The Secretary may
21 make technical and conforming revisions to the boundaries
22 of the Tract before the date of the exchange.

23 (c) PUBLIC LAND ORDER.—Effective on the date of
24 an exchange under subsection (a), Public Land Order

1 5550 shall have no force or effect with respect to sub-
2 merged lands that are part of the Tract.

3 (d) FAILURE TO TIMELY RESPOND TO NOTICE.—If
4 the Commandant does not transmit proposed operational
5 restrictions to the Secretary within 30 days after receiving
6 the notice under subsection (a)(1), the Secretary shall, by
7 not later than 60 days after transmitting such notice, con-
8 vey all right, title, and interest of the United States in
9 and to the Tract to the owner of Ayakulik Island in ex-
10 change for all right, title, and interest of such owner in
11 and to Ayakulik Island.

12 (e) CERCLA.—

13 (1) IN GENERAL.—This section and an ex-
14 change under this section shall not be construed to
15 limit the application of or otherwise affect section
16 120(h) of the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9620(h)).

19 (2) EXEMPTION.—Notwithstanding paragraph
20 (1), the Coast Guard shall be exempt from liability
21 under the Comprehensive Environmental Response,
22 Compensation, and Liability Act of 1980 (42 U.S.C.
23 9620(h)).

24 (f) DEFINITIONS.—In this section:

1 (1) COMMANDANT.—The term “Commandant”
2 means the Secretary of the department in which the
3 Coast Guard is operating, acting through the Com-
4 mandant of the Coast Guard.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (3) TRACT.—The term “Tract” means the land
8 (including submerged land) depicted as “PRO-
9 POSED PROPERTY EXCHANGE AREA” on the
10 survey titled “PROPOSED PROPERTY EX-
11 CHANGE PARCEL” and dated March 22, 2017.

12 **SEC. 507. ABANDONED SEAFARERS FUND AMENDMENTS.**

13 Section 11113 of title 46, United States Code, is
14 amended—

15 (1) in subsection (a)(2), by striking “may be
16 appropriated to the Secretary” in the matter before
17 subparagraph (A) and inserting “shall be available
18 to the Secretary without further appropriation, and
19 shall remain available until expended,”; and

20 (2) in subsection (c)—

21 (A) in paragraph (1), by inserting “plus a
22 surcharge of 25 percent of such total amount,”
23 after “seafarer,” in the matter preceding sub-
24 paragraph (A); and

25 (B) by striking paragraph (4).

1 **SEC. 508. SMALL SHIPYARD CONTRACTS.**

2 (a) IN GENERAL.—Chapter 17 of title 14, United
3 States Code, is amended by inserting after section 667 the
4 following:

5 **“§ 667a. Construction of Coast Guard vessels and as-**
6 **signment of vessel projects**

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

13 (b) TABLE OF CONTENTS.—The table of contents of
14 chapter 17 of title 14, United States Code, is amended
15 by inserting after the item relating to section 667 the fol-
16 lowing:

“667a. Construction of Coast Guard vessels and assignment of vessel projects.”.

17 **SEC. 509. WESTERN CHALLENGER; CERTIFICATE OF DOCU-**
18 **MENTATION.**

19 Section 604(b) of the Howard Coble Coast Guard and
20 Maritime Transportation Act of 2014 (Public Law 113–
21 281; 128 Stat. 3062) is amended by inserting “and a fish-
22 eries endorsement” after “endorsement”.

23 **SEC. 510. VESSEL CLASSING.**

24 (a) CLASSIFICATION SOCIETIES.—Section 3316 of
25 title 46, United States Code, is amended—

—Strike 510

1 (1) by amending subsection (a) to read as fol-
2 lows—

3 “(1) Each department, agency, and instrumen-
4 tality of the United States Government shall recog-
5 nize a Secretary-approved classification society as its
6 agent in classifying vessels owned by the Govern-
7 ment and in matters related to classification.”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “the
10 American Bureau of Shipping or another” and
11 inserting “an approved”; and

12 (B) in paragraph (2)(A), by striking “the
13 American Bureau of Shipping” and inserting
14 “the classification society”; and

15 (3) in subsection (d)—

16 (A) in paragraph (1), by striking “the
17 American Bureau of Shipping or another” and
18 replacing with “an approved”; and

19 (B) in paragraph (2)(B), by striking
20 “American Bureau of Shipping” each places it
21 appears and inserting “classification society”.

22 (b) CUTTER CLASSIFICATION.—Section 573(e)(3) of
23 title 14, United States Code, is amended to read as fol-
24 lows:

1 “(3) CUTTER CLASSIFICATION.—The Com-
2 mandant shall cause each cutter, other than a Na-
3 tional Security Cutter or a polar icebreaker, ac-
4 quired by the Coast Guard and delivered after the
5 date of enactment of the Coast Guard Authorization
6 Act of 2010, to be classed by a Secretary-approved
7 classification society under section 3316 of title 46
8 before final acceptance.”.

9 (c) CUTTERS NOT MAINTAINED IN CLASS.—Section
10 2903(d) of title 14, United States Code, is amended to
11 read as follows:

12 “(d) CUTTERS NOT MAINTAINED IN CLASS.—Each
13 report under subsection (a) which shall identify which, if
14 any, Coast Guard cutters that have been issued a certifi-
15 cate of classification by a Secretary-approved classification
16 society under section 3316 of title 46 have not been main-
17 tained in class, with an explanation detailing the reasons
18 why the cutters have not been maintained in class.”.

19 (d) FISHING, FISH TENDER, AND FISH PROCESSING
20 VESSEL CERTIFICATION.—Section 4503(a) of title 46,
21 United States Code, is amended to read as follows:

22 “(a) A vessel to which this subsection applies may
23 not be operated unless the vessel—

1 “(1) meets all survey and classification require-
2 ments prescribed by a Secretary-approved classifica-
3 tion society under section 3316 of title 46; and

4 “(2) has on board a certificate issued by an ap-
5 proved classing society.”.

6 (e) LIST OF DOCUMENTED VESSELS.—Section
7 12138(a) of title 46, United States Code, is amended to
8 read as follows:

9 “(a) IN GENERAL.—The Secretary shall publish peri-
10 odically a list of all documented vessels and information
11 about those vessels that the Secretary considers pertinent
12 or useful. The list shall contain a notation clearly indi-
13 cating all vessels classed by a Secretary-approved classi-
14 fication society under section 3316 of title 46.”.

15 (f) ESTABLISHMENT OF MARITIME SECURITY
16 FLEET.—Section 53102(e) of title 46, United States
17 Code, is amended to read as follows:

18 “(e) VESSEL STANDARDS.—

19 “(1) CERTIFICATE OF INSPECTION.—A vessel
20 used to provide oceangoing transportation which the
21 Secretary of the department in which the Coast
22 Guard is operating determines meets the criteria of
23 subsection (b) of this section but which, on the date
24 of enactment of the Maritime Security Act of 2003,
25 is not documented under chapter 121 of this title,

1 shall be eligible for a certificate of inspection if the
2 Secretary determines that—

3 “(A) the vessel is classed by and designed
4 in accordance with the rules of a Secretary-ap-
5 proved classification society under section 3316
6 of title 46;

7 “(B) the vessel complies with applicable
8 international agreements and associated guide-
9 lines, as determined by the country in which the
10 vessel was documented immediately before be-
11 coming documented under chapter 121; and

12 “(C) that country has not been identified
13 by the Secretary as inadequately enforcing
14 international vessel regulations as to that ves-
15 sel.

16 “(2) CONTINUED ELIGIBILITY FOR CERTIFI-
17 CATE.—Paragraph (1) does not apply to a vessel
18 after any date on which the vessel fails to comply
19 with the applicable international agreements and as-
20 sociated guidelines referred to in paragraph (1)(B).

21 “(3) RELIANCE ON CLASSIFICATION SOCIETY.—

22 “(A) IN GENERAL.—The Secretary may
23 rely on a certification from a Secretary-ap-
24 proved United States classification society or,
25 subject to subparagraph (B), another classifica-

1 tion society accepted by the Secretary to estab-
2 lish that a vessel is in compliance with the re-
3 quirements of paragraphs (1) and (2).

4 “(B) FOREIGN CLASSIFICATION SOCI-
5 ETY.—The Secretary may accept certification
6 from a foreign classification society under sub-
7 paragraph (A) only—

8 “(i) to the extent that the government
9 of the foreign country in which the society
10 is headquartered provides access on a re-
11 ciprocal basis to Secretary-approved
12 United States classification societies; and

13 “(ii) if the foreign classification soci-
14 ety has offices and maintains records in
15 the United States.”.

16 (g) CONTENTS OF OBLIGATIONS.—Section
17 53710(a)(4)(A) of title 46, United States Code, is amend-
18 ed to read as follows:

19 “(A) in class A-1, American Bureau of
20 Shipping, or meet equivalent standards of a
21 Secretary-approved classification society under
22 section 3316 of title 46, with all required cer-
23 tificates, including marine inspection certifi-
24 cates of the Coast Guard or, in the case of an
25 eligible export vessel, of the appropriate foreign

1 authorities under a treaty, convention, or other
2 international agreement to which the United
3 States is a party, and with all outstanding re-
4 quirements and recommendations necessary for
5 class retention accomplished, unless the Sec-
6 retary or Administrator permits a deferment of
7 repairs necessary to meet these requirements;
8 and”.

9 (h) DELEGATION OF AUTHORITY.—Section 5107(a)
10 of title 46, United States Code, is amended to read as
11 follows:

12 “(a) The Secretary shall delegate to a Secretary-ap-
13 proved classification society under section 3316 of title 46
14 the authority to assign load lines, survey vessels, deter-
15 mine that load lines are marked correctly, and issue load
16 line certificates under this chapter.”.

17 **SEC. 511. RADAR REFRESHER TRAINING.**

18 Not later than 60 days after the date of enactment
19 of this Act, the Secretary of the department in which the
20 Coast Guard is operating shall prescribe a final rule elimi-
21 nating the requirement that a mariner complete an ap-
22 proved refresher or re-certification course to maintain a
23 radar observer endorsement. This rulemaking shall be ex-
24 empt from the notice and comment requirements of sec-
25 tion 553 of title 5, United States Code.

1 **TITLE VI—DEPARTMENT OF**
2 **COMMERCE VESSELS**

3 **SEC. 601. WAIVERS FOR CERTAIN CONTRACTS.**

4 Section 3134 of title 40, United States Code, is
5 amended—

6 (1) by inserting “Secretary of Homeland Secu-
7 rity,” after “Air Force,” each place it appears; and

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

9 “(c) COMMERCE.—The Secretary of Commerce may
10 waive this subchapter with respect to contracts for the
11 construction, alteration, or repair of vessels, regardless of
12 the terms of the contracts as to payment or title, when
13 the contract is made under the Act entitled ‘An Act to
14 define the functions and duties of the Coast and Geodetic
15 Survey, and for other purposes’, approved August 6, 1947
16 (33 U.S.C. 883a et seq.).”.

17 **TITLE VII—FEDERAL MARITIME**
18 **COMMISSION AUTHORIZA-**
19 **TION ACT OF 2017**

20 **SEC. 701. SHORT TITLE.**

21 This title may be cited as the “Federal Maritime
22 Commission Authorization Act of 2017”.

23 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—Section 308 of title 46, United
25 States Code, is amended by striking “\$24,700,000 for

1 each of fiscal years 2016 and 2017” and inserting
2 “\$28,490,000 for each of fiscal years 2018 and 2019”.

3 (b) INTERNATIONAL OCEAN SHIPPING SUPPLY
4 CHAIN INFORMATION PORTAL DEMONSTRATION
5 PROJECT.—There is authorized to be appropriated to
6 carry out section 707 of this title \$1,000,000 for each of
7 fiscal years 2018 and 2019.

8 **SEC. 703. RECORD OF MEETINGS AND VOTES.**

9 (a) IN GENERAL.—Section 303 of title 46, United
10 States Code, is amended to read as follows:

11 **“§ 303. Meetings**

12 “(a) IN GENERAL.—The Federal Maritime Commis-
13 sion shall be deemed to be an agency for purposes of sec-
14 tion 552b of title 5.

15 “(b) RECORD.—The Commission, through its sec-
16 retary, shall keep a record of its meetings and the votes
17 taken on any action, order, contract, or financial trans-
18 action of the Commission.

19 “(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

20 “(1) IN GENERAL.—Notwithstanding section
21 552b of title 5, a majority of the Commissioners
22 may hold a meeting that is not open to public obser-
23 vation to discuss official agency business if—

24 “(A) no formal or informal vote or other
25 official agency action is taken at the meeting;

1 “(B) each individual present at the meet-
2 ing is a Commissioner or an employee of the
3 Commission; and

4 “(C) the General Counsel of the Commis-
5 sion is present at the meeting.

6 “(2) DISCLOSURE OF NONPUBLIC COLLABO-
7 RATIVE DISCUSSIONS.—Except as provided under
8 paragraph (3), not later than 2 business days after
9 the conclusion of a meeting under paragraph (1),
10 the Commission shall make available to the public,
11 in a place easily accessible to the public—

12 “(A) a list of the individuals present at the
13 meeting; and

14 “(B) a summary of the matters discussed
15 at the meeting, except for any matters the
16 Commission properly determines may be with-
17 held from the public under section 552b(c) of
18 title 5.

19 “(3) EXCEPTION.—If the Commission properly
20 determines matters may be withheld from the public
21 under section 555b(c) of title 5, the Commission
22 shall provide a summary with as much general infor-
23 mation as possible on those matters withheld from
24 the public.

1 “(4) ONGOING PROCEEDINGS.—If a meeting
2 under paragraph (1) directly relates to an ongoing
3 proceeding before the Commission, the Commission
4 shall make the disclosure under paragraph (2) on
5 the date of the final Commission decision.

6 “(5) PRESERVATION OF OPEN MEETINGS RE-
7 QUIREMENTS FOR AGENCY ACTION.—Nothing in this
8 subsection may be construed to limit the applica-
9 bility of section 552b of title 5 with respect to a
10 meeting of the Commissioners other than that de-
11 scribed in this subsection.

12 “(6) STATUTORY CONSTRUCTION.—Nothing in
13 this subsection may be construed—

14 “(A) to limit the applicability of section
15 552b of title 5 with respect to any information
16 which is proposed to be withheld from the pub-
17 lic under paragraph (2)(B) of this subsection;
18 or

19 “(B) to authorize the Commission to with-
20 hold from any individual any record that is ac-
21 cessible to that individual under section 552a of
22 title 5.”.

23 (b) TABLE OF CONTENTS.—The table of contents of
24 chapter 3 of title 46, United States Code, is amended by

1 amending the item relating to section 303 to read as fol-
2 lows:

“303. Meetings.”.

3 **SEC. 704. PUBLIC PARTICIPATION.**

4 (a) NOTICE OF FILING.—Section 40304(a) of title
5 46, United States Code, is amended to read as follows:

6 “(a) NOTICE OF FILING.—Not later than 7 days
7 after the date an agreement is filed, the Federal Maritime
8 Commission shall—

9 (1) transmit a notice of the filing to the Fed-
10 eral Register for publication; and

11 (2) request interested persons to submit rel-
12 evant information and documents.”.

13 (b) REQUEST FOR INFORMATION AND DOCU-
14 MENTS.—Section 40304(d) of title 46, United States
15 Code, is amended by striking “section” and inserting
16 “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 Commis-
20 sion from requesting from a person, at any time, any
21 additional 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
2 title 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)
12 of title 46, United States Code, is amended, in the lan-
13 guage preceding paragraph (1), by striking “act” and in-
14 serting “act, including holding itself out by solicitation,
15 advertisement, 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
21 Commission may require a common carrier or ma-
22 rine terminal operator, or an officer, receiver, trust-
23 ee, lessee, agent, or employee of the common carrier
24 or marine terminal operator to file with the Commis-
25 sion a periodical or special report, an account,

1 record, rate, or charge, or a memorandum of facts
2 and transactions related to the business of the com-
3 mon carrier or marine terminal operator, as applica-
4 ble.

5 “(2) REQUIREMENTS.—The report, account,
6 record, rate, charge, or memorandum shall—

7 “(A) be made under oath if the Commis-
8 sion requires; and

9 “(B) be filed in the form and within the
10 time prescribed by the Commission.”.

11 **SEC. 707. INTERNATIONAL OCEAN SHIPPING SUPPLY**
12 **CHAIN INFORMATION PORTAL DEMONSTRATION PROJECT.**
13

14 (a) IN GENERAL.—The Federal Maritime Commis-
15 sion may enter into a cooperative agreement (as that term
16 is used in section 6305 of title 31, United States Code)
17 with 1 or more private, academic, or other non-Federal
18 persons to develop and demonstrate the feasibility of an
19 Internet-based national seaport information portal for the
20 collection and dissemination of information to increase
21 overall supply chain visibility, reliability, and resilience
22 with respect to international ocean shipping.

23 (b) INFORMATION.—Information referred to in sub-
24 section (a) includes the information needs of key elements
25 of the import-shipping and export-shipping supply chains,

1 including those regarding container availability, chassis
2 availability, trucking operations, and other ocean carrier,
3 seaport, and marine terminal operations.

4 **SEC. 708. TRANSPARENCY.**

5 (a) IN GENERAL.—Beginning not later than 60 days
6 after the date of enactment of this Act, the Federal Mari-
7 time Commission shall submit to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives biannual reports that describe
11 the Commission’s progress toward addressing the issues
12 raised in each unfinished regulatory proceeding, regardless
13 of whether the proceeding is subject to a statutory or regu-
14 latory deadline.

15 (b) FORMAT OF REPORTS.—Each report under sub-
16 section (a) shall, among other things, clearly identify for
17 each unfinished regulatory proceeding—

- 18 (1) the popular title;
- 19 (2) the current stage of the proceeding;
- 20 (3) an abstract of the proceeding;
- 21 (4) what prompted the action in question;
- 22 (5) any applicable statutory, regulatory, or judi-
23 cial deadline;
- 24 (6) the associated docket number;
- 25 (7) the date the rulemaking was initiated;

1 (8) a date for the next action; and

2 (9) if a date for next action identified in the
3 previous report is not met, the reason for the delay.

4 **SEC. 709. TREATMENT OF TUG OPERATORS.**

5 (a) **EXCEPTIONS.**—Section 40307(b)(1) of title 46,
6 United States Code, is amended by inserting “tug opera-
7 tors,” after “motor carriers,”.

8 (b) **CONCERTED ACTION.**—Section 41105(4) of title
9 46, United States Code, is amended—

10 (1) by striking “non-ocean carrier” and insert-
11 ing “tug operator, non-ocean carrier,”; and

12 (2) by inserting “tug operators or” after
13 “States by those”.

14 **SEC. 710. PROHIBITIONS AND PENALTIES.**

15 Section 41104(11) of title 46, United States Code,
16 is amended by striking “a tariff as required by section
17 40501 of this title and”.

18 **TITLE VIII—VESSEL INCIDENTAL**
19 **DISCHARGE ACT**

20 **SEC. 801. SHORT TITLE.**

21 This title may be cited as the “Vessel Incidental Dis-
22 charge Act”.

23 **SEC. 802. DEFINITIONS.**

24 In this title:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) AQUATIC NUISANCE SPECIES.—The term
5 “aquatic nuisance species” means a nonindigenous
6 species (including a pathogen) that threatens the di-
7 versity or abundance of native species or the ecologi-
8 cal stability of navigable waters of the United
9 States, or commercial, agricultural, aquacultural, or
10 recreational activities dependent on such waters.

11 (3) BALLAST WATER.—The term “ballast
12 water” means any water and suspended matter
13 taken on board a commercial vessel to control or
14 maintain trim, draught, stability, or stresses of the
15 commercial vessel, regardless of how it is carried.

16 (4) BALLAST WATER DISCHARGE STANDARD.—
17 The term “ballast water discharge standard” means
18 the numerical ballast water discharge standard set
19 forth in section 151.2030 of title 33, Code of Fed-
20 eral Regulations, or section 151.1511 of such title,
21 or a revised numerical ballast water discharge stand-
22 ard established under section 805, as applicable.

23 (5) BALLAST WATER MANAGEMENT SYSTEM.—
24 The term “ballast water management system”
25 means any system (including all ballast water treat-

1 ment equipment and all associated control and moni-
2 toring equipment) that processes ballast water to
3 kill, render harmless, or remove organisms.

4 (6) COMMERCIAL VESSEL.—

5 (A) IN GENERAL.—The term “commercial
6 vessel” means a vessel (as defined in section 3
7 of title 1, United States Code) that is engaged
8 in commercial service (as defined in section
9 2101 of title 46, United States Code).

10 (B) EXCLUSION.—The term “commercial
11 vessel” does not include a recreational vessel.

12 (7) DISCHARGE INCIDENTAL TO THE NORMAL
13 OPERATION OF A COMMERCIAL VESSEL.—

14 (A) IN GENERAL.—The term “discharge
15 incidental to the normal operation of a commer-
16 cial vessel” means—

17 (i) a discharge into navigable waters
18 of the United States from a commercial
19 vessel of—

20 (I)(aa) graywater, bilge water,
21 cooling water, oil water separator ef-
22 fluent, anti-fouling hull coating leach-
23 ate, boiler or economizer blowdown,
24 byproducts from cathodic protection,
25 controllable pitch propeller and

1 thruster hydraulic fluid, distillation
2 and reverse osmosis brine, elevator pit
3 effluent, firemain system effluent,
4 freshwater layup effluent, gas turbine
5 wash water, motor gasoline and com-
6 pensating effluent, refrigeration and
7 air condensate effluent, seawater pip-
8 ing biofouling prevention substances,
9 boat engine wet exhaust, sonar dome
10 effluent, exhaust gas scrubber
11 washwater, or stern tube packing
12 gland effluent; or

13 (bb) any other pollutant associ-
14 ated with the operation of a marine
15 propulsion system, shipboard maneu-
16 vering system, habitability system, or
17 installed major equipment, or from a
18 protective, preservative, or absorptive
19 application to the hull of a commercial
20 vessel;

21 (II) deck runoff, deck washdown,
22 above the waterline hull cleaning ef-
23 fluent, aqueous film forming foam ef-
24 fluent, chain locker effluent, non-oily
25 machinery wastewater, underwater

1 ship husbandry effluent, welldeck ef-
2 fluent, or fish hold and fish hold
3 cleaning effluent; or

4 (III) any effluent from a properly
5 functioning marine engine; or

6 (ii) a discharge of a pollutant into
7 navigable waters of the United States in
8 connection with the testing, maintenance,
9 or repair of a system, equipment, or engine
10 described in subclause (I)(bb) or (III) of
11 clause (i) whenever the commercial vessel
12 is waterborne.

13 (B) EXCLUSIONS.—The term “discharge
14 incidental to the normal operation of a commer-
15 cial vessel” does not include—

16 (i) a discharge into navigable waters
17 of the United States from a commercial
18 vessel of—

19 (I) ballast water;

20 (II) rubbish, trash, garbage, in-
21 cinerator ash, or other such material
22 discharged overboard;

23 (III) oil or a hazardous substance
24 (as such terms are defined in section

1 311 of the Federal Water Pollution
2 Control Act (33 U.S.C. 1321)); or

3 (IV) sewage (as defined in sec-
4 tion 312(a)(6) of the Federal Water
5 Pollution Control Act (33 U.S.C.
6 1322(a)(6))); or

7 (ii) any emission of an air pollutant
8 resulting from the operation onboard a
9 commercial vessel of a commercial vessel
10 propulsion system, motor driven equip-
11 ment, or incinerator; or

12 (iii) any discharge into navigable wa-
13 ters of the United States from a commer-
14 cial vessel when the commercial vessel is
15 operating in a capacity other than as a
16 means of transportation on water.

17 (8) GENERAL PERMIT.—The term “General
18 Permit” means the Final National Pollutant Dis-
19 charge Elimination System Vessel General Permit
20 for Discharges Incidental to the Normal Operation
21 of a Vessel noticed in the Federal Register on April
22 12, 2013 (78 Fed. Reg. 21938).

23 (9) GEOGRAPHICALLY LIMITED AREA.—The
24 term “geographically limited area” means an area—

1 (A) with a physical limitation that prevents
2 a commercial vessel from operating outside the
3 area, such as the Great Lakes and Saint Law-
4 rence River, as determined by the Secretary; or

5 (B) that is ecologically homogeneous, as
6 determined by the Secretary in consultation
7 with the heads of other Federal departments or
8 agencies the Secretary considers appropriate.

9 (10) MAJOR CONVERSION.—The term “major
10 conversion” has the meaning given such term in sec-
11 tion 2101(14a) of title 46, United States Code.

12 (11) NAVIGABLE WATERS OF THE UNITED
13 STATES.—The term “navigable waters of the United
14 States” has the meaning given such term in section
15 2101(17a) of title 46, United States Code.

16 (12) OWNER OR OPERATOR.—The term “owner
17 or operator” means a person owning, operating, or
18 chartering by demise a commercial vessel.

19 (13) POLLUTANT.—The term “pollutant” has
20 the meaning given such term in section 502(6) of
21 the Federal Water Pollution Control Act (33 U.S.C.
22 1362(6)).

23 (14) RECREATIONAL VESSEL.—The term “rec-
24 reational vessel” has the meaning given such term in
25 section 2101(25) of title 46, United States Code.

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

4 **SEC. 803. EXISTING BALLAST WATER REGULATIONS.**

5 (a) EFFECT ON EXISTING REGULATIONS.—Any reg-
6 ulation issued pursuant to the Nonindigenous Aquatic
7 Nuisance Prevention and Control Act of 1990 that is in
8 effect on the date immediately preceding the effective date
9 of this title, and that relates to a matter subject to regula-
10 tion under this title, shall remain in full force and effect
11 unless or until superseded by a new regulation issued
12 under this title relating to such matter.

13 (b) APPLICATION OF OTHER REGULATIONS.—The
14 regulations issued pursuant to the Nonindigenous Aquatic
15 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
16 4701 et seq.) relating to sanctions for violating a regula-
17 tion under that Act shall apply to violations of a regulation
18 issued under this title.

19 **SEC. 804. BALLAST WATER DISCHARGE REQUIREMENTS.**

20 (a) IN GENERAL.—

21 (1) REQUIREMENTS.—Except as provided in
22 paragraph (3), and subject to sections 151.2035 and
23 151.2036 of title 33, Code of Federal Regulations
24 (as in effect on the date of the enactment of this
25 Act), an owner or operator may discharge ballast

1 water into navigable waters of the United States
2 from a commercial vessel covered under subsection
3 (b) only if—

4 (A) by applying the best available tech-
5 nology economically achievable, the discharge
6 meets the ballast water discharge standard; and

7 (B) the owner or operator discharges the
8 ballast water in accordance with other require-
9 ments established by the Secretary.

10 (2) COMMERCIAL VESSELS ENTERING THE
11 GREAT LAKES SYSTEM AND HUDSON RIVER.—If a
12 commercial vessel enters the Great Lakes through
13 the Saint Lawrence River or the Hudson River
14 north of the George Washington Bridge after oper-
15 ating outside the exclusive economic zone of the
16 United States or Canada, the owner or operator
17 shall—

18 (A) comply with the requirements of—

19 (i) paragraph (1);

20 (ii) subpart C of part 151 of title 33,
21 Code of Federal Regulations; and

22 (iii) section 401.30 of such title; and

23 (B) conduct a complete ballast water ex-
24 change in an area that is 200 nautical miles or
25 more from any shore before the owner or oper-

1 ator may discharge ballast water while oper-
2 ating in the Saint Lawrence River or the Great
3 Lakes, subject to any requirements the Sec-
4 retary determines necessary with regard to such
5 exchange, or any ballast water management
6 system that is to be used in conjunction with
7 such exchange, to ensure that any discharge of
8 ballast water complies with the requirements
9 under paragraph (1).

10 (3) SAFETY EXEMPTION.—Notwithstanding
11 paragraphs (1) and (2), an owner or operator may
12 discharge any ballast water into navigable waters of
13 the United States from a commercial vessel if—

14 (A) the ballast water is discharged solely
15 to ensure the safety of life at sea;

16 (B) the ballast water is discharged acci-
17 dentally as the result of damage to the commer-
18 cial vessel or its equipment and—

19 (i) all reasonable precautions to pre-
20 vent or minimize the discharge have been
21 taken; and

22 (ii) the owner or operator did not will-
23 fully or recklessly cause such damage; or

24 (C) the ballast water is discharged solely
25 for the purpose of avoiding or minimizing a dis-

1 charge from the commercial vessel of a pollut-
2 ant that would violate an applicable Federal or
3 State law.

4 (4) LIMITATION ON REQUIREMENTS.—In estab-
5 lishing requirements under this subsection, the Sec-
6 retary may not require the installation of a ballast
7 water management system on a commercial vessel
8 that—

9 (A) carries all of its ballast water in sealed
10 tanks that are not subject to discharge; or

11 (B) discharges ballast water solely into a
12 reception facility described in section 807.

13 (b) APPLICABILITY.—

14 (1) COVERED VESSELS.—Except as provided in
15 paragraph (2), subsection (a) shall apply to any
16 commercial vessel that is designed, constructed, or
17 adapted to carry ballast water while such commer-
18 cial vessel is operating in navigable waters of the
19 United States.

20 (2) EXEMPTED VESSELS.—Subsection (a) shall
21 not apply to a commercial vessel—

22 (A) that continuously takes on and dis-
23 charges ballast water in a flow-through system,
24 if such system does not introduce aquatic nui-

1 sance species into navigable waters of the
2 United States, as determined by the Secretary;

3 (B) that operates exclusively within a geo-
4 graphically limited area;

5 (C) that operates pursuant to a geographic
6 restriction issued as a condition under section
7 3309 of title 46, United States Code, or an
8 equivalent restriction issued by the country of
9 registration of the commercial vessel;

10 (D) in the National Defense Reserve Fleet
11 that is scheduled to be disposed of through
12 scrapping or sinking;

13 (E) that discharges ballast water con-
14 sisting solely of water taken aboard from a pub-
15 lic or commercial source that, at the time the
16 water is taken aboard, meets the applicable reg-
17 ulations or permit requirements for such source
18 under the Safe Drinking Water Act (42 U.S.C.
19 300f et seq.); or

20 (F) in an alternative compliance program
21 established pursuant to section 806.

22 (c) TYPE APPROVAL OF BALLAST WATER MANAGE-
23 MENT SYSTEMS THAT RENDER BALLAST WATER ORGA-
24 NISMS INCAPABLE OF REPRODUCTION.—

1 (1) IN GENERAL.—Notwithstanding chapter 5
2 of title 5, United States Code, part 151 of title 33,
3 Code of Federal Regulations, and part 162 of title
4 46, Code of Federal Regulations, a ballast water
5 management system that renders organisms in bal-
6 last water incapable of reproduction at the con-
7 centrations prescribed in the ballast water discharge
8 standard shall be type approved by the Secretary,
9 if—

10 (A) such system—

11 (i) undergoes type approval testing at
12 an independent laboratory designated by
13 the Secretary under such regulations; and

14 (ii) meets the requirements of subpart
15 162.060 of title 46, Code of Federal Regu-
16 lations, other than the requirements re-
17 lated to staining methods or measuring the
18 concentration of living organisms; and

19 (B) such laboratory uses a type approval
20 testing method described in a final policy letter
21 published under paragraph (2).

22 (2) TYPE APPROVAL TESTING METHODS.—

23 (A) DRAFT POLICY.—Not later than 60
24 days after the date of enactment of this Act,
25 the Secretary shall publish a draft policy letter

1 describing type approval testing methods capa-
2 ble of measuring the concentration of organisms
3 in ballast water that are capable of reproduc-
4 tion.

5 (B) PUBLIC COMMENT.—The Secretary
6 shall provide for a period of not more than 60
7 days for the public to comment on the draft
8 policy letter published under paragraph (1).

9 (C) FINAL POLICY.—Not later than 150
10 days after the date of the enactment of this
11 Act, the Secretary shall publish a final policy
12 letter describing type approval testing methods
13 capable of measuring the concentration of orga-
14 nisms in ballast water that are capable of re-
15 production.

16 (D) REVISIONS.—The Secretary shall re-
17 vise such policy letter as additional testing
18 methods are determined by the Secretary to be
19 capable of measuring the concentration of orga-
20 nisms in ballast water that are capable of re-
21 production.

22 (E) CONSIDERATIONS.—In developing a
23 policy letter under this paragraph, the Sec-
24 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 or-
5 ganisms in ballast water that are capable
6 of 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
12 equal 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 stand-
19 ard based on the application of the best available
20 technology economically achievable would result in a
21 reduction 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
5 State may submit a petition requesting the Sec-
6 retary to conduct a review under paragraph (1)
7 if there is significant new information that
8 could reasonably indicate the ballast water dis-
9 charge standard could be revised to result in a
10 reduction in the risk of the introduction or es-
11 tablishment of aquatic nuisance species.

12 (B) TIMING.—A Governor may not submit
13 a petition under subparagraph (A) during the
14 1-year period following the date of completion
15 of a 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 dis-
2 charge 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 receiv-
12 ing 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 PE-
17 TITION 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
23 this paragraph, the Secretary, in consultation
24 with the Administrator, may conduct a review
25 under paragraph (1).

1 (b) PRACTICABILITY REVIEW.—

2 (1) IN GENERAL.—If the Secretary determines
3 under subsection (a) that revision of the ballast
4 water discharge standard would result in a reduction
5 in the risk of the introduction or establishment of
6 aquatic nuisance species, the Secretary, in consulta-
7 tion with the Administrator, shall conduct a prac-
8 ticability review to determine whether—

9 (A) a ballast water management system
10 that is capable of achieving the ballast water
11 discharge standard as proposed to be revised is
12 economically achievable and operationally prac-
13 ticable; and

14 (B) testing protocols that can assure accu-
15 rate measurement of compliance with the bal-
16 last water discharge standard as proposed to be
17 revised can be practicably implemented.

18 (2) CRITERIA FOR PRACTICABILITY REVIEW.—

19 In conducting a practicability review under para-
20 graph (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 stand-
5 ard as proposed to be revised;

6 (ii) the effectiveness and reliability of
7 such systems in the shipboard environ-
8 ment;

9 (iii) the compatibility of such systems
10 with the design and operation of a com-
11 mercial vessel by class, type, and size;

12 (iv) the commercial availability of
13 such systems; and

14 (v) the safety of such systems;

15 (C) improvements in the capabilities to de-
16 tect, quantify, and assess whether aquatic nui-
17 sance species are capable of reproduction under
18 the ballast water discharge standard as pro-
19 posed to be revised;

20 (D) the impact of ballast water manage-
21 ment systems on water quality;

22 (E) the costs, cost-effectiveness, and ef-
23 fects of—

24 (i) a revised ballast water discharge
25 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 con-
6 ducting a practicability review under paragraph (1),
7 the Secretary shall solicit information from the
8 States concerning matters the Secretary is required
9 to consider 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
14 practicability 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 STAND-
24 ARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.—

1 (1) IN GENERAL.—If the Secretary issues a
2 rule to revise the ballast water discharge standard
3 under subsection (c), the Secretary shall include in
4 such rule—

5 (A) an effective date for the revised ballast
6 discharge standard that is three years after the
7 date on which such rule is published in the Fed-
8 eral Register; and

9 (B) for the owner or operator of a com-
10 mercial vessel that is constructed or completes
11 a major conversion on or after the date that is
12 three years after the date on which the rule is
13 published in the Federal Register, a deadline to
14 comply with the revised ballast water discharge
15 standard that is the first day on which such
16 commercial vessel operates in navigable waters
17 of the United States.

18 (2) EXTENSIONS.—The Secretary shall estab-
19 lish a process for an owner or operator to submit a
20 petition to the Secretary for an extension of a com-
21 pliance 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 in-
11 stalled piping;

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
20 shall approve or deny a petition for an exten-
21 sion of a compliance deadline submitted by an
22 owner or 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 subpara-
7 graph (B), an owner or operator shall be con-
8 sidered to be in compliance with the ballast
9 water discharge standard if—

10 (i) the ballast water management sys-
11 tem installed on the commercial vessel
12 complies with the ballast water discharge
13 standard in effect at the time of installa-
14 tion, notwithstanding any revisions to the
15 ballast water discharge standard occurring
16 after 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
22 system continues to meet the ballast water
23 discharge standard applicable to the com-
24 mercial vessel at the time of installation,
25 as determined 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
6 the commercial vessel, as determined by
7 the Secretary;

8 (ii) the expiration of the service life of
9 the commercial vessel, as determined by
10 the 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 Adminis-
15 trator, may issue a rule establishing one or more compli-
16 ance programs that may be used by an owner or operator
17 as an alternative to compliance with the requirements of
18 section 804(a) for a commercial vessel that—

19 (1) has a maximum ballast water capacity of
20 less than eight cubic meters; or

21 (2) is less than three years from the end of the
22 service life of the commercial vessel, as determined
23 by the Secretary.

1 **SEC. 807. RECEPTION FACILITIES.**

2 (a) IN GENERAL.—Notwithstanding the require-
3 ments under section 804(a), an owner or operator may
4 discharge ballast water into an onshore or offshore facility
5 for the reception of ballast water that meets the standards
6 established by the Administrator, in consultation with the
7 Secretary, under subsection (b).

8 (b) ISSUANCE OF STANDARDS.—Not later than 1
9 year after the date of enactment of this Act, the Adminis-
10 trator, in consultation with the Secretary, shall publish a
11 rule in the Federal Register that establishes reasonable
12 and practicable standards for reception facilities to miti-
13 gate adverse effects of aquatic nuisance species on navi-
14 gable waters of 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 consulta-
20 tion with the Administrator, shall publish a rule in the
21 Federal Register that establishes best management prac-
22 tices for discharges incidental to the normal operation of
23 a commercial 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 fined in section 2101 of title 46, United States
4 Code).

5 (b) TRANSITION.—

6 (1) IN GENERAL.—Notwithstanding the expira-
7 tion date for the General Permit, any practice, limi-
8 tation, or concentration applicable to any discharge
9 incidental to the normal operation of a commercial
10 vessel that is required by the General Permit on the
11 date of enactment of this Act, and any reporting re-
12 quirement required by the General Permit on such
13 date of enactment, shall remain in effect until the
14 effective date of a rule issued by the Secretary under
15 subsection (a).

16 (2) PART 6 CONDITIONS.—Notwithstanding
17 paragraph (1) and any other provision of law, the
18 terms and conditions of Part 6 of the General Per-
19 mit (relating to specific requirements for individual
20 States or Indian country lands) shall expire on the
21 date of enactment of this Act.

22 (c) APPLICATION TO CERTAIN VESSELS.—

23 (1) APPLICATION OF FEDERAL WATER POLLU-
24 TION CONTROL ACT.—No permit shall be required
25 under section 402 of the Federal Water Pollution

1 Control Act (33 U.S.C. 1342) or prohibition en-
2 forced under any other provision of law for, nor shall
3 any best management practice regarding a discharge
4 incidental to the normal operation of a commercial
5 vessel under this title apply to, a discharge inci-
6 dental to the normal operation of a commercial ves-
7 sel if the commercial vessel is—

8 (A) less than 79 feet in length; or

9 (B) a fishing vessel, including a fish proc-
10 essing vessel and a fish tender vessel (as such
11 terms are defined in section 2101 of title 46,
12 United States Code).

13 (2) APPLICATION OF GENERAL PERMIT.—The
14 terms and conditions of the General Permit shall
15 cease to apply to vessels described in subparagraphs
16 (A) and (B) of paragraph (1) on the date of enact-
17 ment of this Act.

18 (d) STATE PETITION FOR REVISION OF BEST MAN-
19 AGEMENT PRACTICES.—

20 (1) IN GENERAL.—The Governor of a State
21 may submit a petition to the Secretary requesting
22 that the Secretary revise a best management prac-
23 tice established under subsection (a) if there is sig-
24 nificant new information that could reasonably indi-
25 cate that—

1 (A) revising the best management practice
2 would substantially reduce the adverse effects
3 on navigable waters of the United States of dis-
4 charges incidental to the normal operation of a
5 commercial vessel; and

6 (B) the revised best management practice
7 would be economically achievable and operation-
8 ally practicable.

9 (2) REQUIRED INFORMATION.—A petition sub-
10 mitted to the Secretary under paragraph (1) shall
11 include—

12 (A) the scientific and technical information
13 on which the petition is based; and

14 (B) any additional information the Sec-
15 retary considers appropriate.

16 (3) PUBLIC AVAILABILITY.—Upon receiving a
17 petition under paragraph (1), the Secretary shall
18 make publicly available a copy of the petition, in-
19 cluding the information included under paragraph
20 (2).

21 (4) TREATMENT OF MORE THAN ONE PETITION
22 AS A SINGLE PETITION.—The Secretary may treat
23 more than one petition submitted under paragraph
24 (1) as a single petition.

1 (5) REVISION OF BEST MANAGEMENT PRAC-
2 TICES.—If, after reviewing a petition submitted by a
3 Governor under paragraph (1), the Secretary, in
4 consultation with the Administrator, determines that
5 revising a best management practice would substan-
6 tially reduce the adverse effects on navigable waters
7 of the United States of discharges incidental to the
8 normal operation of a commercial vessel, and the re-
9 vised best management practice would be economi-
10 cally achievable and operationally practicable, the
11 Secretary, in consultation with the Administrator,
12 may issue a rule to revise the best management
13 practice established under subsection (a).

14 **SEC. 809. JUDICIAL REVIEW.**

15 (a) IN GENERAL.—A person may file a petition for
16 review of a final rule issued under this title in the United
17 States Court of Appeals for the District of Columbia Cir-
18 cuit.

19 (b) DEADLINE.—

20 (1) IN GENERAL.—A petition shall be filed
21 under this section not later than 120 days after the
22 date on which the rule to be reviewed is published
23 in the Federal Register.

24 (2) EXCEPTION.—Notwithstanding paragraph
25 (1), a petition that is based solely on grounds that

1 arise after the deadline to file a petition under para-
2 graph (1) has passed may be filed not later than
3 120 days after the date on which such grounds first
4 arise.

5 **SEC. 810. STATE ENFORCEMENT.**

6 The Secretary may enter into an agreement with the
7 Governor of a State to authorize the State to enforce the
8 provisions of this title, as the Secretary considers appro-
9 priate.

10 **SEC. 811. EFFECT ON STATE AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b) and as necessary to implement an agreement entered
13 into under section 810, no State or political subdivision
14 thereof may adopt or enforce any statute, regulation, or
15 other requirement of the State or political subdivision with
16 respect to—

17 (1) a discharge into navigable waters of the
18 United States from a commercial vessel of ballast
19 water; or

20 (2) a discharge incidental to the normal oper-
21 ation of a commercial vessel.

22 (b) PRESERVATION OF AUTHORITY.—Nothing in this
23 title may be construed as affecting the authority of a State
24 or political subdivision thereof to adopt or enforce any
25 statute, regulation, or other requirement with respect to

1 any water or other substance discharged or emitted from
2 a vessel in preparation for transport of the vessel by land
3 from one body of water to another body of water.

4 **SEC. 812. EFFECT ON OTHER LAWS.**

5 (a) APPLICATION OF FEDERAL WATER POLLUTION
6 CONTROL ACT.—

7 (1) IN GENERAL.—Except as provided in sec-
8 tion 808(b), on or after the date of enactment of
9 this Act, the Federal Water Pollution Control Act
10 (33 U.S.C. 1251 et seq.) shall not apply to a dis-
11 charge into navigable waters of the United States of
12 ballast water from a commercial vessel or a dis-
13 charge incidental to the normal operation of a com-
14 mercial vessel.

15 (2) OIL AND HAZARDOUS SUBSTANCE LIABIL-
16 ITY; MARINE SANITATION DEVICES.—Nothing in this
17 title may be construed as affecting the application to
18 a commercial vessel of section 311 or 312 of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1321 and 1322).

21 (b) ESTABLISHED REGIMES.—Notwithstanding any
22 other provision of this title, nothing in this title may be
23 construed as affecting the authority of the Federal Gov-
24 ernment under—

1 (1) the Act to Prevent Pollution from Ships (33
2 U.S.C. 1901 et seq.) with respect to the regulation
3 by the Federal Government of any discharge or
4 emission that, on or after the date of enactment of
5 this Act, is covered under the International Conven-
6 tion for the Prevention of Pollution from Ships,
7 1973, as modified by the Protocol of 1978; and

8 (2) title X of the Coast Guard Authorization
9 Act of 2010 (33 U.S.C. 3801 et seq.) with respect
10 to the regulation by the Federal Government of any
11 anti-fouling system that, on or after the date of en-
12 actment of this Act, is covered under the Inter-
13 national Convention on the Control of Harmful Anti-
14 fouling Systems on Ships, done at London October
15 5, 2001.

16 (c) INTERNATIONAL LAW.—

17 (1) IN GENERAL.—Any action taken under this
18 title shall be taken in accordance with international
19 law.

20 (2) STANDARDS.—Nothing in this title may be
21 construed to impose any design, equipment, or oper-
22 ation standard on a commercial vessel not docu-
23 mented under the laws of the United States and en-
24 gaged in innocent passage unless the standard im-

1 plements a generally accepted international rule, as
2 determined by the Secretary.

3 (d) OTHER AUTHORITIES.—Nothing in this title may
4 be construed as affecting the authority of the Secretary
5 of Commerce or the Secretary of the Interior, as the case
6 may be, to administer lands or waters under such Sec-
7 retary’s administrative control.

8 (e) CONFORMING AMENDMENTS.—The Nonindige-
9 nous Aquatic Nuisance Prevention and Control Act of
10 1990 (16 U.S.C. 4701 et seq.) is amended—

11 (1) in section 1101(c)(2) (16 U.S.C.
12 4711(c)(2))—

13 (A) in subparagraph (K), by striking “;
14 and” and inserting a period; and

15 (B) by striking subparagraph (L); and

16 (2) in section 1205 (16 U.S.C. 4725), by add-
17 ing at the end the following: “Ballast water and dis-
18 charges incidental to the normal operation of a com-
19 mercial vessel (as such terms are defined in the Ves-
20 sel Incidental Discharge Act) shall be regulated pur-
21 suant to such Act.”.

1 **TITLE IX—NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINIS-**
3 **TRATION COMMISSIONED OF-**
4 **FICER CORPS AMENDMENTS**
5 **AND HYDROGRAPHIC SERV-**
6 **ICES IMPROVEMENT ACT RE-**
7 **AUTHORIZATION AND**
8 **AMENDMENTS ACT OF 2017**

9 **SEC. 901. SHORT TITLE.**

10 This title may be cited as the “National Oceanic and
11 Atmospheric Administration Commissioned Officer Corps
12 Amendments and Hydrographic Services Improvement
13 Act Reauthorization and Amendments Act of 2017”.

14 **SEC. 902. REFERENCES TO NATIONAL OCEANIC AND AT-**
15 **MOSPHERIC ADMINISTRATION COMMIS-**
16 **SIONED OFFICER CORPS ACT OF 2002.**

17 Except as otherwise expressly provided, whenever in
18 this title an amendment or repeal is expressed in terms
19 of an amendment to, or repeal of, a section or other provi-
20 sion, the reference shall be considered to be made to a
21 section or other provision of the National Oceanic and At-
22 mospheric Administration Commissioned Officer Corps
23 Act of 2002 (33 U.S.C. 3001 et seq.).

1 **Subtitle A—General Provisions**

2 **SEC. 911. STRENGTH AND DISTRIBUTION IN GRADE.**

3 Section 214 (33 U.S.C. 3004) is amended to read as
4 follows:

5 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

6 “(a) GRADES.—The commissioned grades in the com-
7 missioned officer corps of the Administration are the fol-
8 lowing, in relative rank with officers of the Navy:

9 “(1) Vice admiral.

10 “(2) Rear admiral.

11 “(3) Rear admiral (lower half).

12 “(4) Captain.

13 “(5) Commander.

14 “(6) Lieutenant commander.

15 “(7) Lieutenant.

16 “(8) Lieutenant (junior grade).

17 “(9) Ensign.

18 “(b) GRADE DISTRIBUTION.—The Secretary shall
19 prescribe, with respect to the distribution on the lineal list
20 in grade, the percentages applicable to the grades set forth
21 in subsection (a).

22 “(c) ANNUAL COMPUTATION OF NUMBER IN
23 GRADE.—

24 “(1) IN GENERAL.—Not less frequently than
25 once each year, the Secretary shall make a computa-

1 tion to determine the number of officers on the lin-
2 eal list authorized to be serving in each grade.

3 “(2) METHOD OF COMPUTATION.—The number
4 in each grade shall be computed by applying the ap-
5 plicable percentage to the total number of such offi-
6 cers serving on active duty on the date the computa-
7 tion is made.

8 “(3) FRACTIONS.—If a final fraction occurs in
9 computing the authorized number of officers in a
10 grade, the nearest whole number shall be taken. If
11 the fraction is $\frac{1}{2}$, the next higher whole number
12 shall be taken.

13 “(d) TEMPORARY INCREASE IN NUMBERS.—The
14 total number of officers authorized by law to be on the
15 lineal list during a fiscal year may be temporarily exceeded
16 if the average number on that list during that fiscal year
17 does not exceed the authorized number.

18 “(e) POSITIONS OF IMPORTANCE AND RESPONSI-
19 BILITY.—Officers serving in positions designated under
20 section 228(a) and officers recalled from retired status
21 shall not be counted when computing authorized strengths
22 under subsection (c) and shall not count against those
23 strengths.

24 “(f) PRESERVATION OF GRADE AND PAY.—No offi-
25 cer may be reduced in grade or pay or separated from

1 the commissioned officer corps of the Administration as
2 the result of a computation made to determine the author-
3 ized number of officers in the various grades.”.

4 **SEC. 912. RECALLED OFFICERS.**

5 Section 215 (33 U.S.C. 3005) is amended—

6 (1) in the matter before paragraph (1), by
7 striking “Effective” and inserting the following:

8 “(a) IN GENERAL.—Effective”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) POSITIONS OF IMPORTANCE AND RESPONSI-
12 BILITY.—Officers serving in positions designated under
13 section 228 and officers recalled from retired status or de-
14 tailed to an agency other than the Administration—

15 “(1) may not be counted in determining the
16 total number of authorized officers on the lineal list
17 under this section; and

18 “(2) may not count against such number.”.

19 **SEC. 913. OBLIGATED SERVICE REQUIREMENT.**

20 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
21 seq.) is amended by adding at the end the following:

22 **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

23 “(a) IN GENERAL.—

24 “(1) RULEMAKING.—The Secretary shall pre-
25 scribe the obligated service requirements for appoint-

1 ments, training, promotions, separations, continu-
2 ations, and retirement of officers not otherwise cov-
3 ered by law.

4 “(2) WRITTEN AGREEMENTS.—The Secretary
5 and officers shall enter into written agreements that
6 describe the officers’ obligated service requirements
7 prescribed under paragraph (1) in return for such
8 appointments, training, promotions, separations, and
9 retirements as the Secretary considers appropriate.

10 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-
11 QUIREMENTS.—

12 “(1) IN GENERAL.—The Secretary may require
13 an officer who fails to meet the service requirements
14 prescribed under subsection (a)(1) to reimburse the
15 Secretary in an amount that bears the same ratio to
16 the total costs of the training provided to that offi-
17 cer by the Secretary as the unserved portion of ac-
18 tive duty bears to the total period of active duty the
19 officer agreed to serve.

20 “(2) OBLIGATION AS DEBT TO UNITED
21 STATES.—An obligation to reimburse the Secretary
22 under paragraph (1) shall be considered for all pur-
23 poses as a debt owed to the United States.

24 “(3) DISCHARGE IN BANKRUPTCY.—A dis-
25 charge in bankruptcy under title 11 that is entered

1 less than 5 years after the termination of a written
2 agreement entered into under subsection (a)(2) does
3 not discharge the individual signing the agreement
4 from a debt arising under such agreement.

5 “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—

6 The Secretary may waive the service obligation of an offi-
7 cer who—

8 “(1) becomes unqualified to serve on active
9 duty in the commissioned officer corps of the Ad-
10 ministration because of a circumstance not within
11 the control of that officer; or

12 “(2) is—

13 “(A) not physically qualified for appoint-
14 ment; and

15 “(B) determined to be unqualified for serv-
16 ice in the commissioned officer corps of the Ad-
17 ministration because of a physical or medical
18 condition that was not the result of the officer’s
19 own misconduct or grossly negligent conduct.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 in section 1 of the Act entitled “An Act to authorize the
22 Hydrographic Services Improvement Act of 1998, and for
23 other purposes” (Public Law 107–372) is amended by in-
24 serting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

1 **SEC. 914. TRAINING AND PHYSICAL FITNESS.**

2 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
3 seq.), as amended by section 913(a), is further amended
4 by adding at the end the following:

5 **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

6 “(a) TRAINING.—The Secretary may take such meas-
7 ures as may be necessary to ensure that officers are pre-
8 pared to carry out their duties in the commissioned officer
9 corps of the Administration and proficient in the skills
10 necessary to carry out such duties. Such measures may
11 include the following:

12 “(1) Carrying out training programs and cor-
13 respondence courses, including establishing and op-
14 erating a basic officer training program to provide
15 initial indoctrination and maritime vocational train-
16 ing for officer candidates as well as refresher train-
17 ing, mid-career training, aviation training, and such
18 other training as the Secretary considers necessary
19 for officer development and proficiency.

20 “(2) Providing officers and officer candidates
21 with books and school supplies.

22 “(3) Acquiring such equipment as may be nec-
23 essary for training and instructional purposes.

24 “(b) PHYSICAL FITNESS.—The Secretary shall en-
25 sure that officers maintain a high physical state of readi-
26 ness by establishing standards of physical fitness for offi-

1 cers that are substantially equivalent to those prescribed
2 for officers in the Coast Guard.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Services Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372), as amended by
7 section 913(b), is further amended by inserting after the
8 item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”.

9 **SEC. 915. RECRUITING MATERIALS.**

10 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et
11 seq.), as amended by section 914(a), is further amended
12 by adding at the end the following:

13 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC**
14 **RELATIONS.**

15 “The Secretary may use for public relations purposes
16 of the Department of Commerce any advertising materials
17 developed for use for recruitment and retention of per-
18 sonnel for the commissioned officer corps of the Adminis-
19 tration. Any such use shall be under such conditions and
20 subject to such restrictions as the Secretary shall pre-
21 scribe.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 in section 1 of the Act entitled “An Act to authorize the
24 Hydrographic Services Improvement Act of 1998, and for
25 other purposes” (Public Law 107–372), as amended by

1 section 914(b), is further amended by inserting after the
2 item relating to section 217 the following:

“Sec. 218. Use of recruiting materials for public relations.”.

3 **SEC. 916. TECHNICAL CORRECTION.**

4 Section 101(21)(C) of title 38, United States Code,
5 is amended by inserting “in the commissioned officer
6 corps” before “of the National”.

7 **Subtitle B—Parity and**
8 **Recruitment**

9 **SEC. 921. EDUCATION LOANS.**

10 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
11 seq.) is amended by adding at the end the following:

12 **“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

13 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—
14 For the purpose of maintaining adequate numbers of offi-
15 cers of the commissioned officer corps of the Administra-
16 tion on active duty who have skills required by the com-
17 missioned officer corps, the Secretary may repay, in the
18 case of a person described in subsection (b), a loan that—

19 “(1) was used by the person to finance edu-
20 cation; and

21 “(2) was obtained from a governmental entity,
22 private financial institution, educational institution,
23 or other authorized entity.

24 “(b) ELIGIBLE PERSONS.—To be eligible to obtain
25 a loan repayment under this section, a person must—

1 “(1) satisfy 1 of the requirements specified in
2 subsection (c);

3 “(2) be fully qualified for, or hold, an appoint-
4 ment as a commissioned officer in the commissioned
5 officer corps of the Administration; and

6 “(3) sign a written agreement to serve on active
7 duty, or, if on active duty, to remain on active duty
8 for a period in addition to any other incurred active
9 duty obligation.

10 “(c) ACADEMIC AND PROFESSIONAL REQUIRE-
11 MENTS.—One of the following academic requirements
12 must be satisfied for purposes of determining the eligi-
13 bility of an individual for a loan repayment under this sec-
14 tion:

15 “(1) The person is fully qualified in a profes-
16 sion that the Secretary has determined to be nec-
17 essary to meet identified skill shortages in the com-
18 missioned officer corps.

19 “(2) The person is enrolled as a full-time stu-
20 dent in the final year of a course of study at an ac-
21 credited educational institution (as determined by
22 the Secretary of Education) leading to a degree in
23 a profession that will meet identified skill shortages
24 in the commissioned officer corps.

25 “(d) LOAN REPAYMENTS.—

1 “(1) IN GENERAL.—Subject to the limits estab-
2 lished under paragraph (2), a loan repayment under
3 this section may consist of the payment of the prin-
4 cipal, interest, and related expenses of a loan ob-
5 tained by a person described in subsection (b).

6 “(2) LIMITATION ON AMOUNT.—For each year
7 of obligated service that a person agrees to serve in
8 an agreement described in subsection (b)(3), the
9 Secretary may pay not more than the amount speci-
10 fied in section 2173(e)(2) of title 10, United States
11 Code.

12 “(e) ACTIVE DUTY SERVICE OBLIGATION.—

13 “(1) IN GENERAL.—A person entering into an
14 agreement described in subsection (b)(3) incurs an
15 active duty service obligation.

16 “(2) LENGTH OF OBLIGATION DETERMINED
17 UNDER REGULATIONS.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the length of the obligation
20 under paragraph (1) shall be determined under
21 regulations prescribed by the Secretary.

22 “(B) MINIMUM OBLIGATION.—The regula-
23 tions prescribed under subparagraph (A) may
24 not provide for a period of obligation of less
25 than 1 year for each maximum annual amount,

1 or portion thereof, paid on behalf of the person
2 for qualified loans.

3 “(3) PERSONS ON ACTIVE DUTY BEFORE EN-
4 TERING INTO AGREEMENT.—The active duty service
5 obligation of persons on active duty before entering
6 into the agreement shall be served after the conclu-
7 sion of any other obligation incurred under the
8 agreement.

9 “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-
10 TION.—

11 “(1) ALTERNATIVE OBLIGATIONS.—An officer
12 who is relieved of the officer’s active duty obligation
13 under this section before the completion of that obli-
14 gation may be given any alternative obligation, at
15 the discretion of the Secretary.

16 “(2) REPAYMENT.—An officer who does not
17 complete the period of active duty specified in the
18 agreement entered into under subsection (b)(3), or
19 the alternative obligation imposed under paragraph
20 (1), shall be subject to the repayment provisions
21 under section 216.

22 “(g) RULEMAKING.—The Secretary shall prescribe
23 regulations to carry out this section, including—

24 “(1) standards for qualified loans and author-
25 ized payees; and

1 “(2) other terms and conditions for the making
2 of loan repayments.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Services Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372) is amended by in-
7 serting after the item relating to section 266 the following:
 “Sec. 267. Education loan repayment program.”.

8 **SEC. 922. INTEREST PAYMENTS.**

9 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
10 seq.), as amended by section 921(a), is further amended
11 by adding at the end the following:

12 **“SEC. 268. INTEREST PAYMENT PROGRAM.**

13 “(a) AUTHORITY.—The Secretary may pay the inter-
14 est and any special allowances that accrue on 1 or more
15 student loans of an eligible officer, in accordance with this
16 section.

17 “(b) ELIGIBLE OFFICERS.—An officer is eligible for
18 the benefit described in subsection (a) while the officer—

19 “(1) is serving on active duty;

20 “(2) has not completed more than 3 years of
21 service on active duty;

22 “(3) is the debtor on 1 or more unpaid loans
23 described in subsection (c); and

24 “(4) is not in default on any such loan.

1 “(c) STUDENT LOANS.—The authority to make pay-
2 ments under subsection (a) may be exercised with respect
3 to the following loans:

4 “(1) A loan made, insured, or guaranteed under
5 part B of title IV of the Higher Education Act of
6 1965 (20 U.S.C. 1071 et seq.).

7 “(2) A loan made under part D of such title
8 (20 U.S.C. 1087a et seq.).

9 “(3) A loan made under part E of such title
10 (20 U.S.C. 1087aa et seq.).

11 “(d) MAXIMUM BENEFIT.—Interest and any special
12 allowance may be paid on behalf of an officer under this
13 section for any of the 36 consecutive months during which
14 the officer is eligible under subsection (b).

15 “(e) FUNDS FOR PAYMENTS.—The Secretary may
16 use amounts appropriated for the pay and allowances of
17 personnel of the commissioned officer corps of the Admin-
18 istration for payments under this section.

19 “(f) COORDINATION WITH SECRETARY OF EDU-
20 CATION.—

21 “(1) IN GENERAL.—The Secretary shall consult
22 with the Secretary of Education regarding the ad-
23 ministration of this section.

1 “(2) TRANSFER OF FUNDS.—The Secretary
2 shall transfer to the Secretary of Education the
3 funds necessary—

4 “(A) to pay interest and special allowances
5 on student loans under this section (in accord-
6 ance with sections 428(o), 455(l), and 464(j) of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1078(o), 1087e(l), and 1087dd(j)); and

9 “(B) to reimburse the Secretary of Edu-
10 cation for any reasonable administrative costs
11 incurred by the Secretary in coordinating the
12 program under this section with the administra-
13 tion of the student loan programs under parts
14 B, D, and E of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1071 et seq.,
16 1087a et seq., 1087aa et seq.).

17 “(g) SPECIAL ALLOWANCE DEFINED.—In this sec-
18 tion, the term ‘special allowance’ means a special allow-
19 ance that is payable under section 438 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1087–1).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 428(o) of the Higher Education Act
23 of 1965 (20 U.S.C. 1078(o)) is amended—

24 (A) by striking the subsection heading and
25 inserting “ARMED FORCES AND NOAA COM-

1 MISSIONED OFFICER CORPS STUDENT LOAN
2 INTEREST 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
7 of 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 (2) Sections 455(l) and 464(j) of the Higher
13 Education Act of 1965 (20 U.S.C. 1087e(l) and
14 1087dd(j)) are each amended—

15 (A) by striking the subsection heading and
16 inserting “ARMED FORCES AND NOAA COM-
17 MISSIONED OFFICER CORPS STUDENT LOAN
18 INTEREST PAYMENT PROGRAMS’; and

19 (B) in paragraph (1)—

20 (i) by inserting “or section 268 of the
21 National Oceanic and Atmospheric Admin-
22 istration Commissioned Officer Corps Act
23 of 2002” after “Code,”; and

24 (ii) by inserting “or an officer in the
25 commissioned officer corps of the National

1 Oceanic and Atmospheric Administration,
2 respectively” after “Armed Forces”.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Services Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372), as amended by
7 section 921(b), is further amended by inserting after the
8 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

9 **SEC. 923. STUDENT PRE-COMMISSIONING PROGRAM.**

10 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
11 seq.), as amended by section 922(a), is further amended
12 by adding at the end the following:

13 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**
14 **SISTANCE PROGRAM.**

15 “(a) AUTHORITY TO PROVIDE FINANCIAL ASSIST-
16 ANCE.—For the purpose of maintaining adequate numbers
17 of officers of the commissioned officer corps of the Admin-
18 istration on active duty, the Secretary may provide finan-
19 cial assistance to a person described in subsection (b) for
20 expenses of the person while the person is pursuing on
21 a full-time basis at an accredited educational institution
22 (as determined by the Secretary of Education) a program
23 of education approved by the Secretary that leads to—

24 “(1) a baccalaureate degree in not more than 5
25 academic years; or

1 “(2) a postbaccalaureate degree.

2 “(b) ELIGIBLE PERSONS.—

3 “(1) IN GENERAL.—A person is eligible to ob-
4 tain financial assistance under subsection (a) if the
5 person—

6 “(A) is enrolled on a full-time basis in a
7 program of education referred to in subsection
8 (a) at any educational institution described in
9 such subsection;

10 “(B) meets all of the requirements for ac-
11 ceptance into the commissioned officer corps of
12 the Administration except for the completion of
13 a baccalaureate degree; and

14 “(C) enters into a written agreement with
15 the Secretary described in paragraph (2).

16 “(2) AGREEMENT.—A written agreement re-
17 ferred to in paragraph (1)(C) is an agreement be-
18 tween the person and the Secretary in which the
19 person—

20 “(A) agrees to accept an appointment as
21 an officer, if tendered; and

22 “(B) upon completion of the person’s edu-
23 cational program, agrees to serve on active
24 duty, immediately after appointment, for—

1 “(i) up to 3 years if the person re-
2 ceived less than 3 years of assistance; and

3 “(ii) up to 5 years if the person re-
4 ceived at least 3 years of assistance.

5 “(c) QUALIFYING EXPENSES.—Expenses for which
6 financial assistance may be provided under subsection (a)
7 are the following:

8 “(1) Tuition and fees charged by the edu-
9 cational institution involved.

10 “(2) The cost of books.

11 “(3) In the case of a program of education
12 leading to a baccalaureate degree, laboratory ex-
13 penses.

14 “(4) Such other expenses as the Secretary con-
15 siders appropriate.

16 “(d) LIMITATION ON AMOUNT.—The Secretary shall
17 prescribe the amount of financial assistance provided to
18 a person under subsection (a), which may not exceed the
19 amount specified in section 2173(e)(2) of title 10, United
20 States Code, for each year of obligated service that a per-
21 son agrees to serve in an agreement described in sub-
22 section (b)(2).

23 “(e) DURATION OF ASSISTANCE.—Financial assist-
24 ance may be provided to a person under subsection (a)
25 for not more than 5 consecutive academic years.

1 “(f) SUBSISTENCE ALLOWANCE.—

2 “(1) IN GENERAL.—A person who receives fi-
3 nancial assistance under subsection (a) shall be enti-
4 tled to a monthly subsistence allowance at a rate
5 prescribed under paragraph (2) for the duration of
6 the period for which the person receives such finan-
7 cial assistance.

8 “(2) DETERMINATION OF AMOUNT.—The Sec-
9 retary shall prescribe monthly rates for subsistence
10 allowance provided under paragraph (1), which shall
11 be equal to the amount specified in section 2144(a)
12 of title 10, United States Code.

13 “(g) INITIAL CLOTHING ALLOWANCE.—

14 “(1) TRAINING.—The Secretary may prescribe
15 a sum which shall be credited to each person who re-
16 ceives financial assistance under subsection (a) to
17 cover the cost of the person’s initial clothing and
18 equipment issue.

19 “(2) APPOINTMENT.—Upon completion of the
20 program of education for which a person receives fi-
21 nancial assistance under subsection (a) and accept-
22 ance of appointment in the commissioned officer
23 corps of the Administration, the person may be
24 issued a subsequent clothing allowance equivalent to
25 that normally provided to a newly appointed officer.

1 “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

2 “(1) IN GENERAL.—The Secretary shall termi-
3 nate the assistance provided to a person under this
4 section if—

5 “(A) the Secretary accepts a request by
6 the person to be released from an agreement
7 described in subsection (b)(2);

8 “(B) the misconduct of the person results
9 in a failure to complete the period of active
10 duty required under the agreement; or

11 “(C) the person fails to fulfill any term or
12 condition of the agreement.

13 “(2) REIMBURSEMENT.—The Secretary may re-
14 quire a person who receives assistance described in
15 subsection (e), (f), or (g) under an agreement en-
16 tered into under subsection (b)(1)(C) to reimburse
17 the Secretary in an amount that bears the same
18 ratio to the total costs of the assistance provided to
19 that person as the unserved portion of active duty
20 bears to the total period of active duty the officer
21 agreed to serve under the agreement.

22 “(3) WAIVER.—The Secretary may waive the
23 service obligation of a person through an agreement
24 entered into under subsection (b)(1)(C) if the per-
25 son—

1 “(A) becomes unqualified to serve on active
2 duty in the commissioned officer corps of the
3 Administration because of a circumstance not
4 within the control of that person; or

5 “(B) is—

6 “(i) not physically qualified for ap-
7 pointment; and

8 “(ii) determined to be unqualified for
9 service in the commissioned officer corps of
10 the Administration because of a physical or
11 medical condition that was not the result
12 of the person’s own misconduct or grossly
13 negligent conduct.

14 “(4) OBLIGATION AS DEBT TO UNITED
15 STATES.—An obligation to reimburse the Secretary
16 imposed under paragraph (2) is, for all purposes, a
17 debt owed to the United States.

18 “(5) DISCHARGE IN BANKRUPTCY.—A dis-
19 charge in bankruptcy under title 11, United States
20 Code, that is entered less than 5 years after the ter-
21 mination of a written agreement entered into under
22 subsection (b)(1)(C) does not discharge the person
23 signing the agreement from a debt arising under
24 such agreement or under paragraph (2).

1 “(i) REGULATIONS.—The Secretary may promulgate
2 such regulations and orders as the Secretary considers ap-
3 propriate to carry out this section.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 in section 1 of the Act entitled “An Act to authorize the
6 Hydrographic Services Improvement Act of 1998, and for
7 other purposes” (Public Law 107–372), as amended by
8 section 922(c), is further amended by inserting after the
9 item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

10 **SEC. 924. LIMITATION ON EDUCATIONAL ASSISTANCE.**

11 (a) IN GENERAL.—Each fiscal year, beginning with
12 the fiscal year in which this Act is enacted, the Secretary
13 of Commerce shall ensure that the total amount expended
14 by the Secretary under section 267 of the National Oce-
15 anic and Atmospheric Administration Commissioned Offi-
16 cer Corps Act of 2002 (as added by section 921(a)), sec-
17 tion 268 of such Act (as added by section 922(a)), and
18 section 269 of such Act (as added by section 923(a)) does
19 not exceed the amount by which—

20 (1) the total amount the Secretary would pay in
21 that fiscal year to officer candidates under section
22 203(f)(1) of title 37, United States Code (as added
23 by section 946(d)), if such section entitled officers
24 candidates to pay at monthly rates equal to the

1 basic pay of a commissioned officer in the pay grade
2 O–1 with less than 2 years of service; exceeds

3 (2) the total amount the Secretary actually
4 pays in that fiscal year to officer candidates under
5 section 203(f)(1) of such title (as so added).

6 (b) OFFICER CANDIDATE DEFINED.—In this section,
7 the term “officer candidate” has the meaning given the
8 term in section 212 of the National Oceanic and Atmos-
9 pheric Administration Commissioned Officer Corps Act of
10 2002 (33 U.S.C. 3002), as added by section 946(c).

11 **SEC. 925. APPLICABILITY OF CERTAIN PROVISIONS OF**
12 **TITLE 10, UNITED STATES CODE, AND EXTEN-**
13 **SION OF CERTAIN AUTHORITIES APPLICABLE**
14 **TO MEMBERS OF THE ARMED FORCES TO**
15 **COMMISSIONED OFFICER CORPS.**

16 (a) APPLICABILITY OF CERTAIN PROVISIONS OF
17 TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amend-
18 ed—

19 (1) by redesignating paragraphs (13) through
20 (16) as paragraphs (22) through (25), respectively;

21 (2) by redesignating paragraphs (7) through
22 (12) as paragraphs (14) through (19), respectively;

23 (3) by redesignating paragraphs (4) through
24 (6) as paragraphs (8) through (10), respectively;

1 (4) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) Section 771, relating to unauthorized
4 wearing of uniforms.

5 “(5) Section 774, relating to wearing religious
6 apparel while in uniform.

7 “(6) Section 982, relating to service on State
8 and local juries.

9 “(7) Section 1031, relating to administration of
10 oaths.”;

11 (5) by inserting after paragraph (10), as reded-
12 ignated, the following:

13 “(11) Section 1074n, relating to annual mental
14 health assessments.

15 “(12) Section 1090a, relating to referrals for
16 mental health evaluations.

17 “(13) Chapter 58, relating to the Benefits and
18 Services for members being separated or recently
19 separated.”; and

20 (6) by inserting after paragraph (19), as reded-
21 ignated, the following:

22 “(20) Subchapter I of chapter 88, relating to
23 Military Family Programs.

1 “(21) Section 2005, relating to advanced edu-
2 cation assistance, active duty agreements, and reim-
3 bursement requirements.”.

4 (b) EXTENSION OF CERTAIN AUTHORITIES.—

5 (1) NOTARIAL SERVICES.—Section 1044a of
6 title 10, United States Code, is amended—

7 (A) in subsection (a)(1), by striking
8 “armed forces” and inserting “uniformed serv-
9 ices”; and

10 (B) in subsection (b)(4), by striking
11 “armed forces” both places it appears and in-
12 serting “uniformed services”.

13 (2) ACCEPTANCE OF VOLUNTARY SERVICES FOR
14 PROGRAMS SERVING MEMBERS AND THEIR FAMI-
15 LIES.—Section 1588 of such title is amended—

16 (A) in subsection (a)(3), in the matter be-
17 fore subparagraph (A), by striking “armed
18 forces” and inserting “uniformed services”; and

19 (B) by adding at the end the following new
20 subsection:

21 “(g) SECRETARY CONCERNED FOR ACCEPTANCE OF
22 SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA
23 CORPS AND THEIR FAMILIES.—For purposes of the ac-
24 ceptance of services described in subsection (a)(3), the
25 term ‘Secretary concerned’ in subsection (a) shall include

1 the Secretary of Commerce with respect to members of
2 the commissioned officer corps of the National Oceanic
3 and Atmospheric Administration.”.

4 (3) CAPSTONE COURSE FOR NEWLY SELECTED
5 FLAG OFFICERS.—Section 2153 of such title is
6 amended—

7 (A) in subsection (a)—

8 (i) by inserting “or the commissioned
9 officer corps of the National Oceanic and
10 Atmospheric Administration” after “in the
11 case of the Navy”; and

12 (ii) by striking “other armed forces”
13 and inserting “other uniformed services”;
14 and

15 (B) in subsection (b)(1), in the matter be-
16 fore subparagraph (A), by inserting “or the
17 Secretary of Commerce, as applicable,” after
18 “the Secretary of Defense”.

19 **SEC. 926. APPLICABILITY OF CERTAIN PROVISIONS OF**
20 **TITLE 37, UNITED STATES CODE.**

21 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et
22 seq.) is amended by inserting after section 261 the fol-
23 lowing:

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 applica-
5 ble to the Armed Forces under the following provisions
6 of title 37, United States Code, shall apply to the commis-
7 sioned 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
22 Secretary concerned’, or ‘the Secretary of Defense’ with
23 respect to the provisions of law referred to in subsection
24 (a) shall be exercised, with respect to the commissioned
25 officer corps of the Administration, by the Secretary of
26 Commerce or the 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
7 in section 1 of the Act entitled “An Act to authorize the
8 Hydrographic Services Improvement Act of 1998, and for
9 other purposes” (Public Law 107–372) is amended by in-
10 serting 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
13 amended by striking “armed forces” and inserting “uni-
14 formed 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
21 (25) as paragraphs (9) through (26), respectively;
22 and

23 (2) by inserting after paragraph (7) the fol-
24 lowing:

1 “(8) Section 1034, relating to protected com-
2 munications and prohibition of retaliatory personnel
3 actions.”.

4 (b) CONFORMING AMENDMENT.—Subsection (b) of
5 such section is amended by adding at the end the fol-
6 lowing: “For purposes of paragraph (8) of subsection (a),
7 the term ‘Inspector General’ in section 1034 of such title
8 10 shall mean the Inspector General of the Department
9 of Commerce.”.

10 (c) REGULATIONS.—Such section is further amended
11 by adding at the end the following:

12 “(c) REGULATIONS REGARDING PROTECTED COM-
13 MUNICATIONS AND PROHIBITION OF RETALIATORY PER-
14 SONNEL ACTIONS.—The Secretary may promulgate regu-
15 lations to carry out the application of section 1034 of title
16 10, United States Code, to the commissioned officer corps
17 of the Administration, including by promulgating such ad-
18 ministrative procedures for investigation and appeal with-
19 in the commissioned officer corps as the Secretary con-
20 siders appropriate.”.

21 **SEC. 929. PENALTIES FOR WEARING UNIFORM WITHOUT**
22 **AUTHORITY.**

23 Section 702 of title 18, United States Code, is
24 amended by striking “Service or any” and inserting “Serv-

1 ice, the commissioned officer corps of the National Ocea-
2 nic and Atmospheric Administration, or any”.

3 **SEC. 930. APPLICATION OF CERTAIN PROVISIONS OF COM-**
4 **PETITIVE SERVICE LAW.**

5 Section 3304(f) of title 5, United States Code, is
6 amended—

7 (1) in paragraph (1), by inserting “and mem-
8 bers of the commissioned officer corps of the Na-
9 tional Oceanic and Atmospheric Administration (or
10 its predecessor organization the Coast and Geodetic
11 Survey) separated from such uniformed service”
12 after “separated from the armed forces”;

13 (2) in paragraph (2), by striking “or veteran”
14 and inserting “, veteran, or member”; and

15 (3) in paragraph (4), by inserting “and mem-
16 bers of the commissioned officer corps of the Na-
17 tional Oceanic and Atmospheric Administration (or
18 its predecessor organization the Coast and Geodetic
19 Survey) separated from such uniformed service”
20 after “separated from the armed forces”.

21 **SEC. 931. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

22 Section 4303(16) of title 38, United States Code, is
23 amended by inserting “the commissioned officer corps of
24 the National Oceanic and Atmospheric Administration,”
25 after “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
5 seq.), as amended by this subtitle, is further amended by
6 adding 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 offi-
18 cer in the commissioned officer corps for at least 3 years
19 to be serving in a career or career-conditional position in
20 the competitive service within the Administration for pur-
21 poses of such limitation.

22 “(b) CAREER APPOINTMENTS.—If the Secretary se-
23 lects an application submitted by an officer described in
24 subsection (a) for a position described in such subsection,
25 the Secretary shall give such officer a career or career-

1 conditional appointment in the competitive service, as ap-
2 propriate.

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
7 in section 1 of the Act entitled “An Act to authorize the
8 Hydrographic Services Improvement Act of 1998, and for
9 other purposes” (Public Law 107–372) is amended by in-
10 serting after the item relating to section 269, as added
11 by section 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
14 may appoint, without regard to the provisions of sub-
15 chapter I of chapter 33 of title 5, United States Code,
16 other than sections 3303 and 3328 of such title, a quali-
17 fied candidate described in subsection (b) directly to a po-
18 sition in the agency for which the candidate meets quali-
19 fication standards of the Office of Personnel Management.

20 (b) **CANDIDATES DESCRIBED.**—A candidate de-
21 scribed in this subsection is a current or former member
22 of the commissioned officer corps of the National Oceanic
23 and Atmospheric Administration who—

1 (1) fulfilled his or her obligated service require-
2 ment under section 216 of the National Oceanic and
3 Atmospheric Administration Commissioned Officer
4 Corps Act of 2002, as added by section 913;

5 (2) if no longer a member of the commissioned
6 officer corps of the Administration, was not dis-
7 charged or released therefrom as part of a discipli-
8 nary action; and

9 (3) has been separated or released from service
10 in the commissioned officer corps of the Administra-
11 tion for a period of not more than 5 years.

12 (c) EFFECTIVE DATE.—This section shall apply with
13 respect to appointments made in fiscal year 2017 and in
14 each fiscal year thereafter.

15 **Subtitle C—Appointments and** 16 **Promotion of Officers**

17 **SEC. 941. APPOINTMENTS.**

18 (a) ORIGINAL APPOINTMENTS.—Section 221 (33
19 U.S.C. 3021) is amended to read as follows:

20 **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-** 21 **MENTS.**

22 “(a) ORIGINAL APPOINTMENTS.—

23 “(1) GRADES.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), an original appointment of

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
10 original appointment of an officer can-
11 didate, upon graduation from the basic of-
12 ficer training program of the commissioned
13 officer corps of the Administration, may
14 not be made in any other grade than en-
15 sign.

16 “(ii) RANK.—Officer candidates re-
17 ceiving appointments as ensigns upon
18 graduation from basic officer training pro-
19 gram shall take rank according to their
20 proficiency as shown by the order of their
21 merit at date of graduation.

22 “(2) SOURCE OF APPOINTMENTS.—An original
23 appointment may be made from among the fol-
24 lowing:

1 “(A) Graduates of the basic officer train-
2 ing program of the commissioned officer corps
3 of the Administration.

4 “(B) Graduates of the military service
5 academies of the United States who otherwise
6 meet the academic standards for enrollment in
7 the training program described in subparagraph
8 (A).

9 “(C) Graduates of the maritime academies
10 of the States who—

11 “(i) otherwise meet the academic
12 standards for enrollment in the training
13 program described in subparagraph (A);

14 “(ii) completed at least 3 years of
15 regimented training while at a maritime
16 academy of a State; and

17 “(iii) obtained an unlimited tonnage
18 or unlimited horsepower Merchant Mariner
19 Credential from the United States Coast
20 Guard.

21 “(D) Licensed officers of the United States
22 merchant marine who have served 2 or more
23 years aboard a vessel of the United States in
24 the capacity of a licensed officer, who otherwise
25 meet the academic standards for enrollment in

1 the training program described in subparagraph
2 (A).

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) MARITIME ACADEMIES OF THE
5 STATES.—The term ‘maritime academies of the
6 States’ means the following:

7 “(i) California Maritime Academy,
8 Vallejo, California.

9 “(ii) Great Lakes Maritime Academy,
10 Traverse City, Michigan.

11 “(iii) Maine Maritime Academy,
12 Castine, Maine.

13 “(iv) Massachusetts Maritime Acad-
14 emy, Buzzards Bay, Massachusetts.

15 “(v) State University of New York
16 Maritime College, Fort Schuyler, New
17 York.

18 “(vi) Texas A&M Maritime Academy,
19 Galveston, Texas.

20 “(B) MILITARY SERVICE ACADEMIES OF
21 THE UNITED STATES.—The term ‘military serv-
22 ice academies of the United States’ means the
23 following:

24 “(i) The United States Military Acad-
25 emy, West Point, New York.

1 “(ii) The United States Naval Acad-
2 emy, Annapolis, Maryland.

3 “(iii) The United States Air Force
4 Academy, Colorado Springs, Colorado.

5 “(iv) The United States Coast Guard
6 Academy, New London, Connecticut.

7 “(v) The United States Merchant Ma-
8 rine Academy, Kings Point, New York.

9 “(b) REAPPOINTMENT.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), an individual who previously served in the
12 commissioned officer corps of the Administration
13 may be appointed by the Secretary to the grade the
14 individual held prior to separation.

15 “(2) REAPPOINTMENTS TO HIGHER GRADES.—

16 An appointment under paragraph (1) to a position
17 of importance and responsibility designated under
18 section 228 may only be made by the President.

19 “(c) QUALIFICATIONS.—An appointment under sub-
20 section (a) or (b) may not be given to an individual until
21 the individual’s mental, moral, physical, and professional
22 fitness to perform the duties of an officer has been estab-
23 lished under such regulations as the Secretary shall pre-
24 scribe.

1 “(d) PRECEDENCE OF APPOINTEES.—Appointees
2 under this section shall take precedence in the grade to
3 which appointed in accordance with the dates of their com-
4 missions as commissioned officers in such grade. Ap-
5 pointees whose dates of commission are the same shall
6 take precedence with each other as the Secretary shall de-
7 termine.

8 “(e) INTER-SERVICE TRANSFERS.—For inter-service
9 transfers (as described in the Department of Defense Di-
10 rective 1300.4 (dated December 27, 2006)) the Secretary
11 shall—

12 “(1) coordinate with the Secretary of Defense
13 and the Secretary of the Department in which the
14 Coast Guard is operating to promote and streamline
15 inter-service transfers;

16 “(2) give preference to such inter-service trans-
17 fers for recruitment purposes as determined appro-
18 priate by the Secretary; and

19 “(3) reappoint such inter-service transfers to
20 the equivalent grade in the commissioned officer
21 corps.”.

22 “(b) CLERICAL AMENDMENT.—The table of sections
23 in section 1 of the Act entitled “An Act to authorize the
24 Hydrographic Services Improvement Act of 1998, and for
25 other purposes” (Public Law 107–372) is amended by

1 striking the item relating to section 221 and inserting the
2 following:

“Sec. 221. Original appointments and reappointments.”.

3 **SEC. 942. PERSONNEL BOARDS.**

4 Section 222 (33 U.S.C. 3022) is amended to read as
5 follows:

6 **“SEC. 222. PERSONNEL BOARDS.**

7 “(a) CONVENING.—Not less frequently than once
8 each year and at such other times as the Secretary deter-
9 mines necessary, the Secretary shall convene a personnel
10 board.

11 “(b) MEMBERSHIP.—

12 “(1) IN GENERAL.—A board convened under
13 subsection (a) shall consist of 5 or more officers who
14 are serving in or above the permanent grade of the
15 officers under consideration by the board.

16 “(2) RETIRED OFFICERS.—Officers on the re-
17 tired list may be recalled to serve on such personnel
18 boards as the Secretary considers necessary.

19 “(3) NO MEMBERSHIP ON 2 SUCCESSIVE
20 BOARDS.—No officer may be a member of 2 succes-
21 sive personnel boards convened to consider officers
22 of the same grade for promotion or separation.

23 “(c) DUTIES.—Each personnel board shall—

24 “(1) recommend to the Secretary such changes
25 as may be necessary to correct any erroneous posi-

1 tion on the lineal list that was caused by administra-
2 tive error; and

3 “(2) make selections and recommendations to
4 the Secretary and the President for the appoint-
5 ment, promotion, involuntary separation, continu-
6 ation, and involuntary retirement of officers in the
7 commissioned officer corps of the Administration as
8 prescribed in this title.

9 “(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-
10 ABLE.—If any recommendation by a board convened
11 under subsection (a) is not accepted by the Secretary or
12 the President, the board shall make such further rec-
13 ommendations as the Secretary or the President considers
14 appropriate.”.

15 **SEC. 943. DELEGATION OF AUTHORITY.**

16 Section 226 (33 U.S.C. 3026) is amended—

17 (1) by striking “Appointments” and inserting
18 the following:

19 “(a) IN GENERAL.—Appointments”; and

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

21 “(b) DELEGATION OF APPOINTMENT AUTHORITY.—

22 If the President delegates authority to the Secretary to
23 make appointments under this section, the President shall,
24 during a period in which the position of the Secretary is
25 vacant, delegate such authority to the Deputy Secretary

1 of Commerce or the Under Secretary for Oceans and At-
2 mosphere during such period.”.

3 **SEC. 944. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**
4 **MARINE AND AVIATION OPERATIONS.**

5 Section 228(c) (33 U.S.C. 3028(c)) is amended—

6 (1) in the fourth sentence, by striking “Direc-
7 tor” and inserting “Assistant Administrator”; and

8 (2) in the heading, by inserting “ASSISTANT
9 ADMINISTRATOR OF THE” before “OFFICE”.

10 **SEC. 945. TEMPORARY APPOINTMENTS.**

11 (a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is
12 amended to read as follows:

13 **“SEC. 229. TEMPORARY APPOINTMENTS.**

14 **“(a) APPOINTMENTS BY PRESIDENT.—**Temporary
15 appointments in the grade of ensign, lieutenant junior
16 grade, or lieutenant may be made by the President.

17 **“(b) TERMINATION.—**A temporary appointment to a
18 position under subsection (a) shall terminate upon ap-
19 proval of a permanent appointment for such position made
20 by the President.

21 **“(c) ORDER OF PRECEDENCE.—**Appointees under
22 subsection (a) shall take precedence in the grade to which
23 appointed in accordance with the dates of their appoint-
24 ments as officers in such grade. The order of precedence

1 of appointees who are appointed on the same date shall
2 be determined by the Secretary.

3 “(d) ANY ONE GRADE.—When determined by the
4 Secretary to be in the best interest of the commissioned
5 officer corps, officers in any permanent grade may be tem-
6 porarily promoted one grade by the President. Any such
7 temporary promotion terminates upon the transfer of the
8 officer to a new assignment.

9 “(e) DELEGATION OF APPOINTMENT AUTHORITY.—
10 If the President delegates authority to the Secretary to
11 make appointments under this section, the President shall,
12 during a period in which the position of the Secretary is
13 vacant, delegate such authority to the Deputy Secretary
14 of Commerce or the Under Secretary for Oceans and At-
15 mosphere during such period.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 in section 1 of the Act entitled “An Act to authorize the
18 Hydrographic Services Improvement Act of 1998, and for
19 other purposes” (Public Law 107–372) is amended by
20 striking the item relating to section 229 and inserting the
21 following:

“Sec. 229. Temporary appointments.”.

22 **SEC. 946. OFFICER CANDIDATES.**

23 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
24 seq.) is amended by adding at the end the following:

1 **“SEC. 234. OFFICER CANDIDATES.**

2 “(a) DETERMINATION OF NUMBER.—The Secretary
3 shall determine the number of appointments of officer can-
4 didates.

5 “(b) APPOINTMENT.—Appointment of officer can-
6 didates shall be made under regulations which the Sec-
7 retary shall prescribe, including regulations with respect
8 to determining age limits, methods of selection of officer
9 candidates, term of service as an officer candidate before
10 graduation from the program, and all other matters af-
11 fecting such appointment.

12 “(c) DISMISSAL.—The Secretary may dismiss from
13 the basic officer training program of the Administration
14 any officer candidate who, during the officer candidate’s
15 term as an officer candidate, the Secretary considers un-
16 satisfactory in either academics or conduct, or not adapted
17 for a career in the commissioned officer corps of the Ad-
18 ministration. Officer candidates shall be subject to rules
19 governing discipline prescribed by the Director of the Na-
20 tional Oceanic and Atmospheric Administration Commis-
21 sioned Officer Corps.

22 “(d) AGREEMENT.—

23 “(1) IN GENERAL.—Each officer candidate
24 shall sign an agreement with the Secretary in ac-
25 cordance with section 216(a)(2) regarding the officer

1 candidate's term of service in the commissioned offi-
2 cer corps of the Administration.

3 “(2) ELEMENTS.—An agreement signed by an
4 officer candidate under paragraph (1) shall provide
5 that the officer candidate agrees to the following:

6 “(A) That the officer candidate will com-
7 plete the course of instruction at the basic offi-
8 cer training program of the Administration.

9 “(B) That upon graduation from the such
10 program, the officer candidate—

11 “(i) will accept an appointment, if
12 tendered, as an officer; and

13 “(ii) will serve on active duty for at
14 least 4 years immediately after such ap-
15 pointment.

16 “(e) REGULATIONS.—The Secretary shall prescribe
17 regulations to carry out this section. Such regulations
18 shall include—

19 “(1) standards for determining what constitutes
20 a breach of an agreement signed under such sub-
21 section (d)(1); and

22 “(2) procedures for determining whether such a
23 breach has occurred.

24 “(f) REPAYMENT.—An officer candidate or former
25 officer candidate who does not fulfill the terms of the obli-

1 gation to serve as specified under section (d) shall be sub-
2 ject to the repayment provisions of section 216(b).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 in section 1 of the Act entitled “An Act to authorize the
5 Hydrographic Services Improvement Act of 1998, and for
6 other purposes” (Public Law 107–372) is amended by in-
7 serting after the item relating to section 233 the following:
“Sec. 234. Officer candidates.”.

8 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)
9 (33 U.S.C. 3002(b)) is amended—

10 (1) by redesignating paragraphs (4) through
11 (6) as paragraphs (5) through (7), respectively; and

12 (2) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) OFFICER CANDIDATE.—The term ‘officer
15 candidate’ means an individual who is enrolled in the
16 basic officer training program of the Administration
17 and is under consideration for appointment as an of-
18 ficer under section 221(a)(2)(A).”.

19 (d) PAY FOR OFFICER CANDIDATES.—Section 203 of
20 title 37, United States Code, is amended by adding at the
21 end the following:

22 “(f)(1) An officer candidate enrolled in the basic offi-
23 cer training program of the commissioned officer corps of
24 the National Oceanic and Atmospheric Administration is
25 entitled, while participating in such program, to monthly

1 officer candidate pay at monthly rate equal to the basic
2 pay of an enlisted member in the pay grade E-5 with less
3 than 2 years service.

4 “(2) An individual who graduates from such program
5 shall receive credit for the time spent participating in such
6 program as if such time were time served while on active
7 duty as a commissioned officer. If the individual does not
8 graduate from such program, such time shall not be con-
9 sidered creditable for active duty or pay.”.

10 **SEC. 947. PROCUREMENT OF PERSONNEL.**

11 (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et
12 seq.), as amended by section 946(a), is further amended
13 by adding at the end the following:

14 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

15 “The Secretary may make such expenditures as the
16 Secretary considers necessary in order to obtain recruits
17 for the commissioned officer corps of the Administration,
18 including advertising.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 in section 1 of the Act entitled “An Act to authorize the
21 Hydrographic Services Improvement Act of 1998, and for
22 other purposes” (Public Law 107-372), as amended by
23 section 946(b), is further amended by inserting after the
24 item relating to section 234 the following:

“235. Procurement of personnel.”.

1 **Subtitle D—Separation and**
2 **Retirement of Officers**

3 **SEC. 951. INVOLUNTARY RETIREMENT OR SEPARATION.**

4 Section 241 (33 U.S.C. 3041) is amended by adding
5 at the end the following:

6 “(d) DEFERMENT OF RETIREMENT OR SEPARATION
7 FOR MEDICAL REASONS.—

8 “(1) IN GENERAL.—If the Secretary determines
9 that the evaluation of the medical condition of an of-
10 ficer requires hospitalization or medical observation
11 that cannot be completed with confidence in a man-
12 ner consistent with the officer’s well being before the
13 date on which the officer would otherwise be re-
14 quired to retire or be separated under this section,
15 the Secretary may defer the retirement or separation
16 of the officer.

17 “(2) CONSENT REQUIRED.—A deferment may
18 only be made with the written consent of the officer
19 involved. If the officer does not provide written con-
20 sent to the deferment, the officer shall be retired or
21 separated as scheduled.

22 “(3) LIMITATION.—A deferral of retirement or
23 separation under this subsection may not extend for
24 more than 30 days after completion of the evalua-

1 tion requiring hospitalization or medical observa-
2 tion.”.

3 **SEC. 952. SEPARATION PAY.**

4 Section 242 (33 U.S.C. 3042) is amended by adding
5 at the end the following:

6 “(d) EXCEPTION.—An officer discharged for twice
7 failing selection for promotion to the next higher grade
8 is not entitled to separation pay under this section if the
9 officer—

10 “(1) expresses a desire not to be selected for
11 promotion; or

12 “(2) requests removal from the list of select-
13 ees.”.

14 **Subtitle E—Hydrographic Services**
15 **and Other Matters**

16 **SEC. 961. REAUTHORIZATION OF HYDROGRAPHIC SERV-**
17 **ICES IMPROVEMENT ACT OF 1998.**

18 (a) REAUTHORIZATIONS.—Section 306 of the Hydro-
19 graphic Services Improvement Act of 1998 (33 U.S.C.
20 892d) is amended—

21 (1) in the matter before paragraph (1), by
22 striking “There are” and inserting the following:

23 “(a) IN GENERAL.—There are”;

24 (2) in subsection (a) (as designated by para-
25 graph (1))—

1 (A) in paragraph (1), by striking “sur-
2 veys—” and all that follows through the end of
3 the paragraph and inserting “surveys,
4 \$70,814,000 for each of fiscal years 2017
5 through 2021.”;

6 (B) in paragraph (2), by striking “ves-
7 sels—” and all that follows through the end of
8 the paragraph and inserting “vessels,
9 \$25,000,000 for each of fiscal years 2017
10 through 2021.”;

11 (C) in paragraph (3), by striking “Admin-
12 istration—” and all that follows through the
13 end of the paragraph and inserting “Adminis-
14 tration, \$29,932,000 for each of fiscal years
15 2017 through 2021.”;

16 (D) in paragraph (4), by striking “title—
17 ” and all that follows through the end of the
18 paragraph and inserting “title, \$26,800,000 for
19 each of fiscal years 2017 through 2021.”; and

20 (E) in paragraph (5), by striking “title—
21 ” and all that follows through the end of the
22 paragraph and inserting “title, \$30,564,000 for
23 each of fiscal years 2017 through 2021.”; and
24 (3) by adding at the end the following:

1 “(b) ARCTIC PROGRAMS.—Of the amount authorized
2 by this section for each fiscal year—

3 “(1) \$10,000,000 is authorized for use—

4 “(A) to acquire hydrographic data;

5 “(B) to provide hydrographic services;

6 “(C) to conduct coastal change analyses
7 necessary to ensure safe navigation;

8 “(D) to improve the management of coast-
9 al change in the Arctic; and

10 “(E) to reduce risks of harm to Alaska
11 Native subsistence and coastal communities as-
12 sociated with increased international maritime
13 traffic; and

14 “(2) \$2,000,000 is authorized for use to ac-
15 quire hydrographic data and provide hydrographic
16 services in the Arctic necessary to delineate the
17 United States extended Continental Shelf.”.

18 (b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR
19 SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is
20 further amended by adding at the end the following:

21 “(c) LIMITATION ON ADMINISTRATIVE EXPENSES
22 FOR SURVEYS.—Of amounts authorized by this section for
23 each fiscal year for contract hydrographic surveys, not
24 more than 5 percent is authorized for administrative costs
25 associated with contract management.”.

1 **SEC. 962. SYSTEM FOR TRACKING AND REPORTING ALL-IN-**
2 **CLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary of Com-
5 merce shall—

6 (1) develop and implement a system to track
7 and report the full cost to the Department of Com-
8 merce of hydrographic data collection, including
9 costs relating to vessel acquisition, vessel repair, and
10 administration of contracts to procure data;

11 (2) evaluate additional measures for comparing
12 cost per unit effort beyond square nautical miles;
13 and

14 (3) submit to Congress a report on which addi-
15 tional measures for comparing cost per unit effort
16 the Secretary intends to use and the rationale for
17 such use.

18 (b) DEVELOPMENT OF STRATEGY FOR INCREASED
19 CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR
20 HYDROGRAPHIC DATA COLLECTION.—Not later than 180
21 days after the date on which the Secretary completes the
22 activities required by subsection (a), the Secretary shall
23 develop a strategy for how the National Oceanic and At-
24 mospheric Administration will increase contracting with
25 nongovernmental entities for hydrographic data collection
26 in a manner that is consistent with the requirements of

1 the Ocean and Coastal Mapping Integration Act (Public
2 Law 111–11; 33 U.S.C. 3501 et seq.).

3 **SEC. 963. HOMEPORT OF CERTAIN RESEARCH VESSELS.**

4 (a) ACCEPTANCE OF FUNDS AUTHORIZED.—The
5 Secretary of Commerce may accept non-Federal funds for
6 the purpose of obtaining such cost estimates, designs, and
7 permits as may be necessary for construction of a new port
8 facility—

9 (1) to facilitate the homeporting of the R/V
10 FAIRWEATHER in accordance with title II of the
11 Departments of Commerce, Justice, and State, the
12 Judiciary, and Related Agencies Appropriations Act,
13 2002 (Public Law 107–77; 115 Stat. 775); and

14 (2) that is under the administrative jurisdiction
15 of the Under Secretary for Oceans and Atmosphere.

16 (b) STRATEGIC PLAN REQUIRED.—Not later than
17 180 days after the date of the enactment of this Act, the
18 Secretary shall develop and submit to Congress a strategic
19 plan for the construction described in subsection (a).

20 (c) ACCEPTANCE OF FUNDS AUTHORIZED.—The
21 Secretary of Commerce may accept non-Federal funds for
22 the purpose of obtaining such cost estimates, designs, and
23 permits as may be necessary for construction of a new port
24 facility—

1 (1) to facilitate the homeporting of a new, exist-
2 ing, or reactivated research vessel in the city of St.
3 Petersburg, Florida; and

4 (2) that is under the administrative jurisdiction
5 of the Under Secretary for Oceans and Atmosphere.

6 (d) STRATEGIC PLAN REQUIRED.—Not later than
7 180 days after the date of the enactment of this Act, the
8 Secretary shall develop and submit to Congress a strategic
9 plan for construction or acquisition of the facilities needed
10 to allow for an oceanographic research vessel to be
11 homeported in St. Petersburg, Florida. The strategic plan
12 shall include an estimate of funding needed to construct
13 such facilities.