

Cantwell-Wicker-Baldwin_Substitute



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**S. 4802**

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 Ms. CANTWELL (for herself, Mr.
WICKER, and Ms. BALDWIN)

Viz:

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

2 lowing:

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 2022”.

6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Commandant.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Authorization for shoreside infrastructure and facilities.

Sec. 104. Authorization for acquisition of vessels.

Sec. 105. Authorization for the childcare subsidy program.

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TITLE II—COAST GUARD

Subtitle A—Infrastructure and Assets

- Sec. 201. Report on shoreside infrastructure and facilities needs.
- Sec. 202. Fleet mix analysis and shore infrastructure investment plan.
- Sec. 203. Acquisition life-cycle cost estimates.
- Sec. 204. Report and briefing on resourcing strategy for Western Pacific Region.
- Sec. 205. Study and report on national security and drug trafficking threats in the Florida Straits and Caribbean region, including Cuba.
- Sec. 206. Coast Guard Yard.
- Sec. 207. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.
- Sec. 208. Improvements to infrastructure and operations planning.

Subtitle B—Great Lakes

- Sec. 211. Great Lakes winter commerce.
- Sec. 212. Database on icebreaking operations in the Great Lakes.
- Sec. 213. Great Lakes snowmobile acquisition plan.
- Sec. 214. Great Lakes barge inspection exemption.
- Sec. 215. Study on sufficiency of Coast Guard aviation assets to meet mission demands.

Subtitle C—Arctic

- Sec. 221. Establishment of the Arctic Security Cutter Program Office.
- Sec. 222. Arctic activities.
- Sec. 223. Study on Arctic operations and infrastructure.

Subtitle D—Maritime Cyber and Artificial Intelligence

- Sec. 231. Enhancing maritime cybersecurity.
- Sec. 232. Establishment of unmanned system program and autonomous control and computer vision technology project.
- Sec. 233. Artificial intelligence strategy.
- Sec. 234. Review of artificial intelligence applications and establishment of performance metrics.
- Sec. 235. Cyber data management.
- Sec. 236. Data management.
- Sec. 237. Study on cyber threats to the United States marine transportation system.

Subtitle E—Aviation

- Sec. 241. Space-available travel on Coast Guard aircraft: program authorization and eligible recipients.
- Sec. 242. Report on Coast Guard Air Station Barbers Point hangar.
- Sec. 243. Study on the operational availability of Coast Guard aircraft and strategy for Coast Guard aviation.

Subtitle F—Workforce Readiness

- Sec. 251. Authorized strength.
- Sec. 252. Number and distribution of officers on active duty promotion list.
- Sec. 253. Continuation on active duty of officers with critical skills.
- Sec. 254. Career incentive pay for marine inspectors.

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- Sec. 255. Expansion of the ability for selection board to recommend officers of particular merit for promotion.
- Sec. 256. Pay and allowances for certain members of the Coast Guard during funding gap.
- Sec. 257. Modification to education loan repayment program.
- Sec. 258. Retirement of Vice Commandant.
- Sec. 259. Report on resignation and retirement processing times and denial.
- Sec. 260. Calculation of active service.
- Sec. 261. Physical disability evaluation system procedure review.
- Sec. 262. Expansion of authority for multirater assessments of certain personnel.
- Sec. 263. Promotion parity.
- Sec. 264. Partnership program to diversify the Coast Guard.
- Sec. 265. Expansion of Coast Guard Junior Reserve Officers' Training Corps.
- Sec. 266. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.
- Sec. 267. Strategy to enhance diversity through recruitment and accession.
- Sec. 268. Support for Coast Guard Academy.
- Sec. 269. Training for congressional affairs personnel.
- Sec. 270. Strategy for retention of cuttermen.
- Sec. 271. Study on extremism in the Coast Guard.
- Sec. 272. Study on performance of Coast Guard Force Readiness Command.
- Sec. 273. Study on frequency of weapons training for Coast Guard personnel.

Subtitle G—Miscellaneous Provisions

- Sec. 281. Budgeting of Coast Guard relating to certain operations.
- Sec. 282. Coast Guard assistance to United States Secret Service.
- Sec. 283. Conveyance of Coast Guard vessels for public purposes.
- Sec. 284. Coast Guard intelligence activities and emergency and extraordinary expenses.
- Sec. 285. Transfer and conveyance.
- Sec. 286. Transparency and oversight.
- Sec. 287. Study on safety inspection program for containers and facilities.

TITLE III—ENVIRONMENT

- Sec. 301. Definition of Secretary.

Subtitle A—Marine Mammals

- Sec. 311. Definitions.
- Sec. 312. Assistance to ports to reduce the impacts of vessel traffic and port operations on marine mammals.
- Sec. 313. Near real-time monitoring and mitigation program for large cetaceans.
- Sec. 314. Pilot program to establish a Cetacean Desk for Puget Sound region.
- Sec. 315. Monitoring ocean soundscapes.

Subtitle B—Oil Spills

- Sec. 321. Improving oil spill preparedness.
- Sec. 322. Western Alaska oil spill planning criteria.
- Sec. 323. Accident and incident notification relating to pipelines.
- Sec. 324. Coast Guard claims processing costs.
- Sec. 325. Calculation of interest on debt owed to the national pollution fund.
- Sec. 326. Per-incident limitation.

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- Sec. 327. Access to the Oil Spill Liability Trust Fund.
- Sec. 328. Cost-reimbursable agreements.
- Sec. 329. Oil spill response review.
- Sec. 330. Review and report on limited indemnity provisions in standby oil spill response contracts.
- Sec. 331. Additional exceptions to regulations for towing vessels.

Subtitle C—Environmental Compliance

- Sec. 341. Review of anchorage regulations.
- Sec. 342. Study on impacts on shipping and commercial, Tribal, and recreational fisheries from the development of renewable energy on the West Coast.

Subtitle D—Environmental Issues

- Sec. 351. Modifications to the Sport Fish Restoration and Boating Trust Fund administration.
- Sec. 352. Improvements to Coast Guard communication with North Pacific maritime and fishing industry.
- Sec. 353. Fishing safety training grants program.
- Sec. 354. Load lines.

Subtitle E—Illegal Fishing and Forced Labor Prevention

- Sec. 361. Definitions.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

- Sec. 362. Enhancement of Seafood Import Monitoring Program Automated Commercial Environment Message Set.
- Sec. 363. Data sharing and aggregation.
- Sec. 364. Import audits.
- Sec. 365. Availability of fisheries information.
- Sec. 366. Authority to hold fish products.
- Sec. 367. Report on Seafood Import Monitoring Program.
- Sec. 368. Authorization of appropriations.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

- Sec. 370. Denial of port privileges.
- Sec. 371. Identification and certification criteria.
- Sec. 372. Equivalent conservation measures.
- Sec. 373. Capacity building in foreign fisheries.
- Sec. 374. Training of United States Observers.
- Sec. 375. Regulations.

TITLE IV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

- Sec. 401. Coast Guard child care improvements.
- Sec. 402. Armed Forces access to Coast Guard child care facilities.
- Sec. 403. Cadet pregnancy policy improvements.
- Sec. 404. Pilot program for fertility treatments.
- Sec. 405. Combat-related special compensation.

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- Sec. 406. Restoration of amounts improperly withheld for tax purposes from severance payments to veterans of the Coast Guard with combat-related injuries.
- Sec. 407. Modification of basic needs allowance for members of the Coast Guard.
- Sec. 408. Study on food security.

Subtitle B—Healthcare

- Sec. 421. Development of medical staffing standards for the Coast Guard.
- Sec. 422. Healthcare system review and strategic plan.
- Sec. 423. Data collection and access to care.
- Sec. 424. Behavioral health policy.
- Sec. 425. Members asserting post-traumatic stress disorder or traumatic brain injury.
- Sec. 426. Improvements to the Physical Disability Evaluation System and transition program.
- Sec. 427. Expansion of access to counseling.
- Sec. 428. Expansion of postgraduate opportunities for members of the Coast Guard in medical and related fields.
- Sec. 429. Study on Coast Guard telemedicine program.
- Sec. 430. Study on Coast Guard medical facilities needs.

Subtitle C—Housing

- Sec. 441. Strategy to improve quality of life at remote units.
- Sec. 442. Study on Coast Guard housing access, cost, and challenges.

Subtitle D—Other Matters

- Sec. 451. Report on availability of emergency supplies for Coast Guard personnel.

TITLE V—MARITIME

Subtitle A—Vessel Safety

- Sec. 501. Abandoned Seafarer Fund amendments.
- Sec. 502. Receipts; international agreements for ice patrol services.
- Sec. 503. Passenger vessel security and safety requirements.
- Sec. 504. At-sea recovery operations pilot program.
- Sec. 505. Exoneration and limitation of liability for small passenger vessels.
- Sec. 506. Moratorium on towing vessel inspection user fees.
- Sec. 507. Certain historic passenger vessels.
- Sec. 508. Coast Guard digital registration.
- Sec. 509. Responses to safety recommendations.
- Sec. 510. Comptroller General of the United States study and report on the Coast Guard's oversight of third party organizations.
- Sec. 511. Articulated tug-barge manning.

Subtitle B—Other Matters

- Sec. 521. Definition of a stateless vessel.
- Sec. 522. Report on enforcement of coastwise laws.
- Sec. 523. Study on multi-level supply chain security strategy of the department of homeland security.
- Sec. 524. Study to modernize the merchant mariner licensing and documentation system.

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Sec. 525. Study and report on development and maintenance of mariner records database.

TITLE VI—SEXUAL ASSAULT AND SEXUAL HARASSMENT
PREVENTION AND RESPONSE

- Sec. 601. Definitions.
 Sec. 602. Convicted sex offender as grounds for denial.
 Sec. 603. Accommodation; notices.
 Sec. 604. Protection against discrimination.
 Sec. 605. Alcohol at sea.
 Sec. 606. Sexual harassment or sexual assault as grounds for suspension and revocation.
 Sec. 607. Surveillance requirements.
 Sec. 608. Master key control.
 Sec. 609. Safety management systems.
 Sec. 610. Requirement to report sexual assault and harassment.
 Sec. 611. Civil actions for personal injury or death of seamen.
 Sec. 612. Access to care and sexual assault forensic examinations.
 Sec. 613. Reports to Congress.
 Sec. 614. Policy on requests for permanent changes of station or unit transfers by persons who report being the victim of sexual assault.
 Sec. 615. Sex offenses and personnel records.
 Sec. 616. Study on Coast Guard oversight and investigations.
 Sec. 617. Study on Special Victims' Counsel program.

TITLE VII—NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

- Sec. 701. Definitions.
 Sec. 702. Requirement for appointments.
 Sec. 703. Repeal of requirement to promote ensigns after 3 years of service.
 Sec. 704. Authority to provide awards and decorations.
 Sec. 705. Retirement and separation.
 Sec. 706. Licensure of health-care professionals.
 Sec. 707. Improving professional mariner staffing.
 Sec. 708. Legal assistance.
 Sec. 709. Acquisition of aircraft for extreme weather reconnaissance.
 Sec. 710. Report on professional mariner staffing models.

Subtitle B—Other Matters

Sec. 711. Conveyance of certain property of the National Oceanic and Atmospheric Administration in Juneau, Alaska.

TITLE VIII—TECHNICAL, CONFORMING, AND CLARIFYING
AMENDMENTS

- Sec. 801. Technical correction.
 Sec. 802. Reinstatement.
 Sec. 803. Terms and vacancies.

TITLE IX—RULE OF CONSTRUCTION

Sec. 901. Rule of construction.

1 **SEC. 2. DEFINITION OF COMMANDANT.**

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

4 **TITLE I—AUTHORIZATIONS**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

8 (1) in the matter preceding paragraph (1), by
9 striking “fiscal years 2020 and 2021” and inserting
10 “fiscal years 2022 and 2023”;

11 (2) in paragraph (1)—

12 (A) in subparagraph (A), by striking
13 clauses (i) and (ii) and inserting the following:

14 “(i) \$10,000,000,000 for fiscal year
15 2022; and

16 “(ii) \$10,750,000,000 for fiscal year
17 2023.”;

18 (B) in subparagraph (B), by striking
19 “\$17,035,000” and inserting “\$23,456,000”;
20 and

21 (C) in subparagraph (C), by striking “,
22 (A)(ii) \$17,376,000” and inserting “(A)(ii),
23 \$24,353,000”;

24 (3) in paragraph (2)—

25 (A) in subparagraph (A), by striking
26 clauses (i) and (ii) and inserting the following:

1 “(i) \$2,459,100,000 for fiscal year
2 2022; and

3 “(ii) \$3,477,600,000 for fiscal year
4 2023.”; and

5 (B) in subparagraph (B), by striking
6 clauses (i) and (ii) and inserting the following:

7 “(i) \$20,400,000 for fiscal year 2022;

8 and

9 “(ii) \$20,808,000 for fiscal year
10 2023.”;

11 (4) in paragraph (3), by striking subparagraphs
12 (A) and (B) and inserting the following:

13 “(A) \$7,476,000 for fiscal year 2022; and

14 “(B) \$14,681,084 for fiscal year 2023.”;

15 and

16 (5) in paragraph (4), by striking subparagraphs
17 (A) and (B) and inserting the following:

18 “(A) \$240,577,000 for fiscal year 2022;

19 and

20 “(B) \$252,887,000 for fiscal year 2023.”.

21 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
22 **AND TRAINING.**

23 Section 4904 of title 14, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “fiscal years
2 2020 and 2021” and inserting “fiscal years 2022
3 and 2023”; and

4 (2) in subsection (b), in the matter preceding
5 paragraph (1), by striking “fiscal years 2020 and
6 2021” and inserting “fiscal years 2022 and 2023”.

7 **SEC. 103. AUTHORIZATION FOR SHORESIDE INFRASTRUC-**
8 **TURE AND FACILITIES.**

9 (a) IN GENERAL.—In addition to the amounts au-
10 thorized to be appropriated under section 4902(2)(A) of
11 title 14, United States Code, as amended by section 101
12 of this Act, for fiscal years 2023 through 2028—

13 (1) \$3,000,000,000 is authorized to fund main-
14 tenance, new construction, and repairs needed for
15 Coast Guard shoreside infrastructure;

16 (2) \$160,000,000 is authorized to fund phase
17 two of the recapitalization project at Coast Guard
18 Training Center Cape May in Cape May, New Jer-
19 sey, to improve recruitment and training of a diverse
20 Coast Guard workforce; and

21 (3) \$80,000,000 is authorized for the construc-
22 tion of additional new childcare development centers
23 not constructed using funds authorized by the Infra-
24 structure Investment and Jobs Act (Public Law
25 117–58; 135 Stat. 429).

1 (b) COAST GUARD YARD RESILIENT INFRASTRUC-
2 TURE AND CONSTRUCTION IMPROVEMENT.—In addition
3 to the amounts authorized to be appropriated under sec-
4 tion 4902(2)(A)(ii) of title 14, United States Code, as
5 amended by section 101 of this Act—

6 (1) \$400,000,000 is authorized for fiscal years
7 2023 through 2028 for the Secretary of the depart-
8 ment in which the Coast Guard is operating for the
9 purposes of improvements to facilities of the Yard;
10 and

11 (2) \$236,000,000 is authorized for the acquisi-
12 tion of a new floating drydock, to remain available
13 until expended.

14 **SEC. 104. AUTHORIZATION FOR ACQUISITION OF VESSELS.**

15 In addition to the amounts authorized to be appro-
16 priated under section 4902(2)(A)(ii) of title 14, United
17 States Code, as amended by section 101 of this Act, for
18 fiscal years 2023 through 2028—

19 (1) \$350,000,000 is authorized for the acquisi-
20 tion of a Great Lakes icebreaker that is at least as
21 capable as Coast Guard cutter *Mackinaw* (WLBB-
22 30);

23 (2) \$172,500,000 is authorized for the program
24 management, design, and acquisition of 12 Pacific

1 Northwest heavy weather boats that are at least as
2 capable as the Coast Guard 52-foot motor surfboat;

3 (3) \$841,000,000 is authorized for the third
4 Polar Security Cutter;

5 (4) \$20,000,000 is authorized for initiation of
6 activities to support acquisition of the Arctic Security
7 Cutter class, including program planning and
8 requirements development to include the establish-
9 ment of an Arctic Security Cutter Program Office;

10 (5) \$650,000,000 is authorized for the contin-
11 ued acquisition of Offshore Patrol Cutters; and

12 (6) \$650,000,000 is authorized for a twelfth
13 National Security Cutter.

14 **SEC. 105. AUTHORIZATION FOR THE CHILDCARE SUBSIDY**
15 **PROGRAM.**

16 In addition to the amounts authorized to be appro-
17 priated under section 4902(1)(A) of title 14, United
18 States Code, \$25,000,000 is authorized to the Com-
19 mandant for each of fiscal years 2023 and 2024 for the
20 childcare subsidy program.

1 **TITLE II—COAST GUARD**
2 **Subtitle A—Infrastructure and**
3 **Assets**

4 **SEC. 201. REPORT ON SHORESIDE INFRASTRUCTURE AND**
5 **FACILITIES NEEDS.**

6 Not less frequently than annually, the Commandant
7 shall submit to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives a report that includes—

11 (1) a detailed list of shoreside infrastructure
12 needs for all Coast Guard facilities located within
13 each Coast Guard District in the order of priority,
14 including recapitalization, maintenance needs in ex-
15 cess of \$25,000, and other shoreside infrastructure
16 needs of the Coast Guard;

17 (2) the estimated cost of projects to fulfill such
18 needs, to the extent available; and

19 (3) a general description of the state of plan-
20 ning for each such project.

21 **SEC. 202. FLEET MIX ANALYSIS AND SHORE INFRASTRUC-**
22 **TURE INVESTMENT PLAN.**

23 (a) FLEET MIX ANALYSIS.—

24 (1) IN GENERAL.—The Commandant shall con-
25 duct an updated fleet mix analysis that provides for

1 a fleet mix sufficient, as determined by the Com-
2 mandant—

3 (A) to carry out—

4 (i) the missions of the Coast Guard;

5 and

6 (ii) emerging mission requirements;

7 and

8 (B) to address—

9 (i) national security threats; and

10 (ii) the global deployment of the Coast

11 Guard to counter great power competitors.

12 (2) REPORT.—Not later than 1 year after the
13 date of the enactment of this Act, the Commandant
14 shall submit to Congress a report on the results of
15 the updated fleet mix analysis required by paragraph
16 (1).

17 (b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

18 (1) IN GENERAL.—The Commandant shall de-
19 velop an updated shore infrastructure investment
20 plan that includes—

21 (A) the construction of additional facilities
22 to accommodate the updated fleet mix described
23 in subsection (a)(1);

24 (B) improvements necessary to ensure that
25 existing facilities meet requirements and remain

1 operational for the lifespan of such fleet mix,
2 including necessary improvements to informa-
3 tion technology infrastructure;

4 (C) a timeline for the construction and im-
5 provement of the facilities described in subpara-
6 graphs (A) and (B); and

7 (D) a cost estimate for construction and
8 life-cycle support of such facilities, including for
9 necessary personnel.

10 (2) REPORT.—Not later than 1 year after the
11 date on which the report under subsection (a)(2) is
12 submitted, the Commandant shall submit to Con-
13 gress a report on the plan required by paragraph
14 (1).

15 **SEC. 203. ACQUISITION LIFE-CYCLE COST ESTIMATES.**

16 Section 1132(e) of title 14, United States Code, is
17 amended by striking paragraphs (2) and (3) and inserting
18 the following:

19 “(2) TYPES OF ESTIMATES.—For each Level 1
20 or Level 2 acquisition project or program, in addi-
21 tion to life-cycle cost estimates developed under
22 paragraph (1), the Commandant shall require—

23 “(A) such life-cycle cost estimates to be
24 updated before—

1 “(i) each milestone decision is con-
2 cluded; and

3 “(ii) the project or program enters a
4 new acquisition phase; and

5 “(B) an independent cost estimate or inde-
6 pendent cost assessment, as appropriate, to be
7 developed to validate such life-cycle cost esti-
8 mates.”.

9 **SEC. 204. REPORT AND BRIEFING ON RESOURCING STRAT-**
10 **EGY FOR WESTERN PACIFIC REGION.**

11 (a) REPORT.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, the Com-
14 mandant, in consultation with the Coast Guard
15 Commander of the Pacific Area, the Commander of
16 United States Indo-Pacific Command, and the
17 Under Secretary of Commerce for Oceans and At-
18 mosphere, shall submit to the Committee on Com-
19 merce, Science, and Transportation of the Senate
20 and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report
22 outlining the Coast Guard’s resourcing needs to
23 achieve optimum operations in the Western Pacific
24 region.

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

3 (A) An assessment of the risks and associ-
4 ated needs—

5 (i) to United States strategic mari-
6 time interests, in particular such interests
7 in areas west of the International Date
8 Line, including risks to bilateral maritime
9 partners of the United States, posed by
10 not fully staffing and equipping Coast
11 Guard operations in the Western Pacific
12 region;

13 (ii) to the Coast Guard mission and
14 force posed by not fully staffing and equip-
15 ping Coast Guard operations in the West-
16 ern Pacific region; and

17 (iii) to support the call of the Presi-
18 dent, as set forth in the Indo-Pacific Strat-
19 egy, to expand Coast Guard presence and
20 cooperation in Southeast Asia, South Asia,
21 and the Pacific Islands, with a focus on
22 advising, training, deployment, and capac-
23 ity-building.

24 (B) A description of the additional re-
25 sources, including shoreside resources, required

1 to fully implement the needs described in sub-
2 paragraph (A), including the United States
3 commitment to bilateral fisheries law enforce-
4 ment in the Pacific Ocean.

5 (C) A description of the operational and
6 personnel assets required and a dispersal plan
7 for available and projected future Coast Guard
8 cutters and aviation forces to conduct optimum
9 operations in the Western Pacific region.

10 (D) An analysis with respect to whether a
11 national security cutter or fast response cutter
12 located at a United States military installation
13 in a foreign country in the Western Pacific Re-
14 gion would enhance United States national se-
15 curity, partner country capacity building, and
16 prevention and effective response to illegal, un-
17 reported, and unregulated fishing.

18 (E) An assessment of the benefits and as-
19 sociated costs involved in—

20 (i) increasing staffing of Coast Guard
21 personnel within the command elements of
22 United States Indo-Pacific Command or
23 subordinate commands; and

24 (ii) designating a Coast Guard patrol
25 force under the direct authority of the

1 Commander of the United States Indo-Pa-
2 cific Command with associated forward-
3 based assets and personnel.

4 (F) An identification of any additional au-
5 thority necessary, including proposals for legis-
6 lative change, to meet the needs identified in
7 accordance with subparagraphs (A) through (E)
8 and any other mission requirement in the West-
9 ern Pacific region.

10 (3) FORM.—The report required under para-
11 graph (1) shall be submitted in unclassified form but
12 may include a classified annex.

13 (b) BRIEFING.—Not later than 60 days after the date
14 on which the Commandant submits the report under sub-
15 section (a), the Commandant, or a designated individual,
16 shall provide to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives a briefing on the findings and conclusions of
20 such report.

1 **SEC. 205. STUDY AND REPORT ON NATIONAL SECURITY**
2 **AND DRUG TRAFFICKING THREATS IN THE**
3 **FLORIDA STRAITS AND CARIBBEAN REGION,**
4 **INCLUDING CUBA.**

5 (a) IN GENERAL.—The Commandant shall conduct
6 a study on national security, drug trafficking, and other
7 relevant threats as the Commandant considers appro-
8 priate, in the Florida Straits and Caribbean region, in-
9 cluding Cuba.

10 (b) ELEMENTS.—The study required by subsection
11 (a) shall include the following:

12 (1) An assessment of—

13 (A) new technology and evasive maneuvers
14 used by transnational criminal organizations to
15 evade detection and interdiction by Coast
16 Guard law enforcement units and interagency
17 partners; and

18 (B) capability gaps of the Coast Guard
19 with respect to—

20 (i) the detection and interdiction of il-
21 licit drugs in the Florida Straits and Car-
22ibbean region, including Cuba; and

23 (ii) the detection of national security
24 threats in such region.

25 (2) An identification of—

1 (A) the critical technological advancements
2 required for the Coast Guard to meet current
3 and anticipated threats in such region;

4 (B) the capabilities required to enhance in-
5 formation sharing and coordination between the
6 Coast Guard and interagency partners, foreign
7 governments, and related civilian entities; and

8 (C) any significant new or developing
9 threat to the United States posed by illicit ac-
10 tors in such region.

11 (c) REPORT.—Not later than 2 years after the date
12 of the enactment of this Act, the Commandant shall sub-
13 mit to the Committee on Commerce, Science, and Trans-
14 portation of the Senate and the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 a report on the results of the study under subsection (a).

17 **SEC. 206. COAST GUARD YARD.**

18 (a) IN GENERAL.—With respect to the Coast Guard
19 Yard, the purposes of the authorization under section
20 103(b) are—

- 21 (1) to improve resilience and capacity;
- 22 (2) to maintain and expand Coast Guard or-
23 ganic manufacturing capacity;
- 24 (3) to expand training and recruitment;
- 25 (4) to enhance safety; and

1 (5) to improve environmental compliance; and

2 (6) to ensure that the Coast Guard Yard is pre-
3 pared to meet the growing needs of the modern
4 Coast Guard fleet.

5 (b) INCLUSIONS.—The Secretary of the department
6 in which the Coast Guard is operating shall ensure that
7 the Coast Guard Yard receives improvements that include
8 the following:

9 (1) Facilities upgrades needed to improve resil-
10 ience of the shipyard, its facilities, and associated in-
11 frastructure.

12 (2) Acquisition of a large-capacity drydock.

13 (3) Improvements to piers and wharves, dry-
14 docks, and capital equipment utilities.

15 (4) Environmental remediation.

16 (5) Construction of a new warehouse and paint
17 facility.

18 (6) Acquisition of a new travel lift.

19 (7) Dredging necessary to facilitate access to
20 the Coast Guard Yard.

21 (c) WORKFORCE DEVELOPMENT PLAN.—Not later
22 than 180 days after the date of the enactment of this Act,
23 the Commandant shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate and the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives, a workforce development plan
2 that—

3 (1) outlines the workforce needs of the Coast
4 Guard Yard with respect to civilian employees and
5 active duty members of the Coast Guard, including
6 engineers, individuals engaged in trades, cyber spe-
7 cialists, and other personnel necessary to meet the
8 evolving mission set of the Coast Guard Yard; and

9 (2) includes recommendations for Congress with
10 respect to the authorities, training, funding, and ci-
11 vilian and active-duty recruitment, including the re-
12 cruitment of women and underrepresented minori-
13 ties, necessary to meet workforce needs of the Coast
14 Guard Yard for the 10-year period beginning on the
15 date of submission of the plan.

16 **SEC. 207. AUTHORITY TO ENTER INTO TRANSACTIONS**
17 **OTHER THAN CONTRACTS AND GRANTS TO**
18 **PROCURE COST-EFFECTIVE TECHNOLOGY**
19 **FOR MISSION NEEDS.**

20 (a) IN GENERAL.—Subchapter III of chapter 11 of
21 title 14, United States Code, is amended by adding at the
22 end the following:

1 **“§ 1158. Authority to enter into transactions other**
2 **than contracts and grants to procure**
3 **cost-effective, advanced technology for**
4 **mission-critical needs**

5 “(a) IN GENERAL.—Subject to subsections (b) and
6 (c), the Commandant may enter into transactions (other
7 than contracts, cooperative agreements, and grants) to de-
8 velop prototypes for, and to operate and procure, cost-ef-
9 fective technology for the purpose of meeting the mission
10 needs of the Coast Guard.

11 “(b) PROCUREMENT AND ACQUISITION.—Procure-
12 ment or acquisition of technologies under subsection (a)
13 shall be—

14 “(1) carried out in accordance with this title
15 and Coast Guard policies and guidance; and

16 “(2) consistent with the operational require-
17 ments of the Coast Guard.

18 “(c) LIMITATIONS.—

19 “(1) IN GENERAL.—The Commandant may not
20 enter into a transaction under subsection (a) with
21 respect to a technology that—

22 “(A) does not comply with the cybersecu-
23 rity standards of the Coast Guard; or

24 “(B) is sourced from an entity domiciled in
25 the People’s Republic of China, unless the Com-
26 mandant determines that the prototype, oper-

1 ation, or procurement of such a technology is
2 for the purpose of—

3 “(i) counter-UAS operations, surro-
4 gate testing, or training; or

5 “(ii) intelligence, electronic warfare,
6 and information warfare operations, test-
7 ing, analysis, and training.

8 “(2) WAIVER.—The Commandant may waive
9 the application under paragraph (1) on a case-by-
10 case basis by certifying in writing to the Secretary
11 of Homeland Security and the appropriate commit-
12 tees of Congress that the prototype, operation, or
13 procurement of the applicable technology is in the
14 national interests of the United States.

15 “(d) EDUCATION AND TRAINING.—The Commandant
16 shall ensure that management, technical, and contracting
17 personnel of the Coast Guard involved in the award or
18 administration of transactions under this section, or other
19 innovative forms of contracting, are provided opportunities
20 for adequate education and training with respect to the
21 authority under this section.

22 “(e) REPORT.—

23 “(1) IN GENERAL.—Not later than 5 years
24 after the date of the enactment of this section, the

1 Commandant shall submit to the appropriate com-
2 mittees of Congress a report that—

3 “(A) describes the use of the authority
4 pursuant to this section; and

5 “(B) assesses the mission and operational
6 benefits of such authority.

7 “(2) APPROPRIATE COMMITTEES OF CONGRESS
8 DEFINED.—In this subsection, the term ‘appropriate
9 committees of Congress’ means—

10 “(A) the Committee on Commerce,
11 Science, and Transportation of the Senate; and

12 “(B) the Committee on Transportation
13 and Infrastructure of the House of Representa-
14 tives.

15 “(f) REGULATIONS.—The Commandant shall pre-
16 scribe regulations as necessary to carry out this section.

17 “(g) DEFINITIONS OF UNMANNED AIRCRAFT, UN-
18 MANNED AIRCRAFT SYSTEM, AND COUNTER-UAS.—In
19 this section, the terms ‘unmanned aircraft’, ‘unmanned
20 aircraft system’, and ‘counter-UAS’ have the meanings
21 given such terms in section 44801 of title 49, United
22 States Code.”.

23 (b) CLERICAL AMENDMENT.—The analysis for sub-
24 chapter II of chapter 11 of title 14, United States Code,
25 is amended by adding at the end the following:

“1158. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.”.

1 **SEC. 208. IMPROVEMENTS TO INFRASTRUCTURE AND OP-**
2 **ERATIONS PLANNING.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Commandant shall
5 incorporate the most recent oceanic and atmospheric data
6 relating to the increasing rates of extreme weather, includ-
7 ing flooding, into planning scenarios for Coast Guard in-
8 frastructure and mission deployments with respect to all
9 Coast Guard Missions.

10 (b) COORDINATION WITH NATIONAL OCEANIC AND
11 ATMOSPHERIC ADMINISTRATION.—In carrying out sub-
12 section (a), the Commandant shall—

13 (1) coordinate with the Under Secretary of
14 Commerce for Oceans and Atmosphere to ensure the
15 incorporation of the most recent environmental and
16 climatic data; and

17 (2) request technical assistance and advice from
18 the Under Secretary in planning scenarios, as appro-
19 priate.

20 (c) BRIEFING.—Not later than 1 year after the date
21 of the enactment of this Act, the Commandant shall pro-
22 vide to the Committee on Commerce, Science, and Trans-
23 portation of the Senate and the Committee on Transpor-
24 tation and Infrastructure of the House of Representatives

1 a briefing on the manner in which the best-available
2 science from the National Oceanic and Atmospheric Ad-
3 ministration has been incorporated into at least 1 key mis-
4 sion area of the Coast Guard, and the lessons learned from
5 so doing.

6 **Subtitle B—Great Lakes**

7 **SEC. 211. GREAT LAKES WINTER COMMERCE.**

8 (a) IN GENERAL.—Subchapter IV of chapter 5 of
9 title 14, United States Code, is amended by adding at the
10 end the following:

11 **“§ 564. Great Lakes icebreaking operations**

12 “(a) GAO REPORT.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this section, the Comp-
15 troller General of the United States shall submit to
16 the Committee on Commerce, Science, and Trans-
17 portation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives a report on the Coast Guard Great
20 Lakes icebreaking program.

21 “(2) ELEMENTS.—The report required under
22 paragraph (1) shall include the following:

23 “(A) An evaluation of the economic impact
24 of vessel delays or cancellations associated with
25 ice coverage on the Great Lakes.

1 “(B) An evaluation of mission needs of the
2 Coast Guard Great Lakes icebreaking program.

3 “(C) An evaluation of the impact that the
4 proposed standards described in subsection (b)
5 would have on—

6 “(i) Coast Guard operations in the
7 Great Lakes;

8 “(ii) Northeast icebreaking missions;
9 and

10 “(iii) inland waterway operations.

11 “(D) A fleet mix analysis for meeting such
12 proposed standards.

13 “(E) A description of the resources nec-
14 essary to support the fleet mix resulting from
15 such fleet mix analysis, including for crew and
16 operating costs.

17 “(F) Recommendations to the Com-
18 mandant for improvements to the Great Lakes
19 icebreaking program, including with respect to
20 facilitating commerce and meeting all Coast
21 Guard mission needs.

22 “(b) PROPOSED STANDARDS FOR ICEBREAKING OP-
23 ERATIONS.—The proposed standards described in this
24 subsection are the following:

1 “(1) Except as provided in paragraph (2), the
2 Commandant shall keep ice-covered waterways in the
3 Great Lakes open to navigation during not less than
4 90 percent of the hours that commercial vessels and
5 ferries attempt to transit such ice-covered water-
6 ways.

7 “(2) In a year in which the Great Lakes are
8 not open to navigation because of ice of a thickness
9 that occurs on average only once every 10 years, the
10 Commandant shall keep ice-covered waterways in the
11 Great Lakes open to navigation during not less than
12 70 percent of the hours that commercial vessels and
13 ferries attempt to transit such ice-covered water-
14 ways.

15 “(c) REPORT BY COMMANDANT.—Not later than 90
16 days after the date on which the Comptroller General sub-
17 mits the report under subsection (a), the Commandant
18 shall submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives a report that includes the following:

22 “(1) A plan for Coast Guard implementation of
23 any recommendation made by the Comptroller Gen-
24 eral under subparagraph (F) of subsection (a)(2) the
25 Commandant considers appropriate.

1 “(2) With respect to any recommendation made
2 under such subparagraph that the Commandant de-
3 clines to implement, a justification for such decision.

4 “(3) A review of, and a proposed implementa-
5 tion plan for, the results of the fleet mix analysis
6 under subparagraph (D) of that subsection.

7 “(4) Any proposed modifications to the stand-
8 ards for icebreaking operations in the Great Lakes.

9 “(d) DEFINITIONS.—In this section:

10 “(1) COMMERCIAL VESSEL.—The term ‘com-
11 mercial vessel’ means any privately owned cargo ves-
12 sel operating in the Great Lakes during the winter
13 season of at least 500 tons, as measured under sec-
14 tion 14502 of title 46, or an alternate tonnage meas-
15 ured under section 14302 of such title, as prescribed
16 by the Secretary under section 14104 of such title.

17 “(2) GREAT LAKES.—The term ‘Great Lakes’
18 means the United States waters of Lake Superior,
19 Lake Michigan, Lake Huron, Lake Erie, and Lake
20 Ontario, their connecting waterways, and their adja-
21 cent harbors.

22 “(3) ICE-COVERED WATERWAY.—The term ‘ice-
23 covered waterway’ means any portion of the Great
24 Lakes in which commercial vessels or ferries operate
25 that is 70 percent or greater covered by ice, but does

1 not include any waters adjacent to piers or docks for
2 which commercial icebreaking services are available
3 and adequate for the ice conditions.

4 “(4) OPEN TO NAVIGATION.—The term ‘open to
5 navigation’ means navigable to the extent necessary,
6 in no particular order of priority—

7 “(A) to extricate vessels and individuals
8 from danger;

9 “(B) to prevent damage due to flooding;

10 “(C) to meet the reasonable demands of
11 commerce;

12 “(D) to minimize delays to passenger fer-
13 ries; and

14 “(E) to conduct other Coast Guard mis-
15 sions as required.

16 “(5) REASONABLE DEMANDS OF COMMERCE.—
17 The term ‘reasonable demands of commerce’ means
18 the safe movement of commercial vessels and ferries
19 transiting ice-covered waterways in the Great Lakes,
20 regardless of type of cargo, at a speed consistent
21 with the design capability of Coast Guard ice-
22 breakers operating in the Great Lakes and appro-
23 priate to the ice capability of the commercial ves-
24 sel.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 5 of title 14, United States Code, is amended by add-
3 ing at the end the following:

“564. Great Lakes icebreaking operations.”.

4 **SEC. 212. DATABASE ON ICEBREAKING OPERATIONS IN THE**
5 **GREAT LAKES.**

6 (a) IN GENERAL.—The Commandant shall establish
7 and maintain a database for collecting, archiving, and dis-
8 seminating data on icebreaking operations and commercial
9 vessel and ferry transit in the Great Lakes during ice sea-
10 son.

11 (b) ELEMENTS.—The database required under sub-
12 section (a) shall include the following:

13 (1) Attempts by commercial vessels and ferries
14 to transit ice-covered waterways in the Great Lakes
15 that are unsuccessful because of inadequate
16 icebreaking.

17 (2) The period of time that each commercial
18 vessel or ferry was unsuccessful at so transiting due
19 to inadequate icebreaking.

20 (3) The amount of time elapsed before each
21 such commercial vessel or ferry was successfully bro-
22 ken out of the ice and whether it was accomplished
23 by the Coast Guard or by commercial icebreaking
24 assets.

1 (4) Relevant communications of each such com-
2 mercial vessel or ferry with the Coast Guard and
3 with commercial icebreaking services during such pe-
4 riod.

5 (5) A description of any mitigating cir-
6 cumstance, such as Coast Guard icebreaker diver-
7 sions to higher priority missions, that may have con-
8 tributed to the amount of time described in para-
9 graph (3).

10 (c) VOLUNTARY REPORTING.—Any reporting by op-
11 erators of commercial vessels or ferries under this section
12 shall be voluntary.

13 (d) PUBLIC AVAILABILITY.—The Commandant shall
14 make the database available to the public on a publicly
15 accessible internet website of the Coast Guard.

16 (e) CONSULTATION WITH INDUSTRY.—With respect
17 to the Great Lakes icebreaking operations of the Coast
18 Guard and the development of the database required
19 under subsection (a), the Commandant shall consult oper-
20 ators of commercial vessels and ferries.

21 (f) DEFINITIONS.—In this section:

22 (1) COMMERCIAL VESSEL.—The term “commer-
23 cial vessel” means any privately owned cargo vessel
24 operating in the Great Lakes during the winter sea-
25 son of at least 500 tons, as measured under section

1 14502 of title 46, United States Code, or an alter-
2 nate tonnage measured under section 14302 of such
3 title, as prescribed by the Secretary of the depart-
4 ment in which the Coast Guard is operating under
5 section 14104 of such title.

6 (2) GREAT LAKES.—The term “Great Lakes”
7 means the United States waters of Lake Superior,
8 Lake Michigan, Lake Huron, Lake Erie, and Lake
9 Ontario, their connecting waterways, and their adja-
10 cent harbors.

11 (3) ICE-COVERED WATERWAY.—The term “ice-
12 covered waterway” means any portion of the Great
13 Lakes in which commercial vessels or ferries operate
14 that is 70 percent or greater covered by ice, but does
15 not include any waters adjacent to piers or docks for
16 which commercial icebreaking services are available
17 and adequate for the ice conditions.

18 (4) OPEN TO NAVIGATION.—The term “open to
19 navigation” means navigable to the extent necessary,
20 in no particular order of priority—

21 (A) to extricate vessels and individuals
22 from danger;

23 (B) to prevent damage due to flooding;

24 (C) to meet the reasonable demands of
25 commerce;

1 (D) to minimize delays to passenger fer-
2 ries; and

3 (E) to conduct other Coast Guard missions
4 as required.

5 (5) REASONABLE DEMANDS OF COMMERCE.—

6 The term “reasonable demands of commerce” means
7 the safe movement of commercial vessels and ferries
8 transiting ice-covered waterways in the Great Lakes,
9 regardless of type of cargo, at a speed consistent
10 with the design capability of Coast Guard ice-
11 breakers operating in the Great Lakes and appro-
12 priate to the ice capability of the commercial vessel.

13 (g) PUBLIC REPORT.—Not later than July 1 after
14 the first winter in which the Commandant is subject to
15 the requirements of section 564 of title 14, United States
16 Code, the Commandant shall publish on a publicly acces-
17 sible internet website of the Coast Guard a report on the
18 cost to the Coast Guard of meeting the requirements of
19 that section.

20 **SEC. 213. GREAT LAKES SNOWMOBILE ACQUISITION PLAN.**

21 (a) IN GENERAL.—The Commandant shall develop a
22 plan to expand snowmobile procurement for Coast Guard
23 units at which snowmobiles may improve ice rescue re-
24 sponse times while maintaining the safety of Coast Guard
25 personnel engaged in search and rescue. The plan must

1 include consideration of input from Officers in Charge,
2 Commanding Officers, and Commanders of impacted
3 units.

4 (b) ELEMENTS.—The plan required by subsection (a)
5 shall include—

6 (1) a consideration of input from officers in
7 charge, commanding officers, and commanders of af-
8 fected Coast Guard units; and

9 (2) a detailed description of the estimated costs
10 of procuring, maintaining, and training members of
11 the Coast Guard at affected units to use snowmo-
12 biles; and

13 (3) an assessment of—

14 (A) the degree to which snowmobiles may
15 improve ice rescue response times while main-
16 taining the safety of Coast Guard personnel en-
17 gaged in search and rescue;

18 (B) the operational capabilities of a snow-
19 mobile, as compared to an airboat, and a force
20 laydown assessment with respect to the assets
21 needed for effective operations at Coast Guard
22 units conducting ice rescue activities; and

23 (C) the potential risks to members of the
24 Coast Guard and members of the public posed

1 by the use of snowmobiles by members of the
2 Coast Guard for ice rescue activities.

3 (c) PUBLIC AVAILABILITY.—Not later than 1 year
4 after the date of the enactment of this Act, the Com-
5 mandant shall finalize the plan required by subsection (a)
6 and make the plan available on a publicly accessible inter-
7 net website of the Coast Guard.

8 **SEC. 214. GREAT LAKES BARGE INSPECTION EXEMPTION.**

9 Section 3302(m) of title 46, United States Code, is
10 amended—

11 (1) in the matter preceding paragraph (1), by
12 inserting “or a Great Lakes barge” after “seagoing
13 barge”; and

14 (2) by striking “section 3301(6) of this title”
15 and inserting “paragraph (6) or (13) of section
16 3301 of this title”.

17 **SEC. 215. STUDY ON SUFFICIENCY OF COAST GUARD AVIA-**
18 **TION ASSETS TO MEET MISSION DEMANDS.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of the enactment of this Act, the Commandant shall
21 submit to the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives a report on—

1 (1) the force laydown of Coast Guard aviation
2 assets; and

3 (2) any geographic gaps in coverage by Coast
4 Guard assets in areas in which the Coast Guard has
5 search and rescue responsibilities.

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

8 (1) The distance, time, and weather challenges
9 that MH-65 and MH-60 units may face in reaching
10 the outermost limits of the area of operation of
11 Coast Guard District 9 for which such units are re-
12 sponsible.

13 (2) An assessment of the advantages that Coast
14 Guard fixed-wing assets, or an alternate rotary wing
15 asset, would offer to the outermost limits of any
16 area of operation for purposes of search and rescue,
17 law enforcement, ice operations, and logistical mis-
18 sions.

19 (3) A comparison of advantages and disadvan-
20 tages of the manner in which each of the Coast
21 Guard fixed-wing aircraft would operate in the out-
22 ermost limits of any area of operation.

23 (4) A specific assessment of the coverage gaps,
24 including gaps in fixed-wing coverage, and potential
25 solutions to address such gaps in the area of oper-

1 ation of Coast Guard District 9, including the east-
2 ern region of such area of operation.

3 **Subtitle C—Arctic**

4 **SEC. 221. ESTABLISHMENT OF THE ARCTIC SECURITY CUT-** 5 **TER PROGRAM OFFICE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Commandant shall
8 establish a program office for the acquisition of the Arctic
9 Security Cutter to expedite the evaluation of requirements
10 and initiate design of a vessel class critical to the national
11 security of the United States.

12 (b) DESIGN PHASE.—Not later than 270 days after
13 the date of the enactment of this Act, the Commandant
14 shall initiate the design phase of the Arctic Security Cut-
15 ter vessel class.

16 (c) QUARTERLY BRIEFINGS.—Not less frequently
17 than quarterly until the date on which the contract for
18 acquisition of the Arctic Security Cutter is awarded, the
19 Commandant shall provide a briefing to the Committee on
20 Commerce, Science, and Transportation of the Senate and
21 the Committee on Transportation and Infrastructure of
22 the House of Representatives on the status of require-
23 ments evaluations, design of the vessel, and schedule of
24 the program.

1 **SEC. 222. ARCTIC ACTIVITIES.**

2 (a) DEFINITIONS.—In this section:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation of the Senate; and

8 (B) the Committee on Transportation and
9 Infrastructure of the House of Representatives,

10 (2) ARCTIC.—The term “Arctic” has the mean-
11 ing given such term in section 112 of the Arctic Re-
12 search and Policy Act of 1984 (15 U.S.C. 4111).

13 (b) ARCTIC OPERATIONAL IMPLEMENTATION RE-
14 PORT.—Not later than 1 year after the date of the enact-
15 ment of this Act, the Secretary of the department in which
16 the Coast Guard is operating shall submit a report to the
17 appropriate committees of Congress that describes the
18 ability and timeline to conduct a transit of the Northern
19 Sea Route and periodic transits of the Northwest Passage.

20 **SEC. 223. STUDY ON ARCTIC OPERATIONS AND INFRA-
21 STRUCTURE.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall commence a study on the Arctic
25 operations and infrastructure of the Coast Guard.

1 (b) ELEMENTS.—The study required under sub-
2 section (a) shall assess the following:

3 (1) The extent of the collaboration between the
4 Coast Guard and the Department of Defense to as-
5 sess, manage, and mitigate security risks in the Arc-
6 tic region.

7 (2) Actions taken by the Coast Guard to man-
8 age risks to Coast Guard operations, infrastructure,
9 and workforce planning in the Arctic.

10 (3) The plans the Coast Guard has in place for
11 managing and mitigating the risks to commercial
12 maritime operations and the environment in the Arc-
13 tic region.

14 (c) REPORT.—Not later than 1 year after com-
15 mencing the study required under subsection (a), the
16 Comptroller General shall submit to the Committee on
17 Commerce, Science, and Transportation of the Senate and
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives a report on the findings of
20 the study.

21 **Subtitle D—Maritime Cyber and**
22 **Artificial Intelligence**

23 **SEC. 231. ENHANCING MARITIME CYBERSECURITY.**

24 (a) DEFINITIONS.—In this section:

1 (1) CYBER INCIDENT.—The term “cyber inci-
2 dent”—

3 (A) means an event occurring on or con-
4 ducted through a computer network that actu-
5 ally or imminently jeopardizes the integrity,
6 confidentiality, or availability of computers, in-
7 formation or communications systems or net-
8 works, physical or virtual infrastructure con-
9 trolled by computers or information systems, or
10 information resident thereon; and

11 (B) includes a vulnerability in an informa-
12 tion system, system security procedures, inter-
13 nal controls, or implementation that could be
14 exploited by a threat source.

15 (2) MARITIME OPERATORS.—The term “mari-
16 time operators” means the owners or operators of
17 vessels engaged in commercial service, the owners or
18 operators of port facilities, and port authorities.

19 (3) SIGNIFICANT CYBER INCIDENT.—The term
20 “significant cyber incident” means a cyber incident
21 that the Secretary of Homeland Security determines
22 is (or group of related cyber incidents that together
23 are) likely to result in demonstrable harm to the na-
24 tional security interests, foreign relations, or econ-
25 omy of the United States or to public confidence,

1 civil liberties, or public health and safety of the peo-
2 ple of the United States.

3 (4) PORT FACILITIES.—The term “port facili-
4 ties” has the meaning given the term “facility” in
5 section 70101 of title 46.

6 (b) PUBLIC AVAILABILITY OF CYBERSECURITY
7 TOOLS AND RESOURCES.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of the enactment of this Act, the Com-
10 mandant, in coordination with the Administrator of
11 the Maritime Administration, the Director of the Cy-
12 bersecurity and Infrastructure Security Agency, and
13 the Director of the National Institute of Standards
14 and Technology, shall identify and make available to
15 the public a list of tools and resources, including the
16 resources of the Coast Guard and the Cybersecurity
17 and Infrastructure Security Agency, designed to as-
18 sist maritime operators in identifying, detecting, pro-
19 tecting against, responding to, and recovering from
20 significant cyber incidents.

21 (2) IDENTIFICATION.—In carrying out para-
22 graph (1), the Commandant, the Administrator of
23 the Maritime Administration, the Director of the Cy-
24 bersecurity and Infrastructure Security Agency, and
25 the Director of the National Institute of Standards

1 and Technology shall identify tools and resources
2 that—

3 (A) comply with the cybersecurity frame-
4 work for improving critical infrastructure estab-
5 lished by the National Institute of Standards
6 and Technology; or

7 (B) use the guidelines on maritime cyber
8 risk management issued by the International
9 Maritime Organization on July 5, 2017 (or suc-
10 cessor guidelines).

11 (3) CONSULTATION.—

12 (A) IN GENERAL.—The Commandant, the
13 Administrator of the Maritime Administration,
14 the Director of the Cybersecurity and Infra-
15 structure Security Agency, and the Director of
16 the National Institute of Standards and Tech-
17 nology may consult with maritime operators,
18 other Federal agencies, industry stakeholders,
19 and cybersecurity experts to identify tools and
20 resources for purposes of this section.

21 (B) INAPPLICABILITY OF FACA.—The Fed-
22 eral Advisory Committee Act (5 U.S.C. App.)
23 shall not apply to the consultation described in
24 subparagraph (A) or to any other action in sup-
25 port of the implementation of this section.

1 **SEC. 232. ESTABLISHMENT OF UNMANNED SYSTEM PRO-**
2 **GRAM AND AUTONOMOUS CONTROL AND**
3 **COMPUTER VISION TECHNOLOGY PROJECT.**

4 (a) IN GENERAL.—Section 319 of title 14, United
5 States Code, is amended to read as follows:

6 **“§ 319. Unmanned system program and autonomous**
7 **control and computer vision technology**
8 **project**

9 “(a) UNMANNED SYSTEM PROGRAM.—The Secretary
10 shall establish, under the control of the Commandant, an
11 unmanned system program for the use by the Coast Guard
12 of land-based, cutter-based, and aircraft-based unmanned
13 systems for the purpose of increasing effectiveness and ef-
14 ficiency of mission execution.

15 “(b) AUTONOMOUS CONTROL AND COMPUTER VI-
16 SION TECHNOLOGY PROJECT.—

17 “(1) IN GENERAL.—The Commandant shall
18 conduct a project to retrofit 2 or more existing
19 Coast Guard small boats deployed at operational
20 units with—

21 “(A) commercially available autonomous
22 control and computer vision technology; and

23 “(B) such sensors and methods of commu-
24 nication as are necessary to control, and tech-
25 nology to assist in conducting, search and res-
26 cue, surveillance, and interdiction missions.

1 “(2) DATA COLLECTION.—As part of the
2 project required by paragraph (1), the Commandant
3 shall collect and evaluate field-collected operational
4 data from the retrofit described in that paragraph so
5 as to inform future requirements.

6 “(3) BRIEFING.—Not later than 180 days after
7 the date on which the project required under para-
8 graph (1) is completed, the Commandant shall pro-
9 vide a briefing to the Committee on Commerce,
10 Science, and Transportation of the Senate and the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives on the project that in-
13 cludes an evaluation of the data collected from the
14 project.

15 “(c) UNMANNED SYSTEM DEFINED.—In this section,
16 the term ‘unmanned system’ means—

17 “(1) an unmanned aircraft system (as defined
18 in section 44801 of title 49, United States Code);

19 “(2) an unmanned marine surface system; and

20 “(3) an unmanned marine subsurface system.

21 “(d) COST ASSESSMENT.—Not later than 1 year
22 after date of the enactment of this Act, the Commandant
23 shall provide to Congress an estimate of the costs associ-
24 ated with implementing the amendments made by this sec-
25 tion.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 3 of title 14, United States Code, is amended by strik-
3 ing the item relating to section 319 and inserting the fol-
4 lowing:

“319. Unmanned system program and autonomous control and computer vision
technology project.”.

5 **SEC. 233. ARTIFICIAL INTELLIGENCE STRATEGY.**

6 (a) ESTABLISHMENT OF ACTIVITIES.—

7 (1) IN GENERAL.—The Commandant shall es-
8 tablish a set of activities to coordinate the efforts of
9 the Coast Guard to develop and mature artificial in-
10 telligence technologies and transition such tech-
11 nologies into operational use where appropriate.

12 (2) EMPHASIS.—The set of activities estab-
13 lished under paragraph (1) shall—

14 (A) apply artificial intelligence and ma-
15 chine-learning solutions to operational and mis-
16 sion-support problems; and

17 (B) coordinate activities involving artificial
18 intelligence and artificial intelligence-enabled
19 capabilities within the Coast Guard.

20 (b) DESIGNATED OFFICIAL.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this Act, the Com-
23 mandant shall designate a senior official of the
24 Coast Guard (referred to in this section as the “des-

1 ignated official”) with the principal responsibility for
2 the coordination of activities relating to the develop-
3 ment and demonstration of artificial intelligence and
4 machine learning for the Coast Guard.

5 (2) DUTIES.—

6 (A) STRATEGIC PLAN.—

7 (i) IN GENERAL.—The designated of-
8 ficial shall develop a detailed strategic plan
9 to develop, mature, adopt, and transition
10 artificial intelligence technologies into oper-
11 ational use where appropriate.

12 (ii) ELEMENTS.—The plan required
13 by clause (i) shall include the following:

14 (I) A strategic roadmap for the
15 identification and coordination of the
16 development and fielding of artificial
17 intelligence technologies and key ena-
18 bling capabilities.

19 (II) The continuous evaluation
20 and adaptation of relevant artificial
21 intelligence capabilities developed by
22 the Coast Guard and by other organi-
23 zations for military missions and busi-
24 ness operations.

1 (iii) COORDINATION.—In developing
2 the plan required by clause (i), the des-
3 ignated official shall coordinate and engage
4 with the Secretary of Defense and the
5 Joint Artificial Intelligence Center.

6 (iv) SUBMISSION TO COMMANDANT.—
7 Not later than 2 years after the date of the
8 enactment of this Act, the designated offi-
9 cial shall submit to the Commandant the
10 plan developed under clause (i).

11 (B) GOVERNANCE AND OVERSIGHT OF AR-
12 TIFICIAL INTELLIGENCE AND MACHINE LEARN-
13 ING POLICY.—The designated official shall reg-
14 ularly convene appropriate officials of the Coast
15 Guard—

16 (i) to integrate the functional activi-
17 ties of the Coast Guard with respect to ar-
18 tificial intelligence and machine learning;

19 (ii) to ensure that there are efficient
20 and effective artificial intelligence and ma-
21 chine-learning capabilities throughout the
22 Coast Guard; and

23 (iii) to develop and continuously im-
24 prove research, innovation, policy, joint
25 processes, and procedures to facilitate the

1 development, acquisition, integration, ad-
2 vancement, oversight, and sustainment of
3 artificial intelligence and machine learning
4 throughout the Coast Guard.

5 (c) ACCELERATION OF DEVELOPMENT AND FIELD-
6 ING OF ARTIFICIAL INTELLIGENCE.—To the extent prac-
7 ticable, the Commandant, in conjunction with the Sec-
8 retary of Defense and the Joint Artificial Intelligence Cen-
9 ter, shall—

10 (1) use the flexibility of regulations, personnel,
11 acquisition, partnerships with industry and aca-
12 demia, or other relevant policies of the Coast Guard
13 to accelerate the development and fielding of artifi-
14 cial intelligence capabilities;

15 (2) ensure engagement with defense and private
16 industries, research universities, and unaffiliated,
17 nonprofit research institutions;

18 (3) provide technical advice and support to enti-
19 ties in the Coast Guard to optimize the use of artifi-
20 cial intelligence and machine-learning technologies to
21 meet Coast Guard missions;

22 (4) support the development of requirements for
23 artificial intelligence capabilities that address the
24 highest priority capability gaps of the Coast Guard
25 and technical feasibility;

1 (5) develop and support capabilities for tech-
2 nical analysis and assessment of threat capabilities
3 based on artificial intelligence;

4 (6) identify the workforce and capabilities need-
5 ed to support the artificial intelligence capabilities
6 and requirements of the Coast Guard;

7 (7) develop classification guidance for all artifi-
8 cial intelligence-related activities of the Coast Guard;

9 (8) work with appropriate officials to develop
10 appropriate ethical, legal, and other policies for the
11 Coast Guard governing the development and use of
12 artificial intelligence-enabled systems and tech-
13 nologies in operational situations; and

14 (9) ensure—

15 (A) that artificial intelligence programs of
16 the Coast Guard are consistent with this sec-
17 tion; and

18 (B) appropriate coordination of artificial
19 intelligence activities of the Coast Guard with
20 interagency, industry, and international efforts
21 relating to artificial intelligence, including rel-
22 evant participation in standards-setting bodies.

23 (d) STRATEGIC PLAN.—

24 (1) IN GENERAL.—The Commandant shall de-
25 velop a strategic plan to develop, mature, adopt, and

1 transition artificial intelligence technologies into
2 operational use where appropriate, that is informed
3 by the plan developed by the designated official
4 under subsection (b)(2)(A).

5 (2) ELEMENTS.—The plan required by para-
6 graph (1) shall include the following:

7 (A) Each element described in clause (ii)
8 of subsection (b)(2)(A).

9 (B) A consideration of the identification,
10 adoption, and procurement of artificial intel-
11 ligence technologies for use in operational and
12 mission support activities.

13 (3) COORDINATION.—In developing the plan re-
14 quired by paragraph (1), the Commandant shall co-
15 ordinate and engage with the Secretary of Defense,
16 the Chief Digital and Artificial Intelligence Office,
17 defense and private industries, research universities,
18 and unaffiliated, nonprofit research institutions.

19 (4) SUBMISSION TO CONGRESS.—Not later than
20 1 year after the date of the enactment of this Act,
21 the Commandant shall submit to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and Infra-
24 structure of the House of Representatives the plan
25 developed under paragraph (1).

1 **SEC. 234. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICA-**
2 **TIONS AND ESTABLISHMENT OF PERFORM-**
3 **ANCE METRICS.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of the enactment of this Act, the Commandant
6 shall—

7 (1) review the potential applications of artificial
8 intelligence and digital technology to the platforms,
9 processes, and operations of the Coast Guard;

10 (2) identify the resources necessary to improve
11 the use of artificial intelligence and digital tech-
12 nology in such platforms, processes, and operations;
13 and

14 (3) establish performance objectives and accom-
15 panying metrics for the incorporation of artificial in-
16 telligence and digital readiness into such platforms,
17 processes, and operations.

18 (b) PERFORMANCE OBJECTIVES AND ACCOMPANYING
19 METRICS.—

20 (1) SKILL GAPS.—In carrying out subsection
21 (a), the Commandant shall—

22 (A) conduct a comprehensive review and
23 assessment of—

24 (i) skill gaps in the fields of software
25 development, software engineering, data
26 science, and artificial intelligence;

1 (ii) the qualifications of civilian per-
2 sonnel needed for both management and
3 specialist tracks in such fields; and

4 (iii) the qualifications of military per-
5 sonnel (officer and enlisted) needed for
6 both management and specialist tracks in
7 such fields; and

8 (B) establish recruiting, training, and tal-
9 ent management performance objectives and ac-
10 companying metrics for achieving and maintain-
11 ing staffing levels needed to fill identified gaps
12 and meet the needs of the Coast Guard for
13 skilled personnel.

14 (2) AI MODERNIZATION ACTIVITIES.—In car-
15 rying out subsection (a), the Commandant, with sup-
16 port from the Director of the Joint Artificial Intel-
17 ligence Center, shall—

18 (A) assess investment by the Coast Guard
19 in artificial intelligence innovation, science and
20 technology, and research and development;

21 (B) assess investment by the Coast Guard
22 in test and evaluation of artificial intelligence
23 capabilities;

24 (C) assess the integration of, and the re-
25 sources necessary to better use artificial intel-

1 ligence in wargames, exercises, and experimen-
2 tation;

3 (D) assess the application of, and the re-
4 sources necessary to better use, artificial intel-
5 ligence in logistics and sustainment systems;

6 (E) assess the integration of, and the re-
7 sources necessary to better use, artificial intel-
8 ligence for administrative functions;

9 (F) establish performance objectives and
10 accompanying metrics for artificial intelligence
11 modernization activities of the Coast Guard;
12 and

13 (G) identify the resources necessary to ef-
14 fectively use artificial intelligence to carry out
15 the missions of the Coast Guard.

16 (c) REPORT TO CONGRESS.—Not later than 180 days
17 after the completion of the review required by subsection
18 (a)(1), the Commandant shall submit to the Committee
19 on Commerce, Science, and Transportation and the Com-
20 mittee on Appropriations of the Senate and the Committee
21 on Transportation and Infrastructure and the Committee
22 on Appropriations of the House of Representatives a re-
23 port on—

24 (1) the findings of the Commandant with re-
25 spect to such review and any action taken or pro-

1 posed to be taken by the Commandant, and the re-
2 sources necessary to address such findings;

3 (2) the performance objectives and accom-
4 panying metrics established under subsections (a)(3)
5 and (b)(1)(B); and

6 (3) any recommendation with respect to pro-
7 posals for legislative change necessary to successfully
8 implement artificial intelligence applications within
9 the Coast Guard.

10 **SEC. 235. CYBER DATA MANAGEMENT.**

11 (a) IN GENERAL.—The Commandant, in coordina-
12 tion with the Commander of United States Cyber Com-
13 mand, and the Director of the Cybersecurity and Infra-
14 structure Security Agency, shall—

15 (1) develop policies, processes, and operating
16 procedures governing—

17 (A) access to and the ingestion, structure,
18 storage, and analysis of information and data
19 relevant to the Coast Guard Cyber Mission, in-
20 cluding—

21 (i) intelligence data relevant to Coast
22 Guard missions;

23 (ii) internet traffic, topology, and ac-
24 tivity data relevant to such missions; and

1 (iii) cyber threat information relevant
2 to such missions; and

3 (B) data management and analytic plat-
4 forms relating to such missions; and

5 (2) evaluate data management platforms re-
6 ferred to in paragraph (1)(B) to ensure that such
7 platforms operate consistently with the Coast Guard
8 Data Strategy.

9 (b) REPORT.—Not later than 1 year after the date
10 of the enactment of this Act, the Commandant shall sub-
11 mit to the Committee on Commerce, Science, and Trans-
12 portation of the Senate and the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 a report that includes—

15 (1) an assessment of the progress on the activi-
16 ties required by subsection (a); and

17 (2) any recommendation with respect to fund-
18 ing or additional authorities necessary, including
19 proposals for legislative change, to improve Coast
20 Guard cyber data management.

21 **SEC. 236. DATA MANAGEMENT.**

22 The Commandant shall develop data workflows and
23 processes for the leveraging of mission-relevant data by
24 the Coast Guard to enhance operational effectiveness and
25 efficiency.

1 **SEC. 237. STUDY ON CYBER THREATS TO THE UNITED**
2 **STATES MARINE TRANSPORTATION SYSTEM.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall commence a study on cyber
6 threats to the United States marine transportation sys-
7 tem.

8 (b) ELEMENTS.—The study required by paragraph
9 (1) shall assess the following:

10 (1) The extent to which the Coast Guard, in
11 collaboration with other Federal agencies, sets
12 standards for the cybersecurity of facilities and ves-
13 sels regulated under parts 104, 105, or 106 of title
14 33 of the Code of Federal Regulations, as in effect
15 on the date of the enactment of this Act.

16 (2) The manner in which the Coast Guard en-
17 sures cybersecurity standards are followed by port,
18 vessel, and facility owners and operators.

19 (3) The extent to which maritime sector-specific
20 planning addresses cybersecurity, particularly for
21 vessels and offshore platforms.

22 (4) The manner in which the Coast Guard,
23 other Federal agencies, and vessel and offshore plat-
24 form operators exchange information regarding
25 cyber risks.

1 (5) The extent to which the Coast Guard is de-
2 veloping and deploying cybersecurity specialists in
3 port and vessel systems and collaborating with the
4 private sector to increase the expertise of the Coast
5 Guard with respect to cybersecurity.

6 (6) The cyber resource and workforce needs of
7 the Coast Guard necessary to meet future mission
8 demands.

9 (c) REPORT.—Not later than 1 year after com-
10 mencing the study required by subsection (a), the Comp-
11 troller General shall submit a report on the findings of
12 the study to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives.

16 (d) DEFINITION OF FACILITY.—In this section the
17 term “facility” has the meaning given the term in section
18 70101 of title 46, United States Code.

19 **Subtitle E—Aviation**

20 **SEC. 241. SPACE-AVAILABLE TRAVEL ON COAST GUARD** 21 **AIRCRAFT: PROGRAM AUTHORIZATION AND** 22 **ELIGIBLE RECIPIENTS.**

23 (a) IN GENERAL.—Subchapter I of chapter 5 of title
24 14, United States Code, is amended by adding at the end
25 the following:

1 **“§ 509. Space-available travel on Coast Guard aircraft**

2 “(a)(1) The Coast Guard may establish a program
3 to provide transportation on Coast Guard aircraft on a
4 space-available basis to the categories of eligible individ-
5 uals described in subsection (c) (in this section referred
6 to as the ‘program’).

7 “(2) Not later than 1 year after the date on which
8 the program is established, the Commandant shall develop
9 a policy for its operation.

10 “(b)(1) The Commandant shall operate the program
11 in a budget-neutral manner.

12 “(2)(A) Except as provided in subparagraph (B), no
13 additional funds may be used, or flight hours performed,
14 for the purpose of providing transportation under the pro-
15 gram.

16 “(B) The Commandant may make de minimis ex-
17 penditures of resources required for the administrative as-
18 pects of the program.

19 “(3) Eligible individuals described in subsection (c)
20 shall not be required to reimburse the Coast Guard for
21 travel provided under this section.

22 “(c) Subject to subsection (d), the categories of eligi-
23 ble individuals described in this subsection are the fol-
24 lowing:

25 “(1) Members of the armed forces on active
26 duty.

1 “(2) Members of the Selected Reserve who hold
2 a valid Uniformed Services Identification and Privi-
3 lege Card.

4 “(3) Retired members of a regular or reserve
5 component of the armed forces, including retired
6 members of reserve components who, but for being
7 under the eligibility age applicable under section
8 12731 of title 10, would be eligible for retired pay
9 under chapter 1223 of title 10.

10 “(4) Subject to subsection (f), veterans with a
11 permanent service-connected disability rated as total.

12 “(5) Such categories of dependents of individ-
13 uals described in paragraphs (1) through (3) as the
14 Commandant shall specify in the policy under sub-
15 section (a)(2), under such conditions and cir-
16 cumstances as the Commandant shall specify in such
17 policy.

18 “(6) Such other categories of individuals as the
19 Commandant, in the discretion of the Commandant,
20 considers appropriate.

21 “(d) In operating the program, the Commandant
22 shall—

23 “(1) in the sole discretion of the Commandant,
24 establish an order of priority for transportation for
25 categories of eligible individuals that is based on

1 considerations of military necessity, humanitarian
2 concerns, and enhancement of morale;

3 “(2) give priority in consideration of transpor-
4 tation to the demands of members of the armed
5 forces in the regular components and in the reserve
6 components on active duty and to the need to pro-
7 vide such members, and their dependents, a means
8 of respite from such demands; and

9 “(3) implement policies aimed at ensuring cost
10 control (as required by subsection (b)) and the safe-
11 ty, security, and efficient processing of travelers, in-
12 cluding limiting the benefit under the program to 1
13 or more categories of otherwise eligible individuals,
14 as the Commandant considers necessary.

15 “(e)(1) Notwithstanding subsection (d)(1), in estab-
16 lishing space-available transportation priorities under the
17 program, the Commandant shall provide transportation
18 for an individual described in paragraph (2), and a single
19 dependent of the individual if needed to accompany the
20 individual, at a priority level in the same category as the
21 priority level for an unaccompanied dependent over the
22 age of 18 years traveling on environmental and morale
23 leave.

1 “(2) Subject to paragraph (3), paragraph (1) applies
2 with respect to an individual described in subsection (e)(3)
3 who—

4 “(A) resides in or is located in a Common-
5 wealth or possession of the United States; and

6 “(B) is referred by a military or civilian pri-
7 mary care provider located in that Commonwealth or
8 possession to a specialty care provider for services to
9 be provided outside of that Commonwealth or pos-
10 session.

11 “(3) If an individual described in subsection (e)(3)
12 is a retired member of a reserve component who is ineli-
13 gible for retired pay under chapter 1223 of title 10 by
14 reason of being under the eligibility age applicable under
15 section 12731 of title 10, paragraph (1) applies to the in-
16 dividual only if the individual is also enrolled in the
17 TRICARE program for certain members of the Retired
18 Reserve authorized under section 1076e of title 10.

19 “(4) The priority for space-available transportation
20 required by this subsection applies with respect to—

21 “(A) the travel from the Commonwealth or pos-
22 session of the United States to receive the specialty
23 care services; and

24 “(B) the return travel.

1 “(5) In this subsection, the terms ‘primary care pro-
2 vider’ and ‘specialty care provider’ refer to a medical or
3 dental professional who provides health care services
4 under chapter 55 of title 10.

5 “(f)(1) Travel may not be provided under this section
6 to a veteran eligible for travel pursuant to paragraph (4)
7 of subsection (e) in priority over any member eligible for
8 travel under paragraph (1) of that subsection or any de-
9 pendent of such a member eligible for travel under this
10 section.

11 “(2) Subsection (e)(4) may not be construed as—

12 “(A) affecting or in any way imposing on the
13 Coast Guard, any armed force, or any commercial
14 entity with which the Coast Guard or an armed
15 force contracts, an obligation or expectation that the
16 Coast Guard or such armed force will retrofit or
17 alter, in any way, military aircraft or commercial
18 aircraft, or related equipment or facilities, used or
19 leased by the Coast Guard or such armed force to
20 accommodate passengers provided travel under such
21 authority on account of disability; or

22 “(B) preempting the authority of an aircraft
23 commander to determine who boards the aircraft
24 and any other matters in connection with safe oper-
25 ation of the aircraft.

1 “(g) The authority to provide transportation under
2 the program is in addition to any other authority under
3 law to provide transportation on Coast Guard aircraft on
4 a space-available basis.”.

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

“509. Space-available travel on Coast Guard aircraft.”.

8 **SEC. 242. REPORT ON COAST GUARD AIR STATION BAR-**
9 **BERS POINT HANGAR.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Commandant shall
12 submit to the Committee on Commerce, Science, and
13 Transportation and the Committee on Appropriations of
14 the Senate and the Committee on Transportation and In-
15 frastructure and the Committee on Appropriations of the
16 House of Representatives a report on facilities require-
17 ments for constructing a hangar at Coast Guard Air Sta-
18 tion Barbers Point at Oahu, Hawaii.

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

21 (1) A description of the \$45,000,000 phase one
22 design for the hangar at Coast Guard Air Station
23 Barbers Point funded by the Consolidated Appro-
24 priations Act, 2021 (Public Law 116–260; 134 Stat.
25 1132).

1 (2) An evaluation of the full facilities require-
2 ments for such hangar to house, maintain, and oper-
3 ate the MH-65 and HC-130J, including—

4 (A) storage and provision of fuel; and

5 (B) maintenance and parts storage facili-
6 ties.

7 (3) An evaluation of facilities growth require-
8 ments for possible future basing of the MH-60 with
9 the C-130J at Coast Guard Air Station Barbers
10 Point.

11 (4) A description of and cost estimate for each
12 project phase for the construction of such hangar.

13 (5) A description of the plan for sheltering in
14 the hangar during extreme weather events aircraft
15 of the Coast Guard and partner agencies, such as
16 the National Oceanic and Atmospheric Administra-
17 tion.

18 (6) A description of the risks posed to oper-
19 ations at Coast Guard Air Station Barbers Point if
20 future project phases for the construction of such
21 hangar are not funded.

22 **SEC. 243. STUDY ON THE OPERATIONAL AVAILABILITY OF**
23 **COAST GUARD AIRCRAFT AND STRATEGY**
24 **FOR COAST GUARD AVIATION.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Comp-
3 troller General of the United States shall commence
4 a study on the operational availability of Coast
5 Guard aircraft.

6 (2) ELEMENTS.—The study required by para-
7 graph (1) shall include the following:

8 (A) An assessment of —

9 (i) the extent to which the fixed-wing
10 and rotary-wing aircraft of the Coast
11 Guard have met annual operational avail-
12 ability targets in recent years;

13 (ii) the challenges the Coast Guard
14 may face with respect to such aircraft
15 meeting operational availability targets,
16 and the effects of such challenges on the
17 Coast Guard’s ability to meet mission re-
18 quirements; and

19 (iii) the status of Coast Guard efforts
20 to upgrade or recapitalize its fleet of such
21 aircraft to meet growth in future mission
22 demands globally, such as in the Western
23 Hemisphere, the Arctic region, and the
24 Western Pacific region.

1 (B) Any recommendation with respect to
2 the operational availability of Coast Guard air-
3 craft.

4 (C) The resource and workforce require-
5 ments necessary for Coast Guard Aviation to
6 meet future mission demands.

7 (3) REPORT.—On completion of the study re-
8 quired by paragraph (1), the Comptroller General
9 shall submit to the Secretary of the department in
10 which the Coast Guard is operating a report on the
11 findings of the study.

12 (b) COAST GUARD AVIATION STRATEGY.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date on which the study under subsection
15 (a) is completed, the Secretary of the department in
16 which the Coast Guard is operating shall develop a
17 comprehensive strategy for Coast Guard Aviation
18 that is informed by the relevant recommendations
19 and findings of the study.

20 (2) ELEMENTS.—The strategy required by
21 paragraph (1) shall include the following:

22 (A) With respect to aircraft of the Coast
23 Guard, an analysis of the current and future
24 operations and future resource needs.

1 (B) The projected number of aviation as-
2 sets, the locations at which such assets are to
3 be stationed, the cost of operation and mainte-
4 nance of such assets, and an assessment of the
5 capabilities of such assets as compared to the
6 missions they are expected to execute, at the
7 completion of major procurement and mod-
8 ernization plans.

9 (C) A procurement plan, including an esti-
10 mated timetable and the estimated appropria-
11 tions necessary for all platforms, including un-
12 manned aircraft.

13 (D) A training plan for pilots and aircrew
14 that addresses—

15 (i) the use of simulators owned and
16 operated by the Coast Guard, and simula-
17 tors that are not owned or operated by the
18 Coast Guard, including any such simula-
19 tors based outside the United States; and

20 (ii) the costs associated with attending
21 training courses.

22 (E) Current and future requirements for
23 cutter and land-based deployment of aviation
24 assets globally, including in the Arctic, the
25 Eastern Pacific, the Western Pacific, the Carib-

1 bean, the Atlantic Basin, and any other area
2 the Commandant considers appropriate.

3 (F) A description of the feasibility of and
4 resource requirements necessary to deploy ro-
5 tary-winged assets onboard all future Arctic
6 cutter patrols.

7 (G) An evaluation of current and future
8 facilities needs for Coast Guard aviation units.

9 (H) An evaluation of pilot and aircrew
10 training and retention needs, including aviation
11 career incentive pay, retention bonuses, and any
12 other workforce tools the Commandant con-
13 siders necessary.

14 (3) BRIEFING.—Not later than 180 days after
15 the date on which the strategy required by para-
16 graph (1) is completed, the Commandant shall pro-
17 vide to the Committee on Commerce, Science, and
18 Transportation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives a briefing on the strategy.

21 **Subtitle F—Workforce Readiness**

22 **SEC. 251. AUTHORIZED STRENGTH.**

23 Section 3702 of title 14, United States Code, is
24 amended by adding at the end the following:

1 “(c) The Secretary may vary the authorized end
2 strength of the Selected Reserve of the Coast Guard Re-
3 serve for a fiscal year by a number equal to not more than
4 3 percent of such end strength upon a determination by
5 the Secretary that such a variation is in the national inter-
6 est.

7 “(d) The Commandant may increase the authorized
8 end strength of the Selected Reserve of the Coast Guard
9 Reserve by a number equal to not more than 2 percent
10 of such authorized end strength upon a determination by
11 the Commandant that such an increase would enhance
12 manning and readiness in essential units or in critical spe-
13 cialties or ratings.”.

14 **SEC. 252. NUMBER AND DISTRIBUTION OF OFFICERS ON**
15 **ACTIVE DUTY PROMOTION LIST.**

16 (a) **MAXIMUM NUMBER OF OFFICERS.**—Section
17 2103(a) of title 14, United States Code, is amended to
18 read as follows:

19 “(a) **MAXIMUM TOTAL NUMBER.**—

20 “(1) **IN GENERAL.**—The total number of Coast
21 Guard commissioned officers on the active duty pro-
22 motion list, excluding warrant officers, shall not ex-
23 ceed 7,400.

24 “(2) **TEMPORARY INCREASE.**—Notwithstanding
25 paragraph (1), the Commandant may temporarily

1 increase the total number of commissioned officers
2 permitted under that paragraph by up to 4 percent
3 for not more than 60 days after the date of the com-
4 missioning of a Coast Guard Academy class.

5 “(3) NOTIFICATION.—If the Commandant in-
6 creases pursuant to paragraph (2) the total number
7 of commissioned officers permitted under paragraph
8 (1), the Commandant shall notify the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate and the Committee on Transportation and Infra-
11 structure of the House of Representatives of the
12 number of officers on the active duty promotion list
13 on the last day of the preceding 30-day period—

14 “(A) not later than 30 days after such in-
15 crease; and

16 “(B) every 30 days thereafter until the
17 total number of commissioned officers no longer
18 exceeds the total number of commissioned offi-
19 cers permitted under paragraph (1).”.

20 (b) OFFICERS NOT ON ACTIVE DUTY PROMOTION
21 LIST.—

22 (1) IN GENERAL.—Chapter 51 of title 14,
23 United States Code, is amended by adding at the
24 end the following:

1 **“§ 5113. Officers not on active duty promotion list**

2 “Not later than 60 days after the date on which the
3 President submits to Congress a budget pursuant to sec-
4 tion 1105(a) of title 31, the Commandant shall submit to
5 the Committee on Commerce, Science, and Transportation
6 of the Senate and the Committee on Transportation and
7 Infrastructure of the House of Representatives the num-
8 ber of Coast Guard officers who are serving at other Fed-
9 eral agencies on a reimbursable basis, and the number of
10 Coast Guard officers who are serving at other Federal
11 agencies on a non-reimbursable basis but are not on the
12 active duty promotion list.”.

13 (2) CLERICAL AMENDMENT.—The analysis for
14 chapter 51 of title 14, United States Code, is
15 amended by adding at the end the following:

“5113. Officers not on active duty promotion list.”.

16 **SEC. 253. CONTINUATION ON ACTIVE DUTY OF OFFICERS**
17 **WITH CRITICAL SKILLS.**

18 (a) IN GENERAL.—Subchapter II of chapter 21 of
19 title 14, United States Code, is amended by adding at the
20 end the following:

21 **“§ 2166. Continuation on active duty of officers with**
22 **critical skills**

23 “(a) IN GENERAL.—The Commandant may authorize
24 an officer in any grade above grade O–2 to remain on ac-
25 tive duty after the date otherwise provided for the retire-

1 ment of the officer in section 2154 of this title if the offi-
 2 cer possesses a critical skill or specialty or is in a career
 3 field designated pursuant to subsection (b).

4 “(b) CRITICAL SKILL, SPECIALTY, OR CAREER
 5 FIELD.—The Commandant shall designate 1 or more crit-
 6 ical skills, specialties, or career fields for purposes of sub-
 7 section (a).

8 “(c) DURATION OF CONTINUATION.—An officer con-
 9 tinued on active duty pursuant to this section shall, if not
 10 earlier retired, be retired on the first day of the month
 11 after the month in which the officer completes 40 years
 12 of active service.

13 “(d) POLICY.—The Commandant shall carry out this
 14 section by prescribing policy that specifies the criteria to
 15 be used in designating any critical skill, specialty, or ca-
 16 reer field for purposes of subsection (b).”.

17 (b) CLERICAL AMENDMENT.—The analysis for sub-
 18 chapter II of chapter 21 of title 14, United States Code,
 19 is amended by adding at the end the following:

“2166. Continuation on active duty of officers with critical skills.”.

20 **SEC. 254. CAREER INCENTIVE PAY FOR MARINE INSPEC-**
 21 **TORS.**

22 (a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR
 23 SPECIAL DUTY PAY.—The Secretary of the department
 24 in which the Coast Guard is operating may provide assign-
 25 ment pay or special duty pay under section 352 of title

1 37, United States Code, to a member of the Coast Guard
2 serving in a prevention position and assigned as a marine
3 inspector or marine investigator pursuant to section 312
4 of title 14, United States Code.

5 (b) ANNUAL BRIEFING.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, and an-
8 nually thereafter, the Secretary of the department in
9 which the Coast Guard is operating shall provide to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives a briefing on any uses of the au-
14 thority under subsection (a) during the preceding
15 year.

16 (2) ELEMENTS.—Each briefing required by
17 paragraph (1) shall include the following:

18 (A) The number of members of the Coast
19 Guard serving as marine inspectors or marine
20 investigators pursuant to section 312 of title
21 14, United States Code, who are receiving as-
22 signment pay or special duty pay under section
23 352 of title 37, United States Code.

24 (B) An assessment of the impact of the
25 use of the authority under this section on the

1 effectiveness and efficiency of the Coast Guard
2 in administering the laws and regulations for
3 the promotion of safety of life and property on
4 and under the high seas and waters subject to
5 the jurisdiction of the United States.

6 (C) An assessment of the effects of assign-
7 ment pay and special duty pay on retention of
8 marine inspectors and investigators.

9 (D) If the authority provided in subsection
10 (a) is not exercised, a detailed justification for
11 not exercising such authority, including an ex-
12 planation of the efforts the Secretary of the de-
13 partment in which the Coast Guard is operating
14 is taking to ensure that the Coast Guard work-
15 force contains an adequate number of qualified
16 marine inspectors.

17 (e) STUDY.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of the enactment of this Act, the Secretary
20 of the department in which the Coast Guard is oper-
21 ating, in coordination with the Director of the Na-
22 tional Institute for Occupational Safety and Health,
23 shall conduct a study on the health of marine in-
24 spectors and marine investigators who have served

1 in such positions for a period of not less than least
2 10 years.

3 (2) ELEMENTS.—The study required by para-
4 graph (1) shall include the following:

5 (A) An evaluation of—

6 (i) the daily vessel inspection duties of
7 marine inspectors and marine investiga-
8 tors, including the examination of internal
9 cargo tanks and voids and new construc-
10 tion activities;

11 (ii) major incidents to which marine
12 inspectors and marine investigators have
13 had to respond, and any other significant
14 incident, such as a vessel casualty, that
15 has resulted in the exposure of marine in-
16 spectors and marine investigators to haz-
17 ardous chemicals or substances; and

18 (iii) the types of hazardous chemicals
19 or substances to which marine inspectors
20 and marine investigators have been ex-
21 posed relative to the effects such chemicals
22 or substances have had on marine inspec-
23 tors and marine investigators.

24 (B) A review and analysis of the current
25 Coast Guard health and safety monitoring sys-

1 tems, and recommendations for improving such
2 systems, specifically with respect to the expo-
3 sure of members of the Coast Guard to haz-
4 ardous substances while carrying out inspec-
5 tions and investigation duties.

6 (C) Any other element the Secretary of the
7 department in which the Coast Guard is oper-
8 ating considers appropriate.

9 (3) REPORT.—On completion of the study re-
10 quired by paragraph (1), the Secretary of the de-
11 partment in which the Coast Guard is operating
12 shall submit to the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of
15 the House of Representatives a report on the find-
16 ings of the study and recommendations for actions
17 the Commandant should take to improve the health
18 and exposure of marine inspectors and marine inves-
19 tigators.

20 (d) TERMINATION.—The authority provided by sub-
21 section (a) shall terminate on December 31, 2027, unless
22 the study required by subsection (c) is completed and sub-
23 mitted as required by that subsection.

1 **SEC. 255. EXPANSION OF THE ABILITY FOR SELECTION**
2 **BOARD TO RECOMMEND OFFICERS OF PAR-**
3 **TICULAR MERIT FOR PROMOTION.**

4 Section 2116(c)(1) of title 14, United States Code,
5 is amended, in the second sentence, by inserting “three
6 times” after “may not exceed”.

7 **SEC. 256. PAY AND ALLOWANCES FOR CERTAIN MEMBERS**
8 **OF THE COAST GUARD DURING FUNDING**
9 **GAP.**

10 (a) IN GENERAL.—During a funding gap, the Sec-
11 retary of the Treasury shall make available to the Sec-
12 retary of Homeland Security, out of any amounts in the
13 general fund of the Treasury not otherwise appropriated,
14 such amounts as the Secretary of Homeland Security de-
15 termines to be necessary to continue to provide, without
16 interruption, during the funding gap such sums as are
17 necessary for—

18 (1) pay and allowances to members of the Coast
19 Guard, including reserve components thereof, who
20 perform active service;

21 (2) the payment of a death gratuity under sec-
22 tions 1475 through 1477 and 1489 of title 10,
23 United States Code, with respect to members of the
24 Coast Guard;

25 (3) the payment or reimbursement of author-
26 ized funeral travel and travel related to the dignified

1 transfer of remains and unit memorial services
2 under section 481f of title 37, United States Code,
3 with respect to members of the Coast Guard; and

4 (4) the temporary continuation of a basic allow-
5 ance of housing for dependents of members of the
6 Coast Guard dying on active duty, as authorized by
7 section 403(l) of title 37, United States Code.

8 (b) FUNDING GAP DEFINED.—In this section, the
9 term “funding gap” means any period after the beginning
10 of a fiscal year for which interim or full-year appropria-
11 tions for the personnel accounts of the Coast Guard have
12 not been enacted.

13 **SEC. 257. MODIFICATION TO EDUCATION LOAN REPAY-**
14 **MENT PROGRAM.**

15 (a) IN GENERAL.—Section 2772 of title 14, United
16 States Code, is amended to read as follows:

17 **“§ 2772. Education loan repayment program: mem-**
18 **bers on active duty in specified military**
19 **specialties**

20 “(a)(1) Subject to the provisions of this section, the
21 Secretary may repay—

22 “(A) any loan made, insured, or guaranteed
23 under part B of title IV of the Higher Education
24 Act of 1965 (20 U.S.C. 1071 et seq.);

1 “(B) any loan made under part D of such title
2 (the William D. Ford Federal Direct Loan Program,
3 20 U.S.C. 1087a et seq.);

4 “(C) any loan made under part E of such title
5 (20 U.S.C. 1087aa et seq.); or

6 “(D) any loan incurred for educational purposes
7 made by a lender that is—

8 “(i) an agency or instrumentality of a
9 State;

10 “(ii) a financial or credit institution (in-
11 cluding an insurance company) that is subject
12 to examination and supervision by an agency of
13 the United States or any State;

14 “(iii) a pension fund approved by the Sec-
15 retary for purposes of this section; or

16 “(iv) a nonprofit private entity designated
17 by a State, regulated by such State, and ap-
18 proved by the Secretary for purposes of this
19 section.

20 “(2) Repayment of any such loan shall be made on
21 the basis of each complete year of service performed by
22 the borrower.

23 “(3) The Secretary may repay loans described in
24 paragraph (1) in the case of any person for service per-

1 formed on active duty as a member in an officer program
2 or military specialty specified by the Secretary.

3 “(b) The portion or amount of a loan that may be
4 repaid under subsection (a) is $33\frac{1}{3}$ percent or \$1,500,
5 whichever is greater, for each year of service.

6 “(c) If a portion of a loan is repaid under this section
7 for any year, interest on the remainder of such loan shall
8 accrue and be paid in the same manner as is otherwise
9 required.

10 “(d) Nothing in this section shall be construed to au-
11 thorize refunding any repayment of a loan.

12 “(e) A person who transfers from service making the
13 person eligible for repayment of loans under this section
14 (as described in subsection (a)(3)) to service making the
15 person eligible for repayment of loans under section 16301
16 of title 10 (as described in subsection (a)(2) or (g) of that
17 section) during a year shall be eligible to have repaid a
18 portion of such loan determined by giving appropriate
19 fractional credit for each portion of the year so served,
20 in accordance with regulations of the Secretary concerned.

21 “(f) The Secretary shall prescribe a schedule for the
22 allocation of funds made available to carry out the provi-
23 sions of this section and section 16301 of title 10 during
24 any year for which funds are not sufficient to pay the sum

1 of the amounts eligible for repayment under subsection (a)
2 and section 16301(a) of title 10.

3 “(g) Except a person described in subsection (e) who
4 transfers to service making the person eligible for repay-
5 ment of loans under section 16301 of title 10, a member
6 of the Coast Guard who fails to complete the period of
7 service required to qualify for loan repayment under this
8 section shall be subject to the repayment provisions of sec-
9 tion 303a(e) or 373 of title 37.

10 “(h) The Secretary may prescribe procedures for im-
11 plementing this section, including standards for qualified
12 loans and authorized payees and other terms and condi-
13 tions for making loan repayments. Such regulations may
14 include exceptions that would allow for the payment as
15 a lump sum of any loan repayment due to a member under
16 a written agreement that existed at the time of a member’s
17 death or disability.”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-
19 chapter III of chapter 27 of title 14, United States Code,
20 is amended to read as follows:

“2772. Education loan repayment program: members on active duty in specified
military specialties.”.

21 **SEC. 258. RETIREMENT OF VICE COMMANDANT.**

22 Section 303 of title 14, United States Code, is
23 amended—

1 (1) by amending subsection (a)(2) to read as
2 follows:

3 “(2) A Vice Commandant who is retired while
4 serving as Vice Commandant, after serving not less
5 than 2 years as Vice Commandant, shall be retired
6 with the grade of admiral, except as provided in sec-
7 tion 306(d).”; and

8 (2) in subsection (e), by striking “or Vice Com-
9 mandant” and inserting “or as an officer serving as
10 Vice Commandant who has served less than 2 years
11 as Vice Commandant”.

12 **SEC. 259. REPORT ON RESIGNATION AND RETIREMENT**
13 **PROCESSING TIMES AND DENIAL.**

14 (a) IN GENERAL.—Not later than 30 days after the
15 date of the enactment of this Act, and annually thereafter,
16 the Commandant shall submit to the Committee on Com-
17 merce, Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives, a report that evaluates resigna-
20 tion and retirement processing timelines.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include the following for the preceding calendar
23 year—

24 (1) statistics on the number of resignations, re-
25 tirements, and other separations that occurred;

1 (2) the processing time for each action de-
2 scribed in paragraph (1);

3 (3) the percentage of requests for such actions
4 that had a command endorsement;

5 (4) the percentage of requests for such actions
6 that did not have a command endorsement; and

7 (5) for each denial of a request for a command
8 endorsement and each failure to take action on such
9 a request, a detailed description of the rationale for
10 such denial or failure to take such action.

11 **SEC. 260. CALCULATION OF ACTIVE SERVICE.**

12 Any service described in writing, including by elec-
13 tronic communication, before the date of the enactment
14 of the William M. (Mac) Thornberry National Defense Au-
15 thorization Act for Fiscal Year 2021 (Public Law 116-
16 283; 134 Stat. 3388), by a representative of the Coast
17 Guard Personnel Service Center, as service that counts to-
18 ward total active service for the purpose of retirement
19 under section 2152 of title 14, United States Code, shall
20 be considered by the President as active service for pur-
21 poses of applying such section with respect to the deter-
22 mination of the retirement qualification for any officer to
23 whom a description was provided.

1 **SEC. 261. PHYSICAL DISABILITY EVALUATION SYSTEM PRO-**
2 **CEDURE REVIEW.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of the enactment of this Act, the Comp-
6 troller General of the United States shall complete
7 a study on the Coast Guard Physical Disability
8 Evaluation System and medical retirement proce-
9 dures.

10 (2) ELEMENTS.—The study required by para-
11 graph (1) shall review, and provide recommendations
12 to address, the following:

13 (A) Coast Guard compliance with all appli-
14 cable laws, regulations, and policies relating to
15 the Physical Disability Evaluation System and
16 the Medical Evaluation Board.

17 (B) Coast Guard compliance with timelines
18 set forth in—

19 (i) the instruction of the Commandant
20 entitled “Physical Disability Evaluation
21 System” issued on May 19, 2006
22 (COMDTNST M1850.2D); and

23 (ii) the Physical Disability Evaluation
24 System Transparency Initiative
25 (ALCGPSC 030/20).

1 (C) An evaluation of Coast Guard proc-
2 esses in place to ensure the availability, consist-
3 ency, and effectiveness of counsel appointed by
4 the Coast Guard Office of the Judge Advocate
5 General to represent members of the Coast
6 Guard undergoing an evaluation under the
7 Physical Disability Evaluation System.

8 (D) The extent to which the Coast Guard
9 has and uses processes to ensure that such
10 counsel may perform their functions in a man-
11 ner that is impartial, including being able to
12 perform their functions without undue pressure
13 or interference by the command of the affected
14 member of the Coast Guard, the Personnel
15 Service Center, and the United States Coast
16 Guard Office of the Judge Advocate General.

17 (E) The frequency with which members of
18 the Coast Guard seek private counsel in lieu of
19 counsel appointed by the Coast Guard Office of
20 the Judge Advocate General, and the frequency
21 of so doing at each member pay grade.

22 (F) The timeliness of determinations, guid-
23 ance, and access to medical evaluations nec-
24 essary for retirement or rating determinations

1 and overall well-being of the affected member of
2 the Coast Guard.

3 (G) The guidance, formal or otherwise,
4 provided by the Personnel Service Center and
5 the Coast Guard Office of the Judge Advocate
6 General, other than the counsel directly rep-
7 resenting affected members of the Coast Guard,
8 in communication with medical personnel exam-
9 ining members.

10 (H) The guidance, formal or otherwise,
11 provided by the medical professionals reviewing
12 cases within the Physical Disability Evaluation
13 System to affected members of the Coast
14 Guard, and the extent to which such guidance
15 is disclosed to the commanders, commanding
16 officers, or other members of the Coast Guard
17 in the chain of command of such affected mem-
18 bers.

19 (I) The feasibility of establishing a pro-
20 gram to allow members of the Coast Guard to
21 select an expedited review to ensure completion
22 of the Medical Evaluation Board report not
23 later than 180 days after the date on which
24 such review was initiated.

1 (b) REPORT.—The Comptroller General shall submit
2 to the Committee on Commerce, Science, and Transpor-
3 tation of the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representatives a re-
5 port on the findings of the study conducted under sub-
6 section (a) and recommendations for improving the phys-
7 ical disability evaluation system process.

8 (c) UPDATED POLICY GUIDANCE.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date on which the report under subsection
11 (b) is submitted, the Commandant shall issue up-
12 dated policy guidance in response to the findings
13 and recommendations contained in the report.

14 (2) ELEMENTS.—The updated policy guidance
15 required by paragraph (1) shall include the fol-
16 lowing:

17 (A) A requirement that a member of the
18 Coast Guard, or the counsel of such a member,
19 shall be informed of the contents of, and af-
20 farded the option to be present for, any commu-
21 nication between the member's command and
22 the Personnel Service Center, or other Coast
23 Guard entity, with respect to the duty status of
24 the member.

1 (B) An exception to the requirement de-
2 scribed in subparagraph (A) that such a mem-
3 ber or the counsel of the member is not re-
4 quired to be informed of the contents of such
5 a communication if it is demonstrated that
6 there is a legitimate health and safety need for
7 the member to be excluded from such commu-
8 nications, supported by a medical opinion that
9 such exclusion is necessary for the health or
10 safety of the member, command, or any other
11 individual.

12 (C) An option to allow a member of the
13 Coast Guard to initiate an evaluation by a Med-
14 ical Evaluation Board if a Coast Guard
15 healthcare provider, or other military healthcare
16 provider, has raised a concern about the ability
17 of the member to continue serving in the Coast
18 Guard, in accordance with existing medical and
19 physical disability policy.

20 (D) An updated policy to remove the com-
21 mand endorsement requirement for retirement
22 or separation unless absolutely necessary for
23 the benefit of the United States.

1 **SEC. 262. EXPANSION OF AUTHORITY FOR MULTIRATER AS-**
2 **SESSMENTS OF CERTAIN PERSONNEL.**

3 (a) IN GENERAL.—Section 2182(a) of title 14,
4 United States Code, is amended by striking paragraph (2)
5 and inserting the following:

6 “(2) OFFICERS.—Each officer of the Coast
7 Guard shall undergo a multirater assessment before
8 promotion to—

9 “(A) the grade of O-4;

10 “(B) the grade of O-5; and

11 “(C) the grade of O-6.

12 “(3) ENLISTED MEMBERS.—Each enlisted
13 member of the Coast Guard shall undergo a
14 multirater assessment before advancement to—

15 “(A) the grade of E-7;

16 “(B) the grade of E-8;

17 “(C) the grade of E-9; and

18 “(D) the grade of E-10.

19 “(4) SELECTION.—A reviewee shall not be per-
20 mitted to select the peers and subordinates who pro-
21 vide opinions for his or her multirater assessment.

22 “(5) POST-ASSESSMENT ELEMENTS.—

23 “(A) IN GENERAL.—Following an assess-
24 ment of an individual pursuant to paragraphs
25 (1) through (3), the individual shall be provided

1 appropriate post-assessment counseling and
2 leadership coaching.

3 “(B) AVAILABILITY OF RESULTS.—The su-
4 pervisor of the individual assessed shall be pro-
5 vided with the results of the multirater assess-
6 ment.”.

7 (b) COST ASSESSMENT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 date of the enactment of this Act, the Commandant
10 shall provide to the appropriate committees of Con-
11 gress an estimate of the costs associated with imple-
12 menting the amendment made by this section.

13 (2) APPROPRIATE COMMITTEES OF CONGRESS
14 DEFINED.—In this subsection, the term “appro-
15 priate committees of Congress” means—

16 (A) the Committee on Commerce, Science,
17 and Transportation and the Committee on Ap-
18 propriations of the Senate; and

19 (B) the Committee on Transportation and
20 Infrastructure and the Committee on Appro-
21 priations of the House of Representatives.

22 **SEC. 263. PROMOTION PARITY.**

23 (a) INFORMATION TO BE FURNISHED.—Section
24 2115(a) of title 14, United States Code, is amended—

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

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

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

6 “(3) in the case of an eligible officer considered
7 for promotion to a rank above lieutenant, any cred-
8 ible information of an adverse nature, including any
9 substantiated adverse finding or conclusion from an
10 officially documented investigation or inquiry and
11 any information placed in the personnel service
12 record of the officer under section 1745(a) of the
13 National Defense Authorization Act for Fiscal Year
14 2014 (Public Law 113–66; 10 U.S.C. 1561 note),
15 shall be furnished to the selection board in accord-
16 ance with standards and procedures set out in the
17 regulations prescribed by the Secretary.”.

18 (b) SPECIAL SELECTION REVIEW BOARDS.—

19 (1) IN GENERAL.—Subchapter I of chapter 21
20 of title 14, United States Code, is amended by in-
21 serting after section 2120 the following:

22 **“§ 2120a. Special selection review boards**

23 “(a) IN GENERAL.—(1) If the Secretary determines
24 that a person recommended by a promotion board for pro-
25 motion to a grade at or below the grade of rear admiral

1 is the subject of credible information of an adverse nature,
2 including any substantiated adverse finding or conclusion
3 described in section 2115(a)(3) of this title that was not
4 furnished to the promotion board during its consideration
5 of the person for promotion as otherwise required by such
6 section, the Secretary shall convene a special selection re-
7 view board under this section to review the person and
8 recommend whether the recommendation for promotion of
9 the person should be sustained.

10 “(2) If a person and the recommendation for pro-
11 motion of the person is subject to review under this section
12 by a special selection review board convened under this
13 section, the name of the person—

14 “(A) shall not be disseminated or publicly re-
15 leased on the list of officers recommended for pro-
16 motion by the promotion board recommending the
17 promotion of the person; and

18 “(B) shall not be forwarded to the President or
19 the Senate, as applicable, or included on a pro-
20 motion list under section 2121 of this title.

21 “(b) CONVENING.—(1) Any special selection review
22 board convened under this section shall be convened in ac-
23 cordance with the provisions of section 2120(c) of this
24 title.

1 “(2) Any special selection review board convened
2 under this section may review such number of persons,
3 and recommendations for promotion of such persons, as
4 the Secretary shall specify in convening such special selec-
5 tion review board.

6 “(c) INFORMATION CONSIDERED.—(1) In reviewing
7 a person and recommending whether the recommendation
8 for promotion of the person should be sustained under this
9 section, a special selection review board convened under
10 this section shall be furnished and consider the following:

11 “(A) The record and information concerning
12 the person furnished in accordance with section
13 2115 of this title to the promotion board that rec-
14 ommended the person for promotion.

15 “(B) Any credible information of an adverse na-
16 ture on the person, including any substantiated ad-
17 verse finding or conclusion from an officially docu-
18 mented investigation or inquiry described in section
19 2115(a)(3) of this title.

20 “(2) The furnishing of information to a special selec-
21 tion review board under paragraph (1)(B) shall be gov-
22 erned by the standards and procedures referred to in sec-
23 tion 2115 of this title.

24 “(3)(A) Before information on a person described in
25 paragraph (1)(B) is furnished to a special selection review

1 board for purposes of this section, the Secretary shall en-
2 sure that—

3 “(i) such information is made available to the
4 person; and

5 “(ii) subject to subparagraphs (C) and (D), the
6 person is afforded a reasonable opportunity to sub-
7 mit comments on such information to the special se-
8 lection review board before its review of the person
9 and the recommendation for promotion of the person
10 under this section.

11 “(B) If information on a person described in para-
12 graph (1)(B) is not made available to the person as other-
13 wise required by subparagraph (A)(i) due to the classifica-
14 tion status of such information, the person shall, to the
15 maximum extent practicable, be furnished a summary of
16 such information appropriate to the person’s authorization
17 for access to classified information.

18 “(C)(i) An opportunity to submit comments on infor-
19 mation is not required for a person under subparagraph
20 (A)(ii) if—

21 “(I) such information was made available to the
22 person in connection with the furnishing of such in-
23 formation under section 2115(a) of this title to the
24 promotion board that recommended the promotion of
25 the person subject to review under this section; and

1 “(II) the person submitted comments on such
2 information to that promotion board.

3 “(ii) The comments on information of a person de-
4 scribed in clause (i)(II) shall be furnished to the special
5 selection review board.

6 “(D) A person may waive either or both of the fol-
7 lowing:

8 “(i) The right to submit comments to a special
9 selection review board under subparagraph (A)(ii).

10 “(ii) The furnishing of comments to a special
11 selection review board under subparagraph (C)(ii).

12 “(d) CONSIDERATION.—(1) In considering the record
13 and information on a person under this section, the special
14 selection review board shall compare such record and in-
15 formation with an appropriate sampling of the records of
16 those officers who were recommended for promotion by the
17 promotion board that recommended the person for pro-
18 motion, and an appropriate sampling of the records of
19 those officers who were considered by and not rec-
20 ommended for promotion by that promotion board.

21 “(2) Records and information shall be presented to
22 a special selection review board for purposes of paragraph
23 (1) in a manner that does not indicate or disclose the per-
24 son or persons for whom the special selection review board
25 was convened.

1 “(3) In considering whether the recommendation for
2 promotion of a person should be sustained under this sec-
3 tion, a special selection review board shall, to the greatest
4 extent practicable, apply standards used by the promotion
5 board that recommended the person for promotion.

6 “(4) The recommendation for promotion of a person
7 may be sustained under this section only if the special se-
8 lection review board determines that the person—

9 “(A) ranks on an order of merit created by the
10 special selection review board as better qualified for
11 promotion than the sample officer highest on the
12 order of merit list who was considered by and not
13 recommended for promotion by the promotion board
14 concerned; and

15 “(B) is comparable in qualification for pro-
16 motion to those sample officers who were rec-
17 ommended for promotion by that promotion board.

18 “(5) A recommendation for promotion of a person
19 may be sustained under this section only by a vote of a
20 majority of the members of the special selection review
21 board.

22 “(6) If a special selection review board does not sus-
23 tain a recommendation for promotion of a person under
24 this section, the person shall be considered to have failed
25 of selection for promotion.

1 “(e) REPORTS.—(1) Each special selection review
2 board convened under this section shall submit to the Sec-
3 retary a written report, signed by each member of the
4 board, containing the name of each person whose rec-
5 ommendation for promotion it recommends for
6 sustainment and certifying that the board has carefully
7 considered the record and information of each person
8 whose name was referred to it.

9 “(2) The provisions of sections 2117(a) of this title
10 apply to the report and proceedings of a special selection
11 review board convened under this section in the same man-
12 ner as they apply to the report and proceedings of a pro-
13 motion board convened under section 2106 of this title.

14 “(f) APPOINTMENT OF PERSONS.—(1) If the report
15 of a special selection review board convened under this sec-
16 tion recommends the sustainment of the recommendation
17 for promotion to the next higher grade of a person whose
18 name was referred to it for review under this section, and
19 the President approves the report, the person shall, as
20 soon as practicable, be appointed to that grade in accord-
21 ance with section 2121 of this title.

22 “(2) A person who is appointed to the next higher
23 grade as described in paragraph (1) shall, upon that ap-
24 pointment, have the same date of rank, the same effective
25 date for the pay and allowances of that grade, and the

1 same position on the active-duty list as the person would
2 have had pursuant to the original recommendation for
3 promotion of the promotion board concerned.

4 “(g) REGULATIONS.—The Secretary shall prescribe
5 regulations to carry out this section.

6 “(h) PROMOTION BOARD DEFINED.—In this section,
7 the term ‘promotion board’ means a selection board con-
8 vened by the Secretary under section 2106 of this title.”.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 subchapter I of chapter 21 of title 14, United States
11 Code, is amended by inserting after the item relating
12 to section 2120 the following:

“2120a. Special selection review boards”.

13 (c) AVAILABILITY OF INFORMATION.—Section 2118
14 of title 14, United States Code, is amended by adding at
15 the end the following:

16 “(e) If the Secretary makes a recommendation under
17 this section that the name of an officer be removed from
18 a report of a selection board and the recommendation is
19 accompanied by information that was not presented to
20 that selection board, that information shall be made avail-
21 able to that officer. The officer shall then be afforded a
22 reasonable opportunity to submit comments on that infor-
23 mation to the officials making the recommendation and
24 the officials reviewing the recommendation. If an eligible
25 officer cannot be given access to such information because

1 of its classification status, the officer shall, to the max-
2 imum extent practicable, be provided with an appropriate
3 summary of the information.”.

4 (d) DELAY OF PROMOTION.—Section 2121(f) of title
5 14, United States Code, is amended to read as follows:

6 “(f)(1) The promotion of an officer may be delayed
7 without prejudice if any of the following applies:

8 “(A) The officer is under investigation or pro-
9 ceedings of a court-martial or a board of officers are
10 pending against the officer.

11 “(B) A criminal proceeding in a Federal or
12 State court is pending against the officer.

13 “(C) The Secretary determines that credible in-
14 formation of an adverse nature, including a substan-
15 tiated adverse finding or conclusion described in sec-
16 tion 2115(a)(3), with respect to the officer will re-
17 sult in the convening of a special selection review
18 board under section 2120a of this title to review the
19 officer and recommend whether the recommendation
20 for promotion of the officer should be sustained.

21 “(2)(A) Subject to subparagraph (B), a promotion
22 may be delayed under this subsection until, as applica-
23 ble—

24 “(i) the completion of the investigation or pro-
25 ceedings described in subparagraph (A);

1 “(ii) a final decision in the proceeding described
2 in subparagraph (B) is issued; or

3 “(iii) the special selection review board con-
4 vened under section 2120a of this title issues rec-
5 ommendations with respect to the officer.

6 “(B) Unless the Secretary determines that a
7 further delay is necessary in the public interest, a
8 promotion may not be delayed under this subsection
9 for more than one year after the date the officer
10 would otherwise have been promoted.

11 “(3) An officer whose promotion is delayed under this
12 subsection and who is subsequently promoted shall be
13 given the date of rank and position on the active duty pro-
14 motion list in the grade to which promoted that he would
15 have held had his promotion not been so delayed.”.

16 **SEC. 264. PARTNERSHIP PROGRAM TO DIVERSIFY THE**
17 **COAST GUARD.**

18 (a) ESTABLISHMENT.—The Commandant shall es-
19 tablish a program for the purpose of increasing the num-
20 ber of underrepresented minorities in the enlisted ranks
21 of the Coast Guard.

22 (b) PARTNERSHIPS.—In carrying out the program es-
23 tablished under subsection (a), the Commandant shall—

24 (1) seek to enter into 1 or more partnerships
25 with eligible entities—

1 (A) to increase the visibility of Coast
2 Guard careers;

3 (B) to promote curriculum development—
4 (i) to enable acceptance into the Coast
5 Guard; and

6 (ii) to improve success on relevant
7 exams, such as the Armed Services Voca-
8 tional Aptitude Battery; and

9 (C) to provide mentoring for students en-
10 tering and beginning Coast Guard careers; and

11 (2) enter into a partnership with an existing
12 Junior Reserve Officers' Training Corps for the pur-
13 pose of promoting Coast Guard careers.

14 (c) ELIGIBLE INSTITUTION DEFINED.—In this sec-
15 tion, the term “eligible institution” means—

16 (1) an institution of higher education (as de-
17 fined in section 101 of the Higher Education Act of
18 1965 (20 U.S.C. 1001));

19 (2) an institution that provides a level of edu-
20 cational attainment that is less than a bachelor's de-
21 gree;

22 (3) a part B institution (as defined in section
23 322 of the Higher Education Act of 1965 (20
24 U.S.C. 1061));

1 (4) a Tribal College or University (as defined in
2 section 316(b) of that Act (20 U.S.C. 1059c(b)));

3 (5) a Hispanic-serving institution (as defined in
4 section 502 of that Act (20 U.S.C. 1101a));

5 (6) an Alaska Native-serving institution or a
6 Native Hawaiian-serving institution (as defined in
7 section 317(b) of that Act (20 U.S.C. 1059d(b)));

8 (7) a Predominantly Black institution (as de-
9 fined in section 371(c) of that Act (20 U.S.C.
10 1071q(c)));

11 (8) an Asian American and Native American
12 Pacific Islander-serving institution (as defined in
13 such section); and

14 (9) a Native American-serving nontribal institu-
15 tion (as defined in such section).

16 **SEC. 265. EXPANSION OF COAST GUARD JUNIOR RESERVE**
17 **OFFICERS' TRAINING CORPS.**

18 (a) IN GENERAL.—Section 320 of title 14, United
19 States Code, is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d);

22 (2) in subsection (b), by striking “subsection
23 (c)” and inserting “subsection (d)”; and

24 (3) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) SCOPE.—Beginning on December 31, 2025, the
2 Secretary of the department in which the Coast Guard is
3 operating shall maintain at all times a Junior Reserve Of-
4 ficers’ Training Corps program with not fewer than 1 such
5 program established in each Coast Guard district.”.

6 (b) COST ASSESSMENT.—Not later than 1 year after
7 the date of the enactment of this Act, the Secretary of
8 the department in which the Coast Guard is operating
9 shall provide to Congress an estimate of the costs associ-
10 ated with implementing the amendments made by this sec-
11 tion.

12 **SEC. 266. IMPROVING REPRESENTATION OF WOMEN AND**
13 **RACIAL AND ETHNIC MINORITIES AMONG**
14 **COAST GUARD ACTIVE-DUTY MEMBERS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, in consultation with the
17 Advisory Board on Women at the Coast Guard Academy
18 established under section 1904 of title 14, United States
19 Code, and the minority outreach team program established
20 by section 1905 of such title, the Commandant shall—

21 (1) determine which recommendations in the
22 RAND representation report may practicably be im-
23 plemented to promote improved representation in the
24 Coast Guard of—

25 (A) women; and

1 (B) racial and ethnic minorities; and
2 (2) submit to the Committee on Commerce,
3 Science, and Transportation of the Senate and the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives a report on the actions
6 the Commandant has taken, or plans to take, to im-
7 plement such recommendations.

8 (b) CURRICULUM AND TRAINING.—In the case of any
9 action the Commandant plans to take to implement rec-
10 ommendations described in subsection (a)(1) that relate
11 to modification or development of curriculum and training,
12 such modified curriculum and trainings shall be provided
13 at officer and accession points and at leadership courses
14 managed by the Coast Guard Leadership Development
15 Center.

16 (c) DEFINITION OF RAND REPRESENTATION RE-
17 PORT.—In this section, the term “RAND representation
18 report” means the report of the Homeland Security Oper-
19 ational Analysis Center of the RAND Corporation entitled
20 “Improving the Representation of Women and Racial/Eth-
21 nic Minorities Among U.S. Coast Guard Active-Duty
22 Members” issued on August 11, 2021.

1 **SEC. 267. STRATEGY TO ENHANCE DIVERSITY THROUGH**
2 **RECRUITMENT AND ACCESSION.**

3 (a) IN GENERAL.—The Commandant shall develop a
4 10-year strategy to enhance Coast Guard diversity
5 through recruitment and accession—

6 (1) at educational institutions at the high
7 school and higher education levels; and

8 (2) for the officer and enlisted ranks.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Commandant shall submit to the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report
16 on the strategy developed under subsection (a).

17 (2) ELEMENTS.—The report required by para-
18 graph (1) shall include the following:

19 (A) A description of existing Coast Guard
20 recruitment and accession programs at edu-
21 cational institutions at the high school and
22 higher education levels.

23 (B) An explanation of the manner in which
24 the strategy supports the Coast Guard's overall
25 diversity and inclusion action plan.

1 (C) A description of the manner in which
2 existing programs and partnerships will be
3 modified or expanded to enhance diversity in re-
4 cruiting and accession at the high school and
5 higher education levels.

6 **SEC. 268. SUPPORT FOR COAST GUARD ACADEMY.**

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

10 **“§ 953. Support for Coast Guard Academy**

11 “(a) AUTHORITY.—

12 “(1) CONTRACTS AND COOPERATIVE AGREE-
13 MENTS.—(A) The Commandant may enter contract
14 and cooperative agreements with 1 or more qualified
15 organizations for the purpose of supporting the ath-
16 letic programs of the Coast Guard Academy.

17 “(B) Notwithstanding section 2304(k) of title
18 10, the Commandant may enter into such contracts
19 and cooperative agreements on a sole source basis
20 pursuant to section 2304(c)(5) of title 10.

21 “(C) Notwithstanding chapter 63 of title 31, a
22 cooperative agreement under this section may be
23 used to acquire property or services for the direct
24 benefit or use of the Coast Guard Academy.

1 “(2) FINANCIAL CONTROLS.—(A) Before enter-
2 ing into a contract or cooperative agreement under
3 paragraph (1), the Commandant shall ensure that
4 the contract or agreement includes appropriate fi-
5 nancial controls to account for the resources of the
6 Coast Guard Academy and the qualified organization
7 concerned in accordance with accepted accounting
8 principles.

9 “(B) Any such contract or cooperative agree-
10 ment shall contain a provision that allows the Com-
11 mandant to review, as the Commandant considers
12 necessary, the financial accounts of the qualified or-
13 ganization to determine whether the operations of
14 the qualified organization—

15 “(i) are consistent with the terms of the
16 contract or cooperative agreement; and

17 “(ii) would compromise the integrity or ap-
18 pearance of integrity of any program of the De-
19 partment of Homeland Security.

20 “(3) LEASES.—For the purpose of supporting
21 the athletic programs of the Coast Guard Academy,
22 the Commandant may, consistent with section
23 504(a)(13), rent or lease real property located at the
24 Coast Guard Academy to a qualified organization,
25 except that proceeds from such a lease shall be re-

1 tained and expended in accordance with subsection
2 (f).

3 “(b) SUPPORT SERVICES.—

4 “(1) AUTHORITY.—To the extent required by a
5 contract or cooperative agreement under subsection
6 (a), the Commandant may provide support services
7 to a qualified organization while the qualified organi-
8 zation conducts its support activities at the Coast
9 Guard Academy only if the Commandant determines
10 that the provision of such services is essential for the
11 support of the athletic programs of the Coast Guard
12 Academy.

13 “(2) NO LIABILITY OF THE UNITED STATES.—

14 Support services may only be provided without any
15 liability of the United States to a qualified organiza-
16 tion.

17 “(3) SUPPORT SERVICES DEFINED.—In this

18 subsection, the term ‘support services’ includes utili-
19 ties, office furnishings and equipment, communica-
20 tions services, records staging and archiving, audio
21 and video support, and security systems, in conjunc-
22 tion with the leasing or licensing of property.

23 “(c) TRANSFERS FROM NONAPPROPRIATED FUND

24 OPERATION.—(1) Except as provided in paragraph (2),
25 the Commandant may, subject to the acceptance of the

1 qualified organization concerned, transfer to the qualified
2 organization all title to and ownership of the assets and
3 liabilities of the Coast Guard nonappropriated fund instru-
4 mentality, the function of which includes providing sup-
5 port for the athletic programs of the Coast Guard Acad-
6 emy, including bank accounts and financial reserves in the
7 accounts of such fund instrumentality, equipment, sup-
8 plies, and other personal property.

9 “(2) The Commandant may not transfer under para-
10 graph (1) any interest in real property.

11 “(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED
12 ORGANIZATION.—

13 “(1) IN GENERAL.—Notwithstanding section
14 1342 of title 31, the Commandant may accept from
15 a qualified organization funds, supplies, and services
16 for the support of the athletic programs of the Coast
17 Guard Academy.

18 “(2) EMPLOYEES OF QUALIFIED ORGANIZA-
19 TION.—For purposes of this section, employees or
20 personnel of the qualified organization may not be
21 considered to be employees of the United States.

22 “(3) FUNDS RECEIVED FROM NCAA.—The Com-
23 mandant may accept funds from the National Colle-
24 giate Athletic Association to support the athletic
25 programs of the Coast Guard Academy.

1 “(4) LIMITATION.—The Commandant shall en-
2 sure that contributions under this subsection and ex-
3 penditure of funds pursuant to subsection (f)—

4 “(A) do not reflect unfavorably on the abil-
5 ity of the Coast Guard, any employee of the
6 Coast Guard, or any member of the armed
7 forces (as defined in section 101(a) of title 10)
8 to carry out any responsibility or duty in a fair
9 and objective manner; or

10 “(B) compromise the integrity or appear-
11 ance of integrity of any program of the Coast
12 Guard, or any individual involved in such a pro-
13 gram.

14 “(e) TRADEMARKS AND SERVICE MARKS.—

15 “(1) LICENSING, MARKETING, AND SPONSOR-
16 SHIP AGREEMENTS.—An agreement under sub-
17 section (a) may, consistent with section 2260 of title
18 10 (other than subsection (d) of such section), au-
19 thorize a qualified organization to enter into licens-
20 ing, marketing, and sponsorship agreements relating
21 to trademarks and service marks identifying the
22 Coast Guard Academy, subject to the approval of
23 the Commandant.

1 “(2) LIMITATIONS.—A licensing, marketing, or
2 sponsorship agreement may not be entered into
3 under paragraph (1) if—

4 “(A) such agreement would reflect unfa-
5 vorably on the ability of the Coast Guard, any
6 employee of the Coast Guard, or any member of
7 the armed forces to carry out any responsibility
8 or duty in a fair and objective manner; or

9 “(B) the Commandant determines that the
10 use of the trademark or service mark would
11 compromise the integrity or appearance of in-
12 tegrity of any program of the Coast Guard or
13 any individual involved in such a program.

14 “(f) RETENTION AND USE OF FUNDS.—Funds re-
15 ceived by the Commandant under this section may be re-
16 tained for use to support the athletic programs of the
17 Coast Guard Academy and shall remain available until ex-
18 pended.

19 “(g) SERVICE ON QUALIFIED ORGANIZATION BOARD
20 OF DIRECTORS.—A qualified organization is a designated
21 entity for which authorization under sections 1033(a) and
22 1589(a) of title 10, may be provided.

23 “(h) CONDITIONS.—The authority provided in this
24 section with respect to a qualified organization is available
25 only so long as the qualified organization continues—

1 “(1) to qualify as a nonprofit organization
2 under section 501(c)(3) of the Internal Revenue
3 Code of 1986 and operates in accordance with this
4 section, the law of the State of Connecticut, and the
5 constitution and bylaws of the qualified organization;
6 and

7 “(2) to operate exclusively to support the ath-
8 letic programs of the Coast Guard Academy.

9 “(i) QUALIFIED ORGANIZATION DEFINED.—In this
10 section, the term ‘qualified organization’ means an organi-
11 zation—

12 “(1) described in subsection (c)(3) of section
13 501 of the Internal Revenue Code of 1986 and ex-
14 empt from taxation under subsection (a) of that sec-
15 tion; and

16 “(2) established by the Coast Guard Academy
17 Alumni Association solely for the purpose of sup-
18 porting Coast Guard athletics.

19 **“§ 954. Mixed-funded athletic and recreational extra-
20 curricular programs: authority to man-
21 age appropriated funds in same manner
22 as nonappropriated funds**

23 “(a) AUTHORITY.—In the case of a Coast Guard
24 Academy mixed-funded athletic or recreational extra-
25 curricular program, the Commandant may designate

1 funds appropriated to the Coast Guard and available for
2 that program to be treated as nonappropriated funds and
3 expended for that program in accordance with laws appli-
4 cable to the expenditure of nonappropriated funds. Appro-
5 priated funds so designated shall be considered to be non-
6 appropriated funds for all purposes and shall remain avail-
7 able until expended.

8 “(b) COVERED PROGRAMS.—In this section, the term
9 ‘Coast Guard Academy mixed-funded athletic or rec-
10 reational extracurricular program’ means an athletic or
11 recreational extracurricular program of the Coast Guard
12 Academy to which each of the following applies:

13 “(1) The program is not considered a morale,
14 welfare, or recreation program.

15 “(2) The program is supported through appro-
16 priated funds.

17 “(3) The program is supported by a non-
18 appropriated fund instrumentality.

19 “(4) The program is not a private organization
20 and is not operated by a private organization.”.

21 (b) CLERICAL AMENDMENT.—The analysis for sub-
22 chapter II of chapter 9 title 14 United States Code, is
23 amended by adding at the end the following:

“953. Support for Coast Guard Academy.

“954. Mixed-funded athletic and recreational extracurricular programs: author-
ity to manage appropriated funds in same manner as non-
appropriated funds.”.

1 **SEC. 269. TRAINING FOR CONGRESSIONAL AFFAIRS PER-**
2 **SONNEL.**

3 (a) IN GENERAL.—Section 315 of title 14, United
4 States Code, is amended to read as follows:

5 **“§ 315. Training for congressional affairs personnel**

6 “(a) IN GENERAL.—The Commandant shall develop
7 a training course, which shall be administered in person,
8 on the workings of Congress for any member of the Coast
9 Guard selected for a position as a fellow, liaison, counsel,
10 administrative staff for the Coast Guard Office of Con-
11 gressional and Governmental Affairs, or any Coast Guard
12 district or area governmental affairs officer.

13 “(b) COURSE SUBJECT MATTER.—

14 “(1) IN GENERAL.—The training course re-
15 quired by this section shall provide an overview and
16 introduction to Congress and the Federal legislative
17 process, including—

18 “(A) the congressional budget process;

19 “(B) the congressional appropriations
20 process;

21 “(C) the congressional authorization proc-
22 ess;

23 “(D) the Senate advice and consent proc-
24 ess for Presidential nominees;

25 “(E) the Senate advice and consent proc-
26 ess for treaty ratification;

1 “(F) the roles of Members of Congress and
2 congressional staff in the legislative process;

3 “(G) the concept and underlying purposes
4 of congressional oversight within the governance
5 framework of separation of powers;

6 “(H) the roles of Coast Guard fellows, liai-
7 sons, counsels, governmental affairs officers,
8 the Coast Guard Office of Program Review, the
9 Coast Guard Headquarters program offices,
10 and any other entity the Commandant considers
11 relevant; and

12 “(I) the roles and responsibilities of Coast
13 Guard public affairs and external communica-
14 tions personnel with respect to Members of
15 Congress and their staff necessary to enhance
16 communication between Coast Guard units, sec-
17 tors, and districts and Member offices and com-
18 mittees of jurisdiction so as to ensure visibility
19 of Coast Guard activities.

20 “(2) DETAIL WITHIN COAST GUARD OFFICE OF
21 BUDGET AND PROGRAMS.—

22 “(A) IN GENERAL.—At the written request
23 of the receiving congressional office, the train-
24 ing course required by this section shall include
25 a multi-day detail within the Coast Guard Of-

1 fice of Budget and Programs to ensure ade-
2 quate exposure to Coast Guard policy, over-
3 sight, and requests from Congress.

4 “(B) NONCONSECUTIVE DETAIL PER-
5 MITTED.—A detail under this paragraph is not
6 required to be consecutive with the balance of
7 the training.

8 “(c) COMPLETION OF REQUIRED TRAINING.—A
9 member of the Coast Guard selected for a position de-
10 scribed in subsection (a) shall complete the training re-
11 quired by this section before the date on which such mem-
12 ber reports for duty for such position.”.

13 **SEC. 270. STRATEGY FOR RETENTION OF CUTTERMEN.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of enactment of this Act, the Commandant shall pub-
16 lish a strategy to improve incentives to attract and retain
17 a diverse workforce serving on Coast Guard cutters.

18 (b) ELEMENTS.—The strategy required by subsection
19 (a) shall include the following:

20 (1) Policies to improve flexibility in the afloat
21 career path, including a policy that enables members
22 of the Coast Guard serving on Coast Guard cutters
23 to transition between operations afloat and oper-
24 ations ashore assignments without detriment to their
25 career progression.

1 (2) A review of current officer requirements for
2 afloat positions at each pay grade, and an assess-
3 ment as to whether such requirements are appro-
4 priate or present undue limitations.

5 (3) Strategies to improve crew comfort afloat,
6 such as berthing modifications to accommodate
7 mixed-gender crew and gender-nonconforming crew.

8 (4) Actionable steps to improve access to
9 highspeed internet capable of video conference for
10 the purposes of medical, educational, and personal
11 use by members of the Coast Guard serving on
12 Coast Guard cutters.

13 (5) An assessment of the effectiveness of bo-
14 nuses to attract members to serve at sea and retain
15 talented members of the Coast Guard serving on
16 Coast Guard cutters to serve as leaders in senior en-
17 listed positions, department head positions, and com-
18 mand positions.

19 (6) Policies to ensure that high-performing
20 members of the Coast Guard serving on Coast
21 Guard cutters are competitive for special assign-
22 ments, postgraduate education, senior service
23 schools, and other career-enhancing positions.

24 **SEC. 271. STUDY ON EXTREMISM IN THE COAST GUARD.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Comp-
3 troller General of the United States shall commence
4 a study on the presence of extremism within the
5 workforce of the Coast Guard.

6 (2) ELEMENTS.—The study required by para-
7 graph (1) shall include the following:

8 (A) An assessment of—

9 (i) the extent to which extremist
10 ideologies, including ideologies that encour-
11 age, or could lead to, violence, exists within
12 the workforce of the Coast Guard;

13 (ii) the unique challenges the Coast
14 Guard faces in addressing such ideologies
15 within the workforce of the Coast Guard;
16 and

17 (iii) the manner in which such
18 ideologies are introduced into the work-
19 force of the Coast Guard.

20 (B) Recommendations on ways to address
21 and eradicate any such ideologies within the
22 workforce of the Coast Guard.

23 (b) REPORT.—Not later than 1 year after com-
24 mencing the study required by subsection (a), the Comp-
25 troller General shall submit to the Committee on Com-

1 merce, Science, and Transportation of the Senate and the
2 Committee on Transportation and Infrastructure of the
3 House of Representatives a report on the findings of the
4 study, including a description of the recommendations
5 under paragraph (2) of that subsection.

6 (c) BRIEFING.—Not later than 90 days after the date
7 on which the report is submitted under subsection (b), the
8 Commandant shall provide a briefing to the Committee on
9 Commerce, Science, and Transportation of the Senate and
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives regarding the recommenda-
12 tions described in the report.

13 **SEC. 272. STUDY ON PERFORMANCE OF COAST GUARD**
14 **FORCE READINESS COMMAND.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall commence a study on the per-
18 formance of the Coast Guard Force Readiness Command.

19 (b) ELEMENTS.—The study required by subsection
20 (a) shall include an assessment of the following:

21 (1) The actions the Force Readiness Command
22 has taken to develop and implement training for the
23 Coast Guard workforce.

24 (2) The extent to which the Force Readiness
25 Command—

1 (A) has assessed performance, policy, and
2 training compliance across Force Readiness
3 Command headquarters and field units, and the
4 results of any such assessment; and

5 (B) is modifying and expanding Coast
6 Guard training to match the future demands of
7 the Coast Guard with respect to growth in
8 workforce numbers, modernization of assets and
9 infrastructure, and increased global mission de-
10 mands relating to the Arctic and Western Pa-
11 cific regions and cyberspace.

12 (c) REPORT.—Not later than 1 year after the study
13 required by subsection (a) commences, the Comptroller
14 General shall submit to the Committee on Commerce,
15 Science, and Transportation of the Senate and the Com-
16 mittee on Transportation and Infrastructure of the House
17 of Representatives a report on the findings of the study.

18 **SEC. 273. STUDY ON FREQUENCY OF WEAPONS TRAINING**

19 **FOR COAST GUARD PERSONNEL.**

20 (a) IN GENERAL.—The Commandant shall conduct
21 a study to assess whether current weapons training re-
22 quired for Coast Guard law enforcement and other rel-
23 evant personnel is sufficient.

24 (b) ELEMENTS.—The study required by subsection

25 (a) shall—

1 (1) assess whether there is a need to improve
2 weapons training for Coast Guard law enforcement
3 and other relevant personnel; and

4 (2) identify—

5 (A) the frequency of such training most
6 likely to ensure adequate weapons training, pro-
7 ficiency, and safety among such personnel;

8 (B) Coast Guard law enforcement and
9 other applicable personnel who should be
10 prioritized to receive such improved training;
11 and

12 (C) any challenge posed by a transition to
13 improving such training and offering such
14 training more frequently, and the resources nec-
15 essary to address such a challenge.

16 (c) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Commandant shall sub-
18 mit to the Committee on Commerce, Science, and Trans-
19 portation of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 a report on the findings of the study conducted under sub-
22 section (a).

1 **Subtitle G—Miscellaneous**
2 **Provisions**

3 **SEC. 281. BUDGETING OF COAST GUARD RELATING TO CER-**
4 **TAIN OPERATIONS.**

5 (a) IN GENERAL.—Chapter 51 of title 14, United
6 States Code, as amended by section 252(b), is further
7 amended by adding at the end the following:

8 **“§5114. Expenses of performing and executing de-**
9 **fense readiness missions and other activi-**
10 **ties unrelated to Coast Guard missions**

11 “The Commandant shall include in the annual budget
12 submission of the President under section 1105(a) of title
13 31 a dedicated budget line item that adequately represents
14 a calculation of the annual costs and expenditures of per-
15 forming and executing all defense readiness mission activi-
16 ties, including—

17 “(1) all expenses related to the Coast Guard’s
18 coordination, training, and execution of defense
19 readiness mission activities in the Coast Guard’s ca-
20 pacity as an armed force (as such term is defined in
21 section 101 of title 10) in support of Department of
22 Defense national security operations and activities or
23 for any other military department or Defense Agen-
24 cy (as such terms are defined in such section);

1 “(2) costs associated with Coast Guard detach-
2 ments assigned in support of the Coast Guard’s de-
3 fense readiness mission; and

4 “(3) any other related expenses, costs, or mat-
5 ters the Commandant considers appropriate or oth-
6 erwise of interest to Congress.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 51 of title 14, United States Code, as amended by sec-
9 tion 252(b), is further amended by adding at the end the
10 following:

 “5114. Expenses of performing and executing defense readiness missions or
 other activities unrelated to Coast Guard missions.”.

11 **SEC. 282. COAST GUARD ASSISTANCE TO UNITED STATES**

12 **SECRET SERVICE.**

13 Section 6 of the Presidential Protection Assistance
14 Act of 1976 (18 U.S.C. 3056 note) is amended—

15 (1) by striking “Executive departments” and
16 inserting the following:

17 “(a) Except as provided in subsection (b), Executive
18 departments”;

19 (2) by striking “Director; except that the De-
20 partment of Defense and the Coast Guard shall pro-
21 vide such assistance” and inserting the following:
22 “Director.

1 “(b)(1) Subject to paragraph (2), the Department of
2 Defense and the Coast Guard shall provide assistance de-
3 scribed in subsection (a)”;

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

5 “(2)(A) For fiscal year 2022, and each fiscal year
6 thereafter, the total cost of assistance described in sub-
7 section (a) provided by the Coast Guard on a nonreim-
8 bursable basis shall not exceed \$15,000,000.

9 “(B) The Coast Guard may provide assistance de-
10 scribed in subsection (a) during a fiscal year in addition
11 to the amount specified in subparagraph (A) on a reim-
12 bursable basis.”.

13 **SEC. 283. CONVEYANCE OF COAST GUARD VESSELS FOR**
14 **PUBLIC PURPOSES.**

15 (a) TRANSFER.—Section 914 of the Coast Guard Au-
16 thorization Act of 2010 (14 U.S.C. 501 note; Public Law
17 111–281) is—

18 (1) transferred to subchapter I of chapter 5 of
19 title 14, United States Code;

20 (2) added at the end so as to follow section 509
21 of such title, as added by section 241 of this Act;

22 (3) redesignated as section 510 of such title;
23 and

24 (4) amended so that the enumerator, the sec-
25 tion heading, typeface, and typestyle conform to

1 those appearing in other sections of title 14, United
2 States Code.

3 (b) CLERICAL AMENDMENTS.—

4 (1) COAST GUARD AUTHORIZATION ACT OF
5 2010.—The table of contents in section 1(b) of the
6 Coast Guard Authorization Act of 2010 (Public Law
7 111–281) is amended by striking the item relating
8 to section 914.

9 (2) TITLE 14.—The analysis for subchapter I of
10 chapter 5 of title 14, United States Code, as amend-
11 ed by section 214 of this Act, is amended by adding
12 at the end the following:

“510. Conveyance of Coast Guard vessels for public purposes.”.

13 (c) CONVEYANCE OF COAST GUARD VESSELS FOR
14 PUBLIC PURPOSES.—Section 510 of title 14, United
15 States Code, as transferred and redesignated by sub-
16 section (a), is amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 “(a) IN GENERAL.—On request by the Commandant,
20 the Administrator of the General Services Administration
21 may transfer ownership of a Coast Guard vessel or aircraft
22 to an eligible entity for educational, cultural, historical,
23 charitable, recreational, or other public purposes if such
24 transfer is authorized by law.”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by inserting “as if the request were
3 being processed” after “vessels”; and

4 (ii) by inserting “, as in effect on the
5 date of the enactment of the Coast Guard
6 Authorization Act of 2022” after “Code of
7 Federal Regulations”;

8 (B) in paragraph (2) by inserting “, as in
9 effect on the date of the enactment of the Coast
10 Guard Authorization Act of 2022” after “such
11 title”; and

12 (C) in paragraph (3), by striking “of the
13 Coast Guard”.

14 **SEC. 284. COAST GUARD INTELLIGENCE ACTIVITIES AND**
15 **EMERGENCY AND EXTRAORDINARY EX-**
16 **PENSES.**

17 (a) IN GENERAL.—Subject to the limitations of sub-
18 section (b) and with sums made available to the Director
19 of the Coast Guard Counterintelligence Service, the Com-
20 mandant may expend funds for human intelligence and
21 counterintelligence activities of any confidential, emer-
22 gency, or extraordinary nature that cannot be anticipated
23 or classified. The Commandant shall certify that such ex-
24 penditure was made for an object of a confidential, emer-
25 gency, or extraordinary nature and such a certification is

1 final and conclusive upon the accounting officers of the
2 United States. A written certification by the Commandant
3 is sufficient voucher for the expenditure.

4 (b) LIMITATIONS.—

5 (1) MAXIMUM ANNUAL AMOUNT.—For each fis-
6 cal year, the Commandant may not obligate or ex-
7 pend funds under subsection (a) in an amount that
8 exceeds 5 percent of the funds made available to the
9 Director of the Coast Guard Counterintelligence
10 Service for such fiscal year until—

11 (A) the Commandant has notified the ap-
12 propriate committees of Congress of the intent
13 to obligate or expend the funds in excess of
14 such amount; and

15 (B) 15 days have elapsed since the date of
16 the notification in accordance with subpara-
17 graph (A).

18 (2) REQUIREMENTS FOR EXPENDITURES IN EX-
19 CESS OF \$25,000.—The Commandant may not obli-
20 gate or expend funds under subsection (a) for an ex-
21 penditure in excess of \$25,000 until—

22 (A) the Commandant has notified the ap-
23 propriate committees of Congress of the intent
24 to obligate or expend the funds; and

1 (B) 15 days have elapsed since the date of
2 the notification in accordance with subpara-
3 graph (A).

4 (c) WAIVER.—Notwithstanding subsection (b), the
5 Commandant may waive a requirement under such sub-
6 section if the Commandant determines that such a waiver
7 is necessary due to extraordinary circumstances that af-
8 fect the national security of the United States. If the Com-
9 mandant issues a waiver under this subsection, the Com-
10 mandant shall submit to the appropriate committees of
11 Congress, by not later than 48 hours after issuing the
12 waiver, written notice of and justification for the waiver.

13 (d) REPORTS.—

14 (1) IN GENERAL.—Not less frequently than
15 semiannually, the Commandant shall—

16 (A) submit to the appropriate committees
17 of Congress a report on all expenditures during
18 the preceding semiannual period under sub-
19 section (a); and

20 (B) provide a briefing to the appropriate
21 committees of Congress on the report submitted
22 under subparagraph (A).

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1)(A) shall include, for each individual

1 expenditure covered by such report in an amount in
2 excess of \$25,000, the following:

3 (A) A detailed description of the purpose
4 of such expenditure.

5 (B) The amount of such expenditure.

6 (C) An identification of the approving au-
7 thority for such expenditure.

8 (D) A justification of why other authorities
9 available to the Coast Guard could not be used
10 for such expenditure.

11 (E) Any other additional information as
12 the Commandant considers appropriate.

13 (e) SPECIAL RULE.—The authority of this section
14 shall be executed in a manner that does not contravene,
15 and is consistent with, the responsibility and authority of
16 the Director of National Intelligence as described in sec-
17 tions 3023 and 3024 of title 50, United States Code.

18 (f) APPROPRIATE COMMITTEES OF CONGRESS.—In
19 this section, the term “appropriate committees of Con-
20 gress” means—

21 (1) the Committee on Commerce, Science, and
22 Transportation of the Senate; and

23 (2) the Committee on Transportation and In-
24 frastructure of the House of Representatives.

1 **SEC. 285. TRANSFER AND CONVEYANCE.**

2 (a) IN GENERAL.—

3 (1) REQUIREMENT.—The Commandant shall,
4 without consideration, transfer in accordance with
5 subsection (b) and convey in accordance with sub-
6 section (c) a parcel of the real property described in
7 paragraph (2), including any improvements thereon,
8 to free the Coast Guard of liability for any unfore-
9 seen environmental or remediation of substances un-
10 known that may exist on, or emanate from, such
11 parcel.

12 (2) PROPERTY.—The property described in this
13 paragraph is real property at Dauphin Island, Ala-
14 bama, located at 100 Agassiz Street, and consisting
15 of a total of approximately 35.63 acres. The exact
16 acreage and legal description of the parcel of such
17 property to be transferred or conveyed in accordance
18 with subsection (b) or (c), respectively, shall be de-
19 termined by a survey satisfactory to the Com-
20 mandant.

21 (b) TO THE SECRETARY OF HEALTH AND HUMAN
22 SERVICES.—The Commandant shall transfer, as described
23 in subsection (a), to the Secretary of Health and Human
24 Services (in this section referred to as the “Secretary”),
25 for use by the Food and Drug Administration, custody
26 and control of a portion, consisting of approximately 4

1 acres, of the parcel of real property described in such sub-
2 section, to be identified by agreement between the Com-
3 mandant and the Secretary.

4 (c) TO THE STATE OF ALABAMA.—The Commandant
5 shall convey, as described in subsection (a), to the Marine
6 Environmental Sciences Consortium, a unit of the govern-
7 ment of the State of Alabama, located at Dauphin Island,
8 Alabama, all rights, title, and interest of the United States
9 in and to such portion of the parcel described in such sub-
10 section that is not transferred to the Secretary under sub-
11 section (b).

12 (d) PAYMENTS AND COSTS OF TRANSFER AND CON-
13 VEYANCE.—

14 (1) PAYMENTS.—

15 (A) IN GENERAL.—The Secretary shall pay
16 costs to be incurred by the Coast Guard, or re-
17 imburse the Coast Guard for such costs in-
18 curred by the Coast Guard, to carry out the
19 transfer and conveyance required by this sec-
20 tion, including survey costs, appraisal costs,
21 costs for environmental documentation related
22 to the transfer and conveyance, and any other
23 necessary administrative costs related to the
24 transfer and conveyance.

1 (B) FUNDS.—Notwithstanding section 780
2 of division B of the Further Consolidated Ap-
3 propriations Act, 2020 (Public Law 116–94),
4 any amounts that are made available to the
5 Secretary under such section and not obligated
6 on the date of enactment of this Act shall be
7 available to the Secretary for the purpose de-
8 scribed in subparagraph (A).

9 (2) TREATMENT OF AMOUNTS RECEIVED.—
10 Amounts received by the Commandant as reimburse-
11 ment under paragraph (1) shall be credited to the
12 Coast Guard Housing Fund established under sec-
13 tion 2946 of title 14, United States Code, or the ac-
14 count that was used to pay the costs incurred by the
15 Coast Guard in carrying out the transfer or convey-
16 ance under this section, as determined by the Com-
17 mandant, and shall be made available until ex-
18 pended. Amounts so credited shall be merged with
19 amounts in such fund or account and shall be avail-
20 able for the same purposes, and subject to the same
21 conditions and limitations, as amounts in such fund
22 or account.

23 **SEC. 286. TRANSPARENCY AND OVERSIGHT.**

24 (a) NOTIFICATION.—

1 (1) IN GENERAL.—Subject to subsection (b),
2 the Secretary of the department in which the Coast
3 Guard is operating, or the designee of the Secretary,
4 shall notify the appropriate committees of Congress
5 and the Coast Guard Office of Congressional and
6 Governmental Affairs not later than 3 full business
7 days before—

8 (A) making or awarding a grant allocation
9 or grant in excess of \$1,000,000;

10 (B) making or awarding a contract, other
11 transaction agreement, or task or delivery order
12 on a Coast Guard multiple award contract, or
13 issuing a letter of intent totaling more than
14 \$4,000,000;

15 (C) awarding a task or delivery order re-
16 quiring an obligation of funds in an amount
17 greater than \$10,000,000 from multi-year
18 Coast Guard funds;

19 (D) making a sole-source grant award; or

20 (E) announcing publicly the intention to
21 make or award an item described in subpara-
22 graph (A), (B), (C), or (D), including a con-
23 tract covered by the Federal Acquisition Regu-
24 lation.

1 (2) ELEMENT.—A notification under this sub-
2 section shall include—

3 (A) the amount of the award;

4 (B) the fiscal year for which the funds for
5 the award were appropriated;

6 (C) the type of contract;

7 (D) an identification of the entity awarded
8 the contract, such as the name and location of
9 the entity; and

10 (E) the account from which the funds are
11 to be drawn.

12 (b) EXCEPTION.—If the Secretary of the department
13 in which the Coast Guard is operating determines that
14 compliance with subsection (a) would pose a substantial
15 risk to human life, health, or safety, the Secretary—

16 (1) may make an award or issue a letter de-
17 scribed in that subsection without the notification
18 required under that subsection; and

19 (2) shall notify the appropriate committees of
20 Congress not later than 5 full business days after
21 such an award is made or letter issued.

22 (c) APPLICABILITY.—Subsection (a) shall not apply
23 to funds that are not available for obligation.

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

4 (1) the Committee on Commerce, Science, and
5 Transportation and the Committee on Appropria-
6 tions of the Senate; and

7 (2) the Committee on Transportation and In-
8 frastructure and the Committee on Appropriations
9 of the House of Representatives.

10 **SEC. 287. STUDY ON SAFETY INSPECTION PROGRAM FOR**
11 **CONTAINERS AND FACILITIES.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of the enactment of this Act, the Commandant, in
14 consultation with the Commissioner of U.S. Customs and
15 Border Protection, shall complete a study on the safety
16 inspection program for containers (as defined in section
17 80501 of title 46, United States Code) and designated wa-
18 terfront facilities receiving containers.

19 (b) ELEMENTS.—The study required by subsection
20 (a) shall include the following:

21 (1) An evaluation and review of such safety in-
22 spection program.

23 (2) A determination of—

24 (A) the number of container inspections
25 conducted annually by the Coast Guard during

1 the preceding 10-year period, as compared to
2 the number of containers moved through United
3 States ports annually during such period; and

4 (B) the number of qualified Coast Guard
5 container and facility inspectors, and an assess-
6 ment as to whether, during the preceding 10-
7 year period, there have been a sufficient num-
8 ber of such inspectors to carry out the mission
9 of the Coast Guard.

10 (3) An evaluation of the training programs
11 available to such inspectors and the adequacy of
12 such training programs during the preceding 10-year
13 period.

14 (4) An assessment as to whether such training
15 programs adequately prepare future leaders for lead-
16 ership positions in the Coast Guard.

17 (5) An identification of areas of improvement
18 for such program in the interest of commerce and
19 national security, and the costs associated with such
20 improvements.

21 (c) REPORT TO CONGRESS.—Not later than 180 days
22 after the date of the enactment of this Act, the Com-
23 mandant shall submit to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Transportation and Infrastructure of the House

1 of Representatives a report on the findings of the study
2 required by subsection (a), including the personnel and re-
3 source requirements necessary for such program.

4 **TITLE III—ENVIRONMENT**

5 **SEC. 301. DEFINITION OF SECRETARY.**

6 Except as otherwise specifically provided, in this title,
7 the term “Secretary” means the Secretary of the depart-
8 ment in which the Coast Guard is operating.

9 **Subtitle A—Marine Mammals**

10 **SEC. 311. DEFINITIONS.**

11 In this subtitle:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means—

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

17 (B) the Committee on Transportation and
18 Infrastructure and the Committee on Natural
19 Resources of the House of Representatives.

20 (2) **CORE FORAGING HABITATS.**—The term
21 “core foraging habitats” means areas—

22 (A) with biological and physical oceano-
23 graphic features that aggregate *Calanus*
24 *finmarchicus*; and

1 (B) where North Atlantic right whales for-
2 aging aggregations have been well documented.

3 (3) EXCLUSIVE ECONOMIC ZONE.—The term
4 “exclusive economic zone” has the meaning given
5 that term in section 107 of title 46, United States
6 Code.

7 (4) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given that term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (5) LARGE CETACEAN.—The term “large ceta-
12 cean” means all endangered or threatened species
13 within—

14 (A) the suborder Mysticeti;

15 (B) the genera Physeter; or

16 (C) the genera Orcinus.

17 (6) NEAR REAL-TIME.—The term “near real-
18 time”, with respect to monitoring of whales, means
19 that visual, acoustic, or other detections of whales
20 are transmitted and reported as soon as technically
21 feasible after such detections have occurred.

22 (7) NONPROFIT ORGANIZATION.—The term
23 “nonprofit organization” means an organization that
24 is described in section 501(c) of the Internal Rev-

1 enue Code of 1986 and exempt from tax under sec-
2 tion 501(a) of such Code.

3 (8) PUGET SOUND REGION.—The term “Puget
4 Sound region” means the Vessel Traffic Service
5 Puget Sound area described in section 161.55 of
6 title 33, Code of Federal Regulations (as of the date
7 of the enactment of this Act).

8 (9) TRIBAL GOVERNMENT.—The term “Tribal
9 government” means the recognized governing body
10 of any Indian or Alaska Native Tribe, band, nation,
11 pueblo, village, community, component band, or com-
12 ponent reservation, individually identified (including
13 parenthetically) in the list published most recently as
14 of the date of the enactment of this Act pursuant to
15 section 104 of the Federally Recognized Indian
16 Tribe List Act of 1994 (25 U.S.C. 5131).

17 (10) UNDER SECRETARY.—The term “Under
18 Secretary” means the Under Secretary of Commerce
19 for Oceans and Atmosphere.

20 **SEC. 312. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS**
21 **OF VESSEL TRAFFIC AND PORT OPERATIONS**
22 **ON MARINE MAMMALS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Under Secretary,
25 in consultation with the Director of the United States Fish

1 and Wildlife Service, the Secretary, the Secretary of De-
2 fense, and the Administrator of the Maritime Administra-
3 tion, shall establish a grant program to provide assistance
4 to eligible entities to develop and implement mitigation
5 measures that will lead to a quantifiable reduction in
6 threats to marine mammals from shipping activities and
7 port operations.

8 (b) ELIGIBLE ENTITIES.—An entity is an eligible en-
9 tity for purposes of assistance awarded under subsection
10 (a) if the entity is—

11 (1) a port authority for a port;

12 (2) a State, regional, local, or Tribal govern-
13 ment, or an Alaska Native or Native Hawaiian enti-
14 ty that has jurisdiction over a maritime port author-
15 ity or a port;

16 (3) an academic institution, research institu-
17 tion, or nonprofit organization working in partner-
18 ship with a port; or

19 (4) a consortium of entities described in para-
20 graphs (1), (2), and (3).

21 (c) ELIGIBLE USES.—Assistance awarded under sub-
22 section (a) may be used to develop, assess, and carry out
23 activities that reduce threats to marine mammals by—

24 (1) reducing underwater stressors related to
25 marine traffic;

1 (2) reducing mortality and serious injury from
2 vessel strikes and other physical disturbances;

3 (3) monitoring sound;

4 (4) reducing vessel interactions with marine
5 mammals;

6 (5) conducting other types of monitoring that
7 are consistent with reducing the threats to, and en-
8 hancing the habitats of, marine mammals; or

9 (6) supporting State agencies and Tribal gov-
10 ernments in developing the capacity to receive assist-
11 ance under this section through education, training,
12 information sharing, and collaboration to participate
13 in the grant program under this section.

14 (d) PRIORITY.—The Under Secretary shall prioritize
15 assistance under subsection (a) for projects that—

16 (1) are based on the best available science with
17 respect to methods to reduce threats to marine
18 mammals;

19 (2) collect data on the reduction of such threats
20 and the effects of such methods;

21 (3) assist ports that pose a higher relative
22 threat to marine mammals listed as threatened or
23 endangered under the Endangered Species Act of
24 1973 (16 U.S.C. 1531 et seq.);

1 (4) are in close proximity to areas in which
2 threatened or endangered cetaceans are known to
3 experience other stressors; or

4 (5) allow eligible entities to conduct risk assess-
5 ments and to track progress toward threat reduc-
6 tion.

7 (e) **OUTREACH.**—The Under Secretary, in coordina-
8 tion with the Secretary, the Administrator of the Maritime
9 Administration, and the Director of the United States
10 Fish and Wildlife Service, as appropriate, shall conduct
11 coordinated outreach to ports to provide information with
12 respect to—

13 (1) how to apply for assistance under sub-
14 section (a);

15 (2) the benefits of such assistance; and

16 (3) facilitation of best practices and lessons, in-
17 cluding the best practices and lessons learned from
18 activities carried out using such assistance.

19 (f) **REPORT REQUIRED.**—Not less frequently than
20 annually, the Under Secretary shall make available to the
21 public on a publicly accessible internet website of the Na-
22 tional Oceanic and Atmospheric Administration a report
23 that includes the following information:

1 (1) The name and location of each entity to
2 which assistance was awarded under subsection (a)
3 during the year preceding submission of the report.

4 (2) The amount of each such award.

5 (3) A description of the activities carried out
6 with each such award.

7 (4) An estimate of the likely impact of such ac-
8 tivities on the reduction of threats to marine mam-
9 mals.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated to the Under Secretary to carry out
13 this section \$10,000,000 for each of fiscal years
14 2023 through 2028.

15 (2) AVAILABILITY.—Amounts appropriated pur-
16 suant to the authorization of appropriations under
17 paragraph (1) shall remain available until expended.

18 (h) SAVINGS CLAUSE.—An activity may not be car-
19 ried out under this section if the Secretary of Defense,
20 in consultation with the Under Secretary, determines that
21 the activity would negatively impact the defense readiness
22 or the national security of the United States.

1 **SEC. 313. NEAR REAL-TIME MONITORING AND MITIGATION**
2 **PROGRAM FOR LARGE CETACEANS.**

3 (a) ESTABLISHMENT.—The Under Secretary for
4 Commerce for Oceans and Atmosphere, in coordination
5 with the heads of other relevant Federal agencies, shall
6 design and deploy a cost-effective, efficient, and results-
7 oriented near real-time monitoring and mitigation pro-
8 gram for endangered or threatened cetaceans (referred to
9 in this section as the “Program”).

10 (b) PURPOSE.—The purpose of the Program shall be
11 to reduce the risk to large cetaceans posed by vessel colli-
12 sions, and to minimize other impacts on large cetaceans,
13 through the use of near real-time location monitoring and
14 location information.

15 (c) REQUIREMENTS.—The Program shall—

16 (1) prioritize species of large cetaceans for
17 which impacts from vessel collisions are of particular
18 concern;

19 (2) prioritize areas where such impacts are of
20 particular concern;

21 (3) be capable of detecting and alerting ocean
22 users and enforcement agencies of the probable loca-
23 tion of large cetaceans on an actionable real-time
24 basis, including through real-time data whenever
25 possible;

1 (4) inform sector-specific mitigation protocols
2 to effectively reduce takes (as defined in section
3 216.3 of title 50, Code of Federal Regulations, or
4 successor regulations) of large cetaceans;

5 (5) integrate technology improvements; and

6 (6) be informed by technologies, monitoring
7 methods, and mitigation protocols developed under
8 the pilot project required by subsection (d).

9 (d) PILOT PROJECT.—

10 (1) ESTABLISHMENT.—In carrying out the Pro-
11 gram, the Under Secretary shall first establish a
12 pilot monitoring and mitigation project for North
13 Atlantic right whales (referred to in this section as
14 the “pilot project”) for the purposes of informing
15 the Program.

16 (2) REQUIREMENTS.—In designing and deploy-
17 ing the pilot project, the Under Secretary, in coordi-
18 nation with the heads of other relevant Federal
19 agencies, shall, using the best available scientific in-
20 formation, identify and ensure coverage of—

21 (A) core foraging habitats; and

22 (B) important feeding, breeding, calving,
23 rearing, or migratory habitats of North Atlantic
24 right whales that co-occur with areas of high
25 risk of mortality or serious injury of such

1 whales from vessels, vessel strikes, or disturb-
2 ance.

3 (3) COMPONENTS.—Not later than 3 years
4 after the date of the enactment of this Act, the
5 Under Secretary, in consultation with relevant Fed-
6 eral agencies and Tribal governments, and with
7 input from affected stakeholders, shall design and
8 deploy a near real-time monitoring system for North
9 Atlantic right whales that—

10 (A) comprises the best available detection
11 power, spatial coverage, and survey effort to de-
12 tect and localize North Atlantic right whales
13 within core foraging habitats;

14 (B) is capable of detecting North Atlantic
15 right whales, including visually and acoustically;

16 (C) uses dynamic habitat suitability models
17 to inform the likelihood of North Atlantic right
18 whale occurrence in core foraging habitat at
19 any given time;

20 (D) coordinates with the Integrated Ocean
21 Observing System of the National Oceanic and
22 Atmospheric Administration and Regional
23 Ocean Partnerships to leverage monitoring as-
24 sets;

25 (E) integrates historical data;

1 (F) integrates new near real-time moni-
2 toring methods and technologies as such meth-
3 ods and technologies become available;

4 (G) accurately verifies and rapidly commu-
5 nicates detection data to appropriate ocean
6 users;

7 (H) creates standards for contributing,
8 and allows ocean users to contribute, data to
9 the monitoring system using comparable near
10 real-time monitoring methods and technologies;

11 (I) communicates the risks of injury to
12 large cetaceans to ocean users in a manner that
13 is most likely to result in informed decision-
14 making regarding the mitigation of those risks;
15 and

16 (J) minimizes additional stressors to large
17 cetaceans as a result of the information avail-
18 able to ocean users.

19 (4) REPORTS.—

20 (A) PRELIMINARY REPORT.—

21 (i) IN GENERAL.—Not later than 2
22 years after the date of the enactment of
23 this Act, the Under Secretary shall submit
24 to the Committee on Commerce, Science,
25 and Transportation of the Senate and the

1 Committee on Natural Resources of the
2 House of Representatives, and make avail-
3 able to the public, a preliminary report on
4 the pilot project.

5 (ii) ELEMENTS.—The report required
6 by clause (i) shall include the following:

7 (I) A description of the moni-
8 toring methods and technology in use
9 or planned for deployment under the
10 pilot project.

11 (II) An analysis of the efficacy of
12 the methods and technology in use or
13 planned for deployment for detecting
14 North Atlantic right whales.

15 (III) An assessment of the man-
16 ner in which the monitoring system
17 designed and deployed under para-
18 graph (3) is directly informing and
19 improving the management, health,
20 and survival of North Atlantic right
21 whales.

22 (IV) A prioritized identification
23 of technology or research gaps.

24 (V) A plan to communicate the
25 risks of injury to large cetaceans to