

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2829

To amend and enhance certain maritime programs of the Department of Transportation, 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 Mrs. FISCHER (for herself and Mr. BOOKER)

Viz:

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Maritime Administration Authorization and Enhancement
6 Act for Fiscal Year 2017”.

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

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

- Sec. 101. Authorization of the maritime administration.
- Sec. 102. Maritime Administration authorization request.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT
AT THE UNITED STATES MERCHANT MARINE ACADEMY

- Sec. 201. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.
- Sec. 202. Sexual assault response coordinators and sexual assault victim advocates.
- Sec. 203. Report from the Department of Transportation Inspector General.
- Sec. 204. Sexual assault prevention and response working group.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

- Sec. 301. Status of National Defense Reserve Fleet vessels.
- Sec. 302. Port infrastructure development.
- Sec. 303. Use of State academy training vessels.
- Sec. 304. State maritime academy physical standards and reporting.
- Sec. 305. Authority to extend certain age restrictions relating to vessels participating in the maritime security fleet.
- Sec. 306. Appointments.
- Sec. 307. High-speed craft classification services.
- Sec. 308. Maritime workforce working group.

TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT
IMPROVEMENTS

- Sec. 401. Workforce plans and onboarding policies.
- Sec. 402. Drug and alcohol policy.
- Sec. 403. Vessel transfers.

TITLE V—TECHNICAL AMENDMENTS

- Sec. 501. Clarifying amendment; continuation boards.
- Sec. 502. Prospective payment of funds necessary to provide medical care.
- Sec. 503. Technical corrections to title 46, United States Code.
- Sec. 504. Coast Guard use of the Pribilof Islands.

1 **TITLE I—MARITIME ADMINIS-**
2 **TRATION AUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRA-**
4 **TION.**

5 There are authorized to be appropriated to the De-
6 partment of Transportation for fiscal year 2017, to be
7 available without fiscal year limitation if so provided in
8 appropriations Acts, for programs associated with main-
9 taining the United States merchant marine, the following
10 amounts:

1 (1) For expenses necessary for operations of the
2 United States Merchant Marine Academy,
3 \$99,902,000, of which—

4 (A) \$74,851,000 shall be for Academy op-
5 erations; and

6 (B) \$25,051,000 shall remain available
7 until expended for capital asset management at
8 the Academy.

9 (2) For expenses necessary to support the State
10 maritime academies, \$29,550,000, of which—

11 (A) \$2,400,000 shall remain available until
12 September 30, 2018, for the Student Incentive
13 Program;

14 (B) \$3,000,000 shall remain available until
15 expended for direct payments to such acad-
16 emies;

17 (C) \$22,000,000 shall remain available
18 until expended for maintenance and repair of
19 State maritime academy training vessels;

20 (D) \$1,800,000 shall remain available until
21 expended for training ship fuel assistance; and

22 (E) \$350,000 shall remain available until
23 expended for expenses to improve the moni-
24 toring of the service obligations of graduates.

1 (3) For expenses necessary to support the Na-
2 tional Security Multi-Mission Vessel Program,
3 \$6,000,000, which shall remain available until ex-
4 pended.

5 (4) For expenses necessary to support Maritime
6 Administration operations and programs,
7 \$57,142,000.

8 (5) For expenses necessary to dispose of vessels
9 in the National Defense Reserve Fleet, \$20,000,000,
10 which shall remain available until expended.

11 (6) For the cost (as defined in section 502(5)
12 of the Federal Credit Reform Act of 1990 (2 U.S.C.
13 661a(5))) of loan guarantees under the program au-
14 thorized by chapter 537 of title 46, United States
15 Code, \$3,000,000, which shall remain available until
16 expended for administrative expenses of the pro-
17 gram.

18 **SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION RE-**
19 **QUEST.**

20 Section 109 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(k) SUBMISSION OF ANNUAL MARITIME ADMINIS-
23 TRATION AUTHORIZATION REQUEST.—

24 “(1) IN GENERAL.—Not later than 30 days
25 after the date on which the President submits to

1 Congress a budget for a fiscal year pursuant to sec-
2 tion 1105 of title 31, the Maritime Administrator
3 shall submit a Maritime Administration authoriza-
4 tion request with respect to such fiscal year to the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on Trans-
7 portation and Infrastructure of the House of Rep-
8 resentatives.

9 “(2) DEFINED TERM.—In this subsection, the
10 term ‘Maritime Administration authorization re-
11 quest’ means a proposal for legislation that, with re-
12 spect to the Maritime Administration for the rel-
13 evant fiscal year—

14 “(A) recommends authorizations of appro-
15 priations for that fiscal year; and

16 “(B) addresses any other matter that the
17 Maritime Administrator determines is appro-
18 priate for inclusion in a Maritime Administra-
19 tion authorization bill.”.

1 **TITLE II—PREVENTION OF SEX-**
2 **UAL HARASSMENT AND AS-**
3 **SAULT AT THE UNITED**
4 **STATES MERCHANT MARINE**
5 **ACADEMY**

6 **SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**
7 **SEXUAL ASSAULT AT THE UNITED STATES**
8 **MERCHANT MARINE ACADEMY.**

9 (a) POLICY.—Chapter 513 of title 46, United States
10 Code, is amended by adding at the end the following:

11 **“§ 51318. Policy on sexual harassment and sexual as-**
12 **sault**

13 “(a) REQUIRED POLICY.—

14 “(1) IN GENERAL.—The Secretary of Transpor-
15 tation shall direct the Superintendent of the United
16 States Merchant Marine Academy to prescribe a pol-
17 icy on sexual harassment and sexual assault applica-
18 ble to the cadets and other personnel of the Acad-
19 emy.

20 “(2) MATTERS TO BE SPECIFIED IN POLICY.—

21 The policy on sexual harassment and sexual assault
22 prescribed under this subsection shall include—

23 “(A) a program to promote awareness of
24 the incidence of rape, acquaintance rape, and

1 other sexual offenses of a criminal nature that
2 involve cadets or other Academy personnel;

3 “(B) procedures that a cadet should follow
4 in the case of an occurrence of sexual harass-
5 ment or sexual assault, including—

6 “(i) specifying the person or persons
7 to whom an alleged occurrence of sexual
8 harassment or sexual assault should be re-
9 ported by a cadet and the options for con-
10 fidential reporting;

11 “(ii) specifying any other person
12 whom the victim should contact; and

13 “(iii) procedures on the preservation
14 of evidence potentially necessary for proof
15 of criminal sexual assault;

16 “(C) a procedure for disciplinary action in
17 cases of alleged criminal sexual assault involv-
18 ing a cadet or other Academy personnel;

19 “(D) any other sanction authorized to be
20 imposed in a substantiated case of sexual har-
21 assment or sexual assault involving a cadet or
22 other Academy personnel in rape, acquaintance
23 rape, or any other criminal sexual offense,
24 whether forcible or nonforcible; and

1 “(E) required training on the policy for all
2 cadets and other Academy personnel, including
3 the specific training required for personnel who
4 process allegations of sexual harassment or sex-
5 ual assault involving Academy personnel.

6 “(3) AVAILABILITY OF POLICY.—The Secretary
7 shall ensure that the policy developed under this
8 subsection is available to—

9 “(A) all cadets and employees of the Acad-
10 emy; and

11 “(B) the public.

12 “(4) CONSULTATION AND ASSISTANCE.—In de-
13 veloping the policy under this subsection, the Sec-
14 retary may consult or receive assistance from such
15 Federal, State, local, and national organizations and
16 subject matter experts as the Secretary considers ap-
17 propriate.

18 “(b) DEVELOPMENT PROGRAM.—

19 “(1) IN GENERAL.—The Secretary of Transpor-
20 tation shall ensure that the development program of
21 the United States Merchant Marine Academy in-
22 cludes a section that—

23 “(A) describes the relationship between
24 honor, respect, and character development and

1 the prevention of sexual harassment and sexual
2 assault at the Academy; and

3 “(B) includes a brief history of the prob-
4 lem of sexual harassment and sexual assault in
5 the merchant marine, in the Armed Forces, and
6 at the Academy; and

7 “(C) includes information relating to re-
8 porting sexual assault and sexual assault, vic-
9 tims’ rights, and dismissal for offenders.

10 “(2) TRAINING.—The Superintendent of the
11 Academy shall ensure that all cadets receive the
12 training described in paragraph (1)—

13 “(A) not later than 21 days after their ini-
14 tial arrival at the Academy; and

15 “(B) annually thereafter until they grad-
16 uate or leave the Academy.

17 “(c) ANNUAL ASSESSMENT.—

18 “(1) IN GENERAL.—The Secretary of Transpor-
19 tation, in cooperation with the Superintendent of the
20 Academy, shall conduct an assessment at the Acad-
21 emy during each Academy program year to deter-
22 mine the effectiveness of the policies, procedures,
23 and training of the Academy with respect to sexual
24 harassment and sexual assault involving cadets or
25 other Academy personnel.

1 “(2) BIENNIAL SURVEY.—For each assessment
2 of the Academy under paragraph (1) during an
3 Academy program year that begins in an odd-num-
4 bered calendar year, the Secretary shall conduct a
5 survey of cadets and other Academy personnel—

6 “(A) to measure—

7 “(i) the incidence, during that pro-
8 gram year, of sexual harassment and sex-
9 ual assault events, on or off the Academy
10 campus, that have been reported to offi-
11 cials of the Academy; and

12 “(ii) the incidence, during that pro-
13 gram year, of sexual harassment and sex-
14 ual assault events, on or off the Academy
15 campus, that have not been reported to of-
16 ficials of the Academy; and

17 “(B) to assess the perceptions of cadets
18 and other Academy personnel on—

19 “(i) the policies, procedures, and
20 training on sexual harassment and sexual
21 assault involving cadets or Academy per-
22 sonnel;

23 “(ii) the enforcement of the policies
24 described in clause (i);

1 “(iii) the incidence of sexual harass-
2 ment and sexual assault involving cadets or
3 Academy personnel; and

4 “(iv) any other issues relating to sex-
5 ual harassment and sexual assault involv-
6 ing cadets or Academy personnel.

7 “(3) FOCUS GROUPS FOR YEARS WHEN SURVEY
8 NOT REQUIRED.—In any year in which the Secretary
9 of Transportation is not required to conduct the sur-
10 vey described in paragraph (2), the Secretary shall
11 conduct focus groups at the Academy for the pur-
12 poses of ascertaining information relating to sexual
13 assault and sexual harassment issues at the Acad-
14 emy.

15 “(d) ANNUAL REPORT.—

16 “(1) IN GENERAL.—The Superintendent of the
17 Academy shall submit a report to the Secretary of
18 Transportation that provides information about sex-
19 ual harassment and sexual assault involving cadets
20 or other personnel at the Academy for each Acad-
21 emy program year.

22 “(2) CONTENTS.—Each report submitted under
23 paragraph (1) shall include, for the Academy pro-
24 gram year covered by the report—

1 “(A) the number of sexual assaults, rapes,
2 and other sexual offenses involving cadets or
3 other Academy personnel that have been re-
4 ported to Academy officials;

5 “(B) the number of the reported cases de-
6 scribed in subparagraph (A) that have been
7 substantiated;

8 “(C) the policies, procedures, and training
9 implemented by the Superintendent and the
10 leadership of the Academy in response to sexual
11 harassment and sexual assault involving cadets
12 or other Academy personnel; and

13 “(D) a plan for the actions that will be
14 taken in the following Academy program year
15 regarding prevention of, and response to, sexual
16 harassment and sexual assault involving cadets
17 or other Academy personnel.

18 “(3) SURVEY AND FOCUS GROUP RESULTS.—

19 “(A) SURVEY RESULTS.—Each report
20 under paragraph (1) for an Academy program
21 year that begins in an odd-numbered calendar
22 year shall include the results of the survey con-
23 ducted in that program year under subsection
24 (c)(2).

1 “(B) FOCUS GROUP RESULTS.—Each re-
2 port under paragraph (1) for an Academy pro-
3 gram year in which the Secretary of Transpor-
4 tation is not required to conduct the survey de-
5 scribed (c)(2) shall include the results of the
6 focus group conducted in that program year
7 under subsection (c)(3).

8 “(4) REPORTING REQUIREMENT.—

9 “(A) BY THE SUPERINTENDENT.—For
10 each incident of sexual harassment or sexual as-
11 sault reported to the Superintendent under this
12 subsection, the Superintendent shall provide the
13 Secretary of Transportation and the Board of
14 Visitors of the Academy with a report that in-
15 cludes—

16 “(i) the facts surrounding the inci-
17 dent, except for any details that would re-
18 veal the identities of the people involved;
19 and

20 “(ii) the Academy’s response to the
21 incident.

22 “(B) BY THE SECRETARY.—The Secretary
23 shall submit a copy of each report received
24 under subparagraph (A) and the Secretary’s
25 comments on the report to the Committee on

1 Commerce, Science, and Transportation of the
2 Senate and the Committee on Transportation
3 and Infrastructure of the House of Representa-
4 tives.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 513 of title 46, United States Code, is amend-
7 ed by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

8 **SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS**
9 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

10 (a) COORDINATORS AND ADVOCATES.—Chapter 513
11 of title 46, United States Code, as amended by section
12 201, is further amended by adding at the end the fol-
13 lowing:

14 **“§ 51319. Sexual assault response coordinators and**
15 **sexual assault victim advocates**

16 “(a) SEXUAL ASSAULT RESPONSE COORDINA-
17 TORS.—The United States Merchant Marine Academy
18 shall employ or contract with at least 1 full-time sexual
19 assault response coordinator who shall reside on or near
20 the Academy. The Secretary of Transportation may assign
21 additional full-time or part-time sexual assault response
22 coordinators at the Academy as may be necessary.

23 “(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVO-
24 CATES.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation, acting through the Superintendent of the
3 United States Merchant Marine Academy, shall des-
4 ignate 1 or more permanent employees who volun-
5 teer to serve as advocates for victims of sexual as-
6 saults involving—

7 “(A) cadets of the Academy; or

8 “(B) individuals who work with or conduct
9 business on behalf of the Academy.

10 “(2) TRAINING; OTHER DUTIES.—Each victim
11 advocate designated under this subsection shall—

12 “(A) have or receive training in matters re-
13 lating to sexual assault and the comprehensive
14 policy developed under section 51318 of title
15 46, United States Code, as added by section
16 201; and

17 “(B) serve as a victim advocate voluntarily,
18 in addition to the individual’s other duties as an
19 employee of the Academy.

20 “(3) PRIMARY DUTIES.—While performing the
21 duties of a victim advocate under this subsection, a
22 designated employee shall—

23 “(A) support victims of sexual assault by
24 informing them of the rights and resources
25 available to them as victims;

1 “(B) identify additional resources to en-
2 sure the safety of victims of sexual assault; and

3 “(C) connect victims of sexual assault to
4 an Academy sexual assault response coordi-
5 nator, or full-time or part-time victim advocate,
6 who shall act as a companion in navigating in-
7 vestigative, medical, mental and emotional
8 health, and recovery processes relating to sexual
9 assault.

10 “(4) COMPANION.—At least 1 victim advocate
11 designated under this subsection, while performing
12 the duties of a victim advocate, shall act as a com-
13 panion in navigating investigative, medical, mental
14 and emotional health, and recovery processes relat-
15 ing to sexual assault.

16 “(5) HOTLINE.—The Secretary shall establish a
17 24-hour hotline through which the victim of a sexual
18 assault can receive victim support services.

19 “(6) FORMAL RELATIONSHIPS WITH OTHER EN-
20 TITIES.—The Secretary may enter into formal rela-
21 tionships with other entities to make available addi-
22 tional victim advocates or to implement paragraphs
23 (3), (4), and (5).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 513 of title 46, United States Code, is amend-
3 ed by adding at the end the following:

“51319. Sexual assault response coordinators and sexual assault victim advo-
cates.”.

4 **SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPOR-**
5 **TATION INSPECTOR GENERAL.**

6 (a) IN GENERAL.—Not later than March 31, 2018,
7 the Inspector General of the Department of Transpor-
8 tation shall submit a report to the Committee on Com-
9 merce, Science, and Transportation of the Senate and the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives that describes the effectiveness
12 of the sexual harassment and sexual assault prevention
13 and response program at the United States Merchant Ma-
14 rine Academy.

15 (b) CONTENTS.—The report required under sub-
16 section (a) shall—

17 (1) assess progress toward addressing any out-
18 standing recommendations;

19 (2) include any recommendations to reduce the
20 number of sexual assaults involving members of the
21 United States Merchant Marine Academy, whether a
22 member is the victim, the alleged assailant, or both;

23 (3) include any recommendations to improve
24 the response of the Department of Transportation

1 and the United States Merchant Marine Academy to
2 reports of sexual assaults involving members of the
3 Academy, whether a members is the victim, the al-
4 leged assailant, or both.

5 (c) EXPERTISE.—In compiling the report required
6 under this section, the inspection teams acting under the
7 direction of the Inspector General shall—

8 (1) include at least 1 member with expertise
9 and knowledge of sexual assault prevention and re-
10 sponse policies; or

11 (2) consult with subject matter experts in the
12 prevention of and response to sexual assaults.

13 **SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE**
14 **WORKING GROUP.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Maritime Adminis-
17 trator shall convene a working group to examine methods
18 to improve the prevention of, and response to, any sexual
19 harassment or sexual assault that occurs during a Cadet's
20 Sea Year experience with the United States Merchant Ma-
21 rine Academy.

22 (b) MEMBERSHIP.—The Maritime Administrator
23 shall designate individuals to serve as members of the
24 working group convened pursuant to subsection (a). Mem-
25 bership in the working group shall consist of—

1 (1) a representative of the Maritime Adminis-
2 tration, which shall serve as chair of the working
3 group;

4 (2) the Superintendent of the Academy, or des-
5 ignee;

6 (3) the sexual assault response coordinator ap-
7 pointed under section 51319 of title 46, United
8 States Code;

9 (4) a subject matter expert from the Coast
10 Guard;

11 (5) a subject matter expert from the Military
12 Sealift Command;

13 (6) at least 1 representative from each of the
14 State maritime academies;

15 (7) at least 1 representative from each private
16 contracting party participating in the maritime secu-
17 rity program;

18 (8) at least 1 representative from each non-
19 profit labor organization representing a class or
20 craft of employees employed on vessels in the Mari-
21 time Security Fleet;

22 (9) at least 2 representatives from approved
23 maritime training institutions; and

24 (10) at least 1 representative from companies
25 that—

1 (A) participate in sea training of Academy
2 cadets; and

3 (B) do not participate in the maritime se-
4 curity program.

5 (c) NO QUORUM REQUIREMENT.—The Maritime Ad-
6 ministration may convene the working group without all
7 members present.

8 (d) RESPONSIBILITIES.—The working group shall—

9 (1) evaluate options that could promote a cli-
10 mate of honor and respect, and a culture that is in-
11 tolerant of sexual harassment and sexual assault and
12 those who commit it, across the United States Flag
13 Fleet;

14 (2) raise awareness of the United States Mer-
15 chant Marine Academy's sexual assault prevention
16 and response program across the United States Flag
17 Fleet;

18 (3) assess options that could be implemented by
19 the United States Flag Fleet that would remove any
20 barriers to the reporting of sexual harassment and
21 sexual assault response that occur during a Cadet's
22 Sea Year experience and protect the victim's con-
23 fidentiality;

24 (4) assess a potential program or policy, appli-
25 cable to all participants of the maritime security

1 program, to improve the prevention of, and response
2 to, sexual harassment and sexual assault incidents;

3 (5) assess a potential program or policy, appli-
4 cable to all vessels operating in the United States
5 Flag Fleet that participate in the Maritime Security
6 Fleet under section 53101 of title 46, United States
7 Code, which carry cargos to which chapter 531 of
8 such title applies, or are chartered by a Federal
9 agency, requiring crews to complete a sexual harass-
10 ment and sexual assault prevention and response
11 training program before the Cadet's Sea Year that
12 includes—

13 (A) fostering a shipboard climate—

14 (i) that does not tolerate sexual har-
15 assment and sexual assault;

16 (ii) in which persons assigned to ves-
17 sel crews are encouraged to intervene to
18 prevent potential incidents of sexual har-
19 assment or sexual assault; and

20 (iii) that encourages victims of sexual
21 assault to report any incident of sexual
22 harassment or sexual assault; and

23 (B) understanding the needs of, and the
24 resources available to, a victim after an incident
25 of sexual harassment or sexual assault;

1 (6) assess whether the United States Merchant
2 Marine Academy should continue with sea year
3 training on privately owned vessels or change its
4 curricula to provide alternative training; and

5 (7) assess how vessel operators could ensure the
6 confidentiality of a report of sexual harassment or
7 sexual assault in order to protect the victim and pre-
8 vent retribution.

9 (e) REPORT.—Not later than 15 months after the
10 date of the enactment of this Act, the working group shall
11 submit a report to the Committee on Commerce, Science,
12 and Transportation of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives that includes—

15 (1) recommendations on each of the working
16 group's responsibilities described in subsection (d);

17 (2) the trade-offs, opportunities, and challenges
18 associated with the recommendations made in para-
19 graph (1); and

20 (3) any other information the working group
21 determines appropriate.

1 **TITLE III—MARITIME ADMINIS-**
2 **TRATION ENHANCEMENT**

3 **SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET**
4 **VESSELS.**

5 Section 4405 of title 50, United States Code, is
6 amended—

7 (1) in subsection (a), by adding at the end the
8 following: “Vessels in the National Defense Reserve
9 Fleet, including vessels loaned to State maritime
10 academies, shall be considered public vessels of the
11 United States.”; and

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

13 “(g) VESSEL STATUS.—Ships or other watercraft in
14 the National Defense Reserve Fleet determined by the
15 Maritime Administration to be of insufficient value to re-
16 main in the National Defense Reserve Fleet—

17 “(1) shall remain vessels (as defined in section
18 3 of title 1); and

19 “(2) shall remain subject to the rights and re-
20 sponsibilities of a vessel under admiralty law until
21 such time as the vessel is delivered to a dismantling
22 facility or is otherwise disposed of from the National
23 Defense Reserve Fleet.”.

1 **SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.**

2 Section 50302(c)(4) of title 46, United States Code,
3 is amended—

4 (1) by striking “There are authorized” and in-
5 serting the following:

6 “(A) IN GENERAL.—There are author-
7 ized”; and

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

9 “(B) ADMINISTRATIVE EXPENSES.—Ex-
10 cept as otherwise provided by law, the Adminis-
11 trator may use not more than 3 percent of the
12 amounts appropriated to carry out this section
13 for the administrative expenses of the pro-
14 gram.”.

15 **SEC. 303. USE OF STATE ACADEMY TRAINING VESSELS.**

16 Section 51504(g) of title 46, United States Code, is
17 amended to read as follows:

18 “(g) VESSEL SHARING.—The Secretary, after con-
19 sulting with the affected State maritime academies, may
20 implement a program requiring a State maritime academy
21 to share its training vessel with another State maritime
22 academy if the vessel of another State maritime acad-
23 emy—

24 “(1) is being used during a humanitarian as-
25 sistance or disaster response activity;

1 “(2) is incapable of being maintained in good
2 repair as required under section 51504(c) of title 46,
3 United States Code;

4 “(3) requires maintenance or repair for an ex-
5 tended period;

6 “(4) is activated as a National Defense Reserve
7 Fleet vessel pursuant to section 4405 of title 50,
8 United States Code;

9 “(5) loses its Coast Guard Certificate of Inspec-
10 tion or its classification; or

11 “(6) does not comply with applicable environ-
12 mental regulations.”.

13 **SEC. 304. STATE MARITIME ACADEMY PHYSICAL STAND-**
14 **ARDS AND REPORTING.**

15 Section 51506 of title 46, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph (1),
19 by striking “must” and inserting “shall”;

20 (B) in paragraph (2), by striking “and” at
21 the end;

22 (C) in paragraph (3), by striking the pe-
23 riod at the end and inserting “; and”; and

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

1 “(4) agree that any individual enrolled at such
2 State maritime academy in a merchant marine offi-
3 cer preparation program—

4 “(A) shall, not later than 9 months after
5 each such individual’s date of enrollment, pass
6 an examination in form and substance satisfac-
7 tory to the Secretary that demonstrates that
8 such individual meets the medical and physical
9 requirements—

10 “(i) required for the issuance of an
11 original license under section 7101; or

12 “(ii) set by the Coast Guard for
13 issuing merchant mariners’ documentation
14 under section 7302, with no limit to his or
15 her operational authority;

16 “(B) following passage of the examination
17 under subparagraph (A), shall continue to meet
18 the requirements or standards described in sub-
19 paragraph (A) throughout the remainder of
20 their respective enrollments at the State mari-
21 time academy; and

22 “(C) if the individual has a medical or
23 physical condition that disqualifies him or her
24 from meeting the requirements or standards re-
25 ferred to in subparagraph (A), shall be trans-

1 ferred to a program other than a merchant ma-
2 rine officer preparation program, or otherwise
3 appropriately disenrolled from such State mari-
4 time academy, until the individual demonstrates
5 to the Secretary that the individual meets such
6 requirements or standards.”; and

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

8 “(c) SECRETARIAL WAIVER AUTHORITY.—The Sec-
9 retary is authorized to modify or waive any of the terms
10 set forth in subsection (a)(4) with respect to any indi-
11 vidual or State maritime academy.”.

12 **SEC. 305. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
13 **TIONS RELATING TO VESSELS PARTICI-**
14 **PATING IN THE MARITIME SECURITY FLEET.**

15 (a) IN GENERAL.—Section 53102 of title 46, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(g) AUTHORITY FOR EXTENSION OF MAXIMUM
19 SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—
20 The Secretary of Defense, in conjunction with the Sec-
21 retary of Transportation, may extend the maximum age
22 restrictions under sections 53101(5)(A)(ii) and
23 53106(c)(3) for a particular participating fleet vessel for
24 up to 5 years if the Secretary of Defense and the Secretary

1 of Transportation jointly determine that such extension is
2 in the national interest.”.

3 (b) REPEAL OF UNNECESSARY AGE LIMITATION.—

4 Section 53106(c)(3) of such title is amended—

5 (1) in subparagraph (A), by striking “or (C);”
6 and inserting “; or”;

7 (2) in subparagraph (B), by striking “; or” at
8 the end and inserting a period; and

9 (3) by striking subparagraph (C).

10 **SEC. 306. APPOINTMENTS.**

11 (a) IN GENERAL.—Section 51303 of title 46, United
12 States Code, is amended by striking “40” and inserting
13 “50”.

14 (b) CLASS PROFILE.—Not later than August 31 of
15 each year, the Superintendent of the United States Mer-
16 chant Marine Academy shall post on the Academy’s public
17 website a summary profile of each class at the Academy.

18 (c) CONTENTS.—Each summary profile posted under
19 subsection (b) shall include, for the incoming class and
20 for the 4 classes that precede the incoming class, the num-
21 ber and percentage of students—

22 (1) by State;

23 (2) by country;

24 (3) by gender;

25 (4) by race and ethnicity; and

1 (5) with prior military service.

2 **SEC. 307. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.**

3 (a) IN GENERAL.—Notwithstanding section 3316(a)
4 of title 46, United States Code, the Secretary of the Navy
5 may use the services of an approved classification society
6 for only a high-speed craft that—

7 (1) was acquired by the Secretary from the
8 Maritime Administration;

9 (2) is not a high-speed naval combatant, patrol
10 vessel, expeditionary vessel, or other special purpose
11 military or law enforcement vessel;

12 (3) is operated for commercial purposes;

13 (4) is not operated or crewed by any depart-
14 ment, agency, instrumentality, or employee of the
15 United States Government;

16 (5) is not directly engaged in any mission or
17 other operation for or on behalf of any department,
18 agency, instrumentality, or employee of the United
19 States Government; and

20 (6) is not primarily designed to carry freight
21 owned, leased, used, or contracted for or by the
22 United States Government.

23 (b) DEFINITION OF APPROVED CLASSIFICATION SO-
24 CIETY.—In this section, the term “approved classification
25 society” means a classification society that has been ap-

1 proved by the Secretary of the department in which the
2 Coast Guard is operating under section 3316(c) of title
3 46, United States Code.

4 (c) SAVINGS CLAUSE.—Nothing in this section may
5 be construed to affect the requirements under section
6 3316 of title 46, United States Code, for a high-speed
7 craft that does not meet the conditions under paragraphs
8 (1) through (6) of subsection (a) of this section.

9 **SEC. 308. MARITIME WORKFORCE WORKING GROUP.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of Trans-
12 portation shall convene a working group to examine and
13 assess the size of the pool of citizen mariners necessary
14 to support the United States Flag Fleet in times of na-
15 tional emergency.

16 (b) MEMBERSHIP.—The Maritime Administrator
17 shall designate individuals to serve as members of the
18 working group convened under subsection (a). The work-
19 ing group shall include, at a minimum, the following mem-
20 bers:

21 (1) At least 1 representative of the Maritime
22 Administration, who shall serve as chairperson of
23 the working group.

24 (2) At least 1 subject matter expert from the
25 United States Merchant Marine Academy.

1 (3) At least 1 subject matter expert from the
2 Coast Guard.

3 (4) At least 1 subject matter expert from the
4 Military Sealift Command.

5 (5) 1 subject matter expert from each of the
6 State maritime academies.

7 (6) At least 1 representative from each non-
8 profit labor organization representing a class or
9 craft of employees (licensed or unlicensed) who are
10 employed on vessels operating in the United States
11 Flag Fleet.

12 (7) At least 4 representatives of owners of ves-
13 sels operating the in United States Flag Fleet, or
14 their private contracting parties, which are primarily
15 operating in non-contiguous or coastwise trades.

16 (8) At least 4 representatives of owners of ves-
17 sels operating the in United States Flag Fleet, or
18 their private contracting parties, which are primarily
19 operating in international transportation.

20 (c) NO QUORUM REQUIREMENT.—The Maritime Ad-
21 ministration may convene the working group without all
22 members present.

23 (d) RESPONSIBILITIES.—The working group shall—

24 (1) identify the number of United States citizen
25 mariners—

1 (A) in total;

2 (B) that have a valid United States Coast
3 Guard merchant mariner credential with the
4 necessary endorsements for service on unlimited
5 tonnage vessels subject to the International
6 Convention on Standards of Training, Certifi-
7 cation and Watchkeeping for Seafarers, 1978,
8 as amended;

9 (C) that are involved in Federal programs
10 that support the United States Merchant Ma-
11 rine and United States Flag Fleet;

12 (D) that are available to crew the United
13 States Flag Fleet and the surge sealift fleet in
14 times of a national emergency;

15 (E) that are full-time mariners;

16 (F) that have sailed in the prior 18
17 months; and

18 (G) that are primarily operating in non-
19 contiguous or coastwise trades;

20 (2) assess the impact on the United States
21 Merchant Marine and United States Merchant Ma-
22 rine Academy if graduates from State maritime
23 academies and the United States Merchant Marine
24 Academy were assigned to, or required to fulfill, cer-

1 tain maritime positions based on the overall needs of
2 the United States Merchant Marine;

3 (3) assess the Coast Guard Merchant Mariner
4 Licensing and Documentation System, which tracks
5 merchant mariner credentials and medical certifi-
6 cates, and its accessibility and value to the Maritime
7 Administration for the purposes of evaluating the
8 pool of United States citizen mariners; and

9 (4) make recommendations to enhance the
10 availability and quality of interagency data, includ-
11 ing data from the United States Transportation
12 Command, the Coast Guard, and the Bureau of
13 Transportation Statistics, for use by the Maritime
14 Administration for evaluating the pool of United
15 States citizen mariners.

16 (e) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Secretary of Transpor-
18 tation shall submit a report to the Committee on Com-
19 merce, Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of the
21 House of Representatives that contains the results of the
22 study conducted under this section, including—

23 (1) the number of United States citizen mari-
24 ners identified for each category described in sub-
25 paragraphs (A) through (G) of subsection (d)(1);

1 (2) the results of the assessments conducted
2 under paragraphs (2) and (3) of subsection (d); and

3 (3) the recommendations made under sub-
4 section (d)(4).

5 **TITLE IV—IMPLEMENTATION OF**
6 **WORKFORCE MANAGEMENT**
7 **IMPROVEMENTS**

8 **SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.**

9 (a) **WORKFORCE PLANS.**—Not later than 9 months
10 after the date of the enactment of this Act, the Maritime
11 Administrator shall review the Maritime Administration’s
12 workforce plans, including its Strategic Human Capital
13 Plan and Leadership Succession Plan, and fully imple-
14 ment competency models for mission-critical occupations,
15 including—

16 (1) leadership positions;

17 (2) human resources positions; and

18 (3) transportation specialist positions.

19 (b) **ONBOARDING POLICIES.**—Not later than 9
20 months after the date of the enactment of this Act, the
21 Administrator shall—

22 (1) review the Maritime Administration’s poli-
23 cies related to new hire orientation, training, and
24 misconduct policies;

1 (2) align the onboarding policies and procedures
2 at headquarters and the field offices to ensure con-
3 sistent implementation and provision of critical in-
4 formation across the Maritime Administration; and

5 (3) update the Maritime Administration's train-
6 ing policies and training systems to include controls
7 that ensure that all completed training is tracked in
8 a standardized training repository.

9 (c) ONBOARDING POLICIES.—Not later than 1 year
10 after the date of the enactment of this Act, the Adminis-
11 trator shall submit a report to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives that describes the Maritime Ad-
15 ministration's compliance with the requirements under
16 this section.

17 **SEC. 402. DRUG AND ALCOHOL POLICY.**

18 (a) REVIEW.—Not later than 9 months after the date
19 of the enactment of this Act, the Maritime Administrator
20 shall—

21 (1) review the Maritime Administration's drug
22 and alcohol policies, procedures, and training prac-
23 tices;

24 (2) ensure that all fleet managers have received
25 training on the Department of Transportation's

1 drug and alcohol policy, including the testing proce-
2 dures used by the Department and the Maritime Ad-
3 ministration in cases of reasonable suspicion; and

4 (3) institute a system for tracking all drug and
5 alcohol policy training conducted under paragraph
6 (2) in a standardized training repository.

7 (b) REPORT.—Not later than 1 year after the date
8 of the enactment of this Act, the Administrator shall sub-
9 mit a report to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives that describes the Maritime Administration's
13 compliance with the requirements under this section.

14 **SEC. 403. VESSEL TRANSFERS.**

15 Not later than 9 months after the date of the enact-
16 ment of this Act, the Maritime Administrator shall submit
17 a report to the Committee on Commerce, Science, and
18 Transportation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives that describes the policies and procedures for
21 vessel transfer, including—

22 (1) a summary of the actions taken to update
23 the Vessel Transfer Office procedures manual to re-
24 flect the current range of program responsibilities
25 and processes; and

1 (2) a copy of the updated Vessel Transfer Of-
2 fice procedures to process vessel transfer applica-
3 tions.

4 **TITLE V—TECHNICAL** 5 **AMENDMENTS**

6 **SEC. 501. CLARIFYING AMENDMENT; CONTINUATION** 7 **BOARDS.**

8 Section 290(a) of title 14, United States Code, is
9 amended by striking “five officers serving in the grade of
10 vice admiral” and inserting “5 officers (other than the
11 Commandant) serving in the grade of admiral or vice ad-
12 miral”.

13 **SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY** 14 **TO PROVIDE MEDICAL CARE.**

15 (a) **IN GENERAL.**—Chapter 13 of title 14, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 520. Prospective payment of funds necessary to** 19 **provide medical care**

20 “(a) **PROSPECTIVE PAYMENT REQUIRED.**—In lieu of
21 the reimbursement required under section 1085 of title 10,
22 the Secretary of Homeland Security shall make a prospec-
23 tive payment to the Secretary of Defense of an amount
24 that represents the actuarial valuation of treatment or
25 care—

1 “(1) that the Department of Defense shall pro-
2 vide to members of the Coast Guard, former mem-
3 bers of the Coast Guard, and dependents of such
4 members and former members (other than former
5 members and dependents of former members who
6 are a Medicare-eligible beneficiary or for whom the
7 payment for treatment or care is made from the
8 Medicare-Eligible Retiree Health Care Fund) at fa-
9 cilities under the jurisdiction of the Department of
10 Defense or a military department; and

11 “(2) for which a reimbursement would other-
12 wise be made under such section 1085.

13 “(b) AMOUNT.—The amount of the prospective pay-
14 ment under subsection (a)—

15 “(1) shall be derived from amounts appro-
16 priated for the operating expenses of the Coast
17 Guard for treatment or care provided to members of
18 the Coast Guard and their dependents;

19 “(2) shall be derived from amounts appro-
20 priated for retired pay for treatment or care pro-
21 vided to former members of the Coast Guard and
22 their dependents;

23 “(3) shall be determined under procedures es-
24 tablished by the Secretary of Defense;

1 “(4) shall be paid during the fiscal year in
2 which treatment or care is provided; and

3 “(5) shall be subject to adjustment or reconcili-
4 ation, as the Secretary of Homeland Security and
5 the Secretary of Defense jointly determine appro-
6 priate, during or promptly after such fiscal year if
7 the prospective payment is determined excessive or
8 insufficient based on the services actually provided.

9 “(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN
10 NAVY.—No prospective payment shall be made under this
11 section for any period during which the Coast Guard oper-
12 ates as a service in the Navy.

13 “(d) RELATIONSHIP TO TRICARE.—This section
14 shall not be construed to require a payment for, or the
15 prospective payment of an amount that represents the
16 value of, treatment or care provided under any TRICARE
17 program.”.

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

 “520. Prospective payment of funds necessary to provide medical care.”.

21 (c) REPEAL.—Section 217 of the Coast Guard Au-
22 thorization Act of 2016 (Public Law 114–120) and the
23 item relating to that section in the table of contents in
24 section 2 of such Act, are repealed.

1 **SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46, UNITED**
2 **STATES CODE.**

3 (a) IN GENERAL.—Title 46, United States Code, is
4 amended—

5 (1) in section 4503(f)(2), by striking “that”
6 after “necessary,”; and

7 (2) in section 7510(c)—

8 (A) in paragraph (1)(D), by striking “en-
9 gine” and inserting “engineer”; and

10 (B) in paragraph (9), by inserting a period
11 after “App”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on the date of the enact-
14 ment of the Coast Guard Authorization Act of 2015 (Pub-
15 lic Law 114–120).

16 **SEC. 504. COAST GUARD USE OF THE PRIBILOF ISLANDS.**

17 (a) IN GENERAL.—Section 522(a)(1) of the Pribilof
18 Island Transition Completion Act of 2015 (subtitle B of
19 title V of Public Law 114–120) is amended by striking
20 “Lots” and inserting “Not later than 30 days after the
21 date of the enactment of the National Defense Authoriza-
22 tion Act for Fiscal Year 2017, lots”.

23 (b) REPORT.—Not later than 60 days after the date
24 of the enactment of the National Defense Authorization
25 Act for Fiscal Year 2017, the Secretary of the department
26 in which the Coast Guard is operating shall submit a re-

1 port to Committee on Commerce, Science, and Transpor-
2 tation of the Senate, the Committee on Natural Resources
3 of the House of Representatives, and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives that describes—

6 (1) the Coast Guard’s use of Tracts 43 and 39,
7 located on St. Paul Island, Alaska, since operation
8 of the LORAN-C system was terminated;

9 (2) the Coast Guard’s plans for using the tracts
10 described in paragraph (1) during fiscal years 2016,
11 2017, and 2018; and

12 (3) the Coast Guard’s plans for using the tracts
13 described in paragraph (1) and other facilities on St.
14 Paul Island after fiscal year 2018.