AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MR. DEFAZIO OF OREGON

At the end of the bill, add the following:

DIVISION F—ELIJAH E. CUMMINGS COAST GUARD AUTHORIZATION ACT OF 2020

SECTION 1. SHORT TITLE.

This division may be cited as the “Elijah E. Cummings Coast Guard Authorization Act of 2020”.

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1 SEC. 3. DEFINITION OF COMMANDANT.

In this division, the term “Commandant” means the Commandant of the Coast Guard.

TITILE I—AUTHORIZATIONS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

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

1 (1) in the matter preceding paragraph (1), by striking “year 2019” and inserting “years 2020 and 2021”;

2 (2) in paragraph (1)(A), by striking “provided for, $7,914,195,000 for fiscal year 2019.” and inserting “provided for—
3 
4 “(i) $8,151,620,850 for fiscal year 2020;
5 
6 and
7 “(ii) $8,396,169,475 for fiscal year 2021.”;
8 
9 (3) in paragraph (1)(B), by striking “subparagraph (A)—” and inserting “subparagraph (A)(i), $17,035,000 shall be for environmental compliance and restoration.”;
10 
11 (4) by striking clauses (i) and (ii) of paragraph (1)(B);
(5) in paragraph (1), by adding at the end the following:

“(C) Of the amount authorized under subparagraph, (A)(ii) $17,376,000 shall be for environmental compliance and restoration.”;

(6) in paragraph (2)—

(A) by striking “For the procurement” and inserting “(A) For the procurement”; 

(B) by striking “and equipment, $2,694,745,000 for fiscal year 2019.” and inserting “and equipment—

“(i) $2,794,745,000 for fiscal year 2020; and

“(ii) $3,312,114,000 for fiscal year 2021.”; and

(C) by adding at the end the following:

“(B) Of the amounts authorized under subparagraph (A), the following amounts shall be for the alteration of bridges:

“(i) $10,000,000 for fiscal year 2020; and

“(ii) $20,000,000 for fiscal year 2021.”;

(7) in paragraph (3), by striking “and equipment, $29,141,000 for fiscal year 2019.” and inserting “and equipment—

“(A) $13,834,000 for fiscal year 2020; and
“(B) $14,111,000 for fiscal year 2021.”;

and

(8) by adding at the end the following:

“(4) For the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense—

“(A) $205,107,000 for fiscal year 2020;

and

“(B) $209,209,000 for fiscal year 2021.”.

SEC. 1002. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

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

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

SEC. 1003. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation”
for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 1004. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL NATIONAL SECURITY CUTTER.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 1001 of this division, $100,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 1001 of this division, $550,000,000 for fiscal year 2021 is authorized for the acquisition of a National Security Cutter.

(b) TREATMENT OF ACQUIRED CUTTER.—Any cutter acquired using amounts available pursuant to subsection (a) shall be in addition to the National Security Cutters approved under the existing acquisition baseline in the program of record for the National Security Cutter.
SEC. 1005. PROCUREMENT AUTHORITY FOR POLAR SECURITY CUTTERS.

(a) FUNDING.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 1001 of this division, $135,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 1001 of this division, $610,000,000 for fiscal year 2021 is authorized for construction of a Polar Security Cutter.

(b) PROHIBITION ON CONTRACTS OR USE OF FUNDS FOR DEVELOPMENT OF COMMON HULL DESIGN.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may not enter into any contract for, and no funds shall be obligated or expended on, the development of a common hull design for medium Polar Security Cutters and Great Lakes icebreakers.

SEC. 1006. SENSE OF THE CONGRESS ON NEED FOR NEW GREAT LAKES ICEBREAKER.

(a) FINDINGS.—The Congress finds the following:

(1) The Great Lakes shipping industry is crucial to the American economy, including the United States manufacturing base, providing important economic and national security benefits.
(2) A recent study found that the Great Lakes shipping industry supports 237,000 jobs and tens of billions of dollars in economic activity.

(3) United States Coast Guard icebreaking capacity is crucial to full utilization of the Great Lakes shipping system, as during the winter icebreaking season up to 15 percent of annual cargo loads are delivered, and many industries would have to reduce their production if Coast Guard icebreaking services were not provided.

(4) Six of the Coast Guard’s nine icebreaking cutters in the Great Lakes are more than 30 years old and are frequently inoperable during the winter icebreaking season, including those that have completed a recent service life extension program.

(5) During the previous 10 winters, Coast Guard Great Lakes icebreaking cutters have been inoperable for an average of 65 cutter-days during the winter icebreaking season, with this annual lost capability exceeding 100 cutter days, with a high of 246 cutter days during the winter of 2017–2018.

(6) The 2019 ice season provides further proof that current Coast Guard icebreaking capacity is inadequate for the needs of the Great Lakes shipping industry, as only six of the nine icebreaking cutters
are operational, and millions of tons of cargo was
not loaded or was delayed due to inadequate Coast
Guard icebreaking assets during a historically aver-
age winter for Great Lakes ice coverage.

(7) The Congress has authorized the Coast
Guard to acquire a new Great Lakes icebreaker as
capable as Coast Guard Cutter Mackinaw (WLBB–30), the most capable Great Lakes icebreaker, and
$10 million has been appropriated to fund the de-
sign and initial acquisition work for this icebreaker.

(8) The Coast Guard has not initiated a new
acquisition program for this Great Lakes icebreaker.

(b) SENSE OF THE CONGRESS.—It is the sense of
the Congress of the United States that a new Coast Guard
icebreaker as capable as Coast Guard Cutter Mackinaw
(WLBB–30) is needed on the Great Lakes, and the Coast
Guard should acquire this icebreaker as soon as possible.

SEC. 1007. PROCUREMENT AUTHORITY FOR GREAT LAKES
ICEBREAKER.

(a) IN GENERAL.—Of the amounts authorized to be
appropriated by section 4902(2)(A)(ii) of title 14, United
States Code, as amended by section 1001 of this division,
$160,000,000 for fiscal year 2021 is authorized for the
acquisition of a Great Lakes icebreaker at least as capable
as USCGC Mackinaw (WLBB–30).
(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for acquiring an icebreaker as required by section 820(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282).

SEC. 1008. POLAR SECURITY CUTTER ACQUISITION REPORT.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a report on—

(1) the extent to which specifications, key drawings, and detail design for the Polar Security Cutter are complete before the start of construction;

(2) the extent to which Polar Security Cutter hulls numbers one, two, and three are science ready; and

(3) what actions will be taken to ensure that Polar Security Cutter hull number four is science capable, as described in the National Academies of
Sec. 1009. Shoreside Infrastructure.

Of the amounts authorized to be appropriated by section 4902(2)(A) of title 14, United States Code, as amended by section 1001 of this division, for each of fiscal years 2020 and 2021, $167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of the Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

Sec. 1010. Major Acquisition Systems Infrastructure.

Of the amounts authorized to be appropriated by section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 1001 of this division, $105,000,000 is authorized for the hangar replacement listed in the fiscal year 2020 Unfunded Priority List.

Sec. 1011. Polar Icebreakers.

(a) In General.—Section 561 of title 14, United States Code, is amended to read as follows:
§ 561. Icebreaking in polar regions

(a) PROCUREMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into one or more contracts for the procurement of—

(A) the Polar Security Cutters approved as part of a major acquisition program as of November 1, 2019; and

(B) 3 additional Polar Security Cutters.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract during a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(b) PLANNING.—The Secretary shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers as needed to support the statutory missions of the Coast Guard in the polar regions by allocating all funds to support icebreaking operations in such regions, except for recurring incremental costs associated with specific projects, to the Coast Guard.

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the Polar Star, Healy, or any other Polar Security Cutter from other Federal
agencies and entities, including foreign countries, that
benefit from the use of those vessels.

“(d) RESTRICTION.—

“(1) IN GENERAL.—The Commandant may not—

“(A) transfer, relinquish ownership of, dismantle, or recycle the Polar Sea or Polar Star;

“(B) change the current homeport of the Polar Sea or Polar Star; or

“(C) expend any funds—

“(i) for any expenses directly or indirectly associated with the decommissioning of the Polar Sea or Polar Star, including expenses for dock use or other goods and services;

“(ii) for any personnel expenses directly or indirectly associated with the decommissioning of the Polar Sea or Polar Star, including expenses for a decommissioning officer;

“(iii) for any expenses associated with a decommissioning ceremony for the Polar Sea or Polar Star;
“(iv) to appoint a decommissioning officer to be affiliated with the *Polar Sea* or *Polar Star*; or

“(v) to place the *Polar Sea* or *Polar Star* in inactive status.

“(2) SUNSET.—This subsection shall cease to have effect on September 30, 2022.

“(e) LIMITATION.—

“(1) IN GENERAL.—The Secretary may not expend amounts appropriated for the Coast Guard for any of fiscal years 2015 through 2024, for—

“(A) design activities related to a capability of a Polar Security Cutter that is based solely on an operational requirement of a Federal department or agency other than the Coast Guard, except for amounts appropriated for design activities for a fiscal year before fiscal year 2016; or

“(B) long-lead-time materials, production, or postdelivery activities related to such a capability.

“(2) OTHER AMOUNTS.—Amounts made available to the Secretary under an agreement with a Federal department or agency other than the Coast Guard and expended on a capability of a Polar Secu-
rity Cutter that is based solely on an operational re-
quirement of such Federal department or agency
shall not be treated as amounts expended by the
Secretary for purposes of the limitation under para-
graph (1).
“(f) ENHANCED MAINTENANCE PROGRAM FOR THE
Polar Star.—
“(1) IN GENERAL.—Subject to the availability
of appropriations, the Commandant shall conduct an
enhanced maintenance program on the Polar Star to
extend the service life of such vessel until at least
December 31, 2025.
“(2) AUTHORIZATION OF APPROPRIATIONS.—
The Commandant may use funds made available
pursuant to section 4902(1)(A), to carry out this
subsection.
“(g) DEFINITIONS.—In this section:
“(1) POLAR SEA.—The term ‘Polar Sea’ means
Coast Guard Cutter Polar Sea (WAGB 11).
“(2) POLAR STAR.—The term ‘Polar Star’
means Coast Guard Cutter Polar Star (WAGB 10).
“(3) HEALY.—The term ‘Healy’ means Coast
Guard Cutter Healy (WAGB 20).”.
(b) CONTRACTING FOR MAJOR ACQUISITIONS PRO-
grams.—Section 1137(a) of title 14, United States Code,
is amended by inserting “and 3 Polar Security Cutters in addition to those approved as part of a major acquisition program on November 1, 2019” before the period at the end.

(c) REPEALS.—

(1) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 504 note) is repealed.

(2) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213) is repealed.

(3) HOWARD COBLE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2014.—Section 505 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281) is repealed.

(4) FRANK LOBIONDO COAST GUARD AUTHORIZATION ACT OF 2018.—Section 821 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is repealed.

SEC. 1012. ACQUISITION OF FAST RESPONSE CUTTER.

(a) IN GENERAL.—Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14,
United States Code, as amended by section 1001 of this division, $265,000,000 for fiscal year 2021 shall be made available for the acquisition of four Fast Responses Cutters.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutter acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

TITLE II—COAST GUARD
Subtitle A—Military Personnel Matters

SEC. 2101. GRADE ON RETIREMENT.

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

“(d) Retirement under this section is subject to section 2501(a) of this title.”.

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

(1) in subsection (a), by inserting “satisfactorily, as determined under section 2501 of this title” before the period;

(2) in subsection (b), by inserting “satisfactorily, as determined under section 2501 of this title” before the period; and
(3) in subsection (c), by inserting “if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title” before the period.

(c) Grade on Retirement.—Section 2501 of title 14, United States Code, is amended—

(1) in subsection (a)—

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

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

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

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

(D) by adding at the end the following:

“(2) CONDITIONAL DETERMINATION.—When a commissioned officer is under investigation for alleged misconduct at the time of retirement—

“(A) the Secretary may conditionally determine the highest grade of satisfactory service of the commissioned officer pending completion of the investigation; and

“(B) the grade under subparagraph (A) is subject to resolution under subsection (c)(2).”;}
(2) in subsection (b)—

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

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

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

(3) by adding at the end the following:

“(e) RETIREMENT IN LOWER GRADE.—

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

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

“(3) RECALCULATION OF RETIRED PAY.—If the retired grade of a commissioned officer is reduced pursuant to this subsection, the retired pay of the commissioned officer shall be recalculated under
chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

“(d) Finality of Retired Grade Determinations.—

“(1) In General.—Except as provided in paragraph (2), a determination of the retired grade of a commissioned officer under this section is administratively final on the day the commissioned officer is retired, and may not be reopened.

“(2) Reopening Determinations.—A determination of the retired grade of a commissioned officer may be reopened if—

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

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

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

“(D) in the case of a retired grade following a conditional determination under sub-
section (a)(2), the investigation of or personnel
action against the commissioned officer results
in adverse findings; or

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

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

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

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

“(4) RECALCULATION OF RETIRED PAY.—If the
retired grade of a commissioned officer is reduced
through the reopening of the commissioned officer’s
retired grade under paragraph (2), the retired pay
of the commissioned officer shall be recalculated
under chapter 71 of title 10, and any modification
of the retired pay of the commissioned officer shall
go into effect on the effective date of the reduction
in retired grade.
“(e) INAPPLICABILITY TO COMMISSIONED WARRANT OFFICERS.—This section, including subsection (b), shall not apply to commissioned warrant officers.”.

SEC. 2102. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

(a) Eligibility of Officers for Consideration for Promotion.—Section 2113 of title 14, United States Code, is amended by adding at the end the following:

“(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106.

“(2) The Commandant shall approve a request under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

“(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and
“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

(b) Eligibility of Reserve Officer for Promotion.—Section 3743 of title 14, United States Code, is amended to read as follows:

“§ 3743. Eligibility for promotion

“(a) In general.—Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter if that officer is in an active status.

“(b) Exception.—A Reserve officer who has been considered but not recommended for retention in an active status by a board convened under subsection 3752(a) of this title is not eligible for consideration for promotion.

“(c) Request for exclusion.—

“(1) In general.—The Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade.

“(2) Approval of request.—The Commandant shall approve a request under paragraph (1) only if—

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“(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

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

“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

SEC. 2103. TEMPORARY PROMOTION AUTHORITY FOR OFFICERS IN CERTAIN GRADES WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:
§ 2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant

“(a) IN GENERAL.—An officer in the grade of lieutenant (junior grade), lieutenant, lieutenant commander, or commander who is described in subsection (b) may be temporarily promoted to the grade of lieutenant, lieutenant commander, commander, or captain under regulations prescribed by the Secretary. Appointments under this section shall be made by the President, by and with the advice and consent of the Senate.

“(b) COVERED OFFICERS.—An officer described in this subsection is any officer in a grade specified in subsection (a) who—

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

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

“(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

“(B) requires that an officer serving in such position have the skill possessed by such officer.
“(c) Preservation of Position and Status of Officers Appointed.—

“(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

“(2) An appointment under this section does not change the position on the active duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

“(d) Board Recommendation Required.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.

“(e) Acceptance and Effective Date of Appointment.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.
“(f) TERMINATION OF APPOINTMENT.—Unless sooner terminated, an appointment under this section terminates—

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

“(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade;

“(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance; or

“(4) when otherwise determined by the Commandant to be in the best interests of the Coast Guard.

“(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions
so designated may not exceed the following percentages of the respective grades:

“(1) As lieutenant, 0.5 percent.
“(2) As lieutenant commander, 3.0 percent.
“(3) As commander, 2.6 percent.
“(4) As captain, 2.6 percent.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

“2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant.”.

SEC. 2104. CAREER INTERMISSION PROGRAM.

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

“§ 2514. Career flexibility to enhance retention of members

“(a) PROGRAMS AUTHORIZED.—The Commandant may carry out a program under which members of the Coast Guard may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

“(b) PERIOD OF INACTIVATION FROM ACTIVE SERVICE; EFFECT OF INACTIVATION.—
“(1) IN GENERAL.—The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed 3 years.

“(2) EXCLUSION FROM YEARS OF SERVICE.—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

“(3) EXCLUSION FROM RETIREMENT.—Any period of participation of a member in a program under this section shall not count toward—

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

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

“(c) AGREEMENT.—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

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

“(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

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

“(d) CONDITIONS OF RELEASE.—The Commandant shall prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under
paragraph (2) of such subsection while the member is released from active service.

“(e) ORDER TO ACTIVE SERVICE.—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active service.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under
chapter 5 of title 37 that is in force when the
member commences participation in the pro-
gram.

“(B) NOT TREATED AS FAILURE TO PER-
FORM SERVICES.—The inactivation from active
service of a member participating in a program
shall not be treated as a failure of the member
to perform any period of service required of the
member in connection with an agreement for a
special or incentive pay or bonus under chapter
5 of title 37 that is in force when the member
commences participation in the program.

“(3) RETURN TO ACTIVE SERVICE.—

“(A) SPECIAL OR INCENTIVE PAY OR
BONUS.—Subject to subparagraph (B), upon
the return of a member to active service after
completion by the member of participation in a
program—

“(i) any agreement entered into by
the member under chapter 5 of title 37 for
the payment of a special or incentive pay
or bonus that was in force when the mem-
ber commenced participation in the pro-
gram shall be revived, with the term of
such agreement after revival being the pe-
period of the agreement remaining to run
when the member commenced participation
in the program; and

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

“(B) LIMITATION.—

“(i) In general.—Subparagraph (A)
shall not apply to any special or incentive
pay or bonus otherwise covered by such
subparagraph with respect to a member if,
at the time of the return of the member to
active service as described in that subpara-
graph—

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

“(II) the member does not satisfy
eligibility criteria for such pay or
bonus as in effect at the time of the
return of the member to active serv-

“(ii) Pay or bonus ceases being
authorized.—Subparagraph (A) shall
cease to apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—
“(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

“(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as the member’s residence during the period of participation in the program; and

“(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

“(5) LEAVE BALANCE.—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in ac-
cordance with section 701 of title 10, but not to ex-
ceed 60 days.

“(g) PROMOTION.—

“(1) OFFICERS.—

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

“(B) RETURN TO SERVICE.—Upon the re-
turn of an officer to active service after comple-
tion by the officer of participation in a pro-
gram—

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

“(ii) the officer shall be eligible for
consideration for promotion when officers
of the same competitive category, grade,
and seniority are eligible for consideration
for promotion.

“(2) ENLISTED MEMBERS.—An enlisted mem-
ber participating in a program under this section
shall not be eligible for consideration for advancement during the period that—

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

“(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

“(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

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

“(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.”.
(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

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

SEC. 2105. DIRECT COMMISSIONING AUTHORITY FOR INDIVIDUALS WITH CRITICAL SKILLS.

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

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

“An individual with critical skills that the Commandant considers necessary for the Coast Guard to complete its missions who is not currently serving as an officer in the Coast Guard may be commissioned into the Coast Guard at a grade up to and including commander.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 37 of title 14, United States Code, is amended by inserting after the item relating to section 3738 the following:

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

(c) TECHNICAL AMENDMENT.—The heading for the first chapter of subtitle III of title 14, United States Code, is amended by striking “CHAPTER 1” and inserting “CHAPTER 37”.

“CHAPTER 37”.

“CHAPTER 37”.
SEC. 2106. EMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“§ 2713. Employment assistance

“(a) IN GENERAL.—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

“(1) establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and

“(2) make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that States and other potential employers may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.

“(b) FORM OF CERTIFICATION OR VERIFICATION.—The Secretary shall ensure that a certification or verification of job skills and experience required by section 1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.
“(c) Requests by States.—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of job skills and experience provided under section 1143(c) of title 10.”.

(b) Clerical Amendment.—The analysis for such subchapter is amended by adding at the end the following:

“2713. Employment assistance.”.

Subtitle B—Organization and Management Matters

SEC. 2201. CONGRESSIONAL AFFAIRS; DIRECTOR.

(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§ 321. Congressional affairs; Director

“The Commandant shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain. The Director of Congressional Affairs is separate and distinct from the Director of Governmental and Public Affairs for the Coast Guard and is the principal advisor to the Commandant on all congressional and legislative matters for the Coast Guard and may have such additional functions as the Commandant may direct.”.
(b) **CLERICAL AMENDMENT.**—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

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“321. Congressional affairs; Director.”.
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**SEC. 2202. LIMITATIONS ON CLAIMS.**

(a) **ADMIRALTY CLAIMS.**—Section 937(a) of title 14, United States Code, is amended by striking “$100,000” and inserting “$425,000”.

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

**SEC. 2203. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.**

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

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

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

**SEC. 2204. MAJOR ACQUISITIONS; OPERATION AND SUSTAINMENT COSTS.**

Section 5103(e)(3) of title 14, United States Code, is amended—
(1) by redesignating subparagraphs (B) and
(C) as subparagraphs (C) and (D), respectively; and
(2) by inserting after subparagraph (A) the fol-
lowing:
“(B) operate and sustain the cutters and
aircraft described in paragraph (2);”.

SEC. 2205. SUPPORT OF WOMEN SERVING IN THE COAST
GUARD.

(a) ACTION PLAN.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the
Commandant shall—

(A) determine which recommendations in
the RAND gender diversity report can prac-
tically be implemented to promote gender di-
versity in the Coast Guard; and

(B) submit to the Committee on Transpor-
tation and Infrastructure of the House of Rep-
resentatives and the Committee on Commerce,
Science, and Transportation of the Senate a re-
port on the actions the Coast Guard has taken,
or plans to take, to implement such rec-
ommendations.
(2) CURRICULUM AND TRAINING.—The Commandant shall update curriculum and training materials used at—

(A) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

(B) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

(C) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

Such updates shall reflect actions the Coast Guard has taken, or plans to take, to carry out the recommendations of the RAND gender diversity report.

(3) DEFINITION.—In this subsection, the term “RAND gender diversity report” means the RAND Corporation’s Homeland Security Operational Analysis Center 2019 report entitled “Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention”.

(b) ADVISORY BOARD ON WOMEN AT THE COAST GUARD ACADEMY.—Chapter 19 of title 14, United States Code, is amended—
(1) by redesignating section 1904 as section 1906;

(2) by inserting after section 1903 the following:

“§ 1904. Advisory Board on Women at the Coast Guard Academy

“(a) IN GENERAL.—The Superintendent of the Academy shall establish at the Coast Guard Academy an advisory board to be known as the Advisory Board on Women at the Coast Guard Academy (referred to in this section as the ‘Advisory Board’).

“(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 current cadets of the Coast Guard Academy, including not fewer than 3 cadets from each current class.

“(c) APPOINTMENT; TERM.—Cadets shall serve on the Advisory Board pursuant to appointment by the Superintendent of the Academy. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of cadets at the Academy. The term of membership of a cadet on the Advisory Board shall be 1 academic year.

“(d) REAPPOINTMENT.—The Superintendent of the Academy may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an addi-
tional academic year if the Superintendent of the Academy
determines such reappointment to be in the best interests
of the Coast Guard Academy.

“(e) MEETINGS.—The Advisory Board shall meet
with the Commandant at least once each academic year
on the activities of the Advisory Board. The Advisory
Board shall meet in person with the Superintendent of the
Academy not less than twice each academic year on the
duties of the Advisory Board.

“(f) DUTIES.—The Advisory Board shall identify op-
portunities and challenges facing cadets at the Academy
who are women, including an assessment of culture, lead-
ership development, and access to health care of cadets
at the Academy who are women.

“(g) WORKING GROUPS.—The Advisory Board may
establish one or more working groups to assist the Advi-
sory Board in carrying out its duties, including working
groups composed in part of cadets at the Academy who
are not current members of the Advisory Board.

“(h) REPORTS AND BRIEFINGS.—The Advisory
Board shall regularly provide the Commandant and the
Superintendent reports and briefings on the results of its
duties, including recommendations for actions to be taken
in light of such results. Such reports and briefings may
be provided in writing, in person, or both.”; and
(3) by amending the analysis for such chapter—

(A) by amending the item relating to section 1904 to read as follows:

“1904. Advisory Board on Women at the Coast Guard Academy.”; and

(B) by adding at the end the following:

“1906. Participation in Federal, State, or other educational research grants.”.

c) ADVISORY BOARD ON WOMEN IN THE COAST GUARD.—Chapter 25 of title 14, United States Code, is amended—

(1) by redesignating subchapter II as subchapter III;

(2) by inserting after subchapter I the following:

“SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

§ 2521. Advisory Board on Women in the Coast Guard

“(a) IN GENERAL.—The Commandant shall establish within the Coast Guard an Advisory Board on Women in the Coast Guard.

“(b) MEMBERSHIP.—The Advisory Board established under subsection (a) shall be composed of such number of members as the Commandant considers appropriate, selected by the Commandant through a public selection process from among applicants for membership on the Board.
The members of the Board shall, to the extent practicable, represent the diversity of the Coast Guard. The members of the Committee shall include an equal number of each of the following:

“(1) Active duty officers of the Coast Guard.

“(2) Active duty enlisted members of the Coast Guard.

“(3) Members of the Coast Guard Reserve.

“(4) Retired members of the Coast Guard.

“(c) DUTIES.—The Advisory Board established under subsection (a)—

“(1) shall advise the Commandant on improvements to the recruitment, retention, wellbeing, and success of women serving in the Coast Guard and attending the Coast Guard Academy, including recommendations for the report on gender diversity in the Coast Guard required by section 5109 of chapter 51 of title 14;

“(2) may submit to the Commandant recommendations in connection with its duties under this subsection, including recommendations to implement the advice described in paragraph (1); and

“(3) may brief Congress on its duties under this subsection, including the advice described in
paragraph (1) and any recommendations described in paragraph (2).’’; and

(3) by amending the analysis for such chapter by striking the items relating to subchapter II and inserting the following:

“SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

‘‘2521. Advisory Board on Women in the Coast Guard.

‘‘SUBCHAPTER III—LIGHTHOUSE SERVICE

‘‘2531. Personnel of former Lighthouse Service.”.

(d) RECURRING REPORT.—

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

§ 5109. Report on gender diversity in the Coast Guard

“(a) IN GENERAL.—Not later than January 15, 2022, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on gender diversity in the Coast Guard.

“(b) CONTENTS.—The report required under subsection (a) shall contain the following:

“(1) GENDER DIVERSITY OVERVIEW.—An overview of Coast Guard active duty and reserve members, including the number of officers and enlisted
members and the percentages of men and women in each.

“(2) Recruitment and retention.—

“(A) An analysis of the changes in the recruitment and retention of women over the previous 2 years.

“(B) A discussion of any changes to Coast Guard recruitment and retention over the previous 2 years that were aimed at increasing the recruitment and retention of female members.

“(3) Parental leave.—

“(A) The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.

“(B) A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.

“(4) Limitations.—An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of—

“(A) shipboard opportunities;
“(B) opportunities to serve at remote units; and

“(C) any other limitations on the opportunities of female members.

“(5) PROGRESS UPDATE.—An update on the Coast Guard’s progress on the implementation of the action plan required under subsection (a) of section 2205 of the Elijah E. Cummings Coast Guard Authorization Act of 2020.”.

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

“5109. Report on gender diversity in the Coast Guard.”.

SEC. 2206. DISPOSITION OF INFRASTRUCTURE RELATED TO E-LORAN.

Section 914 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “date” and inserting “later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) or the date”; and

(B) by striking “determination by the Secretary” and inserting “determination by the
Secretary of Transportation under section 312(d) of title 49”; and

(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited into the Coast Guard Housing Fund for uses authorized under section 2946 of this title.”.

SEC. 2207. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 2103(c)(3) of title 14, United States Code, is amended by striking “rear admiral (lower half)” and inserting “vice admiral”.

SEC. 2208. RESEARCH PROJECTS; TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) In General.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 719. Research projects; transactions other than contracts and grants

“(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—

“(1) IN GENERAL.—The Commandant may enter into—
“(A) transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects; and

“(B) agreements with the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense under section 2371b of title 10 to participate in prototype projects and follow-on production contracts or transactions that are being carried out by such official and are directly relevant to the Coast Guard’s cyber capability and Command, Control, Communications, Computers, and intelligence initiatives.

“(2) ADDITIONAL AUTHORITY.—The authority under this subsection is in addition to the authority provided in section 717 to use contracts, cooperative agreements, and grants in carrying out such projects.

“(3) FUNDING.—In carrying out paragraph (1)(B), the Commandant may use funds made available for—

“(A) operations and support;
“(B) research, development, test, and evaluation; and

“(C) procurement, construction, and improvement.

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

“(c) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

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

“(d) Conditions.—

“(1) In general.—The Commandant shall en-
sure that to the extent that the Commandant deter-
mines practicable, no cooperative agreement con-
taining a clause described in subsection (c)(1), and
no transaction entered into under subsection (a),
provides for research that duplicates research being
conducted under existing programs carried out by
the Coast Guard.

“(2) Other agreements not feasible.—A
cooperative agreement containing a clause described
in subsection (c)(1), or under a transaction author-
ized by subsection (a), may be used for a research
project only if the use of a standard contract, grant,
or cooperative agreement for such project is not fea-
sible or appropriate.

“(e) Education and Training.—The Commandant
shall—

“(1) ensure that management, technical, and
contracting personnel of the Coast Guard involved in
the award or administration of transactions under
this section or other innovative forms of contracting
are afforded opportunities for adequate education and training; and

“(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

“(f) Protection of Certain Information From Disclosure.—

“(1) In General.—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for 5 years after the date on which the information is received by the Coast Guard.

“(2) Limitation.—

“(A) In General.—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).
“(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is the following:

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

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

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

“(g) REGULATIONS.—The Commandant shall prescribe regulations, as necessary, to carry out this section.

“(h) ANNUAL REPORT.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

“(1) the amount of each transaction;

“(2) the entities or organizations involved;

“(3) the product or service received;
“(4) the research project for which the product or service was required; and

“(5) the extent of the cost sharing among Federal Government and non-Federal sources.”.

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

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

SEC. 2209. ACQUISITION WORKFORCE AUTHORITIES.

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

“§ 1111. Acquisition workforce authorities

“(a) EXPEDITED HIRING AUTHORITY.—

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

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

“(B) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

“(2) REPORTS.—The Commandant shall include in reports under section 1102 information described in such section regarding positions designated under this subsection.
“(b) REEMPLOYMENT AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

“(2)(A) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under subsection (a) after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

“(i) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes rea-
sonable actions to notify an employee who may file an election.

“(ii) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

“(B) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) and does not file a timely election under clause (i) of such subparagraph.”.

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

“1111. Acquisition workforce authorities.”.

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

SEC. 2210. VESSEL CONVERSION, ALTERATION, AND REPAIR PROJECTS.

(a) IN GENERAL.—Notwithstanding any provision of the Small Business Act (15 U.S.C. 631 et seq.) and any regulation or policy implementing such Act, the Commandant may use full and open competitive procedures, as prescribed in section 2304 of title 10, United States
1 Code, to acquire maintenance and repair services for ves-
2 sels with a homeport in Coast Guard District 17.
3
4 (b) APPLICABILITY.—Subsection (a) shall apply only
5 if there are not at least 2 qualified small businesses lo-
6 cated in Coast Guard District 17 that are able and avail-
7 able to provide the services described in such subsection.
8
9 (c) LIMITATION.—The full and open competitive pro-
10 cedures described in subsection (a) may only be used to
11 acquire such services from a business located in Coast
12 Guard District 17 that is able and available to provide
13 such services.
14
15 SEC. 2211. MODIFICATION OF ACQUISITION PROCESS AND
16 PROCEDURES.
17
18 (a) EXTRAORDINARY RELIEF.—
19
20 (1) IN GENERAL.—Subchapter III of chapter
21 11 of title 14, United States Code, is amended by
22 adding at the end the following:
23
24 “§ 1157. Extraordinary relief
25 “(a) IN GENERAL.—With respect to any prime con-
26 tracting entity receiving extraordinary relief pursuant to
27 the Act entitled ‘An Act to authorize the making, amend-
28 ment, and modification of contracts to facilitate the na-
29 tional defense’, approved August 28, 1958 (Public Law
30 85–804; 50 U.S.C. 1432 et seq.) for a major acquisition,
31 the Secretary shall not consider any further request by
the prime contracting entity for extraordinary relief under such Act for such major acquisition.

“(b) **INAPPLICABILITY TO SUBCONTRACTORS.**—The limitation under subsection (a) shall not apply to subcontractors of a prime contracting entity.

“(c) **QUARTERLY REPORT.**—Not less frequently than quarterly during each fiscal year in which extraordinary relief is approved or provided to an entity under the Act referred to in subsection (a) for the acquisition of Offshore Patrol Cutters, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes in detail such relief and the compliance of the entity with the oversight measures required as a condition of receiving such relief.”.

(3) **ANALYSIS FOR CHAPTER 11.**—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1156 the following:

“1157. Extraordinary relief.”.

(b) **NOTICE TO CONGRESS WITH RESPECT TO BREACH OF CONTRACT.**—Section 1135 of title 14, United States Code, is amended by adding at the end the following:
“(d) NOTICE TO CONGRESS WITH RESPECT TO
BREACH OF CONTRACT.—Not later than 48 hours after
the Commandant becomes aware that a major acquisition
contract cannot be carried out under the terms specified
in the contract, the Commandant shall provide a written
notification to the Committee on Commerce, Science, and
Transportation of the Senate and the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives that includes—

“(1) a description of the terms of the contract
that cannot be met; and

“(2) an assessment of whether the applicable
contract officer has issued a cease and desist order
to the contractor based on the breach of such terms
of the contract.”.

SEC. 2212. ESTABLISHMENT AND PURPOSE OF FUND; DEFI-
NITION.

Section 1461(a) of title 10, United States Code, is
amended by inserting “and the Coast Guard” after “liabil-
ities of the Department of Defense”.

SEC. 2213. PAYMENTS FROM FUND.

Section 1463(a) of title 10, United States Code, is
amended—
(1) in paragraph (1) by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

(2) in paragraph (2) by striking “(other than retired pay payable by the Secretary of Homeland Security)”;

(3) in paragraph (4) by inserting “and the Department of Homeland Security that” after “Department of Defense”.

SEC. 2214. DETERMINATION OF CONTRIBUTIONS TO FUND.

Section 1465 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(a) Not” and inserting the following:

“(a)(1) Not”; and

(B) by adding at the end the following:

“(2) Not later than October 1, 2022, the Board of Actuaries shall determine the amount that is the present value (as of September 30, 2022) of future benefits payable from the Fund that are attributable to service in the Coast Guard performed before October 1, 2022. That amount is the original Coast Guard unfunded liability of the Fund. The Board shall determine the period of time over which the original Coast Guard unfunded liability
should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original Coast Guard unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”;

and

(II) by inserting “and Coast Guard” after “Department of Defense”;

(ii) in subparagraph (A)(ii) by striking “(other than the Coast Guard)” and inserting “members of the Armed Forces”;

and

(iii) in subparagraph (B)(ii) by striking “(other than the Coast Guard)”;}
(B) in paragraph (2) by inserting “the Coast Guard Retired Pay account and the” after “appropriated to”; and

(C) in paragraph (3) by inserting “and Coast Guard” after “Department of Defense”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”; (ii) in subparagraph (A) by striking “(other than the Coast Guard)” and inserting “members of the Armed Forces”; (iii) in subparagraph (B) by striking “(other than the Coast Guard)”;

(B) in paragraph (2) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”; (C) in paragraph (3) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”;
(4) in subsection (e) by striking “Secretary of Defense shall” and inserting “Secretary of Defense and, with regard to the Coast Guard, the Secretary of the department in which the Coast Guard is operating”.

SEC. 2215. PAYMENTS INTO FUND.

Section 1466 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(1)—

(i) by striking “Secretary of Defense shall” and inserting “Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast guard, shall”; and

(ii) by striking “each month as the Department of Defense contribution” and inserting “each month the respective pro rata share contribution of the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating”; and

(B) in paragraph (1)(B) by striking “(other than the Coast Guard)”;}
(C) by striking the flush language following paragraph (1)(B) and inserting the following new subsection:

“(b) Amounts paid into the Fund under this subsection shall be paid from funds available for as appropriate—

“(1) the pay of members of the armed forces under the jurisdiction of the Secretary of a military department; or

“(2) the Retired Pay appropriation for the Coast Guard.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) in subsection (e) (as so redesignated)—

(A) in paragraph (2)(A) by striking “liability of the Fund.” and inserting “liabilities of the Fund for the Department of Defense and the Coast Guard.”; and

(B) in paragraph (3) by inserting “and the Secretary of the Department in which the Coast Guard is operating” before “shall promptly”.

Subtitle C—Access to Child Care for Coast Guard Families

SEC. 2301. REPORT ON CHILD CARE AND SCHOOL-AGE CARE ASSISTANCE FOR QUALIFIED FAMILIES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on child care and school-age care options available to qualified families.

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

(1) FINANCIAL ASSISTANCE.—

(A) An assessment of—

(i) the subsidies and financial assistance for child care and school-age care made available by the Coast Guard to qualified families; and

(ii) the extent to which qualified families have taken advantage of such subsidies and assistance.

(B) The average number of days between—
(i) the date on which an application for a subsidy or other financial assistance for child care or school-age care is submitted by a qualified family; and

(ii) upon approval of an application, the date on which such subsidy or assistance is received by the qualified family.

(C) Recommendations for streamlining the payment of such subsidies and financial assistance.

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

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

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

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

(2) REGULATION OF CHILD CARE SERVICES.—

(A) An assessment of—

(i) the regulations of States with respect to child care services (such as staffing, space and furnishings, safety, cur-
riculum requirements, and allowable care hours); and

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

(B) An assessment of—

(i) the regulations of the Coast Guard and the Department of Defense with respect to child development centers and other child care providers (including school-age care providers), and a comparison of such regulations with similar State regulations; and

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

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

(3) Parity with Department of Defense.—The differences between child care and school-age care services offered by the Coast Guard and child care and school-age care authorities of the Coast Guard and the Department of Defense relating to the following:
(A) Authorized uses of appropriated funds for child care and school-age care services.

(B) Access to, and total capacity of, Coast Guard child development centers and Department of Defense child development centers.

(C) Child care and school-age care programs or policy.

(D) Coast Guard and Department of Defense programs to provide additional assistance to members and civilian employees with respect to child care and school-age care options.

(E) Respite care programs.

(F) Nonappropriated funds.

(G) Coast Guard family child care centers.

(H) Coast Guard and Department of Defense publicly available online resources for families seeking military child care and school-age care.

(4) **Feasibility.**—An analysis of the feasibility of the Commandant entering into agreements with private child care and school-age care service providers to provide child care and school-age care for qualified families.

(5) **Availability.**—An analysis of the availability of child care and school-age care for qualified
families, including accessibility after normal work hours, proximity, and total capacity.

(6) RECOMMENDATIONS.—Recommendations—

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

(B) to ensure parity between the Coast Guard and the Department of Defense with respect to child care and school-age care;

(C) to expand access to child care and school-age care for all qualified families, including qualified families that have a child with special needs; and

(D) to ensure that regional child care and child development center needs at the unit, sector, or district level are identified, assessed, and reasonably evaluated by the Commandant for future infrastructure needs.

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

SEC. 2302. REVIEW OF FAMILY SUPPORT SERVICES WEBSITE AND ONLINE TRACKING SYSTEM.

(a) MEMORANDUM OF UNDERSTANDING.—
(1) IN GENERAL.—The Commandant shall enter into a memorandum of understanding with the Secretary of Defense to enable qualified families to access the website at https://militarychildcare.com (or a successor website) for purposes of Coast Guard family access to information with respect to State-accredited child development centers and other child care support services as such services become available from the Department of Defense through such website. The memorandum shall provide for the expansion of the geographical areas covered by such website, including regions in which qualified families live that are not yet covered by the program.

(2) INCLUSION OF CHILD DEVELOPMENT CENTERS ACCESSIBLE UNDER PILOT PROGRAM.—The information accessible pursuant to the memorandum of understanding required by paragraph (1) shall include information with respect to any child development center accessible pursuant to the pilot program under section 2304.

(3) ELECTRONIC REGISTRATION, PAYMENT, AND TRACKING SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall develop and maintain an internet
website of the Coast Guard accessible to qualified families to carry out the following activities:

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

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

(C) Track the status of a child on the wait list of a Coast Guard child development center, including the placement and position of the child on the wait list.

(b) WAIT LIST.—

(1) IN GENERAL.—The Commandant shall maintain a record of the wait list for each Coast Guard child development center.

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

(A) The total number of children of qualified families on the wait list.

(B) With respect to each child on the wait list—

   (i) the age of the child;

   (ii) the number of days the child has been on the wait list;

   (iii) the position of the child on the wait list;
(iv) any special needs consideration;

and

(v) information on whether a sibling

of the child is on the wait list of, or cur-

rently enrolled in, the Coast Guard child
development center concerned.

(3) REQUIREMENT TO ARCHIVE.—Information

placed in the record of a Coast Guard child develop-

ment center under paragraph (1) shall be archived

for a period of not less than 10 years after the date

of its placement in the record.

SEC. 2303. STUDY AND SURVEY ON COAST GUARD CHILD

CARE NEEDS.

(a) Study.—

(1) IN GENERAL.—Not later than 1 year after

the date of the enactment of this Act, and for each

of the 2 fiscal years thereafter, the Commandant

shall conduct a study on the child care needs of

qualified families that incorporates—

(A) the results of the survey under sub-

section (b); and

(B) any other information the Com-

mandant considers appropriate to ensure ade-

quate tracking and future needs-based assess-
ments with respect to adequate access to Coast Guard child development centers.

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

(3) Scope of data.—The data obtained through each study under paragraph (1) shall be obtained on a regional basis, including by Coast Guard unit, sector, and district.

(b) Survey.—

(1) In general.—Together with each study under subsection (a), and annually as the Commandant considers appropriate, the Commandant shall carry out a survey of individuals described in paragraph (2) on access to Coast Guard child development centers.

(2) Participants.—

(A) In general.—The Commandant shall seek the participation in the survey of the following Coast Guard individuals:

(i) Commanding officers, regardless of whether the commanding officers have children.

(ii) Regular and reserve personnel.
(iii) Spouses of individuals described in clauses (i) and (ii).

(B) Scope of participation.—Individuals described in clauses (i) through (iii) of subparagraph (A) shall be surveyed regardless of whether such individuals use or have access to Coast Guard child development centers or other Federal child care facilities.

(C) Voluntary participation.—Participation of any individual described in subparagraph (A) in a survey shall be on a voluntary basis.

(e) Availability.—On request, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the results of any study or survey under this section.

SEC. 2304. PILOT PROGRAM TO EXPAND ACCESS TO CHILD CARE.

(a) In general.—Commencing not later than 60 days after the date on which the report under section 2301 is submitted, the Commandant shall carry out a pilot program, based on the recommendations provided in such re-
port, to expand access to public or private child development centers for qualified families.

(b) **Duration.**—The duration of the pilot program under subsection (a) shall be not more than 3 years beginning on the date on which the pilot program is established.

(c) **Discharge on District Basis.**—The Commandant—

(1) may carry out the pilot program on a district basis; and

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

(d) **Reservation of Child Care Slots.**—As part of the pilot program, the Commandant shall seek to enter into one or more memoranda of understanding with one or more child development centers to reserve slots for qualified families in locations in which—

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

(2) the wait lists for the nearest Coast Guard child development center or Department of Defense child development center, where applicable, indicate that qualified families may not be accommodated.

(e) **Annual Assessment of Results.**—As part of any study conducted pursuant to section 2303(a) after the end of the 1-year period beginning with the commence-
ment of the pilot program, the Commandant shall also un-
dertake a current assessment of the impact of the pilot program on access to child development centers for qualified families. The Commandant shall include the results of any such assessment in the results of the most current study or survey submitted pursuant to section 2303(a).

SEC. 2305. IMPROVEMENTS TO COAST GUARD-OWNED FAMILY HOUSING.

Section 2922(b) of title 14, United States Code, is amended by adding at the end the following:

“(4) To the maximum extent practicable, the Commandant shall ensure that, in a location in which Coast Guard family child care centers (as such term is defined in section 2309 of the Elijah E. Cummings Coast Guard Authorization Act of 2020) are necessary to meet the demand for child care for qualified families (as such term is defined in such section), not fewer than two housing units are maintained in accordance with safety inspection standards so as to accommodate family child care providers.”.
SEC. 2306. BRIEFING ON TRANSFER OF FAMILY CHILD CARE PROVIDER QUALIFICATIONS AND CERTIFICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility of developing a policy to allow the transfer of a Coast Guard-mandated family child care provider qualification or certification between Coast Guard-owned housing units if, as determined by the Commandant—

(1) the qualification or certification is not expired;

(2) the transfer of the qualification or certification would not pose a danger to any child in the care of the family child care provider; and

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

(b) BRIEFING ELEMENT.—The briefing required by subsection (a) shall include analysis of options for transferring a Coast Guard-mandated family child care provider qualification or certification as described in that sub-
section, and of any legal challenges associated with such
transfer.

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

SEC. 2307. INSPECTIONS OF COAST GUARD CHILD DEVELO-
PMENT CENTERS AND FAMILY CHILD CARE

PROVIDERS.

(a) Inspections.—Section 2923 of title 14, United
States Code, is amended by striking subsection (b) and
inserting the following:

“(b) Inspections.—

“(1) In General.—Not less than twice annu-
ally, the Commandant shall ensure that each Coast
Guard child development center is subject to an un-
announced inspection.

“(2) Responsibility for Inspections.—Of
the biannual inspections under paragraph (1)—

“(A) 1 shall be carried out by a represent-
ative of the Coast Guard installation served by
the Coast Guard child development center con-
cerned; and
“(B) 1 shall be carried out by a representative of the Coast Guard child development services work-life programs.”.

(b) **FAMILY CHILD CARE PROVIDERS.—**

(1) **IN GENERAL.—**Chapter 29 of title 14, United States Code, is amended by adding at the end the following:

> “§ 2926. Family child care providers

> “(a) **IN GENERAL.—**Not less frequently than quarterly, the Commandant shall ensure that each family child care provider is subject to inspection.

> “(b) **RESPONSIBILITY FOR INSPECTIONS.—**Of the quarterly inspections under subsection (a) each year—

> “(1) 3 inspections shall be carried out by a representative of the Coast Guard installation served by the family child care provider concerned; and

> “(2) 1 inspection shall be carried out by a representative of the Coast Guard child development services work-life programs.”.

(2) **CLERICAL AMENDMENT.—**The analysis for chapter 29 of title 14, United States Code, is amended by adding at the end the following:

> “2926. Family child care providers.”.
SEC. 2308. EXPANDING OPPORTUNITIES FOR FAMILY CHILD CARE.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall—

(1) establish a procedure to allow Coast Guard family child care centers to occur at off-base housing, including off-base housing owned or subsidized by the Coast Guard; and

(2) establish a procedure to ensure that all requirements with respect to such family child care programs are met, including home inspections.

SEC. 2309. DEFINITIONS.

In this subtitle:

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

(2) COAST GUARD FAMILY CHILD CARE CENTER.—The term “Coast Guard family child care center” means a location at which family home daycare is provided.

(3) FAMILY CHILD CARE PROVIDER.—The term “family child care provider” means an individual who provides family home daycare.
(4) FAMILY HOME DAYCARE.—The term “family home daycare” has the meaning given that term in section 2921(5) of title 14, United States Code.

(5) QUALIFIED FAMILY.—The term “qualified family” means any regular, reserve, or retired member of the Coast Guard, and any civilian employee of the Coast Guard, with one or more dependents.

Subtitle D—Reports

SEC. 2401. MODIFICATIONS OF CERTAIN REPORTING REQUIREMENTS.

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

“(e) ESPECIALLY HAZARDOUS CARGO.—

“(1) ENFORCEMENT OF SECURITY ZONES.—

Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.
“(2) ESPECIALLY HAZARDOUS CARGO DEFINED.—In this subsection, the term ‘especially hazardous cargo’ means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.”.

(b) COMPLIANCE WITH SECURITY STANDARDS.—

Section 809 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 46 U.S.C. 70101 note) is amended by striking subsections (g) and (i).

(e) MARINE SAFETY LONG-TERM STRATEGY.—Section 2116 of title 46, United States Code, is amended—

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

(2) in subsection (b)—

(A) in the subsection heading, by striking “

“CONTENTS OF STRATEGY AND TRIENNIAL
(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “strategy and triennial plans” and inserting “5-year strategy and plan”; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “strategy and triennial plans” and inserting “5-year strategy and plan”; and

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

(3) in subsection (e)—

(A) by striking “Beginning with fiscal year 2020 and triennially thereafter, the Secretary” and inserting “Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary”; and

(B) by striking “triennial”; and

(4) in subsection (d)—

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

(B) in paragraph (2)—

   (i) in the heading, by striking “REPORT TO CONGRESS” and inserting “PERIODIC BRIEFINGS”;

   (ii) in the matter preceding subparagraph (A), by striking “report triennially” and all that follows through “the Senate” and inserting “periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives”;

   (iii) in subparagraph (A)—

      (I) by striking “annual”; and

      (II) by striking “for the year covered by the report” and inserting “for the period covered by the briefing”;

   and

   (iv) in subparagraph (B)(ii), by striking “plans” and inserting “plan”.

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

(2) by adding at the end the following:

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

(e) MAJOR ACQUISITION PROGRAM RISK ASSESSMENT.—Section 5107 of title 14, United States Code, is amended—

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

(2) in subsection (b)—

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

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

(C) in paragraph (4), by striking “such 2 fiscal-year quarters” and inserting “such fiscal year”; and
(D) in paragraph (5), by striking “such 2 fiscal-year quarters” and inserting “such fiscal year”.

SEC. 2402. REPORT ON CYBERSECURITY WORKFORCE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Coast Guard plans to establish a workforce with the cybersecurity expertise to provide prevention assessments and response capacity to Operational Technology and Industrial Control Systems in national port and maritime environments.

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

(1) A description of the number and skills of active duty and reserve Coast Guard members expected for initial operating capacity and full operating capacity of the workforce described in subsection (a).

(2) A description of the career development path for officers and enlisted members participating in the workforce.
(3) A determination of how the workforce will fulfill the cybersecurity needs of the Area Maritime Security Council and United States port environments.

(4) A determination of how the workforce will integrate with the Hunt and Incident Response and Assessment Teams of the Cyber and Infrastructure Security Agency of the Department of Homeland Security.

(5) An assessment of successful models used by other Armed Forces, including the National Guard, to recruit, maintain, and utilize a cyber workforce, including the use of Reserve personnel for that purpose.

SEC. 2403. REPORT ON NAVIGATION AND BRIDGE RESOURCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training and qualification processes of the Coast Guard for deck watch officers, with a specific focus on basic navigation, bridge resource management, crew rest, and qualification processes.
(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) Recommendations for improving prearrival training, if necessary, and an assessment of how commercial industry best practices on prearrival training can be incorporated into military at sea watchkeeping.

(2) A detailed description of the deck watch officer assessment process of the Coast Guard.

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

(4) A complete analysis of the gap between the existing curriculum for deck watch officer training and the Standards of Training, Certification, and Watchkeeping for officer in charge of a navigational watch at the operational level, Chief level, and Master level.

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

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

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

SEC. 2404. REPORT ON HELICOPTER LIFE-CYCLE SUPPORT
AND RECAPITALIZATION.

Not later than 180 days after the date of the enact-
ment of this Act, the Commandant shall submit to the
Committee on Commerce, Science, and Transportation of
the Senate and the Committee on Transportation and In-
frastructure of the House of Representatives a report
that—

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

(2) includes a realistic sustainment budget nec-
essary to achieve the operational availability rates
necessary to meet MH–65 mission requirements
through fleet recapitalization;
(3) includes an update on the status of the Coast Guard MH–65 helicopter recapitalization; and

(4) includes a description of any alternative, available, and cost-effective Government and civil systems, or updates, that the Coast Guard is considering for MH–65 operational missions, including Coast Guard cutter deployability requirements, in the event of delays to the future vertical lift program of the Coast Guard.

SEC. 2405. REPORT ON COAST GUARD RESPONSE CAPABILITIES FOR CYBER INCIDENTS ON VESSELS ENTERING PORTS OR WATERS OF THE UNITED STATES.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the response capabilities of the Coast Guard with respect to cyber incidents on vessels entering ports or waters of the United States.

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

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

(2) Policies and guidance issued by the Commandant, in accordance with guidelines on cyber risk management of the International Maritime Organization, to vessels of the United States.

(3) Measures to be taken by owners or operators of commercial vessels of the United States to increase cybersecurity posture on such vessels.

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

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

(6) Oversight by the Commandant of—

(A) vessel-to-facility interface, as defined in section 101.105 of title 33, Code of Federal Regulations (or any corresponding similar regulation or ruling); and

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

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

(e) Recommendations and Appropriations.—The Commandant shall include in the report under subsection (a)—

(1) recommendations—

(A) to improve cyber incident response; and

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

(2) a description of authorities and appropriations necessary to improve the preparedness of the Coast Guard for cyber incidents on vessels entering ports or waters of the United States and the ability of the Coast Guard to prevent and respond to such incidents.

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

(e) Vessel of the United States Defined.—In this section, the term “vessel of the United States” has
the meaning given such term in section 116 of title 46, United States Code.

SEC. 2406. STUDY AND REPORT ON COAST GUARD INTERDICTION OF ILLICIT DRUGS IN TRANSIT ZONES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Coast Guard seizes an average of 1,221 pounds of cocaine and 85 pounds of marijuana each day in the transit zones of the Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

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

(3) The Coast Guard must balance asset allocation across 11 statutory missions. As such, the Coast Guard interdicts less than 10 percent of maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America.
(4) In 2017, the Government Accountability Office recommended that the Commandant of the Coast Guard—

(A) develop new performance goals relating to the interdiction of illicit drugs smuggled into the United States, or describe the manner in which existing goals are sufficient;

(B) report such goals to the public;

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

(D) document measurable corrective actions and implementation timeframes with respect to such goals; and

(E) document efforts to monitor implementation of such corrective actions.

(b) Study.—The Secretary of the Department in which the Coast Guard is operating, in coordination with the Secretary of Defense and the heads of other relevant Federal agencies, shall conduct a study in order to identify gaps in resources that contribute to low interdiction rates for maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America despite having actionable intelligence on more than 80 percent of drug movements in the transit zones of the
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Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (b). Such report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2017 through 2019 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.
SEC. 2407. REPORT ON LIABILITY LIMITS SET IN SECTION 1004 OF THE OIL POLLUTION ACT OF 1990.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

(1) Each liability limit set under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), including the statutory or regulatory authority establishing such limit.

(2) If the Commandant determines that any liability limit listed in such section should be modified—

(A) a description of the modification;

(B) a justification for such modification;

and

(C) a recommendation for legislative or regulatory action to achieve such modification.

SEC. 2408. REPORT ON COAST GUARD DEFENSE READINESS RESOURCES ALLOCATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the allocation of resources by the Coast Guard to support its defense readiness mission.

(b) CONTENTS.—The report required by subsection (a) shall include the following elements:

(1) Funding levels allocated by the Coast Guard to support defense readiness missions for each of the past 10 fiscal years.

(2) Funding levels transferred or otherwise provided by the Department of Defense to the Coast Guard in support of the Coast Guard’s defense readiness missions for each of the past 10 fiscal years.

(3) The number of Coast Guard detachments assigned in support of the Coast Guard’s defense readiness mission for each of the past 10 fiscal years.

(c) ASSESSMENT.—In addition to the elements detailed in subsection (b), the report shall include an assessment of the impacts on the Coast Guard’s non-defense mission readiness and operational capabilities due to the annual levels of reimbursement provided by the Department of Defense to compensate the Coast Guard for its expenses to fulfill its defense readiness mission.
SEC. 2409. REPORT ON THE FEASIBILITY OF LIQUEFIED NATURAL GAS FUELED VESSELS.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following:

(1) The feasibility, safety, and cost effectiveness of using liquefied natural gas to fuel new Coast Guard vessels.

(2) The feasibility, safety, and cost effectiveness of converting existing vessels to run on liquefied natural gas fuels.

(3) The operational feasibility of using liquefied natural gas to fuel Coast Guard vessels.

SEC. 2410. COAST GUARD AUTHORITIES STUDY.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of Coast Guard authorities.

(b) ASSESSMENT.—The assessment under subsection (a) shall provide—
(1) an examination of emerging issues that may require Coast Guard oversight, regulation, or action;

(2) a description of potential limitations and shortcomings of relying on current Coast Guard authorities to address emerging issues; and

(3) an overview of adjustments and additions that could be made to existing Coast Guard authorities to fully address emerging issues.

(e) Report to the Congress.—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment under this section.

(d) Emerging Issues.—In this section, the term “emerging issues” means changes in the maritime industry and environment that in the determination of the National Academy of Sciences are reasonably likely to occur within 10 years after the date of the enactment of this Act, including—

(1) the introduction of new technologies in the maritime domain;

(2) the advent of new processes or operational activities in the maritime domain; and
(3) changes in the use of navigable waterways.

(e) FORM.—The assessment required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 2411. REPORT ON EFFECTS OF CLIMATE CHANGE ON COAST GUARD.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on vulnerabilities of Coast Guard installations and requirements resulting from climate change over the next 20 years.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A list of the 10 most vulnerable Coast Guard installations based on the effects of climate change, including rising sea tides, increased flooding, drought, desertification, wildfires, thawing permafrost, or any other categories the Commandant determines necessary.

(2) An overview of—

(A) mitigations that may be necessary to ensure the continued operational viability and
to increase the resiliency of the identified vulnerable installations; and

(B) the cost of such mitigations.

(3) A discussion of the climate-change-related effects on the Coast Guard, including—

(A) the increase in the frequency of humanitarian assistance and disaster relief missions; and

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

(4) An overview of mitigations that may be necessary to ensure mission resiliency and the cost of such mitigations.

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

**SEC. 2412. SHORE INFRASTRUCTURE.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall—

(1) develop a plan to standardize Coast Guard facility condition assessments;

(2) establish shore infrastructure performance goals, measures, and baselines to track the effective-
ness of maintenance and repair investments and provide feedback on progress made;

(3) develop a process to routinely align the Coast Guard shore infrastructure portfolio with mission needs, including disposing of unneeded assets;

(4) establish guidance for planning boards to document inputs, deliberations, and project prioritization decisions for infrastructure maintenance projects;

(5) employ models for Coast Guard infrastructure asset lines for—

(A) predicting the outcome of investments in shore infrastructure;

(B) analyzing tradeoffs; and

(C) optimizing decisions among competing investments;

(6) include supporting details about competing project alternatives and report tradeoffs in congressional budget requests and related reports; and

(7) explore the development of real property management expertise within the Coast Guard workforce, including members of the Senior Executive Service.

(b) BRIEFING.—Not later than December 31, 2020, the Commandant shall brief the Committee on Transpor-
tation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the actions required under subsection (a).

SEC. 2413. COAST GUARD HOUSING; STATUS AND AUTHORITIES BRIEFING.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on Coast Guard housing, including—

(1) a description of the material condition of Coast Guard housing facilities;

(2) the amount of current Coast Guard housing construction and deferred maintenance backlogs;

(3) an overview of the manner in which the Coast Guard manages and maintains housing facilities;

(4) a discussion of whether reauthorizing housing authorities for the Coast Guard similar to those provided in section 208 of the Coast Guard Authorization Act of 1996 (Public Law 104–324); and
(5) recommendations regarding how the Congress could adjust those authorities to prevent mismanagement of Coast Guard housing facilities.

SEC. 2414. PHYSICAL ACCESS CONTROL SYSTEM REPORT.

Not later 180 days after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the status of the Coast Guard’s compliance with Homeland Security Presidential Directive 12 (HSPD–12) and Federal Information Processing Standard 201 (FIPS–201), including—

(1) the status of Coast Guard efforts to field a comprehensive Physical Access Control System at Coast Guard installations and locations necessary to bring the Service into compliance with HSPD–12 and FIPS–201B;

(2) the status of the selection of a technological solution;

(3) the estimated phases and timeframe to complete the implementation of such a system; and

(4) the estimated cost for each phase of the project.
SEC. 2415. STUDY ON CERTIFICATE OF COMPLIANCE INSPECTION PROGRAM WITH RESPECT TO VESSELS THAT CARRY BULK LIQUEFIED GASES AS CARGO AND LIQUEFIED NATURAL GAS TANK VESSELS.

(a) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources, regulations, policies, protocols, and other actions designed to carry out the Coast Guard Certificate of Compliance program with respect to liquefied natural gas tank vessels (including examinations under section 153.808 of title 46, Code of Federal Regulations) and vessels that carry bulk liquefied gases as cargo (including examinations under part 154 of title 46, Code of Federal Regulations) for purposes of maintaining the efficiency of examinations under that program.

(2) CONTENTS.—The report under paragraph (1) shall include an assessment of the adequacy of current Coast Guard resources, regulations, policies,
and protocols to maintain vessel examination efficiency while carrying out the program referred to in paragraph (1) as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase.

(b) National Academies Study.—

(1) In general.—Not later than 6 months after the date on which the report required under subsection (a) is submitted, the Commandant shall enter into an agreement with the National Academies under which the National Academies shall—

(A) conduct an evaluation of the constraints and challenges to maintaining examination efficiency under the program as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase; and

(B) issue recommendations for changes to resources, regulations, policies, and protocols to maintain the efficiency of the program, including analysis of the following alternatives:

(i) Establishment of a Coast Guard marine examination unit near the Panama Canal to conduct inspections under the program on liquefied natural gas tank ves-
sels bound for the United States, similar to Coast Guard operations carried out by Coast Guard Activities Europe and Coast Guard Activities Far East, including the effects of the establishment of such a unit on the domestic aspects of the program.

(ii) Management of all marine examiners with gas carrier qualification within each Coast Guard District by a single Officer in Charge, Marine Inspection (as defined in section 50.10–10 of title 46, Code of Federal Regulations) to improve the efficiency of their vessel examination assignments.

(iii) Extension of the duration of assignment of marine examiners with a gas carrier qualification at Coast Guard units that most frequently inspect vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.

(iv) Increase in the use of civilians to conduct and support examinations under the program.

(v) Extension of the duration of certificates of compliance under the program
for vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels that are less than 10 years of age and participate in a Coast Guard vessel quality program.

SEC. 2416. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON COAST GUARD’S INTERNATIONAL PORT SECURITY PROGRAM.

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the Coast Guard’s International Port Security Program, including the findings, and any recommendations for improvement of the program, of the Comptroller General.

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

(1) review of the actions of the Coast Guard under the Coast Guard’s International Port Security
Program, since 2014, to enhance foreign port inspections;

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

(3) identification and review of the actions the Coast Guard takes to address any deficiencies it observes during visits at foreign ports;

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

(5) review of the extent to which the Coast Guard and United States Customs and Border Protection coordinate efforts to screen and inspect cargo at foreign ports.

SEC. 2417. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON SURGE CAPACITY OF THE COAST GUARD.

(a) GAO REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting for the results of a comprehensive review, conducted by the Comp-
troller General for purposes of the report, on the surge
capacity of the Coast Guard to respond to a catastrophic
incident (such as a hurricane), including the findings, and
any recommendations for improvement, of the Comptroller
General.

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

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

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

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

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

(5) review of the impacts of a surge of the
Coast Guard in response to a catastrophic incident
on the capacity of the Coast Guard to perform its
statutory missions;
(6) review of the capability of the Coast Guard
to surge in response to concurrent or subsequent
catastrophic incidents; and

(7) review and description of existing voluntary
and involuntary deployments of Coast Guard per-
sonnel and assets in support of a United States Cus-
toms and Border Protection response to a national
emergency (as defined in Presidential Proclamation
9844) on the surge capacity of the Coast Guard in
the event of a catastrophic incident.

c) DEFINITIONS.—In this section, the terms “cata-
strophic incident” and “surge capacity” have the meaning
given such terms in section 602 of the Post-Katrina Emer-

SEC. 2418. COMPTROLLER GENERAL OF THE UNITED
STATES REVIEW AND REPORT ON MARINE IN-
SPECTIONS PROGRAM OF COAST GUARD.

(a) GAO REPORT.—Not later than 1 year after the
date of the enactment of this Act, the Comptroller General
of the United States shall submit to the Committee on
Commerce, Science, and Transportation of the Senate and
the Committee on Transportation and Infrastructure of
the House of Representatives a report setting forth the
results of a comprehensive review, conducted by the Com-
troller General for purposes of the report, on the marine
inspections program of the Coast Guard, including the findings, and any recommendations for improvement of the program, of the Comptroller General.

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

(1) an analysis of the demand for marine inspectors;

(2) an identification of the number of fully qualified marine inspectors;

(3) a determination of whether the number of marine inspectors identified in paragraph (2) is sufficient to meet the demand described in paragraph (1);

(4) a review of the enlisted marine inspector workforce compared to the civilian marine inspector workforce and whether there is any discernable distinction or impact between such workforces in the performance of the marine safety mission;

(5) an evaluation of the training continuum of marine inspectors;

(6) a description and review of what actions, if any, the Coast Guard is taking to adapt to the current rise in United States export of crude oil and other fuels, such as implementing a safety inspection regime for barges; and
an analysis of extending tours of duty for marine inspectors and increasing the number of civilian marine inspectors.

SEC. 2419. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON INFORMATION TECHNOLOGY PROGRAM OF COAST GUARD.

(a) GAO REPORT.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the Coast Guard Command, Control, Communications, Computers, Cyber, and Intelligence Service Center, including the findings, and any recommendations for improvement of the program, of the Comptroller General.

(2) Required elements of review.—The review required under paragraph (1) shall include—
(A) analysis of how the Coast Guard manages its information technology program, including information technology acquisitions, to meet its various mission needs and reporting requirements;

(B) analysis of the adequacy of the physical information technology infrastructure within Coast Guard districts, including network infrastructure, for meeting mission needs and reporting requirements;

(C) analysis of whether and, if so, how the Coast Guard—

(i) identifies and satisfies any knowledge and skill requirements; and

(ii) recruits, trains, and develops its information technology personnel;

(D) analysis of whether and, if so, how the Coast Guard separates information technology from operational technology for cybersecurity purposes;

(E) analysis of how the Coast Guard intends to update its Marine Information for Safety and Law Enforcement system, personnel, accounting and other databases, and im-
implement an electronic health records system;

and

(F) analysis of the goals and acquisition strategies for all proposed Coast Guard enterprise-wide cloud computing service procurements.

(b) REVIEW ON CLOUD COMPUTING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed description of the Coast Guard’s strategy to implement cloud computing for the entire Coast Guard, including—

(1) the goals and acquisition strategies for all proposed enterprise-wide cloud computing service procurements;

(2) a strategy to sustain competition and innovation throughout the period of performance of each contract for procurement of cloud-computing goods and services for the Coast Guard, including defining opportunities for multiple cloud-service providers and insertion of new technologies;
(3) an assessment of potential threats and security vulnerabilities of the strategy, and plans to mitigate such risks; and

(4) an estimate of the cost and timeline to implement cloud computing service for all Coast Guard computing.

SEC. 2420. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON ACCESS TO HEALTH CARE BY MEMBERS OF COAST GUARD AND DEPENDENTS.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study that examines access to, experience with, and needs under the TRICARE program of members of the Coast Guard and their dependents.

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

(A) The record of the TRICARE program in meeting the standards for care for primary and specialty care for members of the Coast Guard and dependents of those members, including members stationed in remote units.
(B) The accuracy and update periodicity of lists of providers under the TRICARE program in areas serving Coast Guard families.

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

(D) The availability of providers under the TRICARE program in remote locations, including providers for mental health, juvenile specialty care, dental, and female health.

(E) The access of members of the Coast Guard and dependents of those members to services under the TRICARE program in comparison to the access to such services by personnel of the Department of Defense and dependents of such personnel.

(F) The liaison assistance between members of the Coast Guard and dependents of those members and the TRICARE program provided by the Coast Guard in comparison to such assistance provided by the Department of Defense.

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

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

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

(e) DEFINITIONS.—In this section, the terms “dependent” and “TRICARE program” have the meanings given such terms in section 1072 of title 10, United States Code.
(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the health care system of the Coast Guard.

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

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

(B) The wait times for patients to attain an appointment for urgent care, routine physician care, and dental care.

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

(D) The ability of the Coast Guard to use other medical personnel of the Department of Defense, including physicians and physician assistants, to fill provider vacancies for the Coast Guard.

(E) The barriers, if any, to improving coordination and access to physicians within the health care system of the Department of Defense.

(F) The accessibility and availability of behavioral health medical personnel at clinics of
the Coast Guard, including personnel available
for family counseling, therapy, and other needs.

(G) The staffing models of clinics of the
Coast Guard, including recommendations to
modernize such models.

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

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

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, the Comptroller General shall submit to the Committee on
Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report
containing the findings, conclusions, and recommen-
dations from the study required under sub-
section (a).
(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An identification of the number of members of the Coast Guard and types of units of the Coast Guard serviced by the health care system of the Coast Guard.

(B) An assessment of the ability of the Coast Guard to conduct medical support at outlying units, including remote units.

(C) An assessment of the capacity of the Coast Guard to support surge operations using historical data from the 10-year period preceding the date of the report.

(D) An assessment of the impact to operations of the Coast Guard by extended wait times or travel times to receive care or other issues identified by the report.

(c) RECOMMENDATIONS.—Not later than 90 days after the date on which the report is submitted under subsection (b), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written recommendations for medical staffing standards for the Coast Guard based on each finding and conclusion contained in the report.
tained in the report, including recommendations for health
service technicians, flight surgeons, physician assistants,
dentists, dental hygienists, family advocate services, phar-
maceutists, and administrators, and other recommendations,
as appropriate.

SEC. 2422. REPORT ON FAST RESPONSE CUTTERS, OFF-
SHORE PATROL CUTTERS, AND NATIONAL SE-
CURITY CUTTERS.

(a) IN GENERAL.—Not later than 90 days after the
date of the enactment of this Act, the Commandant shall
submit to the Committee on Commerce, Science, and
Transportation of the Senate and the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives a report on the combination of Fast Response
Cutters, Offshore Patrol Cutters, and National Security
Cutters necessary to carry out Coast Guard missions.

(b) ELEMENTS.—The report required by subsection
(a) shall include—

(1) an updated cost estimate for each type of
cutter described in such subsection; and

(2) a cost estimate for a Sensitive Compart-
mented Information Facility outfitted to manage
data in a manner equivalent to the National Security
Cutter Sensitive Compartmented Information Facili-
ties.
Subtitle E—Coast Guard Academy Improvement Act

SEC. 2501. SHORT TITLE.
This subtitle may be cited as the “Coast Guard Academy Improvement Act”.

SEC. 2502. COAST GUARD ACADEMY STUDY.
(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration not later than 60 days after the date of enactment of the this Act under which the National Academy of Public Administration shall—

(1) conduct an assessment of the cultural competence of the Coast Guard Academy as an organization and of individuals at the Coast Guard Academy to carry out effectively the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code, when interacting with individuals of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, or from different geographic origins; and

(2) issue recommendations based upon the findings in such assessment.

(b) ASSESSMENT OF CULTURAL COMPETENCE.—
(1) CULTURAL COMPETENCE OF THE COAST
GUARD ACADEMY.—The arrangement described in
subsection (a) shall require the National Academy of
Public Administration to, not later than 1 year after
entering into an arrangement with the Secretary
under subsection (a), submit to the Committee on
Transportation and Infrastructure of the House of
Representatives and the Committee on Commerce,
Science, and Transportation of the Senate the as-
essment described under subsection (a)(1).

(2) ASSESSMENT SCOPE.—The assessment de-
scribed under subsection (a)(1) shall—

(A) describe the level of cultural com-
petence described in subsection (a)(1) based on
the National Academy of Public Administra-
tion’s assessment of the Coast Guard Acad-
emy’s relevant practices, policies, and struc-
tures, including an overview of discussions with
faculty, staff, students, and relevant Coast
Guard Academy affiliated organizations;

(B) examine potential changes which could
be used to further enhance such cultural com-
petence by—

(i) modifying institutional practices,
policies, and structures; and
(ii) any other changes deemed appropriate by the National Academy of Public Administration; and

(C) make recommendations to enhance the cultural competence of the Coast Guard Academy described in subparagraph (A), including any specific plans, policies, milestones, performance measures, or other information necessary to implement such recommendations.

(c) Final Action Memorandum.—Not later than 6 months after submission of the assessment under subsection (b)(1), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a final action memorandum in response to all recommendations contained in the assessment. The final action memorandum shall include the rationale for accepting, accepting in part, or rejecting each recommendation, and shall specify, where applicable, actions to be taken to implement such recommendations, including an explanation of how each action enhances the ability of the Coast Guard to carry out the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code.
(d) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of the submission of the final action memorandum required under subsection (c), the Commandant, in coordination with the Chief Human Capital Officer of the Department of Homeland Security, shall submit a plan to carry out the recommendations or the parts of the recommendations accepted in the final action memorandum to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) STRATEGY WITH MILESTONES.—If any recommendation or parts of recommendations accepted in the final action memorandum address any of the following actions, then the plan required in paragraph (1) shall include a strategy with appropriate milestones to carry out such recommendations or parts of recommendations:

(A) Improve outreach and recruitment of a more diverse Coast Guard Academy cadet candidate pool based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.
(B) Modify institutional structures, practices, and policies to foster a more diverse cadet corps body, faculty, and staff workforce based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(C) Modify existing or establish new policies and safeguards to foster the retention of cadets, faculty, and staff of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, and geographic origins at the Coast Guard Academy.

(D) Restructure the admissions office of the Coast Guard Academy to be headed by a civilian with significant relevant higher education recruitment experience.

(3) IMPLEMENTATION.—Unless otherwise directed by an Act of Congress, the Commandant shall begin implementation of the plan developed under this subsection not later than 180 days after the submission of such plan to Congress.

(4) UPDATE.—The Commandant shall include in the first annual report required under chapter 51 of title 14, United States Code, as amended by this division, submitted after the date of enactment of
this section, the strategy with milestones required in paragraph (2) and shall report annually thereafter on actions taken and progress made in the implementation of such plan.

SEC. 2503. ANNUAL REPORT.

Chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

“§ 5111. Report on diversity at Coast Guard Academy

“(a) In general.—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) Contents.—The report required under subsection (a) shall include—

“(1) the status of the implementation of the plan required under section 2502 of the Elijah E. Cummings Coast Guard Authorization Act of 2020;

“(2) specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy minority outreach team program described under section 1905 and of outreach and recruitment activities
in the territories and other possessions of the United States;

“(3) enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

“(4) information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

“(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty; and

“(6) a summary of reported allegations of discrimination on the basis of race, color, national origin, sex, gender, or religion for the preceding 5 years.”.

SEC. 2504. ASSESSMENT OF COAST GUARD ACADEMY AD- MISSION PROCESSES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration under which the National Academy of Public Administration shall, not later than 1 year after
submitting an assessment under section 2502(a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard Academy admissions process.

(b) Assessment Scope.—The assessment required to be sought under subsection (a) shall, at a minimum, include—

(1) a study, or an audit if appropriate, of the process the Coast Guard Academy uses to—

(A) identify candidates for recruitment;
(B) recruit applicants;
(C) assist applicants in the application process;
(D) evaluate applications; and
(E) make admissions decisions;

(2) discussion of the consideration during the admissions process of diversity, including—

(A) race;
(B) ethnicity;
(C) gender;
(D) religion;
(E) sexual orientation;
(F) socioeconomic background; and
(G) geographic origin;

(3) an overview of the admissions processes at other Federal service academies, including—

(A) discussion of consideration of diversity, including any efforts to attract a diverse pool of applicants, in those processes; and

(B) an analysis of how the congressional nominations requirement in current law related to military service academies and the Merchant Marine Academy impacts those processes and the overall demographics of the student bodies at those academies;

(4) a determination regarding how a congressional nominations requirement for Coast Guard Academy admissions could impact diversity among the student body and the ability of the Coast Guard to carry out effectively the Service’s primary duties described in section 102 of title 14, United States Code; and

(5) recommendations for improving Coast Guard Academy admissions processes, including whether a congressional nominations process should be integrated into such processes.
SEC. 2505. COAST GUARD ACADEMY MINORITY OUTREACH TEAM PROGRAM.

(a) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended by inserting after section 1904 (as amended by this division) the following:

“§ 1905. Coast Guard Academy minority outreach team program

“(a) IN GENERAL.—There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the ‘Program’) under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.

“(b) ADMINISTRATION.—Not later than January 1, 2021, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things—

“(1) overseeing administration of the Program;

“(2) serving as a resource to volunteers and outside stakeholders;
“(3) advising Academy leadership on recruitment and retention efforts based on recommendations from volunteers and outside stakeholders;

“(4) establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and

“(5) reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is further amended by inserting after the item relating to section 1904 (as amended by this division) the following:

“1905. Coast Guard Academy minority outreach team program.”.

SEC. 2506. COAST GUARD COLLEGE STUDENT PRE-COMMISSIONING INITIATIVE.

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

“§2131. College student pre-commissioning initiative

“(a) IN GENERAL.—There is authorized within the Coast Guard a college student pre-commissioning initiative program (in this section referred to as the ‘Program’) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.
“(b) CRITERIA FOR SELECTION.—To be eligible for the Program a student must meet the following requirements upon submitting an application:

“(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the Program selection panel selecting such student convenes.

“(2) CHARACTER.—

“(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

“(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded non-judicial punishment, or did not meet performance or character requirements set forth by the Commandant.

“(3) CITIZENSHIP.—A student must be a United States citizen.

“(4) CLEARANCE.—A student must be eligible for a secret clearance.
“(5) DEPENDENCY.—

“(A) IN GENERAL.—A student may not have more than 2 dependents.

“(B) SOLE CUSTODY.—A student who is single may not have sole or primary custody of dependents.

“(6) EDUCATION.—

“(A) INSTITUTION.—A student must be an undergraduate sophomore or junior—

“(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

“(ii) an undergraduate sophomore or junior enrolled at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that, at the time of application of the sophomore or junior, has had for 3 consecutive years an enrollment of undergraduate full-time equivalent students (as defined in section 312(e) of such Act (20
U.S.C. 1058(e)) that is a total of at least 50 percent Black American, Hispanic, Asian American (as defined in section 371(c) of such Act (20 U.S.C. 1067q(c))), Native American Pacific Islander (as defined in such section), or Native American (as defined in such section), among other criteria, as determined by the Commandant.

“(B) LOCATION.—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

“(C) RECORDS.—A student must meet credit and grade point average requirements set forth by the Commandant.

“(7) MEDICAL AND ADMINISTRATIVE.—A student must meet other medical and administrative requirements as set forth by the Commandant.

“(c) ENLISTMENT AND OBLIGATION.—Individuals selected and accept to participate in the Program shall enlist in the Coast Guard in pay grade E–3 with a 4-year duty obligation and 4-year inactive Reserve obligation.
“(d) Military Activities Prior to Officer Candidate School.—Individuals enrolled in the Program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

“(e) Participation in Officer Candidate School.—Each graduate of the Program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate’s graduation.

“(f) Commissioning.—Upon graduation from Officer Candidate School, Program graduates shall be discharged from enlisted status and commissioned as an O–1 with an initial 3-year duty obligation.

“(g) Briefing.—

“(1) In general.—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Program.

“(2) Contents.—The briefing required under paragraph (1) shall describe—

“(A) outreach and recruitment efforts over the previous year; and
“(B) demographic information of enrollees including—

“(i) race;
“(ii) ethnicity;
“(iii) gender;
“(iv) geographic origin; and
“(v) educational institution.”.

(b) CLERICAL AMENDMENT.—The analysis chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2130 (as added by this division) the following:

“2131. College student pre-commissioning initiative.”.

SEC. 2507. ANNUAL BOARD OF VISITORS.

Section 1903(d) of title 14, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) recruitment and retention, including diversity, inclusion, and issues regarding women specifically.”.
SEC. 2508. HOMELAND SECURITY ROTATIONAL CYBERSECURITY RESEARCH PROGRAM AT COAST GUARD ACADEMY.

(a) IN GENERAL.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PROGRAM.

“To enhance the Department’s cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

“(1) detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communications integration center authorized by section 2209) of Coast Guard Academy graduates and faculty; and

“(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

“(A) the Agency (including the center);

“(B) the Directorate of Science and Technology; or

“(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.”.”
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end of the items relating to subtitle E of such Act the following: “Sec. 846. Rotational cybersecurity research program.”.

Subtitle F—Other Matters

SEC. 2601. STRATEGY ON LEADERSHIP OF COAST GUARD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and make available to the public a strategy to improve leadership development in the Coast Guard, including mechanisms to address counterproductive leadership in the Coast Guard.

(b) ELEMENTS.—The strategy shall include the following:

(1) Mechanisms to foster positive and productive leadership qualities in emerging Coast Guard leaders, beginning, at minimum, members at grade O–2 for officers, members at grade E–6 for enlisted members, and members training to become an officer in charge.

(2) Mechanisms for the ongoing evaluation of unit commanders, including identification of counterproductive leadership qualities in commanders.
(3) Formal training on the recognition of counterproductive leadership qualities (in self and others), including at leadership seminars and school houses in the Coast Guard, including means to correct such qualities.

(4) Clear and transparent policies on standards for command climate, leadership qualities, and inclusion.

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

(6) Policy and procedures for commanders to identify and hold accountable counterproductive leaders.

c) COUNTERPRODUCTIVE LEADERSHIP DEFINED.—In this section, the term “counterproductive leadership” has the meaning given that term for purposes of Army Doctrine Publication 6–22.

SEC. 2602. EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT; DEPENDENTS OF MEMBERS OF THE COAST GUARD.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault per-
petrated by a member of the Armed Forces who is not related to the victim.

SEC. 2603. ACCESS TO RESOURCES DURING CREOSOTE-RELATED BUILDING CLOSURES AT COAST GUARD BASE SEATTLE, WASHINGTON.

(a) In General.—With respect to the creosote-related building closures at Coast Guard Base Seattle, Washington, the Commandant shall, to the maximum extent practicable, enter into 1 or more agreements or otherwise take actions to secure access to resources, including a gym, that are not otherwise available to members of the Coast Guard during such closures.

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

SEC. 2604. SOUTHERN RESIDENT ORCA CONSERVATION AND ENFORCEMENT.

(a) Report and Action Plan on Orca Enforcement Opportunities.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to Congress a report on Coast Guard efforts to enforce southern resident orca vessel buffer zones and other vessel-related regulations in...
Puget Sound in coordination with existing Coast Guard fisheries enforcement, maritime domain awareness, the Be Whale Wise campaign, and other related missions. Such report shall include recommendations on what resources, appropriations, and assets are needed to meet orca conservation and related fisheries enforcement targets in the 13th Coast Guard District within one year of the date of enactment of this Act.

(b) SOUTHERN RESIDENT ORCAS.—The Commandant, in coordination with the Under Secretary of Commerce for Oceans and Atmosphere, shall undertake efforts to reduce vessel noise impacts on Southern resident orcas in Puget Sound, the Salish Sea, and the Strait of Juan de Fuca.

c) PROGRAM.—

(1) IN GENERAL.—The Commandant shall—

(A) support the development, implementation, and enforcement of commercial vessel noise reduction measures that are technically feasible and economically achievable;

(B) establish procedures for timely communication of information to commercial vessel operators regarding orca sightings in Puget Sound and make navigational safety rec-
ommendations in accordance with the Cooperative Vessel Traffic Service Agreement; and

(C) collaborate on studies or trials analyzing vessel noise impacts on Southern resident orcas.

(2) VESSEL NOISE IMPACTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall assess vessel noise impacts on Southern resident orcas in the program area and make recommendations to reduce that noise and noise related impacts to Southern resident orcas to the Commandant.

(3) COORDINATION.—In carrying out this section, the Commandant shall coordinate with Canadian agencies affiliated with the Enhancing Cetacean Habitat and Observation (ECHO) program and other international organizations as appropriate.

(4) CONSULTATION.—In carrying out this section, the Commandant and the Undersecretary of Commerce for Oceans and Atmosphere shall consult with State, local, and Tribal governments and maritime industry and conservation stakeholders including ports, higher education institutions, and non-governmental organizations.
SEC. 2605. SENSE OF CONGRESS AND REPORT ON IMPLEMENTATION OF POLICY ON ISSUANCE OF WARRANTS AND SUBPOENAS AND WHISTLEBLOWER PROTECTIONS BY AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

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

(1) Coast Guard components with investigative authority should exercise such authority with due respect for the rights of whistleblowers; and

(2) the Commandant should—

(A) ensure compliance with the legal requirements intended to protect whistleblowers;

(B) seek to shield the disclosure of the identities of whistleblowers; and

(C) create an environment in which whistleblowers do not fear reprisal for reporting misconduct.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy of the Coast Guard on the issuance of warrants and subpoenas and
whistleblower protections by agents of the Coast Guard Investigative Service.

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

(1) A discussion of current and any new policy of the Coast Guard on the issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service, including Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02, and the differences between such current policies and new policies.

(2) A plan (including milestones) for the implementation of the following:

(A) Incorporation of Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02 into the next revision of the relevant Coast Guard investigative manual.

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

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

(ii) Personnel of the Office of General Law.
(iii) Relevant Coast Guard headquarters personnel.

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

SEC. 2606. INSPECTOR GENERAL REPORT ON ACCESS TO EQUAL OPPORTUNITY ADVISORS AND EQUAL EMPLOYMENT OPPORTUNITY SPECIALISTS.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the inspector general of the department in which the Coast Guard is operating shall conduct a study and develop recommendations on the need to separate Equal Opportunity Advisors and Equal Employment Opportunity Specialists, as practicable, through the pre-complaint and formal discrimination complaint processes, for the complainant, the opposing party, and the commanding officers and officers in charge.

(b) Briefing.—Not later than 30 days after the completion of the study required by subsection (a), the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the manner in which the Coast Guard plans to implement the recommendations developed as a result of the study.
SEC. 2607. INSIDER THREAT PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to expand the Coast Guard Insider Threat Program to include the monitoring of all Coast Guard devices, including mobile devices.

TITLE III—MARITIME
Subtitle A—Navigation

SEC. 3101. ELECTRONIC CHARTS; EQUIVALENCY.

(a) REQUIREMENTS.—Section 3105(a)(1) of title 46, United States Code, is amended to read as follows:

“(1) ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, equipped with and operating electronic navigational charts that are produced by a government hydrographic office or conform to a standard acceptable to the Secretary, shall be deemed in compliance with any requirement under title 33 or title 46, Code of Federal Regulations, to have a chart, marine chart, or map on board such vessel:
“(A) A self-propelled commercial vessel of at least 65 feet in overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.”.

(b) Exemptions and Waivers.—Section 3105(a)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A), by striking “operates; and” and inserting “operates;”;

(2) in subparagraph (B), by striking “those waters.” and inserting “those waters; and”; and

(3) by adding at the end the following:

“(C) permit vessels described in subparagraphs (A) through (D) of paragraph (1) that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary
scale and detail to ensure safe navigation for
the intended voyage.”.

SEC. 3102. SUBROGATED CLAIMS.
(a) IN GENERAL.—Section 1012(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(b)) is amended—
(1) by striking “The” and inserting the following:
“(1) IN GENERAL.—The”; and
(2) by adding at the end the following:
“(2) SUBROGATED RIGHTS.—Except for a guarantor claim pursuant to a defense under section 1016(f)(1), Fund compensation of any claim by an insurer or other indemnifier of a responsible party or injured third party is subject to the subrogated rights of that responsible party or injured third party to such compensation.”.
(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3103. LOAN PROVISIONS UNDER OIL POLLUTION ACT OF 1990.
(a) IN GENERAL.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by striking subsection (f).
(b) CONFORMING AMENDMENTS.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) in paragraph (4), by adding “and” after the semicolon at the end;

(2) in paragraph (5)(D), by striking “; and” and inserting a period; and

(3) by striking paragraph (6).

SEC. 3104. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “, technology,” after “research”; and

(B) in paragraph (2)—

(i) by striking “this subsection” and inserting “paragraph (1)”;

(ii) by striking “which are effective in preventing or mitigating oil discharges and which” and inserting “and methods that are effective in preventing, mitigating, or restoring damage from oil discharges and that”;
(C) in paragraph (3) by striking “this subsection” and inserting “paragraph (1)” each place it appears;

(D) in subparagraph (A) of paragraph (4)—

(i) by striking “oil discharges. Such program shall” and inserting “acute and chronic oil discharges on coastal and marine resources (including impacts on protected areas such as sanctuaries) and protected species, and such program shall”;

(ii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii) the following:

“(iii) Research to understand and quantify the effects of sublethal impacts of oil discharge on living natural marine resources, including impacts on pelagic fish species, marine mammals, and commercially and recreationally targeted fish and shellfish species.”; and

(iv) by adding at the end the following:
“(vi) Research to understand the long-term effects of major oil discharges and the long-term effects of smaller endemic oil discharges.

“(vii) The identification of potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude.

“(viii) The development of methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges.”;

(E) in paragraph (5) by striking “this subsection” and inserting “paragraph (1)”;

(F) by striking paragraph (7) and inserting the following:

“(7) SIMULATED ENVIRONMENTAL TESTING.—

“(A) IN GENERAL.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in New Jersey for oil pollution technology testing and evaluations.
“(B) Other testing facilities.—Nothing in subparagraph (A) shall be construed as limiting the ability of the Interagency Committee to contract or partner with a facility or facilities other than the Center described in subparagraph (A) for the purpose of oil pollution technology testing and evaluations, provided such a facility or facilities have testing and evaluation capabilities equal to or greater than those of such Center.

“(C) In-kind contributions.—

“(i) In general.—The Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency may accept donations of crude oil and crude oil product samples in the form of in-kind contributions for use by the Federal Government for product testing, research and development, and for other purposes as the Secretary and the Administrator determine appropriate.

“(ii) Use of donated oil.—Oil accepted under clause (i) may be used directly by the Secretary and shall be pro-
vided to other Federal agencies or departments through interagency agreements to carry out the purposes of this Act.”;

(G) in paragraph (8)—

(i) in subparagraph (A), by striking “subsection (b)” and inserting “subsection (d)”;

(ii) in subparagraph (D)(iii), by striking “subsection (b)(1)(F)” and inserting “subsection (d)”;

(H) in paragraph (10)—

(i) by striking “this subsection” and inserting “paragraph (1)”;

(ii) by striking “agencies represented on the Interagency Committee” and inserting “Under Secretary”; 

(iii) by inserting “, and States and Indian tribes” after “other persons”; and

(iv) by striking “subsection (b)” and inserting “subsection (d)”;

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

(3) in subsection (e), by striking “Chairman of the Interagency Committee” and inserting “Chair”;
(4) in subsection (f), by striking “subsection (e)(8)” each place it appears and inserting “subsection (e)(8)”;

(5) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively; and

(6) by striking subsections (a) and (b) and inserting the following:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chair’ means the Chairperson of the Interagency Committee designated under subsection (c)(2);

“(2) the term ‘Commandant’ means the Commandant of the Coast Guard;

“(3) the term ‘institution of higher education’ means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(4) the term ‘Interagency Committee’ means the Interagency Coordinating Committee on Oil Pollution Research established under subsection (b);

“(5) the term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere; and
“(6) the term ‘Vice Chair’ means the Vice Chairperson of the Interagency Committee designated under subsection (c)(3).

“(b) Establishment of Interagency Coordinating Committee on Oil Pollution Research.—

“(1) Establishment.—There is established an Interagency Coordinating Committee on Oil Pollution Research.

“(2) Purpose.—The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

“(c) Membership.—

“(1) Composition.—The Interagency Committee shall be composed of—

“(A) at least 1 representative of the Coast Guard;

“(B) at least 1 representative of the National Oceanic and Atmospheric Administration;
“(C) at least 1 representative of the Environmental Protection Agency;

“(D) at least 1 representative of the Department of the Interior;

“(E) at least 1 representative of the Bureau of Safety and Environmental Enforcement;

“(F) at least 1 representative of the Bureau of Ocean Energy Management;

“(G) at least 1 representative of the United States Fish and Wildlife Service;

“(H) at least 1 representative of the Department of Energy;

“(I) at least 1 representative of the Pipeline and Hazardous Materials Safety Administration;

“(J) at least 1 representative of the Federal Emergency Management Agency;

“(K) at least 1 representative of the Navy;

“(L) at least 1 representative of the Corps of Engineers;

“(M) at least 1 representative of the United States Arctic Research Commission; and

“(N) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate.
“(2) CHAIRPERSON.—The Commandant shall designate a Chairperson from among the members of the Interagency Committee selected under paragraph (1)(A).

“(3) VICE CHAIRPERSON.—The Under Secretary shall designate a Vice Chairperson from among the members of the Interagency Committee selected under paragraph (1)(B).

“(4) MEETINGS.—

“(A) QUARTERLY MEETINGS.—At a minimum, the members of the Interagency Committee shall meet once each quarter.

“(B) PUBLIC SUMMARIES.—After each meeting, a summary shall be made available by the Chair or Vice Chair, as appropriate.

“(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

“(1) RESEARCH.—The Interagency Committee shall—

“(A) coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, States, Indian tribes, and other countries, as appropriate; and
“(B) foster cost-effective research mechanisms, including the joint funding of research and the development of public-private partnerships for the purpose of expanding research.

“(2) OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.—

“(A) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Interagency Committee shall submit to Congress a research plan to report on the state of oil discharge prevention and response capabilities that—

“(i) identifies current research programs conducted by Federal agencies, States, Indian tribes, 4-year institutions of higher education, and corporate entities;

“(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies and effects of oil pollution on the environment;

“(iii) identifies significant oil pollution research gaps, including an assessment of major technological deficiencies in responses to past oil discharges;
“(iv) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

“(v) assesses the research on the applicability and effectiveness of the prevention, response, and mitigation technologies to each class of oil;

“(vi) estimates the resources needed to conduct the oil pollution research and development program established pursuant to subsection (e), and timetables for completing research tasks;

“(vii) summarizes research on response equipment in varying environmental conditions, such as in currents, ice cover, and ice floes; and

“(viii) includes such other information or recommendations as the Interagency Committee determines to be appropriate.

“(B) ADVICE AND GUIDANCE.—

“(i) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Chair, through the department in which the Coast Guard
is operating, shall contract with the National Academy of Sciences to—

“(I) provide advice and guidance in the preparation and development of the research plan;

“(II) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment; and

“(III) provide organization guidance regarding the implementation of the research plan, including delegation of topics and research among Federal agencies represented on the Interagency Committee.

“(ii) NIST ADVICE AND GUIDANCE.—

The National Institute of Standards and Technology shall provide the Interagency Committee with advice and guidance on issues relating to quality assurance and standards measurements relating to its activities under this section.

“(C) 10-YEAR UPDATES.—Not later than 10 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization
Act of 2020, and every 10 years thereafter, the Interagency Committee shall submit to Congress a research plan that updates the information contained in the previous research plan submitted under this subsection.”.

SEC. 3105. LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), a contract for the containment or removal of a discharge entered into by the President under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) shall contain a provision to indemnify a contractor for liabilities and expenses incidental to the containment or removal arising out of the performance of the contract that is substantially identical to the terms contained in subsections (d) through (h) of section H.4 (except for paragraph (1) of subsection (d)) of the contract offered by the Coast Guard in the solicitation numbered DTCG89–98–A–68F953 and dated November 17, 1998.

(b) REQUIREMENTS.—

(1) SOURCE OF FUNDS.—The provision required under subsection (a) shall include a provision that the obligation to indemnify is limited to funds available in the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue
Code of 1986 at the time the claim for indemnity is made.

(2) UNCOMPENSATED REMOVAL.—A claim for indemnity under a contract described in subsection (a) shall be made as a claim for uncompensated removal costs under section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)).

(3) LIMITATION.—The total indemnity for a claim under a contract described in subsection (a) may not be more than $50,000 per incident.

(c) APPLICABILITY OF EXEMPTIONS.—Notwithstanding subsection (a), the United States shall not be obligated to indemnify a contractor for any act or omission of the contractor carried out pursuant to a contract entered into under this section where such act or omission is grossly negligent or which constitutes willful misconduct.

Subtitle B—Shipping

SEC. 3201. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS; APPLICATION.

Section 3507(k)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by adding “and” after the semicolon at the end;
(2) in subparagraph (C), by striking “; and” and inserting a period; and
(3) by striking subparagraph (D).

SEC. 3202. SMALL PASSENGER VESSELS AND UNINSPECTED PASSENGER VESSELS.

Section 12121 of title 46, United States Code, is amended—

(1) in subsection (a)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) was built in the United States;
“(B) was not built in the United States and is at least 3 years old; or
“(C) if rebuilt, was rebuilt—
“(i) in the United States; or
“(ii) outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.”; and

(2) in subsection (b), by inserting “12132,” after “12113,”.

SEC. 3203. NON-OPERATING INDIVIDUAL.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall not enforce section 8701 of title 46, United States Code, with respect to the following:
(1) A vessel with respect to individuals, other than crew members required by the Certificate of Inspection or to ensure the safe navigation of the vessel and not a member of the steward’s department, engaged on board for the sole purpose of carrying out spill response activities, salvage, marine firefighting, or commercial diving business or functions from or on any vessel, including marine firefighters, spill response personnel, salvage personnel, and commercial divers and diving support personnel.

(2) An offshore supply vessel, an industrial vessel (as such term is defined in section 90.10–16 of title 46, Code of Federal Regulations), or other similarly engaged vessel with respect to persons engaged in the business of the ship on board the vessel—

(A) for—

(i) supporting or executing the industrial business or function of the vessel;

(ii) brief periods to conduct surveys or investigations, assess crew competence, conduct vessel trials, provide extraordinary security resources, or similar tasks not traditionally performed by the vessel crew; or

(iii) performing maintenance tasks on equipment under warranty, or on equip-
ment not owned by the vessel owner, or
maintenance beyond the capability of the
vessel crew to perform; and
(B) not the master or crew members re-
quired by the certificate of inspection and not
a member of the steward’s department.

(b) SUNSET.—The prohibition in subsection (a) shall
terminate on the date that is 2 years after the date of
the enactment of this Act.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the
Commandant shall submit to the Committee on
Commerce, Science, and Transportation of the Sen-
ate and the Committee on Transportation and Infra-
structure of the House of Representatives a report
detailing recommendations to ensure that personnel
working on a vessel who perform work or operate
equipment on such vessel not related to the oper-
ation of the vessel itself undergo a background check
and the appropriate training necessary to ensure
personnel safety and the safety of the vessel’s crew.

(2) CONTENTS.—The report required under
paragraph (1) shall include, at a minimum, a discus-
sion of—
(A) options and recommendations for ensuring that the individuals covered by subsection (a) are appropriately screened to mitigate security and safety risks, including to detect substance abuse;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and relevant stakeholders regarding the development of processes and requirements for conducting background checks and ensuring such individuals receive basic safety familiarization and basic safety training approved by the Coast Guard;

(C) any identified legislative changes necessary to implement effective training and screening requirements for individuals covered by subsection (a); and

(D) the timeline and milestones for implementing such requirements.

SEC. 3204. CONFORMING AMENDMENTS: TRAINING; PUBLIC SAFETY PERSONNEL.

Chapter 701 of title 46, United States Code, is amended—

(1) in section 70107—
(A) in subsection (a), by striking "law enforcement personnel" and inserting "public safety personnel";

(B) in subsection (b)(8), by striking "law enforcement personnel—" and inserting "public safety personnel—"; and

(C) in subsection (e)(2)(C), by striking "law enforcement agency personnel" and inserting "public safety personnel"; and

(2) in section 70132—

(A) in subsection (a), by striking "law enforcement personnel—" and inserting "public safety personnel—";

(B) in subsection (b), by striking "law enforcement personnel" each place it appears and inserting "public safety personnel"; and

(C) by adding at the end the following:

“(d) PUBLIC SAFETY PERSONNEL DEFINED.—For the purposes of this section, the term ‘public safety personnel’ includes any Federal, State (or political subdivision thereof), territorial, or Tribal law enforcement officer, firefighter, or emergency response provider.”.

SEC. 3205. MARITIME TRANSPORTATION ASSESSMENT.

Section 55501(e) of title 46, United States Code, is amended—
(1) in paragraph (2), by striking “an assessment of the condition” and inserting “a conditions and performance analysis”;

(2) in paragraph (4), by striking “; and” and inserting a semicolon;

(3) in paragraph (5), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(6) a compendium of the Federal programs engaged in the maritime transportation system.”.

SEC. 3206. ENGINE CUT-OFF SWITCHES; USE REQUIREMENT.

(a) IN GENERAL.—Section 4312 of title 46, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

““(b) USE REQUIREMENT.—

“(1) IN GENERAL.—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.

“(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply if—
“(A) the main helm of the covered vessel is installed within an enclosed cabin; or

“(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).”.

(b) CIVIL PENALTY.—Section 4311 of title 46, United States Code, is amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) inserting after subsection (b) the following:

“(c) A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—

“(1) $100 for the first offense;

“(2) $250 for the second offense; and

“(3) $500 for any subsequent offense.”.

(c) EFFECTIVE DATE.—The amendments made in subsections (a) and (b) shall take effect 90 days after the date of the enactment of this section, unless the Commandant, prior to the date that is 90 days after the date of the enactment of this section, determines that the use requirement enacted in subsection (a) would not promote recreational boating safety.
SEC. 3207. AUTHORITY TO WAIVE OPERATOR OF SELF-PROPELLED UNINSPECTED PASSENGER VESSEL REQUIREMENTS.

Section 8905 of title 46, United States Code, is amended by adding at the end the following:

“(c) After consultation with the Governor of Alaska and the State boating law administrator of Alaska, the Secretary may exempt an individual operating a self-propelled uninspected passenger vessel from the requirements of section 8903 of this title, if—

“(1) the individual only operates such vessel wholly within waters located in Alaska; and

“(2) such vessel is—

“(A) 26 feet or less in length; and

“(B) carrying not more than 6 passengers.”.

SEC. 3208. EXEMPTIONS AND EQUIVALENTS.

(a) IN GENERAL.—Section 4305 of title 46, United States Code, is amended—

(1) by striking the heading and inserting the following:

“§ 4305. Exemptions and equivalents”;

(2) by striking “If the Secretary” and inserting the following:

“(a) EXEMPTIONS.—If the Secretary”;

and

(3) by adding at the end the following:
“(b) EQUIVALENTS.—The Secretary may accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 43 of title 46, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

“4305. Exemptions and equivalents.”.

SEC. 3209. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(a) of title 46, United States Code, is amended—

(1) by striking “On request” and inserting the following:

“(1) IN GENERAL.—On request”; and

(2) by adding at the end the following:

“(2) EXPLANATION.—Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a written explanation of the circumstances requiring such a waiver in the interest of national defense, including
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a confirmation that there are insufficient qualified vessels to meet the needs of national defense without such a waiver.”.

SEC. 3210. RENEWAL OF MERCHANT MARINER LICENSES AND DOCUMENTS.

Not later than 60 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the Coast Guard’s implementation of section 7106 of title 46, United States Code—

(1) an overview of the manner in which the Coast Guard manages and processes renewal applications under such section, including communication with the applicant regarding application status;

(2) the number of applications received and approved over the previous 2 years, or in the event applications were denied, a summary detailing the reasons for such denial;

(3) an accounting of renewal applications filed up to 8 months in advance of the expiration of a pre-existing license, including the processing of such applications and communication with the applicant.
regarding application status or any other extenuating circumstances; and

(4) any other regulatory or statutory changes that would be necessary to further improve the Coast Guard’s issuance of credentials to fully qualified mariners in the most effective and efficient manner possible in order to ensure a safe, secure, economically and environmentally sound marine transportation system.

SEC. 3211. CERTIFICATE EXTENSIONS.

(a) IN GENERAL.—Subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

“§ 12108. Authority to extend duration of vessel certificates

“(a) CERTIFICATES.—Provided a vessel is in compliance with inspection requirements in section 3313, the Secretary of the department in which in the Coast Guard is operating may, if the Secretary makes the determination described in subsection (b), extend, for a period of not more than 1 year, an expiring certificate of documentation issued for a vessel under chapter 121.

“(b) DETERMINATION.—The determination referred to in subsection (a) is a determination that such extension is required to enable the Coast Guard to—
“(1) eliminate a backlog in processing applications for such certificates; or

“(2) act in response to a national emergency or natural disaster.

“(c) MANNER OF EXTENSION.—Any extension granted under this section may be granted to individual vessels or to a specifically identified group of vessels.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

“12108. Authority to extend duration of vessel certificates.”.

SEC. 3212. VESSEL SAFETY STANDARDS.

(a) FISHING SAFETY TRAINING GRANTS PROGRAM.—Subsection (i) of section 4502 of title 46, United States Code, is amended—

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

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

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Subsection (j) of such section is amended—

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

(2) in paragraph (4), by striking “2019” and inserting “2021”.
(c) FISHING SAFETY GRANTS.—The cap on the Federal share of the cost of any activity carried out with a grant under subsections (i) and (j) of section 4502 of title 46, United States Code, as in effect prior to the date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, shall apply to any funds appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) for the purpose of making such grants.

SEC. 3213. MEDICAL STANDARDS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§ 3509. Medical standards

"The owner of a vessel to which section 3507 applies shall ensure that—

"(1) a physician is always present and available to treat any passengers who may be on board the vessel in the event of an emergency situation;

"(2) the vessel is in compliance with the Health Care Guidelines for Cruise Ship Medical Facilities established by the American College of Emergency Physicians; and

"(3) the initial safety briefing given to the passengers on board the vessel includes—
"(A) the location of the vessel’s medical facilities; and

"(B) the appropriate steps passengers should follow during a medical emergency."

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"3509. Medical standards."

Subtitle C—Advisory Committees

SEC. 3301. ADVISORY COMMITTEES.

(a) NATIONAL OFFSHORE SAFETY ADVISORY COMMITTEE; REPRESENTATION.—Section 15106(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (C), by striking “mineral and oil operations, including geophysical services” and inserting “operations”;

(2) in subparagraph (D), by striking “exploration and recovery”;

(3) in subparagraph (E), by striking “engaged in diving services related to offshore construction, inspection, and maintenance” and inserting “providing diving services to the offshore industry”;

(4) in subparagraph (F), by striking “engaged in safety and training services related to offshore exploration and construction” and inserting “providing
safety and training services to the offshore industry’’;

(5) in subparagraph (G), by striking ‘‘engaged in pipelaying services related to offshore construction’’ and inserting ‘‘providing subsea engineering, construction, or remotely operated vehicle support to the offshore industry’’;

(6) in subparagraph (H), by striking ‘‘mineral and energy’’;

(7) in subparagraph (I), by inserting ‘‘and entities providing environmental protection, compliance, or response services to the offshore industry’’ after ‘‘national environmental entities’’; and

(8) in subparagraph (J), by striking ‘‘deepwater ports’’ and inserting ‘‘entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska’’.

(b) TECHNICAL CORRECTIONS.—Section 15109 of title 46, United States Code, is amended by inserting ‘‘or to which this chapter applies’’ after ‘‘committee established under this chapter’’ each place it appears.

SEC. 3302. MARITIME TRANSPORTATION SYSTEM NATIONAL ADVISORY COMMITTEE.

(a) Maritime Transportation System National Advisory Committee.—Chapter 555 of title 46, United
States Code, is amended by adding at the end the follow-

“§ 55502. Maritime Transportation System National Advisory Committee

“(a) Establishment.—There is established a Maritime Transportation System National Advisory Committee (in this section referred to as the ‘Committee’).

“(b) Function.—The Committee shall advise the Secretary of Transportation on matters relating to the United States maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the United States Merchant Marine.

“(c) Membership.—

“(1) In general.—The Committee shall consist of 27 members appointed by the Secretary of Transportation in accordance with this section and section 15109.

“(2) Expertise.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) Representation.—Members of the Committee shall be appointed as follows:
"(A) At least one member shall represent the Environmental Protection Agency.

"(B) At least one member shall represent the Department of Commerce.

"(C) At least one member shall represent the Corps of Engineers.

"(D) At least one member shall represent the Coast Guard.

"(E) At least one member shall represent Customs and Border Protection.

"(F) At least one member shall represent State and local governmental entities.

"(G) Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.

"(H) The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.

"(4) Restrictions on members representing Federal agencies.—Members of the Committee that represent Federal agencies shall not—
“(A) comprise more than one-third of the total membership of the Committee or of any subcommittee therein; or

“(B) serve as the chair or co-chair of the Committee or of any subcommittee therein.

“(5) ADMINISTRATION.—For purposes of section 15109—

“(A) the Committee shall be treated as a committee established under chapter 151; and

“(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.”.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(1) an advisory committee substantially similar to the Committee established by section 55502 of title 46, United States Code, and that was in force or in effect on the day before the date of the enactment of this Act, including the charter, membership, and other aspects of such advisory committee, may remain in force or in effect for the 2-year period beginning on the date of the enactment of this section; and

(2) during such 2-year period—
(A) requirements relating the Maritime
Transportation System National Advisory Com-
mittee established by such section shall be
treated as satisfied by such substantially similar
advisory committee; and
(B) the enactment of this section shall not
be the basis—
(i) to deem, find, or declare such com-
mittee, including the charter, membership,
and other aspects thereof, void, not in
force, or not in effect;
(ii) to suspend the activities of such
committee; or
(iii) to bar the members of such com-
mittee from a meeting.

(e) CLERICAL AMENDMENT.—The analysis for chap-
ter 555 of title 46, United States Code, is amended by
adding at the end the following:

“55502. Maritime Transportation System National Advisory Committee.”.

(d) REPEAL.—Section 55603 of title 46, United
States Code, and the item relating to that section in the
analysis for chapter 556 of that title, are repealed.

SEC. 3303. EXPIRED MARITIME LIENS.

Section 31343(e) of title 46, United States Code, is
amended—
(1) by inserting “(1)” before “A notice”; and
(2) by inserting after paragraph (1), as so designated by this section, the following:

“(2) On expiration of a notice of claim of lien under paragraph (1), and after a request by the vessel owner, the Secretary shall annotate the abstract of title to reflect the expiration of the lien.”.

SEC. 3304. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 9307 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “seven” and inserting “8”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “representing the interests of” and inserting “chosen from among nominations made by”;

(ii) in subparagraph (C), by striking “representing the interests of Great Lakes ports” and inserting “chosen from among nominations made by Great Lakes port authorities and marine terminals”;

(iii) in subparagraph (D)—

(I) by striking “representing the interests of” and inserting “chosen
from among nominations made by’’;
and
(II) by striking ‘‘; and’’ and inserting a semicolon;
(iv) by redesignating subparagraph (E) as subparagraph (F);
(v) by inserting after subparagraph (D) the following:
‘‘(E) one member chosen from among nominations made by Great Lakes maritime labor organizations; and’’; and
(vi) in subparagraph (F), as so redesignated, by striking ‘‘with a background in finance or accounting,’’; and
(2) in subsection (f)(1), by striking ‘‘2020’’ and inserting ‘‘2030’’.
(b) COMMITTEE DEEMED NOT EXPIRED.—Notwithstanding section 9307(f)(1) of title 46, United States Code, in any case in which the date of enactment of this Act occurs after September 30, 2020, the Great Lakes Pilotage Advisory Committee in existence as of September 30, 2020, shall be deemed not expired during the period beginning on September 30, 2020 through the date of enactment of this Act. Accordingly, the committee member-
ship, charter, and the activities of such Committee shall continue as though such Committee had not expired.

SEC. 3305. NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.

(a) National Commercial Fishing Safety Advisory Committee.—

(1) Amendments to section 15102.—Section 15102 of title 46, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(II) by inserting “and provide recommendations in writing to” after “advise”; and

(II) in subparagraph (E), by striking “and” after the semicolon; and

(ii) in paragraph (2)—

(I) by inserting the semicolon after the period and inserting “; and”;

and

(II) by adding at the end the following:

“(3) review marine casualties and investigations of vessels covered by chapter 45 of this title and make recommendations to the Secretary to improve safety and reduce vessel casualties.”; and
(B) by adding at the end the following:

“(d) QUORUM.—A quorum of 10 members is required to send any written recommendations from the Committee to the Secretary.

“(e) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.”.

(2) AMENDMENTS TO SECTION 15109.—Section 15109 of title 46, United States Code, is amended—

(A) in subsection (a)—

(i) by striking “Each” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), each”; and

(ii) by adding at the end the following:

“(2) MINIMUM REQUIREMENTS.—The committee established under section 15102, shall—

“(A) meet in-person, not less frequently than twice each year, at the call of the Secretary of a majority of the members of the committee;

“(B) hold additional meetings as necessary;
“(C) post the minutes of each meeting of the committee on a publicly available website not later than 2 weeks after the date on which a meeting concludes; and

“(D) provide reasonable public notice of any meeting of the committee, and publish such notice in the Federal Register and on a publicly available website.”;

(B) in subsection (f)(8)—

(i) by striking “Notwithstanding” and inserting the following:

“(A) REAPPOINTMENT.—Notwithstanding”; and

(ii) by adding at the end the following:

“(B) LIMITATION.—With respect to the committee established under section 15102, members may serve not more than 3 terms.”;

(C) in subsection (j)(3)—

(i) in subparagraph (B), by striking “and”;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:
“(D) make all responses required by sub-
paragraph (C) which are related to rec-
ommendations made by the committee estab-
lished under section 15102 available to the pub-
lic not later than 30 days after the date of re-
response.”;

(D) by amending subsection (k) to read as
follows:

“(k) OBSERVERS.—

“(1) IN GENERAL.—Any Federal agency with
matters under such agency’s administrative jurisdic-
tion related to the function of a committee estab-
lished under this chapter may designate a represent-
itive to—

“(A) attend any meeting of such com-
mittee; and

“(B) participate as an observer at meet-
ings of such committee that relate to such a
matter.

“(2) NATIONAL COMMERCIAL FISHING SAFETY
ADVISORY COMMITTEE.—With respect to the com-
mittee established under section 15102, the Com-
mandant of the Coast Guard shall designate a rep-
resentative under paragraph (1).”;}
(E) in subsection (l), by striking “2027” and inserting “2029”;

(F) by redesignating subsection (l) as subsection (m);

(G) by inserting after subsection (k) the following:

“(l) **TECHNICAL ASSISTANCE.**—

“(1) IN GENERAL.—The Secretary shall provide technical assistance to the Committee if requested by the Chairman.

“(2) COMMITTEE CONSULTATION.—With respect to the committee established under section 15102, the Chairman of the committee shall seek expertise from the fishing industry, marine safety experts, the shipbuilding industry, and others as the committee determines appropriate.”; and

(H) by adding at the end the following:

“(n) **SAVINGS CLAUSE.**—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.”.
SEC. 3306. EXEMPTION OF COMMERCIAL FISHING VESSELS OPERATING IN ALASKAN REGION FROM GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM REQUIREMENTS OF FEDERAL COMMUNICATIONS COMMISSION.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(b) EXEMPTION.—Subject to subsection (c), the Federal Communications Commission shall exempt fishing vessels that primarily operate in the Alaskan Region, including fishing vessels that transit from States in the Pacific Northwest to conduct fishing operations in the Alaskan Region, from the requirements relating to carriage of VHF-DSC and MF-DSC equipment under subpart W of part 80 of title 47, Code of Federal Regulations, or any successor regulation.

(c) FUNCTIONAL REQUIREMENTS.—A fishing vessel exempted under subsection (b) shall—

(1) be capable of transmitting ship-to-shore distress alerts using not fewer than 2 separate and independent systems, each using a different radio communication service;

(2) be equipped with—

(A) a VHF radiotelephone installation;
(B) an MF or HF radiotelephone installation;

(C) a Category 1, 406.0–406.1 MHz EPIRB meeting the requirements of section 80.1061 of title 47, Code of Federal Regulations, or any successor regulation;

(D) a NAVTEX receiver meeting the requirements of section 80.1101(c)(1) of title 47, Code of Federal Regulations, or any successor regulation;

(E) survival craft equipment meeting the requirements of section 80.1095 of title 47, Code of Federal Regulations, or any successor regulation; and

(F) a Search and Rescue Transponder meeting the requirements of section 80.1101(c)(6) of title 47, Code of Federal Regulations, or any successor regulation;

(3) maintain a continuous watch on VHF Channel 16; and

(4) as an alternative to the equipment listed in subparagraphs (A) through (F) of paragraph (2), carry equipment found by the Federal Communications Commission, in consultation with the Sec-
retary, to be equivalent or superior with respect to ensuring the safety of the vessel.

(d) **DEFINITION OF ALASKAN REGION.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall define the term “Alaskan Region” for purposes of this section. The Secretary shall include in the definition of such term the area of responsibility of Coast Guard District 17.

**Subtitle D—Ports**

**SEC. 3401. PORT, HARBOR, AND COASTAL FACILITY SECURITY.**

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

(1) in subsection (a), by inserting “, cyber incidents, transnational organized crime, and foreign state threats” after “an act of terrorism”;

(2) in subsection (b)—

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

(B) in paragraph (3)—

(i) by striking “armed” and inserting “, armed (as needed),”; and
(ii) by striking “terrorism or transportation security incidents,” and inserting “terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents,”; and

(3) in subsection (c)—

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

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

SEC. 3402. AIMING LASER POINTER AT VESSEL.

(a) IN GENERAL.—Subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“§ 70014. Aiming laser pointer at vessel

“(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

“(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or
Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

“(c) LASER POINTER DEFINED.—In this section the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“70014. Aiming laser pointer at vessel.”.

SEC. 3403. SAFETY OF SPECIAL ACTIVITIES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 2-year pilot program to establish and implement a process to—

(1) establish safety zones to address special activities in the exclusive economic zone;

(2) account for the number of safety zones established for special activities;

(3) differentiate whether an applicant who requests a safety zone for such activities is—

(A) an individual;

(B) an organization; or
(C) a government entity; and

(4) account for Coast Guard resources utilized
to enforce safety zones established for special activi-
ties, including—

(A) the number of Coast Guard or Coast
Guard Auxiliary vessels used; and

(B) the number of Coast Guard or Coast
Guard Auxiliary patrol hours required.

(b) BRIEFING.—Not later than 180 days after the ex-
piration of the 2-year pilot program, the Commandant
shall brief the Committee on Transportation and Infra-
structure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the
Senate regarding—

(1) the process required under subsection (a);

and

(2) whether the authority to establish safety
zones to address special activities in the exclusive
economic zone should be extended or made perma-
nent in the interest of safety.

(c) DEFINITIONS.—In this section:

(1) SAFETY ZONE.—The term “safety zone”
has the meaning given such term in section 165.20
(2) **SPECIAL ACTIVITIES.**—The term “special activities” includes—

(A) space activities, including launch and reentry, as such terms are defined in section 50902 of title 51, United States Code, carried out by United States citizens; and

(B) offshore energy development activities, as described in section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)), on or near a fixed platform.

(3) **UNITED STATES CITIZEN.**—The term “United States citizen” has the meaning given the term “eligible owners” in section 12103 of title 46, United States Code.

(4) **FIXED PLATFORM.**—The term “fixed platform” means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

**SEC. 3404. SECURITY PLANS; REVIEWS.**

Section 70103 of title 46, United States Code, is amended—

(1) by amending subsection (b)(3) to read as follows:
“(3) The Secretary shall review and approve Area Maritime Transportation Security Plans and updates under this subsection.”; and

(2) in subsection (c)(4), by inserting “or update” after “plan” each place it appears.

SEC. 3405. VESSEL TRAFFIC SERVICE.

Section 70001 of title 46, United States Code, is amended to read as follows:

“§ 70001. Vessel traffic services

“(a) IN GENERAL.—Subject to the requirements of section 70004, the Secretary—

“(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

“(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;
“(3) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety, except that the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

“(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

“(A) specifying times of entry, movement, or departure;

“(B) establishing vessel traffic routing schemes;

“(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and
“(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

“(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

“(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

“(b) NATIONAL POLICY.—
“(1) Establishment and Update of National Policy.—

“(A) Establishment of Policy.—Not later than one year after the date of enactment of this section, the Secretary shall establish a national policy which is inclusive of local variances permitted under subsection (c), to be applied to all vessel traffic service centers and publish such policy in the Federal Register.

“(B) Update.—The Secretary shall periodically update the national policy established under subparagraph (A) and shall publish such update in the Federal Register or on a publicly available website.

“(2) Elements.—The national policy established and updated under paragraph (1) shall include, at a minimum, the following:

“(A) Standardization of titles, roles, and responsibilities for all personnel assigned, working, or employed in a vessel traffic service center.

“(B) Standardization of organizational structure within vessel traffic service centers, to include supervisory and reporting chain and processes.
“(C) Establishment of directives for the application of authority provided to each vessel traffic service center, specifically with respect to directing or controlling vessel movement when such action is justified in the interest of safety.

“(D) Establishment of thresholds and measures for monitoring, informing, recommending, and directing vessel traffic.

“(E) Establishment of national procedures and protocols for vessel traffic management.

“(F) Standardization of training for all vessel traffic service directors, operators, and watchstanders.

“(G) Establishment of certification and competency evaluation for all vessel traffic service directors, operators, and watchstanders.

“(H) Establishment of standard operating language when communicating with vessel traffic users.

“(I) Establishment of data collection, storage, management, archiving, and dissemination policies and procedures for vessel incidents and near-miss incidents.

“(c) LOCAL VARIANCES.—
“(1) Development.—In this section, the Secretary may provide for such local variances as the Secretary considers appropriate to account for the unique vessel traffic, waterway characteristics, and any additional factors that are appropriate to enhance navigational safety in any area where vessel traffic services are provided.

“(2) Review and Approval by Secretary.—The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy established and updated under subsection (b) to account for variances from that national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate.

“(3) Review and Implementation.—Not later than 180 days after receiving regional policies under paragraph (2)—

“(A) the Secretary shall review such regional policies; and

“(B) the Captain of the port concerned shall implement the policies that the Secretary approves.
“(4) MAINTENANCE.—The Secretary shall maintain a central depository for all local variances approved under this section.

“(d) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

“(2) INTERNATIONAL COORDINATION.—With respect to vessel traffic service areas that cross international boundaries, the Secretary may enter into bilateral or cooperative agreements with international partners to jointly carry out the functions under subsection (a)(1) and to jointly manage such areas to collect, share, assess, and analyze information in the possession or control of the international partner.

“(3) LIMITATION.—

“(A) INHERENTLY GOVERNMENTAL FUNCTION.—A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—In this paragraph,
the term ‘inherently governmental function’
means any activity that is so intimately related
to the public interest as to mandate perform-
ance by an officer or employee of the Federal
Government, including an activity that requires
either the exercise of discretion in applying the
authority of the Government or the use of judg-
ment in making a decision for the Government.

“(4) DISCLOSURE.—The Commandant of the
Coast Guard shall de-identify information prior to
release to the public, including near miss incidents.

“(e) PERFORMANCE EVALUATION.—

“(1) IN GENERAL.—The Secretary shall develop
and implement a standard method for evaluating the
performance of vessel traffic service centers.

“(2) ELEMENTS.—The standard method devel-
oped and implemented under paragraph (1) shall in-
clude, at a minimum, analysis and collection of data
with respect to the following within a vessel traffic
service area covered by each vessel traffic service
center:

“(A) Volume of vessel traffic, categorized
by type of vessel.

“(B) Total volume of flammable, combus-
tible, or hazardous liquid cargo transported,
categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

“(C) Data on near-miss incidents.

“(D) Data on marine casualties.

“(E) Application by vessel traffic operators of traffic management authority during near-miss incidents and marine casualties.

“(F) Other additional methods as the Secretary considers appropriate.

“(3) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the evaluation conducted under paragraph (1) of the performance of vessel traffic service centers, including—

“(A) recommendations to improve safety and performance; and

“(B) data regarding marine casualties and near-miss incidents that have occurred during the period covered by the report.

“(f) RISK ASSESSMENT PROGRAM.—
“(1) IN GENERAL.—The Secretary shall develop a continuous risk assessment program to evaluate and mitigate safety risks for each vessel traffic service area to improve safety and reduce the risks of oil and hazardous material discharge in navigable waters.

“(2) METHOD FOR ASSESSMENT.—The Secretary, in coordination with stakeholders and the public, shall develop a standard method for conducting risk assessments under paragraph (1) that includes the collection and management of all information necessary to identify and analyze potential hazardous navigational trends within a vessel traffic service area.

“(3) INFORMATION TO BE ASSESSED.—

“(A) IN GENERAL.—The Secretary shall ensure that a risk assessment conducted under paragraph (1) includes an assessment of the following:

“(i) Volume of vessel traffic, categorized by type of vessel.

“(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as pro-
vided in the Notice of Arrival, if applicable, or as determined by other means.

“(iii) Data on near-miss events incidents.

“(iv) Data on marine casualties.

“(v) Geographic locations for near-miss events incidents and marine casualties, including latitude and longitude.

“(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

“(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

“(B) INFORMATION STORAGE AND MANAGEMENT POLICIES.—The Secretary shall retain all information collected under subparagraph (A) and ensure policies and procedures are in place to standardize the format in which that information is retained to facilitate statistical analysis of that information to calculate within a vessel traffic service area, at a minimum, the incident rate, intervention rate, and casualty prevention rate.

“(4) PUBLIC AVAILABILITY.—
“(A) ASSESSMENTS AND INFORMATION.—
In accordance with section 552 of title 5, the
Secretary shall make any risk assessments con-
ducted under paragraph (1) and any informa-
tion collected under paragraph (3)(A) available
to the public.

“(B) INFORMATION IN POSSESSION OR
CONTROL OF INTERNATIONAL PARTNERS.—The
Secretary shall endeavor to coordinate with
international partners as described in sub-
section (d)(2) to enter into agreements to make
information collected, shared, and analyzed
under that paragraph available to the public.

“(C) DISCLOSURE.—The Commandant of
the Coast Guard shall de-identify information
prior to release to the public, including near-
miss incidents.

“(g) VESSEL TRAFFIC SERVICE TRAINING.—
“(1) TRAINING PROGRAM.—
“(A) IN GENERAL.—The Secretary shall
develop a comprehensive nationwide training
program for all vessel traffic service directors,
operators, and watchstanders.

“(B) ELEMENTS.—The comprehensive na-
tionwide training program under subparagraph
(A) and any variances to that program under subsection (e) shall include, at a minimum, the following:

“(i) Realistic vessel traffic scenarios to the maximum extent practicable that integrate—

“(I) the national policy developed under subsection (b);”

“(II) international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.);”

“(III) inland navigation rules under part 83 of title 33, Code of Federal Regulations;”

“(IV) the application of vessel traffic authority; and”

“(V) communication with vessel traffic service users.”

“(ii) Proficiency training with respect to use, interpretation, and integration of available data on vessel traffic service display systems such as radar, and vessel automatic identification system feeds.”

“(iii) Practical application of—
“(I) the international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.); and

“(II) the inland navigation rules under part 83 of title 33, Code of Federal Regulations.

“(iv) Proficiency training with respect to the operation of radio communications equipment and any other applicable systems necessary to execute vessel traffic service authorities.

“(v) Incorporation of the Standard Marine Communication Phrases adopted by the International Maritime Organization by resolution on April 4, 2000, as amended and consolidated, or any successor resolution.

“(vi) Incorporation to the maximum extent possible of guidance and recommendations contained in vessel traffic services operator training, vessel traffic services supervisor training, or other relevant training set forth by the Inter-
national Association of Marine Aids to Navigation and Lighthouse Authorities.

“(vii) A minimum number of hours of training for an individual to complete before the individual is qualified to fill a vessel traffic services position without supervision.

“(viii) Local area geographic and operational familiarization.

“(ix) Such additional components as the Secretary considers appropriate.

“(2) STANDARD COMPETENCY QUALIFICATION PROCESS.—

“(A) IN GENERAL.—The Secretary shall develop a standard competency qualification process to be applied to all personnel assigned, employed, or working in a vessel traffic service center.

“(B) APPLICATION OF PROCESS.—The competency qualification process developed under subparagraph (A) shall include measurable thresholds for determining proficiency.

“(3) INTERNATIONAL AND INLAND NAVIGATION RULES TEST.—
“(A) In General.—All personnel assigned, employed, or working in a vessel traffic service center with responsibilities that include communicating, interacting, or directing vessels within a vessel traffic service area, as determined under the national policy developed under subsection (b), shall be required to pass a United States international and inland navigation rules test developed by the Secretary.

“(B) Elements of Test.—The Secretary shall determine the content and passing standard for the rules test developed under subparagraph (A).

“(C) Testing Frequency.—The Secretary shall establish a frequency, not to exceed once every 5 years, for personnel described in subparagraph (A) to be required to pass the rules test developed under such subparagraph.

“(h) Research on Vessel Traffic.—

“(1) Vessel Communication.—The Secretary shall conduct research, in consultation with subject matter experts identified by the Secretary, to develop more effective procedures for monitoring vessel communications on radio frequencies to identify and address unsafe situations in a vessel traffic service.
area. The Secretary shall consider data collected under subparagraph (A) of subsection (f)(3).

“(2) PROFESSIONAL MARINER REPRESENTATION.—

“(A) IN GENERAL.—The Secretary shall conduct research, in consultation with local stakeholders and subject matter experts identified by the Secretary, to evaluate and determine the feasibility, costs and benefits of representation by professional mariners on the vessel traffic service watchfloor at each vessel traffic service center.

“(B) IMPLEMENTATION.—The Secretary shall implement representation by professional mariners on the vessel traffic service watchfloor at those vessel traffic service centers for which it is determined feasible and beneficial pursuant to research conducted under subparagraph (A).

“(i) INCLUSION OF IDENTIFICATION SYSTEM ON CERTAIN VESSELS.—

“(1) IN GENERAL.—The National Navigation Safety Advisory Committee shall advise and provide recommendations to the Secretary on matters relating to the practicability, economic costs, regulatory burden, and navigational impact of outfitting vessels
lacking independent means of propulsion that carry flammable, combustible, or hazardous liquid cargo with vessel automatic identification systems.

“(2) REGULATIONS.—Based on the evaluation under paragraph (1), the Secretary shall prescribe such regulations as the Secretary considers appropriate to establish requirements relating to the outfitting of vessels described in such subparagraph with vessel automatic identification systems.

“(j) PERIODIC REVIEW OF VESSEL TRAFFIC SERVICE NEEDS.—

“(1) IN GENERAL.—Based on the performance evaluation conducted under subsection (e) and the risk assessment conducted under subsection (f), the Secretary shall periodically review vessel traffic service areas to determine—

“(A) if there are any additional vessel traffic service needs in those areas; and

“(B) if a vessel traffic service area should be moved or modified.

“(2) INFORMATION TO BE ASSESSED.—

“(A) IN GENERAL.—The Secretary shall ensure that a review conducted under paragraph (1) includes an assessment of the following:
“(i) Volume of vessel traffic, categorized by type of vessel.

“(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

“(iii) Data on near miss incidents.

“(iv) Data on marine casualties.

“(v) Geographic locations for near-miss incidents and marine casualties, including latitude and longitude.

“(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

“(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

“(3) STAKEHOLDER INPUT.—In conducting the periodic reviews under paragraph (1), the Secretary shall seek input from port and waterway stakeholders to identify areas of increased vessel conflicts or marine casualties that could benefit from the use of routing measures or vessel traffic service special
areas to improve safety, port security, and environmental protection.

“(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents.

“(k) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

“(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service Center, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication as-
sistance provided by such entity or pilot while so op-
erating or acting unless the acts or omissions of
such entity or pilot constitute gross negligence or
willful misconduct.

“(l) EXISTING AUTHORITY.—Nothing in this section
shall be construed to alter the existing authorities of the
Secretary to enhance navigation, vessel safety, marine en-
vironmental protection, and to ensure safety and preserva-
tion of life and property at sea.

“(m) DEFINITIONS.—In this section:

“(1) HAZARDOUS LIQUID CARGO.—The term
‘hazardous liquid cargo’ has the meaning given that
term in regulations prescribed under section 5103 of
title 49.

“(2) MARINE CASUALTY.—The term ‘marine
casualty’ has the meaning given that term in regula-
tions prescribed under section 6101(a).

“(3) VESSEL TRAFFIC SERVICE AREA.—The
term ‘vessel traffic service area’ means an area spec-
ified in subpart C of part 161 of title 33, Code of
Federal Regulations, or any successor regulation.

“(4) VESSEL TRAFFIC SERVICE CENTER.—The
term ‘vessel traffic service center’ means a center for
the provision of vessel traffic services in a vessel
traffic service area.
“(5) NEAR MISS INCIDENT.—The term ‘near miss incident’ means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, resulting in the substantial threat of a marine casualty.

“(6) DE-IDENTIFIED.—The term ‘de-identified’ means the process by which all information that is likely to establish the identity of the specific persons or entities noted in the reports, data, or other information is removed from the reports, data, or other information.”.

SEC. 3406. TRANSPORTATION WORK IDENTIFICATION CARD PILOT PROGRAM.

Section 70105(g) of title 46, United States Code, is amended by striking “shall concurrently” and all that follows and inserting the following: “shall—

“(1) develop and, no later than 2 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, implement a joint application for merchant mariner’s documents under chapter 73 and for a transportation security card issued under this section; and

“(2) upon receipt of a joint application developed under paragraph (1) concurrently process an
application from an individual for merchant mariner’s documents under chapter 73 and an application from such individual for a transportation security card under this section.”

TITLE IV—MISCELLANEOUS
Subtitle A—Navigation and Shipping

SEC. 4101. COASTWISE TRADE.

(a) IN GENERAL.—The Commandant shall review the adequacy of and continuing need for provisions in title 46, Code of Federal Regulations, that require a United States vessel documented under chapter 121 of title 46, United States Code, possessing a coastwise endorsement under that chapter, and engaged in coastwise trade, to comply with regulations for vessels engaged in an international voyage.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the findings of the review required under subsection (a) and a discussion of how existing laws and regulations could be amended to ensure the safety of
vessels described in subsection (a) while infringing as little as possible on commerce.

SEC. 4102. TOWING VESSELS OPERATING OUTSIDE BOUNDARY LINE.

(a) DEFINITIONS.—In this section—

(1) the term “Boundary Line” has the meaning given the term in section 103 of title 46, United States Code;

(2) the term “Officer in Charge, Marine Inspection” has the meaning given the term in section 3305(d)(4) of title 46, United States Code; and

(3) the term “Secretary” means the Secretary of the Department in which the Coast Guard is operating.

(b) INTERIM EXEMPTION.—A towing vessel described in subsection (c) and a response vessel included on a vessel response plan are exempt from any additional requirements of subtitle II of title 46, United States Code, and chapter I of title 33 and chapter I of title 46, Code of Federal Regulations (as in effect on the date of the enactment of this Act), that would result solely from such vessel operating outside the Boundary Line, if—

(1) the vessel is—
(A) operating outside the Boundary Line solely to perform regular harbor assist operations; or

(B) listed as a response vessel on a vessel response plan and is operating outside the Boundary Line solely to perform duties of a response vessel;

(2) the vessel is approved for operations outside the Boundary Line by the Officer in Charge, Marine Inspection and the Coast Guard Marine Safety Center; and

(3) the vessel has sufficient manning and life-saving equipment for all persons on board, in accordance with part 15 and section 141.225 of title 46, Code of Federal Regulations (or any successor regulation).

(c) APPLICABILITY.—This section applies to a towing vessel—

(1) that is subject to inspection under chapter 33 of title 46, United States Code, and subchapter M of chapter I of title 46, Code of Federal Regulations (or any successor regulation);

(2) with only “Lakes, Bays, and Sounds” or “Rivers” routes recorded on such vessel’s certificate of inspection pursuant to section 136.230 of title 46,
Code of Federal Regulations (or any successor regulation);

(3) that, with respect to a vessel described in subsection (b)(1)(A), is operating as a harbor assist vessel and regularly engaged in harbor assist operations, including the docking, undocking, mooring, unmooring, and escorting of vessels with limited maneuverability; and

(4) that, with respect to a vessel that is described in subsection (b)(1)(B), is listed—

(A) on a vessel response plan under part 155 of title 33, Code of Federal Regulations, on the date of approval of the vessel response plan; or

(B) by name or reference in the vessel response plan’s geographic-specific appendix on the date of approval of the vessel response plan.

(d) LIMITATIONS.—A vessel exempted under subsection (b) is subject to the following operating limitations:

(1) The voyage of a vessel described in subsection (b)(1)(A) shall—

(A) be less than 12 hours in total duration;

(B) originate and end in the inspection zone of a single Officer in Charge, Marine Inspection; and
(C) occur no further than 10 nautical 
miles from the Boundary Line.

(2) The voyage of a vessel described in sub-
section (b)(1)(B) shall—

(A) originate and end in the inspection 
zone of a single Officer in Charge, Marine Ins-
spection; and

(B) either—

(i) in the case of a voyage in the terri-
torial waters of Alaska, Guam, Hawaii, 
American Samoa, and the Northern Mar-
iana Islands, have sufficient manning as 
determined by the Secretary; or

(ii) be less than 12 hours.

(c) SAFETY.—

(1) SAFETY RESTRICTIONS.—The Officer in 
Charge, Marine Inspection for an inspection zone 
may restrict operations under the interim exemption 
provided under subsection (b) for safety purposes.

(2) COMPREHENSIVE LISTS.—The Officer in 
Charge, Marine Inspection for an inspection zone 
shall maintain and periodically update a comprehen-
sive list of all towing vessels described in subsection 
(c) that operate in the inspection zone.
(3) Notification.—Not later than 24 hours prior to intended operations outside of the Boundary Line, a towing vessel exempted under subsection (b) shall notify the Office in Charge, Marine Inspection for the inspection zone of such operations. Such notification shall include—

(A) the date, time, and length of voyage;

(B) a crew list, with each crew member’s credentials and work hours; and

(C) an attestation from the master of the towing vessel that the vessel has sufficient manning and lifesaving equipment for all persons on board.

(f) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the following:

(1) The impacts of the interim exemption provided under this section.

(2) Any safety concerns regarding the expiration of such interim exemption.

(3) Whether such interim exemption should be extended.
(g) TERMINATION.—The interim exemption provided under subsection (b) shall terminate on the date that is 2 years after the date of the enactment of this Act.

SEC. 4103. SENSE OF CONGRESS REGARDING THE MARITIME INDUSTRY OF THE UNITED STATES.

It is the sense of Congress that the maritime industry of the United States contributes to the Nation’s economic prosperity and national security.

SEC. 4104. CARGO PREFERENCE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the enforcement of the United States Cargo Preference Laws set forth in sections 55302, 55303, 55304, and 55305 of title 46, United States Code, and section 2631 of title 10, United States Code (hereinafter in this section referred to as the “United States Cargo Preference Laws”).

(b) SCOPE.—The audit conducted under subsection (a) shall include, for the period from October 14, 2008, until the date of the enactment of this Act—

1. a listing of the agencies and organizations required to comply with the United States Cargo Preference Laws;

2. an analysis of the compliance or noncompliance of such agencies and organizations with such laws, including—
(A) the total amount of oceangoing cargo that each such agency, organization, or contractor procured for its own account or for which financing was in any way provided with Federal funds, including loan guarantees;

(B) the percentage of such cargo shipped on privately owned commercial vessels of the United States;

(C) an assessment of internal programs and controls used by each such agency or organization to monitor and ensure compliance with the United States Cargo Preference Laws, to include education, training, and supervision of its contracting personnel, and the procedures and controls used to monitor compliance with cargo preference requirements by contractors and subcontractors; and

(D) instances in which cargoes are shipped on foreign-flag vessels under non-availability determinations but not counted as such for purposes of calculating cargo preference compliance; and

(3) an overview of enforcement activities undertaken by the Maritime Administration from October 14, 2008, until the date of the enactment of this
Act, including a listing of all bills of lading collected by the Maritime Administration during that period.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the audit and providing recommendations related to such results, to include—

(1) actions that should be taken by agencies and organizations to fully comply with the United States Cargo Preference Laws; and

(2) Other measures that may compel agencies and organizations, and their contractors and subcontractors, to use United States flag vessels in the international transportation of ocean cargoes as mandated by the United States Cargo Preference Laws.

SEC. 4105. TOWING VESSEL INSPECTION FEES.

Notwithstanding section 9701 of title 31, United States Code, and section 2110 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may not charge an inspection fee for towing vessels required to have a Certificate of Inspection
under subchapter M of title 46, Code of Federal Regulations, until—

(1) the completion of the review required under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282); and

(2) the promulgation of regulations to establish specific inspection fees for such vessels.

Subtitle B—Maritime Domain Awareness

SEC. 4201. UNMANNED MARITIME SYSTEMS AND SATELLITE VESSEL TRACKING TECHNOLOGIES.

(a) Assessment.—The Commandant, acting through the Blue Technology Center of Expertise, shall regularly assess available unmanned maritime systems and satellite vessel tracking technologies for potential use to support missions of the Coast Guard.

(b) Report.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actual and potential effects of
the use of then-existing unmanned maritime systems and satellite vessel tracking technologies on the mission effectiveness of the Coast Guard.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) An inventory of current unmanned maritime systems used by the Coast Guard, an overview of such usage, and a discussion of the mission effectiveness of such systems, including any benefits realized or risks or negative aspects of such usage.

(B) An inventory of satellite vessel tracking technologies, and a discussion of the potential mission effectiveness of such technologies, including any benefits or risks or negative aspects of such usage.

(C) A prioritized list of Coast Guard mission requirements that could be met with additional unmanned maritime systems, or with satellite vessel tracking technologies, and the estimated costs of accessing, acquiring, or operating such systems, taking into consideration the interoperability of such systems with the current and future fleet of—

(i) National Security Cutters;
(ii) Fast Response Cutters;
(iii) Offshore Patrol Cutters;
(iv) Polar Security Cutters; and
(v) in-service legacy cutters, including
the 210- and 270-foot medium endurance
cutters and 225-foot Buoy Tenders.

(e) DEFINITIONS.—In this section:

(1) UNMANNED MARITIME SYSTEMS.—

(A) IN GENERAL.—The term “unmanned
maritime systems” means—

(i) remotely operated or autonomous
vehicles produced by the commercial sector
designed to travel in the air, on or under
the ocean surface, on land, or any com-
bination thereof, and that function without
an on-board human presence; and

(ii) associated components of such ve-
hicles, including control and communica-
tions systems, data transmission systems,
and processing systems.

(B) EXAMPLES.—Such term includes the
following:

(i) Unmanned undersea vehicles.

(ii) Unmanned surface vehicles.

(iii) Unmanned aerial vehicles.
(iv) Autonomous underwater vehicles.
(v) Autonomous surface vehicles.
(vi) Autonomous aerial vehicles.

(2) AVAILABLE UNMANNED MARITIME SYSTEMS.—The term “available unmanned maritime systems” includes systems that can be purchased commercially or are in use by the Department of Defense or other Federal agencies.

(3) SATELLITE VESSEL TRACKING TECHNOLOGIES.—The term “satellite vessel tracking technologies” means shipboard broadcast systems that use satellites and terrestrial receivers to continually track vessels.

SEC. 4202. UNMANNED AIRCRAFT SYSTEMS TESTING.

(a) TRAINING AREA.—The Commandant shall carry out and update, as appropriate, a program for the use of one or more training areas to facilitate the use of unmanned aircraft systems and small unmanned aircraft to support missions of the Coast Guard.

(b) DESIGNATION OF AREA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall, as part of the program under subsection (a), designate an area for the training, test-
ing, and development of unmanned aircraft systems
and small unmanned aircraft.

(2) CONSIDERATIONS.—In designating a train-
ing area under paragraph (1), the Commandant
shall—

(A) ensure that such training area has or
receives all necessary Federal Aviation Adminis-
tration flight authorization; and

(B) take into consideration all of the fol-
lowing attributes of the training area:

(i) Direct over-water maritime access
from the site.

(ii) The availability of existing Coast
Guard support facilities, including pier and
dock space.

(iii) Proximity to existing and avail-
able offshore Warning Area airspace for
test and training.

(iv) Existing facilities and infrastruct-
ure to support unmanned aircraft system-
augmented, and small unmanned aircraft-
augmented, training, evaluations, and exer-
cises.

(v) Existing facilities with a proven
track record of supporting unmanned air-
craft systems and small unmanned aircraft systems flight operations.

(c) DEFINITIONS.—In this section—

(1) the term “existing” means as of the date of enactment of this Act; and

(2) the terms “small unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 44801 of title 49, United States Code.

SEC. 4203. LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM OF COAST GUARD.

(a) FUNDING FOR CERTAIN ENHANCED CAPABILITIES.—Section 319 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(c) FUNDING FOR CERTAIN ENHANCED CAPABILITIES.—In each of fiscal years 2020 and 2021, the Commandant may provide additional funding of $5,000,000 for additional long-range maritime patrol aircraft, acquired through full and open competition.”.

(b) REPORT ON USE OF UNMANNED AIRCRAFT SYSTEMS FOR CERTAIN SURVEILLANCE.—

(1) REPORT REQUIRED.—Not later than March 31, 2021, the Commandant, in coordination with the Administrator of the Federal Aviation Administra-
tion on matters related to aviation safety and civilian aviation and aerospace operations, shall submit to the appropriate committees of Congress a report setting forth an assessment of the feasibility and advisability of using unmanned aircraft systems for surveillance of marine protected areas, the transit zone, and the Arctic in order to—

(A) establish and maintain regular maritime domain awareness of such areas;

(B) ensure appropriate response to illegal activities in such areas; and

(C) collaborate with State, local, and tribal authorities, and international partners, in surveillance missions over their waters in such areas.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.
SEC. 4204. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) Prohibition on Agency Operation or Procurement.—The Commandant may not operate or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system that—

(A) is manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in or administered by an entity domiciled in a covered foreign country; or

(2) a system manufactured in a covered foreign country or by an entity domiciled in a covered foreign country for the detection or identification of unmanned aircraft systems.

(b) Exemption.—
(1) IN GENERAL.—The Commandant is exempt from the restriction under subsection (a) if—

(A) the operation or procurement is for the purposes of—

(i) counter-UAS system surrogate testing and training; or

(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training; or

(B) the Commandant receives a certification from the Coast Guard unit requesting to operate or procure an unmanned aircraft system otherwise restricted under subsection (a), which shall include supporting manufacturer information, that the unmanned aircraft system does not—

(i) connect to the internet or an outside telecommunications service;

(ii) connect to other devices or electronics, except as necessary to perform the mission; or

(iii) perform any missions in support of classified information or that may threaten national security.
(2) EXPIRATION.—The authority under this subsection to operate or procure an unmanned aircraft system otherwise restricted under subsection (a) expires on the date that is two years after the date of the enactment of this Act.

(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case by case basis by certifying in writing to the Department of Homeland Security and the relevant committees of jurisdiction that the operation or procurement is required in the national interest of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means the People’s Republic of China.

(2) COUNTER-UAS SYSTEM.—The term “counter-UAS system” has the meaning given such term in section 44801 of title 49, United States Code.

(3) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.
SEC. 4205. UNITED STATES COMMERCIAL SPACE-BASED RADIO FREQUENCY MARITIME DOMAIN AWARENESS TESTING AND EVALUATION PROGRAM.

(a) TESTING AND EVALUATION PROGRAM.—The Secretary of the department in which the Coast Guard is operating, acting through the Blue Technology Center of Expertise, shall carry out a testing and evaluation program of United States commercial space-based radio frequency geolocation and maritime domain awareness products and services to support the mission objectives of maritime enforcement by the Coast Guard and other components of the Coast Guard. The objectives of this testing and evaluation program shall include—

(1) developing an understanding of how United States commercial space-based radio frequency data products can meet current and future mission requirements;

(2) establishing how United States commercial space-based radio frequency data products should integrate into existing work flows; and

(3) establishing how United States commercial space-based radio frequency data products could be integrated into analytics platforms.

(b) REPORT.—Not later than 240 days after the date of enactment of this Act, such Secretary shall prepare and
submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa
tives a report on the results of the testing and evaluation program under subsection (a), including recommenda
tions on how the Coast Guard should fully exploit United States commercial space-based radio fre-
quency data products to meet current and future mission requirements.

SEC. 4206. AUTHORIZATION OF USE OF AUTOMATIC IDENTIFICATION SYSTEMS DEVICES TO MARK FISHING EQUIPMENT.

(a) DEFINITIONS.—In this section—

(1) the term “Automatic Identification System” has the meaning given the term in section 164.46(a) of title 33, Code of Federal Regulations, or any successor regulation;

(2) the term “Automatic Identification System device” means a covered device that operates in radio frequencies assigned to the Automatic Identification System;

(3) the term “Commission” means the Federal Communications Commission; and

(4) the term “covered device” means a device used to mark fishing equipment.
(b) Rulemaking Required.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Commandant, the Secretary of State, and the Secretary of Commerce (acting through the Administrator of National Telecommunications and Information Administration), shall initiate a rulemaking proceeding to consider whether to authorize covered devices to operate in radio frequencies assigned to the Automatic Identification System.

(c) Considerations.—In conducting the rulemaking under subsection (b), the Commission shall consider whether imposing requirements with respect to the manner in which Automatic Identification System devices are deployed and used would enable the authorization of covered devices to operate in radio frequencies assigned to the Automatic Identification System consistent with the core purpose of the Automatic Identification System to prevent maritime accidents.

Subtitle C—Arctic

Sec. 4301. Coast Guard Arctic Prioritization.

(a) Findings.—Congress makes the following findings:

(1) The strategic importance of the Arctic continues to increase as the United States and other countries recognize the military significance of the
sea lanes and choke points within the region and un-
derstand the potential for power projection from the
Arctic into multiple regions.

(2) Russia and China have conducted military
exercises together in the Arctic, have agreed to con-
ect the Northern Sea Route, claimed by Russia,
with China’s Maritime Silk Road, and are working
together in developing natural gas resources in the
Arctic.

(3) The economic significance of the Arctic con-
tinues to grow as countries around the globe begin
to understand the potential for maritime transpor-
tation through, and economic and trade development
in, the region.

(4) Increases in human, maritime, and resource
development activity in the Arctic region may create
additional mission requirements for the Department
of Defense and the Department of Homeland Secu-
rity.

(5) The increasing role of the United States in
the Arctic has been highlighted in each of the last
four national defense authorization acts.

(6) The United States Coast Guard Arctic
Strategic Outlook released in April 2019 states,
“Demonstrating commitment to operational pres-
ence, Canada, Denmark, and Norway have made strategic investments in ice-capable patrol ships charged with national or homeland security missions. The United States is the only Arctic State that has not made similar investments in ice-capable surface maritime security assets. This limits the ability of the Coast Guard, and the Nation, to credibly uphold sovereignty or respond to contingencies in the Arctic.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic is a region of strategic importance to the national security interests of the United States, and the Coast Guard must better align its mission prioritization and development of capabilities to meet the growing array of challenges in the region;

(2) the increasing freedom of navigation and expansion of activity in the Arctic must be met with an increasing show of Coast Guard forces capable of exerting influence through persistent presence;

(3) Congress fully supports the needed and important re-capitalization of the fleet of cutters and aircraft of the Coast Guard, but, the Coast Guard must avoid overextending operational assets for re-
mote international missions at the cost of dedicated
focus on this domestic area of responsibility with
significant international interest and activity; and

(4) although some progress has been made to
increase awareness of Arctic issues and to promote
increased presence in the region, additional meas-
ures are needed to protect vital economic, environ-
mental, and national security interests of the United
States, and to show the commitment of the United
States to this emerging strategic choke point of in-
creasing great power competition.

(c) ARCTIC DEFINED.—In this section, the term
“Arctic” has the meaning given that term in section 112
4111).

SEC. 4302. ARCTIC PARS NATIVE ENGAGEMENT.

The Commandant shall—

(1) engage directly with local coastal whaling
and fishing communities in the Arctic region when
conducting the Alaskan Arctic Coast Port Access
Route Study, in accordance with chapter 700 of title
46, United States Code, and as described in the no-
tice of study published in the Federal Register on
December 21, 2018 (83 Fed. Reg. 65701); and
(2) consider the concerns of the Arctic coastal community regarding any Alaskan Arctic Coast Port Access Route, including safety needs and concerns.

SEC. 4303. VOTING REQUIREMENT.

Section 305(i)(1)(G)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

“(iv) VOTING REQUIREMENT.—The panel may act only by the affirmative vote of at least 5 of its members, except that any decision made pursuant to the last sentence of subparagraph (C) shall require the unanimous vote of all 6 members of the panel.”.

SEC. 4304. REPORT ON THE ARCTIC CAPABILITIES OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the appropriate committees of Congress a report setting forth the results of a study on the Arctic capabilities of the Armed Forces. The Secretary shall enter into a contract with an appropriate federally funded research and development center for the conduct of the study.
(b) ELEMENTS.—The report required by subsection (a) shall include the following:

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

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

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

(4) A comparison of the domain awareness capabilities of—

(A) Coast Guard forces operating alone; and

(B) Coast Guard forces operating in tandem with Navy surface and aviation forces and the surface and aviation forces of other allies.
(5) A comparison of the defensive capabilities of—

(A) Coast Guard forces operating alone; and

(B) Coast Guard forces operating in mutual defense with Navy forces, other Armed Forces, and the military forces of allies.

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

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

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

SEC. 4305. REPORT ON ARCTIC SEARCH AND RESCUE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and
Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the search and rescue capabilities of the Coast Guard in Arctic coastal communities.

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

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

(2) An analysis of the costs of forward deploying on a seasonal basis Coast Guard assets in support of such communities for responses to such incidents.

SEC. 4306. ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.

(a) PURPOSE.—The purpose of this section is to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation.

(b) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Arctic Shipping Federal
Advisory Committee established under subsection (e)(1).

(2) ARCTIC.—The term “Arctic” has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) ARCTIC SEA ROUTES.—The term “Arctic Sea Routes” means the international Northern Sea Route, the Transpolar Sea Route, and the Northwest Passage.

(c) ESTABLISHMENT OF THE ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of State, the Secretary of Defense acting through the Secretary of the Army and the Secretary of the Navy, the Secretary of Commerce, and the Secretary of the Department in which the Coast Guard is operating, shall establish an Arctic Shipping Federal Advisory Committee in the Department of Transportation to advise the Secretary of Transportation and the Secretary of the Department in which the Coast Guard is operating on matters related to Arctic maritime
transportation, including Arctic seaway development.

(B) MEETINGS.—The Advisory Committee shall meet at the call of the Chairperson, and at least once annually in Alaska.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 17 members as described in subparagraph (B).

(B) COMPOSITION.—The members of the Advisory Committee shall be—

(i) 1 individual appointed and designated by the Secretary of Transportation to serve as the Chairperson of the Advisory Committee;

(ii) 1 individual appointed and designated by the Secretary of the Department in which the Coast Guard is operating to serve as the Vice Chairperson of the Advisory Committee;

(iii) 1 designee of the Secretary of Commerce;

(iv) 1 designee of the Secretary of State;
(v) 1 designee of the Secretary of Transportation;

(vi) 1 designee of the Secretary of Defense;

(vii) 1 designee from the State of Alaska, nominated by the Governor of Alaska and designated by the Secretary of Transportation;

(viii) 1 designee from the State of Washington, nominated by the Governor of Washington and designated by the Secretary of Transportation;

(ix) 3 Alaska Native Tribal members;

(x) 1 individual representing Alaska Native subsistence co-management groups affected by Arctic maritime transportation;

(xi) 1 individual representing coastal communities affected by Arctic maritime transportation;

(xii) 1 individual representing vessels of the United States (as defined in section 116 of title 46, United States Code) participating in the shipping industry;

(xiii) 1 individual representing the marine safety community;
(xiv) 1 individual representing the Arctic business community; and

(xv) 1 individual representing maritime labor organizations.

(C) TERMS.—

(i) LIMITATIONS.—Each member of the Advisory Committee described in clauses (vii) through (xv) of subparagraph (B) shall serve for a 2-year term and shall not be eligible for more than 2 consecutive term reappointments.

(ii) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(3) FUNCTIONS.—The Advisory Committee shall carry out all of the following functions:

(A) Develop a set of policy recommendations that would enhance the leadership role played by the United States in improving the safety and reliability of Arctic maritime transportation in accordance with customary inter-
national maritime law and existing Federal authority. Such policy recommendations shall consider options to establish a United States entity that could perform the following functions in accordance with United States law and customary international maritime law:

(i) Construction, operation, and maintenance of current and future maritime infrastructure necessary for vessels transiting the Arctic Sea Routes, including potential new deep draft and deepwater ports.

(ii) Provision of services that are not widely commercially available in the United States Arctic that would—

(I) improve Arctic maritime safety and environmental protection;

(II) enhance Arctic maritime domain awareness; and

(III) support navigation and incident response for vessels transiting the Arctic Sea Routes.

(iii) Establishment of rules of measurement for vessels and cargo for the pur-
poses of levying voluntary rates of charges
or fees for services.

(B) As an option under subparagraph (A),
consider establishing a congressionally char-
tered seaway development corporation modeled
on the Saint Lawrence Seaway Development
Corporation, and—

(i) develop recommendations for es-
tablishing such a corporation and a de-
tailed implementation plan for establishing
such an entity; or

(ii) if the Advisory Committee decides
against recommending the establishment of
such a corporation, provide a written ex-
planation as to the rationale for the deci-
sion and develop an alternative, as prac-
ticable.

(C) Provide advice and recommendations,
as requested, to the Secretary of Transpor-
tation and the Secretary of the Department in
which the Coast Guard is operating on Arctic
marine transportation, including seaway devel-
opment, and consider national security inter-
ests, where applicable, in such recommenda-
tions.
(D) In developing the advice and recommendations under subparagraph (C), engage with and solicit feedback from coastal communities, Alaska Native subsistence co-management groups, and Alaska Native tribes.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Advisory Committee shall submit a report with its recommendations under subparagraphs (A) and (B) of subsection (c)(3) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) TERMINATION OF THE ADVISORY COMMITTEE.—Not later than 8 years after the submission of the report described in subsection (d), the Secretary of Transportation shall dissolve the Advisory Committee.

(f) INTERNATIONAL ENGAGEMENT.—If a Special Representative for the Arctic Region is appointed by the Secretary of State, the duties of that Representative shall include—

(1) coordination of any activities recommended by the implementation plan submitted by the Advisory Committee and approved by the Secretary of Transportation; and
(2) facilitation of multilateral dialogues with member and observer nations of the Arctic Council to encourage cooperation on Arctic maritime transportation.

(g) TRIBAL CONSULTATION.—In implementing any of the recommendations provided under subsection (c)(3)(C), the Secretary of Transportation shall consult with Alaska Native tribes.

Subtitle D—Other Matters

SEC. 4401. PLAN FOR WING-IN-GROUND DEMONSTRATION PLAN.

(a) IN GENERAL.—(1) The Commandant, in coordination with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization, or aviation, shall develop plans for a demonstration program that will determine whether wing-in-ground craft, as such term is defined in section 2101 of title 46, United States Code, that is capable of carrying at least one individual, can—

(A) provide transportation in areas in which energy exploration, development or production activity takes place on the Outer Continental Shelf; and

(B) under the craft’s own power, safely reach helidecks or platforms located on offshore energy facilities.
(2) REQUIREMENTS.—The plans required under paragraph (1) shall—

(A) examine and explain any safety issues with regard to the operation of the such craft as a vessel, or as an aircraft, or both;

(B) include a timeline and technical milestones for the implementation of such a demonstration program;

(C) outline resource requirements needed to undertake such a demonstration program;

(D) describe specific operational circumstances under which the craft may be used, including distance from United States land, altitude, number of individuals, amount of cargo, and speed and weight of vessel;

(E) describe the operations under which Federal Aviation Administration statutes, regulations, circulars, or orders apply; and

(F) describe the certifications, permits, or authorizations required to perform any operations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant, along with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization, or aviation, shall brief
the Committee on Transportation and Infrastructure of
the House of Representatives and the Committee on Com-
merce, Science and Transportation of the Senate on the
plan developed under subsection (a), including—

(1) any regulatory changes needed regarding in-
spections and manning, to allow such craft to oper-
ate between onshore facilities and offshore energy
facilities when such craft is operating as a vessel;

(2) any regulatory changes that would be nec-
essary to address potential impacts to air traffic
control, the National Airspace System, and other
aircraft operations, and to ensure safe operations on
or near helidecks and platforms located on offshore
energy facilities when such craft are operating as
aircraft; and

(3) any other statutory or regulatory changes
related to authority of the Federal Aviation Admin-
istration over operations of the craft.

SEC. 4402. NORTHERN MICHIGAN OIL SPILL RESPONSE
PLANNING.

Notwithstanding any other provision of law, not later
than 180 days after the date of the enactment of this Act,
the Secretary of the department in which the Coast Guard
is operating, in consultation with the Administrator of the
Environmental Protection Agency and the Administrator
of the Pipeline and Hazardous Materials Safety Adminis-
tration, shall update the Northern Michigan Area Contin-
gegency Plan to include a worst-case discharge from a pipe-
line in adverse weather conditions.

SEC. 4403. DOCUMENTATION OF LNG TANKERS.
Section 7(b) of the America’s Cup Act of 2011 (Pub-
lic Law 112–61) is amended—

(1) in paragraph (3)—

(A) by striking “of the vessel on the date
of enactment of this Act”; and

(B) by inserting before the period the fol-
lowing: “, unless prior to any such sale the ves-

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designated in paragraph (1) if the owner of the ves-
sel is an individual or individuals who are citizens of
the United States, or is deemed to be such a citizen
under section 50501 of title 46, United States Code.

“(3) LIMITATION ON REPAIR AND MODI-
FICATION.—

“(A) REQUIREMENT.—Any qualified work
shall be performed at a shipyard facility located
in the United States.

“(B) EXCEPTIONS.—The requirement in
subparagraph (A) does not apply to any quali-
ﬁed work—

“(i) for which the owner or operator
enters into a binding agreement no later
than 1 year after the date of enactment of
the Elijah E. Cummings Coast Guard Au-
thorization Act of 2020; or

“(ii) necessary for the safe towage of
the vessel from outside the United States
to a shipyard facility in the United States
for completion of the qualiﬁed work.

“(C) DEFINITION.—In this paragraph,
qualiﬁed work means repair and modiﬁcation
necessary for the issuance of a certiﬁcate of in-
spection issued as a result of the waiver for
which a coastwise endorsement is issued under paragraph (1).”.

SEC. 4404. REPLACEMENT VESSEL.
Notwithstanding section 208(g)(5) of the American Fisheries Act (Public Law 105–277; 16 U.S.C. 1851 note), a vessel eligible under section 208(c)(21) of such Act that is replaced under section 208(g) of such Act shall be subject to a sideboard restriction catch limit of zero metric tons in the Bering Sea and Aleutian Islands and in the Gulf of Alaska unless that vessel is also a replacement vessel under section 679.4(o)(4) of title 50, Code of Federal Regulations, in which case such vessel shall not be eligible to be a catcher/processor under section 206(b)(2) of such Act.

SEC. 4405. EDUCATIONAL VESSEL.
(a) IN GENERAL.—Notwithstanding section 12112(a)(2) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel Oliver Hazard Perry (IMO number 8775560; United States official number 1257224).

(b) TERMINATION OF EFFECTIVENESS OF ENDORSEMENT.—The coastwise endorsement authorized under subsection (a) for the vessel Oliver Hazard Perry (IMO number

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ber 8775560; United States official number 1257224) shall expire on the first date on which any of the following occurs:

(1) The vessel is sold to a person, including an entity, that is not related by ownership or control to the person, including an entity, that owned the vessel on the date of the enactment of this Act.

(2) The vessel is rebuilt and not rebuilt in the United States (as defined in section 12101(a) of title 46, United States Code).

(3) The vessel is no longer operating in primary service as a sailing school vessel.

SEC. 4406. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

The Coalbank Slough in Coos Bay, Oregon, is deemed to not be navigable waters of the United States for all purposes of subchapter J of Chapter I of title 33, Code of Federal Regulations.

SEC. 4407. ANCHORAGES.

(a) In General.—The Secretary of the department in which the Coast Guard is operating shall suspend the establishment of new anchorage grounds on the Hudson River between Yonkers, New York, and Kingston, New York, under section 7 of the Rivers and Harbors Appro-
(b) RESTRICTION.—The Commandant may not estab-
lish or expand any anchorage grounds outside of the reach on the Hudson River described in subsection (a) without first providing notice to the Committee on Trans-
portation and Infrastructure of the House of Representa-
tives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days prior to the establishment or expansion of any such anchorage grounds.

(c) SAVINGS CLAUSE.—Nothing in this section—

(1) prevents the master or pilot of a vessel op-
erating on the reach of the Hudson River described in subsection (a) from taking emergency actions neces-
sary to maintain the safety of the vessel or to pre-
vent the loss of life or property; or

(2) shall be construed as limiting the authority of the Secretary of the department in which the Coast Guard is operating to exercise authority over the movement of a vessel under section 70002 of title 46, United States Code, or any other applicable laws or regulations governing the safe navigation of a vessel.
(d) STUDY.—The Commandant of the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee, shall conduct a study of the Hudson River north of Tarrytown, New York to examine—

(1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits;

(2) the risks and benefits of historic practices for commercial vessels anchoring; and

(3) the risks and benefits of establishing anchorage grounds on the Hudson River.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings, conclusions, and recommendations from the study required under subsection (d).

SEC. 4408. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON VERTICAL EVACUATION FOR TSUNAMIS AT COAST GUARD STATIONS IN WASHINGTON AND OREGON.

(a) STUDY.—
(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the potential use, in the event of a Cascadia subduction zone event, of a vertical evacuation of Coast Guard personnel stationed at United States Coast Guard Station Grays Harbor and Sector Field Office Port Angeles, Washington, and at United States Coast Guard Station Yaquina Bay and United States Coast Guard Motor Lifeboat Station Coos Bay, Oregon, and the dependents of such Coast Guard personnel housed in Coast Guard housing.

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

(A) The number of such personnel and dependents to be evacuated.

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

(C) With the resources available, the amount of time needed to evacuate such personnel and dependents.
(D) Any resource that is otherwise available within a reasonable walking distance to the Coast Guard facilities listed in paragraph (1).

(E) The benefit to the surrounding community of such a vertical evacuation.

(F) The interoperability of the tsunami warning system with the Coast Guard communication systems at the Coast Guard facilities listed in paragraph (1).

(G) Current interagency coordination and communication policies in place for emergency responders to address a Cascadia subduction zone event.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).
SEC. 4409. AUTHORITY TO ENTER INTO AGREEMENTS WITH NATIONAL COAST GUARD MUSEUM ASSOCIATION.

(a) In General.—Section 316 of title 14, United States Code, is amended to read as follows:

“§ 316. National Coast Guard Museum

“(a) Establishment.—The Commandant may establish, accept, operate, maintain and support the Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut.

“(b) Use of Funds.—

“(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

“(2) Subject to the availability of appropriations, the Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a Museum.

“(3) The priority for the use of funds appropriated to the Coast Guard shall be to preserve, protect, and display historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.
“(4) To the maximum extent practicable, the Secretary shall minimize the use of Federal funds for the construction of the Museum.

“(c) FUNDING PLAN.—Not later than 2 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and at least 90 days before the date on which the Commandant accepts the Museum under subsection (f), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such Museum, including—

“(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

“(2) the extent to which appropriated, non-appropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction;

“(3) an explanation of any environmental remediation issues related to the land associated with the Museum; and

“(4) a certification by the Inspector General of the department in which the Coast Guard is oper-
ating that the estimates provided pursuant to para-
graphs (1) and (2) are reasonable and realistic.

“(d) CONSTRUCTION.—

“(1) The Association may construct the Mu-
seum described in subsection (a).

“(2) The Museum shall be designed and con-
structed in compliance with the International Build-
ing Code 2018, and construction performed on Fed-
eral land under this section shall be exempt from
State and local requirements for building or demoli-
tion permits.

“(e) AGREEMENTS.—Under such terms and condi-
tions as the Commandant considers appropriate, notwith-
standing section 504, and until the Commandant accepts
the Museum under subsection (f), the Commandant
may—

“(1) license Federal land to the Association for
the purpose of constructing the Museum described in
subsection (a); and

“(2)(A) at a nominal charge, lease the Museum
from the Association for activities and operations re-
lated to the Museum; and

“(B) authorize the Association to generate
revenue from the use of the Museum.
“(f) ACCEPTANCE.—Not earlier than 90 days after the Commandant submits the plan under subsection (e), the Commandant shall accept the Museum from the Association and all right, title, and interest in and to the Museum shall vest in the United States when—

“(1) the Association demonstrates, in a manner acceptable to the Commandant, that the Museum meets the design and construction requirements of subsection (d); and

“(2) all financial obligations of the Association incident to the National Coast Guard Museum have been satisfied.

“(g) GIFTS.—

“(1) The Commandant may solicit from the Association and accept funds and in-kind gifts from nonprofit entities, including services related to activities for the construction of the Museum.

“(2) Funds and in-kind gifts described in paragraph (1) shall be—

“(A) accepted and administered consistent with section 2601 of title 10; and

“(B) deposited in the Coast Guard General Gift Fund.
“(3) The use of any funds and in-kind gifts described in paragraph (1) shall be subject to the availability of appropriations.

“(h) AUTHORITY.—The Commandant may not establish a Museum except as set forth in this section.

“(i) DEFINITIONS.—In this section:

“(1) MUSEUM.—The term ‘Museum’ means the National Coast Guard Museum.

“(2) ASSOCIATION.—The term ‘Association’ means the National Coast Guard Museum Association.”.

(b) BRIEFINGS.—Not later than March 1 of the fiscal year after the fiscal year in which the report required under subsection (d) of section 316 of title 14, United States Code, is provided, and not later than March 1 of each year thereafter until 1 year after the year in which the National Coast Guard Museum is accepted pursuant to subsection (f) of such section, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the following issues with respect to the Museum:

(1) The acceptance of gifts.

(2) Engineering.

(3) Design and project status.
(4) Land ownership.

(5) Environmental remediation.

(6) Operation and support issues.

(7) Plans.

SEC. 4410. FORMAL SEXUAL ASSAULT POLICIES FOR PASCENGER VESSELS.

(d) MAINTENANCE AND PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46, United States Code, is amended—

(1) by striking “The owner” and inserting the following:

“(A) IN GENERAL.—The owner”; 

(2) by striking “, as determined by the Secretary”; and 

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

“(B) PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—

“(i) IN GENERAL.—Not later than 18 months after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Commandant in consultation with other relevant Federal agencies or entities as determined by the Commandant, shall establish guidance for performance of the risk assessment de-
scribed in paragraph (2) regarding the appropriate placement of video surveillance equipment in passenger and crew common areas where there is no reasonable expectation of privacy.

“(ii) RISK ASSESSMENT.—Not later than 1 year after the Commandant establishes the guidance described in paragraph (1), the owner shall conduct the risk assessment required under paragraph (1) and shall—

“(I) evaluate the placement of video surveillance equipment to deter, prevent, and record a sexual assault aboard the vessel considering factors such as: ship layout and design, itinerary, crew complement, number of passengers, passenger demographics, and historical data on the type and location of prior sexual assault incident allegations;

“(II) incorporate to the maximum extent practicable the video surveillance guidance established by the Commandant regarding the appro-
appropriate placement of video surveillance equipment;

“(III) arrange for the risk assessment to be conducted by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior; and

“(IV) the independent third party referred to in paragraph (C) shall be a company that has been accepted by a classification society that is a member of the International Association of Classification Societies (hereinafter referred to as ‘IACS’) or another classification society recognized by the Secretary as meeting acceptable standards for such a society pursuant to section 3316(b).

“(C) SURVEILLANCE PLAN.—Not later than 180 days after completion of the risk assessment conducted under subparagraph (B)(ii), the owner of a vessel shall develop a plan to install video surveillance equipment in places determined to be appropriate in accord-
ance with the results of the risk assessment conducted under subparagraph (B)(ii), except in areas where a person has a reasonable expectation of privacy. Such plan shall be evaluated and approved by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior that has been accepted as set forth in paragraph (2)(D).

“(D) INSTALLATION.—The owner of a vessel to which this section applies shall, consistent with the surveillance plan approved under subparagraph (C), install appropriate video surveillance equipment aboard the vessel not later than 2 years after approval of the plan, or during the next scheduled drydock, whichever is later.

“(E) ATTESTATION.—At the time of initial installation under subparagraph (D), the vessel owner shall obtain written attestations from—

“(i) an IACS classification society that the video surveillance equipment is installed in accordance with the surveillance plan required under subparagraph (C); and
“(ii) the company security officer that
the surveillance equipment and associated
systems are operational, which attestation
shall be obtained each year thereafter.

“(F) Updates.—The vessel owner shall
ensure the risk assessment described in sub-
paragraph (B)(ii) and installation plan in sub-
paragraph (C) are updated not later than 5
years after the initial installation conducted
under subparagraph (D), and every 5 years
thereafter. The updated assessment and plan
shall be approved by an independent third party
with expertise in the use and placement of cam-
era surveillance to deter, prevent, and record
criminal behavior that has been accepted by an
IACS classification society. The vessel owner
shall implement the updated installation plan
not later than 180 days after approval.

“(G) Availability.—Each risk assess-
ment, installation plan and attestation shall be
protected from disclosure under the Freedom of
Information Act, section 552 of title 5 but shall
be available to the Coast Guard—

“(i) upon request, and
“(ii) at the time of the certificate of compliance or certificate of inspection examination.

“(H) DEFINITIONS.—For purposes of this section a ‘ship security officer’ is an individual that, with the master’s approval, has full responsibility for vessel security consistent with the International Ship and Port Facility Security Code.”.

(e) ACCESS TO VIDEO RECORDS; NOTICE OF VIDEO SURVEILLANCE.—Section 3507(b), of title 46, United States Code, is further amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

“(2) NOTICE OF VIDEO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.”;

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

(A) by striking “The owner” and inserting the following:
“(A) LAW ENFORCEMENT.—The owner”;

and

(B) by adding at the end the following:

“(B) CIVIL ACTIONS.—Except as pro-
scribed by law enforcement authorities or court
order, the owner of a vessel to which this sec-
tion applies shall, upon written request, provide
to any individual or the individual’s legal rep-
resentative a copy of all records of video surveil-
ance—

“(i) in which the individual is a sub-
ject of the video surveillance; and

“(ii) that may provide evidence of any
sexual assault incident in a civil action.

“(C) LIMITED ACCESS.—The owner of a
vessel to which this section applies shall ensure
that access to records of video surveillance is
limited to the purposes described in this para-
graph.”.

(f) RETENTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3507(b), of title 46,
United States Code, is further amended by adding
at the end the following:

“(4) RETENTION REQUIREMENTS.—The owner
of a vessel to which this section applies shall retain
all records of video surveillance for not less than 20
days after the footage is obtained. The vessel owner
shall include a statement in the security guide re-
quired by subsection (c)(1)(A) that the vessel owner
is required by law to retain video surveillance foot-
age for the period specified in this paragraph. If an
incident described in subsection (g)(3)(A)(i) is al-
leged and reported to law enforcement, all records of
video surveillance from the voyage that the Federal
Bureau of Investigation determines are relevant
shall—

“(A) be provided to the Federal Bureau of
Investigation; and

“(B) be preserved by the vessel owner for
not less than 4 years from the date of the al-
leged incident.”.

(2) ADMINISTRATIVE PROVISIONS.—

(A) STUDY AND REPORT.—Each owner of
a vessel to which section 3507, of title 46,
United States Code, applies shall, not later
than March 1, 2023, submit to the Committee
on Transportation and Infrastructure of the
House of Representatives and the Committee
on Commerce, Science, and Transportation of
the Senate a report detailing the total number
of voyages for the preceding year and the percentage of those voyages that were 30 days or longer.

(B) INTERIM STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

(C) FINAL STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.

(D) CONSIDERATIONS.—In promulgating standards under subparagraphs (B) and (B), the Commandant shall—

(i) consider factors that would aid in the investigation of serious crimes, including the results of the report by the Commandant provided under subparagraph (A), as well as crimes that go unreported until after the completion of a voyage;
(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

(iii) consider privacy, including standards for permissible access to and monitoring and use of the records of video surveillance; and

(iv) consider technological advancements, including requirements to update technology.

SEC. 4411. REGULATIONS FOR COVERED SMALL PASSENGER VESSELS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ‘‘, including covered small passenger vessels (as defined in subsection (n)(5))’’ after ‘‘vessels subject to inspection’’; and

(B) in paragraph (5), by inserting before the period at the end ‘‘, including rechargeable devices utilized for personal or commercial electronic equipment’’; and
(2) by adding at the end the following:

“(n) COVERED SMALL PASSENGER VESSELS.—

“(1) REGULATIONS.—The Secretary shall prescribe additional regulations to secure the safety of individuals and property on board covered small passenger vessels.

“(2) COMPREHENSIVE REVIEW.—In order to prescribe the regulations under paragraph (1), the Secretary shall conduct a comprehensive review of all requirements (including calculations), in existence on the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, that apply to covered small passenger vessels, with respect to fire detection, protection, and suppression systems, and avenues of egress, on board such vessels.

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the regulations prescribed under paragraph (1) shall include, with respect to covered small passenger vessels, regulations for—

“(i) marine firefighting training programs to improve crewmember training and proficiency, including emergency egress training for each member of the
crew, to occur for all members on the crew—

“(I) at least monthly while such members are employed on board the vessel; and

“(II) each time a new crew-member joins the crew of such vessel;

“(ii) in all areas on board the vessel where passengers and crew have access, including dining areas, sleeping quarters, and lounges—

“(I) interconnected fire detection equipment, including audible and visual alarms; and

“(II) additional fire extinguishers and other firefighting equipment;

“(iii) the installation and use of monitoring devices to ensure the wakefulness of the required night watch;

“(iv) increased fire detection and suppression systems (including additional fire extinguishers) on board such vessels in unmanned areas with machinery or areas with other potential heat sources;
“(v) all general areas accessible to passengers to have no less than 2 independent avenues of escape that are—

“(I) constructed and arranged to allow for free and unobstructed egress from such areas;

“(II) located so that if one avenue of escape is not available, another avenue of escape is available; and

“(III) not located directly above, or dependent on, a berth;

“(vi) the handling, storage, and operation of flammable items, such as rechargeable batteries, including lithium ion batteries utilized for commercial purposes on board such vessels;

“(vii) passenger emergency egress drills for all areas on the vessel to which passengers have access, which shall occur prior to the vessel beginning each excursion; and

“(viii) all passengers to be provided a copy of the emergency egress plan for the vessel.
“(B) APPLICABILITY TO CERTAIN COVERED SMALL PASSENGER VESSELS.—The requirements described in clauses (iii), (v), (vii), and (viii) of subparagraph (A) shall only apply to a covered small passenger vessel that has overnight passenger accommodations.

“(4) INTERIM REQUIREMENTS.—

“(A) INTERIM REQUIREMENTS.—The Secretary shall, prior to issuing final regulations under paragraph (1), implement interim requirements to enforce the requirements under paragraph (3).

“(B) IMPLEMENTATION.—The Secretary shall implement the interim requirements under subparagraph (A) without regard to chapters 5 and 6 of title 5 and Executive Orders 12866 and 13563 (5 U.S.C. 601 note; relating to regulatory planning and review and relating to improving regulation and regulatory review).

“(5) DEFINITION OF COVERED SMALL PASSENGER VESSEL.—In this subsection, the term ‘covered small passenger vessel’—

“(A) except as provided in subparagraph (B), means a small passenger vessel (as defined in section 2101) that—
“(i) has overnight passenger accommodations; or

“(ii) is operating on a coastwise or oceans route; and

“(B) does not include a ferry (as defined in section 2101) or fishing vessel (as defined in section 2101).”.

TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 5001. TRANSFERS.

(a) IN GENERAL.—

(1) Section 215 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 14 U.S.C. 504 note) is redesignated as section 322 of title 14, United States Code, transferred to appear after section 321 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(2) Section 406 of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 14 U.S.C. 501 note) is redesignated as section 720 of title 14, United States Code, transferred to appear
after section 719 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(3) Section 1110 of title 14, United States Code, is redesignated as section 5110 of such title and transferred to appear after section 5109 of such title (as added by this division).

(4) Section 401 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking subsection (e).

(5) Subchapter I of chapter 11 of title 14, United States Code, as amended by this division, is amended by inserting after section 1109 the following:

“§ 1110. Elevation of disputes to the Chief Acquisition Officer

“If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding level 1 or level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.”
(6) Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(A) by transferring such section to appear after section 70005 of title 46, United States Code;

(B) by striking “SEC. 7.” and inserting “§70006. Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally”;

and

(C) by adjusting the margins with respect to subsections (a) and (b) for the presence of a section heading accordingly.


(A) is redesignated as section 5112 of title 14, United States Code, transferred to appear after section 5111 of such title (as added by this division), and amended so that the numerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code; and

(B) is amended—
(i) by striking the heading and inserting the following:

“§ 5112. Sexual assault and sexual harassment in the Coast Guard”; and

(ii) in subsection (b), by adding at the end the following:

“(5)(A) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

“(B) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).

“(C) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).

“(D) In this paragraph, the term ‘covered individual’ means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.”.

(b) CLERICAL AMENDMENTS.—
(1) The analysis for chapter 3 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following: “322. Redistricting notification requirement.”.

(2) The analysis for chapter 7 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following: “720. VHF communication services.”.

(3) The analysis for chapter 11 of title 14, United States Code, is amended by striking the item relating to section 1110 and inserting the following: “1110. Elevation of disputes to the Chief Acquisition Officer.”.

(4) The analysis for chapter 51 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

5111. Report on diversity at Coast Guard Academy.
5112. Sexual assault and sexual harassment in the Coast Guard.”.

(5) The analysis for chapter 700 of title 46, United States Code, is further amended by inserting after the item relating to section 70005 the following:

“70006. Establishment by the Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.”.

SEC. 5002. ADDITIONAL TRANSFERS.

(a) SECTION 204 OF THE MARINE TRANSPORTATION SECURITY ACT.—

(2) Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902)—

(A) is amended by redesignating subsections (e) through (i) as subsections (f) through (j) respectively; and

(B) by inserting after subsection (d) the following:

“(e) Discharge of Agricultural Cargo Residue.—Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of this Act that implement Annex V to the International Convention for the Prevention of Pollution from Ships.”.

(b) LNG Tankers.—


(2) Section 5 of the Deepwater Port Act of 1974 (33 U.S.C. 1504) is amended by adding at the end the following:

“(j) LNG Tankers.—
“(1) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to and from the United States on United States flag vessels.

“(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(e)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(e)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.”.

SEC. 5003. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE PROVISIONS.

(a) SERVICE UNDER LICENSES ISSUED WITHOUT EXAMINATION.—

(1) REPEAL.—Section 8303 of title 46, United States Code, and the item relating to that section in the analysis for chapter 83 of that title, are repealed.
(2) **Conforming Amendment.**—Section 14305(a)(10) of title 46, United States Code, is amended by striking “sections 8303 and 8304” and inserting “section 8304”.

(b) **Standards for Tank Vessels of the United States.**—Section 9102 of title 46, United States Code, is amended—

(1) by striking “(a)” before the first sentence;

and

(2) by striking subsection (b).

SEC. 5004. **Maritime Transportation System.**

(a) **Maritime Transportation System.**—Section 312(b)(4) of title 14, United States Code, is amended by striking “marine transportation system” and inserting “maritime transportation system”.

(b) **Clarification of Reference to Marine Transportation System Programs.**—Section 50307(a) of title 46, United States Code, is amended by striking “marine transportation” and inserting “maritime transportation”.

SEC. 5005. **References to “Persons” and “Seamen”.**

(a) **Technical Correction of References to “Persons”.**—Title 14, United States Code, is amended as follows:
(1) In section 312(d), by striking “persons” and inserting “individuals”.

(2) In section 313(d)(2)(B), by striking “person” and inserting “individual”.

(3) In section 504—
   (A) in subsection (a)(19)(B), by striking “a person” and inserting “an individual”; and
   (B) in subsection (c)(4), by striking “seamen;” and inserting “mariners;”.

(4) In section 521, by striking “persons” each place it appears and inserting “individuals”.

(5) In section 522—
   (A) by striking “a person” and inserting “an individual”; and
   (B) by striking “person” the second and third place it appears and inserting “individual”.

(6) In section 525(a)(1)(C)(ii), by striking “person” and inserting “individual”.

(7) In section 526—
   (A) by striking “person” each place it appears and inserting “individual”; and
   (B) by striking “persons” each place it appears and inserting “individuals”; and
(C) in subsection (b), by striking “person’s” and inserting “individual’s”.

(8) In section 709—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “person” and inserting “individual”.

(9) In section 933(b), by striking “Every person” and inserting “An individual”.

(10) In section 1102(d), by striking “persons” and inserting “individuals”.

(11) In section 1902(b)(3)—

(A) in subparagraph (A), by striking “person or persons” and inserting “individual or individuals”; and

(B) in subparagraph (B), by striking “person” and inserting “individual”.

(12) In section 1941(b), by striking “persons” and inserting “individuals”.

(13) In section 2101(b), by striking “person” and inserting “individual”.

(14) In section 2102(c), by striking “A person” and inserting “An individual”.

(15) In section 2104(b)—
(A) by striking “persons” and inserting “individuals”; and
(B) by striking “A person” and inserting “An individual”.

(16) In section 2118(d), by striking “person” and inserting “individual who is”.

(17) In section 2147(d), by striking “a person” and inserting “an individual”.

(18) In section 2150(f), by striking “person” and inserting “individual who is”.

(19) In section 2161(b), by striking “person” and inserting “individual”.

(20) In section 2317—
(A) by striking “persons” and inserting “individuals”;
(B) by striking “person” each place it appears and inserting “individual”; and
(C) in subsection (c)(2), by striking “person’s” and inserting “individual’s”.

(21) In section 2531—
(A) by striking “person” each place it appears and inserting “individual”; and
(B) by striking “persons” each place it appears and inserting “individuals”.
(22) In section 2709, by striking “persons” and inserting “individuals”.

(23) In section 2710—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “person” each place it appears and inserting “individual”.

(24) In section 2711(b), by striking “person” and inserting “individual”.

(25) In section 2732, by striking “a person” and inserting “an individual”.

(26) In section 2733—

(A) by striking “A person” and inserting “An individual”; and

(B) by striking “that person” and inserting “that individual”.

(27) In section 2734, by striking “person” each place it appears and inserting “individual”.

(28) In section 2735, by striking “a person” and inserting “an individual”.

(29) In section 2736, by striking “person” and inserting “individual”.

(30) In section 2737, by striking “a person” and inserting “an individual”.

(31) In section 2738, by striking “person” and inserting “individual”.

(32) In section 2739, by striking “person” and inserting “individual”.

(33) In section 2740—

(A) by striking “person” and inserting “individual”; and

(B) by striking “one” the second place it appears.

(34) In section 2741—

(A) in subsection (a), by striking “a person” and inserting “an individual”; 

(B) in subsection (b)(1), by striking “person’s” and inserting “individual’s”; and

(C) in subsection (b)(2), by striking “person” and inserting “individual”.

(35) In section 2743, by striking “person” each place it appears and inserting “individual”.

(36) In section 2744—

(A) in subsection (b), by striking “a person” and inserting “an individual”; and

(B) in subsections (a) and (c), by striking “person” each place it appears and inserting “individual”.

(37) In section 2745, by striking “person” and inserting “individual”.

(38)(A) In section 2761—

(i) in the section heading, by striking “Persons” and inserting “Individuals”;

(ii) by striking “persons” and inserting “individuals”; and

(iii) by striking “person” and inserting “individual”.

(B) In the analysis for chapter 27, by striking the item relating to section 2761 and inserting the following:

“2761. Individuals discharged as result of court-martial; allowances to.”.

(39)(A) In the heading for section 2767, by striking “persons” and inserting “individuals”.

(B) In the analysis for chapter 27, by striking the item relating to section 2767 and inserting the following:

“2767. Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.”.

(40) In section 2769—

(A) by striking “a person’s” and inserting “an individual’s”; and

(B) in paragraph (1), by striking “person” and inserting “individual”.
(41) In section 2772(a)(2), by striking “person” and inserting “individual”.

(42) In section 2773—

(A) in subsection (b), by striking “persons” each place it appears and inserting “individuals”; and

(B) in subsection (d), by striking “a person” and inserting “an individual”.

(43) In section 2775, by striking “person” each place it appears and inserting “individual”.

(44) In section 2776, by striking “person” and inserting “individual”.

(45)(A) In section 2777—

(i) in the heading, by striking “persons” and inserting “individuals”; and

(ii) by striking “persons” each place it appears and inserting “individuals”.

(B) In the analysis for chapter 27, by striking the item relating to section 2777 and inserting the following:

“2777. Clothing for destitute shipwrecked individuals.”.

(46) In section 2779, by striking “persons” each place it appears and inserting “individuals”.

(47) In section 2902(c), by striking “person” and inserting “individual”.
(48) In section 2903(b), by striking “person” and inserting “individual”.

(49) In section 2904(b)(1)(B), by striking “a person” and inserting “an individual”.

(50) In section 3706—

(A) by striking “a person” and inserting “an individual”; and

(B) by striking “person’s” and inserting “individual’s”.

(51) In section 3707—

(A) in subsection (e)—

(i) by striking “person” and inserting “individual”; and

(ii) by striking “person’s” and inserting “individual’s”; and

(B) in subsection (e), by striking “a person” and inserting “an individual”.

(52) In section 3708, by striking “person” each place it appears and inserting “individual”.

(53) In section 3738—

(A) by striking “a person” each place it appears and inserting “an individual”;

(B) by striking “person’s” and inserting “individual’s”; and
(C) by striking “A person” and inserting “An individual”.

(b) Correction of References to Persons and Seamen.—

(1) Section 2303a(a) of title 46, United States Code, is amended by striking “persons” and inserting “individuals”.

(2) Section 2306(a)(3) of title 46, United States Code, is amended to read as follows:

“(3) An owner, charterer, managing operator, or agent of a vessel of the United States notifying the Coast Guard under paragraph (1) or (2) shall—

“(A) provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard; and

“(B) submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under such paragraphs.”.

(3) Section 7303 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.

(4) Section 7319 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.
(5) Section 7501(b) of title 46, United States Code, is amended by striking “seaman” and inserting “holder”.

(6) Section 7508(b) of title 46, United States Code, is amended by striking “individual seamen or a specifically identified group of seamen” and inserting “an individual or a specifically identified group of individuals”.

(7) Section 7510 of title 46, United States Code, is amended—

(A) in subsection (c)(8)(B), by striking “merchant seamen” and inserting “merchant mariner”; and

(B) in subsection (d), by striking “merchant seaman” and inserting “merchant mariner”.

(8) Section 8103(k)(3)(C) of title 46, United States Code, is amended by striking “merchant mariners” each place it appears and inserting “merchant mariner’s”.

(9) Section 8104 of title 46, United States Code, is amended—

(A) in subsection (e), by striking “a licensed individual or seaman” and inserting “an individual”;
(B) in subsection (d), by striking “A licensed individual or seaman” and inserting “An individual”; 

(C) in subsection (e), by striking “a seaman” each place it appears and inserting “an individual”; and 

(D) in subsection (j), by striking “seaman” and inserting “individual”.

(10) Section 8302(d) of title 46, United States Code, is amended by striking “3 persons” and inserting “3 individuals”.

(11) Section 11201 of title 46, United States Code, is amended by striking “a person” each place it appears and inserting “an individual”.

(12) Section 11202 of title 46, United States Code, is amended—

(A) by striking “a person” and inserting “an individual”; and 

(B) by striking “the person” each place it appears and inserting “the individual”.

(13) Section 11203 of title 46, United States Code, is amended—

(A) by striking “a person” each place it appears and inserting “an individual”; and
(B) in subsection (a)(2), by striking “that person” and inserting “that individual”.

(14) Section 15109(i)(2) of title 46, United States Code, is amended by striking “additional persons” and inserting “additional individuals”.

SEC. 5006. REFERENCES TO “HIMSELF” AND “HIS”.

(a) Section 1927 of title 14, United States Code, is amended by—

(1) striking “of his initial” and inserting “of an initial”; and

(2) striking “from his pay” and inserting “from the pay of such cadet”.

(b) Section 2108(b) of title 14, United States Code, is amended by striking “himself” and inserting “such officer”.

(e) Section 2732 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking “distinguishes himself conspicuously by” and inserting “displays conspicuous”; and

(2) by striking “his” and inserting “such individual’s”.

(d) Section 2736 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “performs”.
(e) Section 2738 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “displays”.

(f) Section 2739 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “displays”.

(g) Section 2742 of title 14, United States Code, is amended by striking “he distinguished himself” and inserting “of the acts resulting in the consideration of such award”.

(h) Section 2743 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking “distinguishes himself”; and

(2) by striking “he” and inserting “such individual”.

SEC. 5007. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) MISCELLANEOUS TECHNICAL CORRECTIONS.—


(2) Section 4312 of title 46, United States Code, is amended by striking “Coast Guard Authorization Act of 2017” each place it appears and in-
serting “Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282)”.

(3) The analysis for chapter 700 of title 46, United States Code, is amended—

(A) by striking the item relating to the heading for the first subchapter and inserting the following:

“SUBCHAPTER I—VESSEL OPERATIONS”;

(B) by striking the item relating to the heading for the second subchapter and inserting the following:

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY”;

(C) by striking the item relating to the heading for the third subchapter and the item relating to section 70021 of such chapter and inserting the following:

“SUBCHAPTER III—CONDITIONS FOR ENTRY INTO PORTS IN THE UNITED STATES

“70021. Conditions for entry into ports in the United States.”;

(D) by striking the item relating to the heading for the fourth subchapter and inserting the following:

“SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY”;

(E) by striking the item relating to the heading for the fifth subchapter and inserting the following:

“SUBCHAPTER V—REGATTAS AND MARINE PARADES”;

“70021. Conditions for entry into ports in the United States.”;
and

(F) by striking the item relating to the heading for the sixth subchapter and inserting the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES”.

(4) Section 70031 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(5) Section 70032 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(6) Section 70033 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(7) Section 70034 of title 46, United States Code, is amended by striking “A through C” each place it appears and inserting “I through III”.

(8) Section 70035(a) of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(9) Section 70036 of title 46, United States Code, is amended by—

(A) striking “A through C” each place it appears and inserting “I through III”; and
(B) striking “A, B, or C” each place it appears and inserting “I, II, or III”.

(10) Section 70051 of title 46, United States Code, is amended—

(A) by striking “immediate Federal response,” and all that follows through “subject to the approval” and inserting “immediate Federal response, the Secretary of the department in which the Coast Guard is operating may make, subject to the approval”; and

(B) by striking “authority to issue such rules” and all that follows through “Any appropriation” and inserting “authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating. Any appropriation”.

(11) Section 70052(e) of title 46, United States Code, is amended by striking “Secretary” and inserting “Secretary of the department in which the Coast Guard is operating” each place it appears.

(c) Report of Determination; Technical Correction.—Section 105(f)(2) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended by striking “subsection (a),” and inserting “paragraph (1),”.

(d) Technical Corrections to Frank LoBiondo Coast Guard Authorization Act of 2018.—

(1) Section 408 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and the item relating to such section in section 2 of such Act are repealed, and the provisions of law redesignated, transferred, or otherwise amended by section 408 are amended to read as if such section were not enacted.

(2) Section 514(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “Chapter 30” and inserting “Chapter 3”.

(3) Section 810(d) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice,” and inserting “in accordance within subsection (a)(2), the Secretary shall”.


(4) Section 820(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “years 2018 and” and inserting “year”.

(5) Section 820(b)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting “and the Consolidated Appropriations Act, 2018 (Public Law 115–141)” after “(Public Law 115–31)”.


(7) This section shall take effect on the date of the enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and apply as if included therein.

(e) TECHNICAL CORRECTION.—Section 533(d)(2)(A) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by striking “Tract 6” and inserting “such Tract”.

(f) DISTANT WATER TUNA FLEET; TECHNICAL CORRECTIONS.—Section 421 of the Coast Guard and Mari-
time Transportation Act of 2006 (Public Law 109–241) is amended—

(1) in subsection (a)—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and

(B) by adding at the end the following:

“(2) DEFINITION.—In this subsection, the term ‘treaty area’ has the meaning given the term in the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America as in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241).”; and

(2) in subsection (c)—

(A) by striking “12.6 or 12.7” and inserting “13.6”; and

(B) by striking “and Maritime Transportation Act of 2012” and inserting “Authorization Act of 2020”.

SEC. 5008. TECHNICAL CORRECTIONS RELATING TO CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

Effective upon the enactment of section 401 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282), and notwithstanding section 402(e) of such Act—

(1) section 16 of the Ports and Waterways Safety Act, as added by section 315 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 947)—

(A) is redesignated as section 70022 of title 46, United States Code, transferred to appear after section 70021 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 46, United States Code; and

(B) as so redesignated and transferred, is amended—

(i) in subsections (b) and (e), by striking “section 4(a)(5)” each place it appears and inserting “section 70001(a)(5)”;

(ii) in subsection (e)(2), by striking “not later than” and all that follows
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through “thereafter,” and inserting “periodically”; and

(iii) by striking subsection (h); and

(2) chapter 700 of title 46, United States Code, is amended—

(A) in section 70002(2), by inserting “or 70022” after “section 70021”;  

(B) in section 70036(e), by inserting “or 70022” after “section 70021”; and

(C) in the analysis for such chapter—

(i) by inserting “Sec.” above the section items, in accordance with the style and form of such an entry in other chapter analyses of such title; and

(ii) by adding at the end the following:

“70022. Prohibition on entry and operation.”.

SEC. 5009. AIDS TO NAVIGATION.

(a) Section 541 of title 14, United States Code, is amended—

(1) by striking “In” and inserting “(a) In”; and

(2) by adding at the end the following:

“(b) In the case of pierhead beacons, the Commandant may—
“(1) acquire, by donation or purchase in behalf
of the United States, the right to use and occupy
sites for pierhead beacons; and
“(2) properly mark all pierheads belonging to
the United States situated on the northern and
northern and
northwestern lakes, whenever the Commandant is
duly notified by the department charged with the
construction or repair of pierheads that the con-
struction or repair of any such pierheads has been
completed.”.

(b) Subchapter III of chapter 5 of title 14, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 548. Prohibition against officers and employees
being interested in contracts for mater-
rials

“No officer, enlisted member, or civilian member of
the Coast Guard in any manner connected with the con-
struction, operation, or maintenance of lighthouses, shall
be interested, either directly or indirectly, in any contract
for labor, materials, or supplies for the construction, oper-
ation, or maintenance of lighthouses, or in any patent,
plan, or mode of construction or illumination, or in any
article of supply for the construction, operation, or mainte-
nance of lighthouses.
"§ 549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction

(a) No lighthouse, beacon, public pier, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States.

(b) For the purposes of subsection (a), a cession by a State of jurisdiction over a place selected as the site of a lighthouse, or other structure or work referred to in subsection (a), shall be deemed sufficient if the cession contains a reservation that process issued under authority of such State may continue to be served within such place.

(c) If no reservation of service described in subsection (b) is contained in a cession, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

"§ 550. Marking pierheads in certain lakes

The Commandant of the Coast Guard shall properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever he is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierhead has been completed.”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 547 the following:
"548. Prohibition against officers and employees being interested in contracts for materials.
"549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction.
"550. Marking pierheads in certain lakes."

SEC. 5010. TRANSFERS RELATED TO EMPLOYEES OF LIGHTHOUSE SERVICE.

(a) Section 6 of chapter 103 of the Act of June 20, 1918 (33 U.S.C. 763) is repealed.

(b) Chapter 25 of title 14, United States Code, is amended by inserting after section 2531 the following:

"§ 2532. Retirement of employees

"(a) OPTIONAL RETIREMENT.—Except as provided in subsections (d) and (e), a covered employee may retire from further performance of duty if such officer or employee—

"(1) has completed 30 years of active service in the Government and is at least 55 years of age;

"(2) has completed 25 years of active service in the Government and is at least 62 years of age; or

"(3) is involuntarily separated from further performance of duty, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of active service in the Government, or after completing 20 years of such service and if such employee is at least 50 years of age."
“(b) COMPULSORY RETIREMENT.—A covered employee who becomes 70 years of age shall be compulsorily retired from further performance of duty.

“(c) RETIREMENT FOR DISABILITY.—

“(1) IN GENERAL.—A covered employee who has completed 15 years of active service in the Government and is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct of such officer or employee, shall be retired.

“(2) RESTORATION TO ACTIVE DUTY.—Any individual retired under paragraph (1) may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which such individual may retire under subsection (a), be reexamined by a medical officer of the United States upon the request of the Secretary of the department in which the Coast Guard is operating.

“(d) ANNUAL COMPENSATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), The annual compensation of a person retired under this section shall be a sum equal to one-fortieth of the average annual pay received for the
last 3 years of service for each year of active service
in the Lighthouse Service, or in a department or
branch of the Government having a retirement sys-
tem, not to exceed thirty-fortieths of such average
annual pay received.

“(2) Retirement before 55.—The retirement
pay computed under paragraph (1) for any officer or
employee retiring under this section shall be reduced
by one-sixth of 1 percent for each full month the of-

cer or employee is under 55 years of age at the
date of retirement.

“(3) No allowance or subsistence.—Re-

irement pay under this section shall not include any
amount on account of subsistence or other allow-

ance.

“(e) Exception.—The retirement and pay provision
in this section shall not apply to—

“(1) any person in the field service of the
Lighthouse Service whose duties do not require sub-
stantially all their time; or

“(2) persons of the Coast Guard.

“(f) Waiver.—Any person entitled to retirement pay
under this section may decline to accept all or any part
of such retirement pay by a waiver signed and filed with
the Secretary of the Treasury. Such waiver may be re-
voked in writing at any time, but no payment of the retire-
ment pay waived shall be made covering the period during
which such waiver was in effect.

“(g) DEFINITION.—For the purposes of this section,
the term ‘covered employee’ means an officer or employee
engaged in the field service or on vessels of the Lighthouse
Service, except a person continuously employed in district
offices or shop.”.

(c) CLERICAL AMENDMENT.—The analysis for chap-
ter 25 of title 14, United States Code, is amended by in-
serting after the item relating to section 2531 the fol-
lowing:

“2532. Retirement of employees.”.

SEC. 5011. TRANSFERS RELATED TO SURVIVING SPOUSES
OF LIGHTHOUSE SERVICE EMPLOYEES.

(a) BENEFIT TO SURVIVING SPOUSES.—Chapter 25
of title 14, United States Code, is further amended by in-
serting after section 2532 (as added by this division) the
following:

“§ 2533. Surviving spouses

“The Secretary of the department in which the Coast
Guard is operating shall pay $100 per month to the sur-
viving spouse of a current or former employee of the
Lighthouse Service in accordance with section 2532 if
such employee dies—
“(1) at a time when such employee was receiving or was entitled to receive retirement pay under this subchapter; or

“(2) from non-service-connected causes after fifteen or more years of employment in such service.”.

(b) Transfers Related to Surviving Spouses of Lighthouse Service Employees.—

(1) Chapter 25 of title 14, United States Code, is amended by inserting after section 2533 (as added by this division) the following:

§ 2534. Application for benefits.

(2)(A) Section 3 of chapter 761 of the Act of August 19, 1950 (33 U.S.C. 773), is redesignated as section 2534(a) of title 14, United States Code, transferred to appear after the heading of section 2534 of that title, and amended so that the numerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(a), as so redesignated, transferred, and amended is further amended by striking “this Act” and inserting “section 2533”.

(3)(A) Section 4 of chapter 761 of the Act of August 19, 1950 (33 U.S.C. 774), is redesignated as
section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

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(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.

section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.
(c) **CLERICAL AMENDMENT.**—The analysis for chapter 25 of title 14, United States Code, is further amended by inserting after the item relating to section 2532 (as added by this division) the following:

"2533. Surviving spouses.
2534. Application for benefits."

**SEC. 5012. REPEALS RELATED TO LIGHTHOUSE STATUTES.**

(a) **IN GENERAL.**—The following provisions are repealed:

(1) Section 4680 of the Revised Statutes of the United States (33 U.S.C. 725).

(2) Section 4661 of the Revised Statutes of the United States (33 U.S.C. 727).

(3) Section 4662 of the Revised Statutes of the United States (33 U.S.C. 728).

(4) The final paragraph in the account "For Life-Saving and Life-Boat Stations" under the heading Treasury Department in the first section of chapter 130 of the Act of March 3, 1875 (33 U.S.C. 730a).


(8) Section 2 of chapter 103 of the Act of June 20, 1918 (33 U.S.C. 748).

(9) Section 4 of chapter 371 of the Act of May 22, 1926 (33 U.S.C. 754a).

(10) Chapter 642 of the Act of August 10, 1939 (33 U.S.C. 763a–1).


(b) SAVINGS.—

(1) Notwithstanding any repeals made by this section, any individual beneficiary currently receiving payments under the authority of any provisions re-
pealed in this section shall continue to receive such benefits.

(2) Notwithstanding the repeals made under paragraphs (10) and (11) of subsection (a), any pay increases made under chapter 788 of the Act of October 29, 1949, and chapter 524 of the Act of July 9, 1956, as in effect prior to their repeal shall remain in effect.

**TITLE VI—FEDERAL MARITIME COMMISSION**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Federal Maritime Commission Authorization Act of 2020”.

**SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.**

Section 308 of title 46, United States Code, is amended by striking “$28,012,310 for fiscal year 2018 and $28,544,543 for fiscal year 2019” and inserting “$29,086,888 for fiscal year 2020 and $29,639,538 for fiscal year 2021”.

**SEC. 6003. UNFINISHED PROCEEDINGS.**

Section 305 of title 46, United States Code, is amended—

(1) by striking “The Federal” and inserting “(a) IN GENERAL.—The Federal”; and

(2) by adding at the end the following:
“(b) TRANSPARENCY.—

“(1) IN GENERAL.—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

“(2) FORMAT OF REPORTS.—Each report under paragraph (1) shall, among other things, clearly identify for each unfinished regulatory proceeding—

“(A) the popular title;
“(B) the current stage of the proceeding;
“(C) an abstract of the proceeding;
“(D) what prompted the action in question;
“(E) any applicable statutory, regulatory, or judicial deadline;
“(F) the associated docket number;
“(G) the date the rulemaking was initiated;

“(H) a date for the next action; and

“(I) if a date for the next action identified in the previous report is not met, the reason for the delay.”.

SEC. 6004. TRANSFER OF FEDERAL MARITIME COMMISSION PROVISIONS.

(a) TRANSFER.—

(1) Subtitle IV of title 46, United States Code, is amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

“CHAPTER 461—FEDERAL MARITIME COMMISSION”.

(2) Chapter 3 of title 46, United States Code, is redesignated as chapter 461 of part D of subtitle IV of such title and transferred to appear in such part.

(3) Sections 301 through 308 of such title are redesignated as sections 46101 through 46108, respectively, of such title.

(b) CONFORMING AMENDMENTS.—

(1) Section 46101(c)(3)(A)(v) of title 46, United States Code, as so redesignated, is amended by striking “304” and inserting “46104”.


(4) The analysis for subtitle I of title 46, United States Code, is amended by striking the item relating to chapter 3.

(5) The analysis for subtitle IV of such title is amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

“461. Federal Maritime Commission ........................................ 46101”.

(6) The analysis for chapter 461 of part D of subtitle IV of such title, as so redesignated, is amended to read as follows:

Sec.
46101. General organization.
46102. Quorum.
46103. Meetings.
46104. Delegation of authority.
46105. Regulations.
(c) TECHNICAL CORRECTION.—Section 46103(c)(3) of title 46, United States Code, as so redesignated, is amended by striking “555b(e)” and inserting “552b(e)”.

X