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## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, from whom comes all things good and true, we give reverence to Your Name. Lord, forgive us when we don't take time to think clearly, pray sincerely, and cultivate the sense of Your presence. Thank You for strengthening our faith, renewing our courage, and sheltering us from harm.

Bless our Senators. May Your grace and peace sustain them as they find in You the source of all mercy and comfort. Grant that their faith in Your power will strengthen them through every season of trials. Lord, give them the wisdom to pray for one another so they will cooperate with each other in working for Your glory.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 140, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 2227 (to the amendment of the House to the bill), to change the enactment date.

McConnell amendment No. 2228 (to amendment No. 2227), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Indian Affairs, with instructions, McConnell amendment No. 2229, to change the enactment date.

McConnell amendment No. 2230 (to (the instructions) amendment No. 2229), of a perfecting nature.

McConnell amendment No. 2231 (to amendment No. 2230), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I rise to urge my colleagues to vote in support of the Tribal Labor Sovereignty Act.

My legislation is about bringing jobs to the most economically disadvantaged communities in Montana and empowering Indian Tribes to determine their own destinies. In fact, for 14 years, the Federal Government has placed prohibitive regulations on tribes, which has infringed on their rights and cost them jobs and economic opportunities. Now Montana's Tribes and the Tribal communities across the country suffer from some of the Nation's highest unemployment. This legislation will restore the parity between Tribal governments and Federal, State,

and local governments as well as protect and respect the Tribes' right to sovereignty.

It is time for the Federal Government to step out of the Tribes' way so they can make the right decisions for their communities, for their people, and create good-paying jobs on reservations.

On behalf of Montana's 12 federally recognized Tribes, as a member of the Senate Committee on Indian Affairs, as the chair of the Senate Western Caucus, and as an original author of this legislation both in this Congress and the last, I urge my colleagues to make the right choice and support the Tribal Labor Sovereignty Act.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

AIR STRIKES ON SYRIA

Mr. MCCONNELL. Mr. President, I want to begin this afternoon by commending the men and women who make up the world's most capable military. Over the weekend, America's all-volunteer Armed Forces executed a challenging mission with precision and with excellence. At the President's order, the United States joined with our British and French allies in military action to respond to Bashar al-Assad's use of chemical weapons against the Syrian people.

I support both the actions taken and the underlying objectives.

The tactics the Assad regime has deployed to consolidate gains and terrorize the people of Syria have stood in defiance of the clear U.S. position that the use of chemical weapons is simply unacceptable. It was time to act.

Americans have become used to flawless execution on the part of our uniformed military. Times like these compel us to pause and appreciate their excellence and their heroism. We must remember that none of it could occur without extensive training, careful planning, robust investment, and the professionalism, dedication, and bravery of our servicemembers.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. President, on a completely different matter, this afternoon the Senate will vote to advance legislation from Senator MORAN that would bolster the proper sovereignty of American Indian Tribes in the face of excessive Federal regulations.

From the passage of the National Labor Relations Act of 1935 all the way until 2004, the NLRB respected the sovereignty status of Tribal government employers. But because the law does not technically provide that exemption, the NLRB discarded that precedent in 2004 and has become entangled in local Tribal decisions.

By intervening in Tribal affairs on a case-by-case basis, the NLRB has effectively been picking winners and losers among different businesses. The result has been regulatory confusion and a lessening of Tribal governments' authority to govern their own lands.

This legislation would correct the 83-year-old oversight that led to this confusion. It would codify in law that federally recognized Tribal governments should be exempt from such regulation, just like other State and local governments.

More than 160 Tribes, Tribal corporations, and Tribal trade associations support Senator MORAN's legislation. I am proud to support it as well, and I urge every one of us to vote to advance the bill later this afternoon.

#### TAX REFORM

Mr. President, tomorrow's tax filing deadline is not exactly a national holiday, but millions of Americans use the end of tax season as a time to pause and to take stock. In recent weeks, at kitchen tables in Kentucky and across the country, working families have been crunching the numbers. For too long, our country's outdated and unfair Tax Code made life more difficult than it needed to be for middle-class families. Now all of that is changing.

Tomorrow marks the last time America's working families, entrepreneurs, and job creators will have to file under that old Tax Code. This Republican Congress and President Trump got rid of it and put a brandnew 21st century Tax Code in its place. Now Americans are rightly anticipating a better year ahead, and they aren't having to wait very long.

President Trump is in Florida today to hold a roundtable discussion with small business owners. On Main Streets from Miami to Tallahassee, tax reform is empowering local employers to create more prosperity for their employees and for their communities.

In Melbourne, the owner of Stellar Transport, a shuttle service that works closely with Florida's elderly, is using tax savings to raise wages, expand paid vacation, and cover a 26-percent increase in healthcare costs for his 60 employees.

In Jacksonville, Magellan Transport Logistics is planning to buy a new 47,000-square-foot facility and hire 100 new employees as part of an ambitious plan to succeed under the new pro-

growth Tax Code. Of course, these are among the first fruits of the U.S. economy under this historic new law.

Millions of U.S. workers are receiving bonuses, raises, and special benefits, not to mention lower utility rates and increased opportunities. As employers adopt new withholding practices, more and more workers will see more of their own money going into their own pockets.

Florida's workers and entrepreneurs should be proud of Senator RUBIO, who was instrumental in getting tax reform across the finish line. In particular, his efforts helped Republicans to secure a significant increase in the child tax credit.

It is surprising that Florida's senior Senator didn't want any part of all these tax cuts and new jobs. He took every opportunity to vote with every other Democrat and try to block these tax cuts from happening. Fortunately, Republicans overcame partisan opposition and made tax reform a reality.

MEASURE PLACED ON THE CALENDAR—S. 2667

Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 2667) to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I come to the floor as a former chairman of the Indian Affairs Committee of the Senate to talk about the issue of the Tribal Labor Sovereignty Act—the package before us today to be discussed and voted on within the next hour.

I know we are going to be hearing from the current chairman, Senator HOEVEN. We are going to be hearing from Senator MORAN, Senator FLAKE, and others. I would like to associate my remarks with those I know they will make, specifically, those of the chairman and my other colleagues, and emphasize the need to recognize and respect Tribal sovereignty.

As Senator MORAN will explain shortly, this legislation seeks to fix the National Labor Relations Board's 2004 decision to treat Tribal government employers and tribally owned businesses

as private entities, not as sovereign governments.

They are sovereign governments.

The National Labor Relations Board's decision, I think, is the wrong decision. It increased uncertainty for Tribes, as Tribes suddenly faced regulation from a body that failed to recognize their government-to-government relationship. I think it was a complete mistake by the National Labor Relations Board, which is why I am proudly here to support the legislation we are discussing here today.

Suddenly, as a result of this ruling, these Tribal businesses became commercial entities. These businesses provide critical services on Tribal lands and in their communities. I believe the National Labor Relations Board's decision—and the litigation that inevitably followed—has only increased uncertainty in Indian Country and is in direct opposition to the entire notion of Tribal sovereignty.

Indian Tribes have a right to sovereignty. We must work to ensure there is true parity between governments. We must actively respect the government-to-government relationship.

Over the last many years, Congress has worked to address policies that have been detrimental to Tribes, including those affecting Tribal sovereignty. That is why we are here today to vote on this important piece of legislation. Tribal sovereignty allows Tribes to govern themselves, to regulate Tribal businesses, and to provide essential services for Tribal members.

As we consider this package before us today, I want to commend Chairman HOEVEN, Vice Chairman UDALL, and others for working together to move this important legislation through the Senate.

This package is no different. Senator MCCAIN and Senator FLAKE have worked for many years to resolve the White Mountain Apache water settlement issues. I see Senator FLAKE is here to discuss those issues. Senator HEINRICH and Senator UDALL recognize the need for greater certainty in land management through the Santa Clara long-term lease. Senator MORAN has been a great leader on this issue. That is why I am proud to be standing with him today.

I would urge all of my colleagues to join Chairman HOEVEN, Senator MORAN, and our committee in providing the parity for Tribal governments as they govern their future.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I thank the Senator from Wyoming for his comments and all those who have worked so hard to bring this legislation to the floor, which we will be voting on later tonight.

Indian water settlements are an invaluable tool to ensure that Tribes receive the water rights they are entitled

to and that other water users are given the certainty they require.

In States like my home State of Arizona, water rights have a substantial impact on the lives and livelihoods of so many residents. So these measures are critical to communities around the great State of Arizona.

I rise today to support the legislation I introduced aimed at ensuring that the previously enacted White Mountain Apache Tribe Water Rights Quantification Act of 2010 is properly interpreted by the Department of Interior. This bill clarifies that settlement funds awarded to the Tribe may be used for a critical rural water system. This new system is essential for the Tribe and will allow them to deliver drinking water to their members.

The measure I am proposing today is also time sensitive. The White Mountain settlement includes an enforceability date that means if this water system project is not completely approved by May 2021, it becomes void. In order to realistically meet this deadline, this bill must pass as soon as possible so that the Tribe has time to complete the necessary project studies.

This bill also corrects an issue with the National Labor Relations Act. For nearly 70 years, Tribal governments were exempt from the act, just like local and State governments and the Federal Government. However, in 2004 the NLRB inappropriately ruled that Tribes were no longer exempt. This measure would create parity for Tribal governments, giving them the same employer rights afforded to other Federal, State, and local governments.

Importantly, this element of the bill also applies to Tribal employers on Tribal lands, meaning any tribally owned and operated institution not on Tribal land would be treated as normal, private-sector employers. This bill also offers two important clarifications—one of which is desperately needed to allow the White Mountain Apache Tribe to move forward on a vital rural water system project.

I urge the bill's passage so that we can ensure that Tribes are best able to serve their people and to improve their communities.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Kansas.

Mr. MORAN. Mr. President, thank you for your remarks on the floor earlier this afternoon. I rise to have the Senate consider and to have a conversation about S. 140, a package of three bills that will have positive benefits on Indian Country.

Two bills in the package—the Senator from Arizona was talking about one of them. Two bills in this package, S. 140, the White Mountain Apache Water Rights Quantification Act, sponsored by Senators Flake and McCain, and S. 249, a bill to provide that the Pueblo of Santa Clara may lease for 99 years certain restricted land, sponsored by Senators UDALL and HEINRICH of New Mexico, have already received unanimous consent from the Senate.

The third bill in the package, the Tribal Labor Sovereignty Act, was attached as a message from the House to S. 140 in January. I am the sponsor of this legislation in the Senate, which should be noncontroversial in a chamber where Members of the Senate profess to be supportive of Tribal sovereignty. This concept has been around since 2005, and I became interested in this topic and introduced legislation in 2013—now 5 years ago.

I suppose all of us, from time to time, may introduce legislation that is a messaging point or a talking point. In this and in most every other case, when I introduce legislation I work hard to see that it becomes law. I work in a bipartisan way to bring Republicans and Democrats together and for rural and urban Members of the Senate to work together. This is an example of that. There is nothing about this legislation that is a messaging to Tribes or to others. It is not an introduction of a piece of legislation designed to make a point. It is a piece of legislation designed to become law.

This bill has passed the House and is now pending here in the Senate today. I hope to use this opportunity to convey to my colleagues that this legislation is not a radical proposition but rather a restoration of the sovereign status of Tribal governments. Indeed, by moving forward with this legislation, we can enshrine the status quo that existed for 70 years after the passage of the National Labor Relations Act, until the National Labor Relations Board stripped Tribes of their government status under the NLRA. By making explicit that Tribal governments are distinct and sovereign and capable of making their own decisions, we will correct a decade-old error made by the NLRB.

(Mr. YOUNG assumed the Chair.)

The Tribal Labor Sovereignty Act is simple and narrow. It amends the NLRA to exempt tribally owned entities operated on tribally owned lands—no more, no less. Businesses owned by individual Tribal members or operations off Tribal lands still remain subject to the scrutiny of the NLRB.

Many of those who have expressed opposition to this bill will say: I support Tribal sovereignty—but. If you have to qualify your support for Tribal sovereignty in order to protect your own interests instead of the Tribes, then, no, you really don't support Tribal sovereignty. Tribal sovereignty is something we believe in. Tribes of Native Americans—those who inhabited this country before our ancestors arrived—were granted sovereignty over their own businesses decades or generations ago.

Senators have voiced on the Senate floor that this is not about sovereignty but about an attack on labor. That is simply not true. One accusation is that this bill is truly an attack on labor because it doesn't provide exemptions from other Federal legislation. If my colleagues are objecting to this bill be-

cause of its narrow scope, then will they support making it broader? I think the answer to that is clearly no. If they are serious about that, then let's have a conversation.

I am not new to Tribal issues. My introduction to this topic began when I was elected to the Kansas State Senate a long time ago now. I was a freshman member. I happened to have a law degree and was assigned by the leadership of the State senate to conduct negotiations and to chair a committee on Indian gaming in Kansas. I spent the next 2 years in front of a Federal district judge, negotiating an agreement under IGRA for Indian gaming in Kansas.

Other examples of our efforts include the passage of general welfare exclusion legislation with Senator HETKAMP of North Dakota that passed this Senate and became law several years ago now. Again, it was trying to make clear that Tribal decisions made on behalf of Tribal members are much better decisions than those made by Congress but especially by those made by agencies and bureaucracies—in that case, the IRS; today, the National Labor Relations Board.

We have also worked on other issues related to Tribal interests, including a Carcieri fix and the ability to bring land into trust—issues that are important to Tribes across the country. My point is, this is another piece of legislation in a series that the Senate has pursued in which we are doing right by those who preceded us as our ancestors settled in America.

I don't think that the critics of this bill want Tribal governments exempt from the other statutes either. No, the objection isn't about the sovereignty granted by this legislation. It is not that it doesn't go far enough; it is what it does grant sovereignty for.

I would ask my colleagues: If the Senate denied Tribal sovereignty in this instance, what Tribal rights are going to be targeted next? The point is, if you are for sovereignty, you are for sovereignty in all circumstances, and you don't have the ability to choose. It is based upon a legal and moral obligation that we have to Tribes here in the United States.

Others have criticized this legislation. They have said that non-Tribal members cannot vote for Tribal governments, and therefore this is different from States. Again, this legislation puts Tribes in the same position, under NLRB, as States and other local units of government—but that is not true either. A person living in the District of Columbia, who works in Virginia, is subject to Virginia labor laws without having a say in forming those laws.

In 2013, there was an issue of Tribal sovereignty on the U.S. Senate floor. It was broader than that. It was VAWA—the Violence Against Women Act. I supported its reauthorization, which included new authorities for Tribal governments to protect Native American women when they are harmed by

non-Indians. With VAWA's passage, Congress placed our trust in Tribes to exact justice in the circumstance of domestic violence and violence against women.

The point here is that we rightly determined that Tribes should have the ability to punish Indian and non-Indian violent offenders, but today it is being argued that we can't trust them to treat Indian and non-Indian employees justly.

I remember the allegations against my colleagues who voted against VAWA were that they were not supportive of Tribal sovereignty. Those who oppose this bill today are subject to exactly the same criticism.

There is also an assumption being made that employees of tribally owned entities are being treated poorly or will be treated poorly if this legislation passes. The majority of Tribes are located in rural areas, where the labor pool is often inadequate. It is to the Tribes' advantage to treat their employees fairly in order to retain them. As a matter of fact, many Tribes have the highest wages and provide the best benefits in their region. Tribal jobs are coveted because prospective employees know what they stand to gain by their employment.

The idea that Tribal government enterprise workers should be treated as commercial rather than governmental workers doesn't hold up. A Tribal casino worker is no less of a government employee than an employee of a State-owned-and-operated enterprise that includes liquor stores, ski resorts, and, yes, casinos.

In 2015, the Senate Indian Affairs Committee held legislative hearings on the Tribal Labor Sovereignty Act—the legislation we are considering today—and testifying before the Committee was Robert Welch, chairman of the Viejas Band of Kumeyaay Indians in California. Despite being a unionized Tribe—employees of the tribally owned facilities are union members—Chairman Welch testified in support of this bill.

Many Tribes welcome labor unions. That is fine. The point is, it is their decision. The Tribal decision is where this issue rests. The point of this legislation is it is up to the Tribes to decide, not the NLRB.

More than 160 Tribes and Tribal organizations support this legislation and have worked hard to see its passage. They support it because the principle of Tribal sovereignty is critical to their well-being.

The vote I seek today is not a partisan ploy. I have worked to pass this legislation without a recorded vote. I have taken to the floor to do live UC requests on a number of occasions but have been met with objections. I have worked to get this legislation included in appropriations bills, but it was always forced out at the last minute.

In recent bipartisan legislation, Republican leadership, Chairman HOEVEN, and I were open to attaching both

NAHASDA and TLISA, but TLISA's inclusion was deemed unacceptable. This is not about making anybody cast a difficult vote. We have tried to do this in a way that eliminates that option, that necessity. We had two victories lined up for Indian Country—NAHASDA and TLISA—and we got nowhere because of opposition to Tribal sovereignty. That brings us to where we are today on the Senate floor. It requires a Senate vote that will take place in a little more than half an hour.

It is important to note that Tribal sovereignty enjoys bipartisan support. Nearly two dozen Democrats, including Members of the House Democratic leadership, supported this legislation in January when it passed the House, and we have strong bipartisan backing in the Senate as well. The Senate Committee on Indian Affairs reported this out by voice vote last summer. Democratic colleagues of mine have spoken in favor of it.

The late Senator Daniel Inouye of Hawaii wrote in 2009: "Congress should affirm the original construction of NLRA by expressly including Indian tribes in the definition of employer." Senator Daniel Inouye continues to be held in high regard in the U.S. Senate for his work in the U.S. Senate, for his service to his Nation, and for his firm commitment to Tribes and to Native Hawaiians. Again, Senator Inouye, who is no longer with us, said: "Congress should affirm the original construction of the NLRA by expressly including Indian tribes in the definition of employer."

What this bipartisan consensus demonstrates is that this is not about labor. This is about the ability of Tribal governments to be treated equally as other levels of government and to provide vital services to their people without fear of work stoppages.

Jefferson Keel, president of the National Congress of American Indians, wrote in February:

Tribes make an array of public services available to their tribal citizens and other local residents: law enforcement, fire and EMS departments, schools and hospitals, and natural resource management.

These are things Tribes do on a daily basis for Tribal members and for residents.

All tribal governments play critical roles in ensuring the safety, health, and stability of tribal and surrounding communities.

He goes on to write that in 1935, Congress "did not want the kind of labor strife and work stoppages that could paralyze federal, state and local governments, jeopardizing public health and safety in the process."

Eighty years later, why it is that every other form of government in this country is treated one way and Tribes another? That, my colleagues, is not right. Why do Tribes have to accept others determining their workplace rules but not their counterparts? Why is it that the well-being of Native Americans on reservations, who rely on

these services, might be placed at risk? But most importantly, why would we deny sovereignty when Tribes are entitled to it?

Senator UDALL, my friend and colleague from New Mexico, who serves as our committee's vice chair, the ranking member, understands the importance of self-governance. He recently said: "Decisions made by Tribes for Tribes produce the best outcomes for their unique communities."

Is there a U.S. Senator who doesn't believe that decisions made at home are better because we are all unique? We have unique circumstances in every State across the country and in every community. Local folks can make better decisions about what makes sense in their local community. We know that for our constituents; we should know that for Tribal members. Again, Senator UDALL said: "Decisions made by Tribes for Tribes produce the best outcomes for their unique circumstances."

What we will be voting on shortly is really a question of whether the Members of this Chamber—U.S. Senators who swore to uphold the Constitution and fill their responsibilities—believe that Tribal governments, elected by their members, possess the right to make informed decisions on behalf of those they represent. I say they do, and I hope that most of my colleagues—in fact, I hope all of my colleagues agree with that sentiment.

We have been working at this legislation for 5 years now. Decisions will be made 30 minutes from now that will have a huge consequence, perhaps not on me, perhaps not on many of my constituents but on Tribal leaders and the individual Tribal members who elected them to make decisions on their behalf. We would be offended if people intruded on our abilities to make decisions for our constituents, and Tribal leaders are no different.

This is important legislation. It is not political. It is about making the right decision for the right reason so that good outcomes can benefit all Americans—all who live here in the United States—and I ask my colleagues to seriously consider and, ultimately, vote for this bill, S. 140, which includes the Tribal Labor Sovereignty Act.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Ohio.

Mr. BROWN. Mr. President, I strongly encourage my colleagues to reject this anti-worker bill masquerading as an issue of Tribal sovereignty.

I strongly support Tribal sovereignty. I can't speak for everyone in this body, but I am virtually certain that every single Democratic Member of this body supports Tribal sovereignty, and I am pretty certain that most Republican Members of this body support Tribal sovereignty, but that is not what this bill is about. This is just the latest battle in the decades-long war that so many in this town have been waging to undermine the rights of

American workers. This bill strips away the rights of 600,000 employees at Tribal casinos, so 600,000 employees at casinos on Tribal lands will lose their right to collective bargaining. We know what that means to their wages and their benefits. Seventy-five percent of these 600,000 employees are not members of a Tribe. So when these casinos all over the country, on reservations, these casinos on Indian lands—most of the 600,000 employees at the Tribal casinos have the right to collectively bargain, to form unions if they choose, to collectively bargain if they choose, and to get better wages and benefits if that is what brings them to it. Again, 75 percent of these workers are not members of any of these Tribes. There are other Federal laws that apply to workplaces on Tribal lands.

The Fair Labor Standards Act, the Occupational Safety and Health Act, the Employment Retirement Income Security Act—so-called ERISA—and title III of the Americans with Disabilities Act all apply on Tribal lands, but this bill only goes after collective bargaining rights, only goes after those workers. There is no reason Congress should single out and attack the rights of these workers to organize and advocate for themselves in the workplace.

We can protect Tribal sovereignty. I want to do that. I am leading the charge against this bill. I want to protect Tribal sovereignty, but you can also protect workers' rights at the same time. You don't have to jettison workers' rights. You don't have to hurt these workers. We don't have to take rights away from these workers—the right to organize and bargain collectively—in order to protect Tribal sovereignty. Our laws do that right now.

Some of my colleagues will say they want to make sure that Tribes have the same rights as States, whose workers are carved out of the National Labor Relations Act, but Tribal government employees are already exempted from the National Labor Relations Act. This bill eliminates the Federal labor rights of workers at for-profit businesses, like casinos.

So who is behind this? The national chamber of commerce wants to go after unions every chance they get and take away collective bargaining rights. Do you know what that means when companies do that? It means higher profits. It means they can pay less to workers. It means they can strip workers of their healthcare and their retirement. Of course these companies want to take away collective bargaining rights and put unions out of business. That is the whole point of this bill.

Again, Tribal government employees are already exempted from the NLRA. This bill eliminates the Federal labor rights of workers at for-profit businesses, like casinos. You don't think these casinos are making lots of money? Of course they are. They will make more money if you take away the collective bargaining rights of employees. Employees will make less.

Employees will, in some cases, lose their health insurance. Employees will get fewer dollars for retirement, but profits will go up for these casinos.

These casinos are often run by companies that have nothing to do with these Tribes. That is not establishing parity. States can't carve out home State, for-profit businesses from the NLRA. Nevada can't say that it has decided its casinos on the Vegas Strip are exempt from Federal labor laws. So why would we treat these private, for-profit casinos any differently?

Supporters of the bill will say it is necessary to prevent overreach by the National Labor Relations Board. That argument doesn't hold up either. The Board is methodically evaluated when they do and don't assert jurisdiction on Federal lands. They use a very careful test to ensure that the Board's jurisdiction does not infringe on Tribal rights or interfere in the Tribes' exclusive right to self-government.

All of us in this body—at least all of us on this side of the aisle; I think all of us in the body—of course we want to make sure that Tribal rights are enforced and that we don't interfere in the Tribes' exclusive right to self-government. These, though, are for-profit businesses on these reservations.

In a June 2015 decision, the Board used the test and did not assert jurisdiction in a labor dispute on Tribal lands.

As I said, I think all of us here support Tribal sovereignty. I wish all of us here supported American workers' right to organize just as strongly.

My friends on this side of the aisle have spent day after day, week after week, month after month, doing all they can to stop workers in my State, in the State of Kansas, and all over this country from organizing. This bill is an attempt to take advantage of Tribe support in Congress to attack workers.

There is another provision slipped in. At a time when Congress is engaged in a long-overdue discussion about sexual harassment in the workplace, this bill repeals all Federal protections against harassment for the 600,000 workers. So it strips collective bargaining rights from 600,000 people. It also repeals all Federal protection against sexual harassment for those same 600,000 workers. Right now, these workers cannot bring Federal harassment claims. Their only Federal protection against harassment is the NLRA. Under that law, workers have the right to collectively protest harassment. They can file grievances under union contracts to enforce their rights. If this bill passes, that Federal protection will disappear. All of the collective bargaining agreements in these workplaces would expire at the end of their terms, and the union-won protections against harassment would simply disappear along with all of them.

We are going in the wrong direction. Today more than ever, workers need a voice in the workplace.

Think about this: Over the last 40 years, gross domestic product has gone up and up and up. Corporate profits have gone up and up and up; worker productivity has gone up and up and up; executive salaries have gone up and up and up—all because of the productivity of American workers. But workers haven't shared in the wealth that they have created for their bosses. Workers haven't shared in the growth of those companies. Wages are flat.

So think about that again. Profits go up, productivity goes up, executive salaries go up, productivity of American workers, as I said, goes up, but wages are flat. A big part of that is because of this attack from this body and the House of Representatives—the attack on workers trying to organize and bargain collectively. So if this bill passes, we are going to make sure that 600,000 fewer Americans have the right to organize and bargain collectively. Again, it means profits will go up at these casinos, executive salaries will go up at the casinos, and wages will be flat and go down even as these companies do better and better.

Workers don't share in the growth they create. Hard work just doesn't pay off the way it used to. The dignity of work has been undermined by this Senate, by the House of Representatives, and by the White House. If work isn't valued, then Americans can't earn their way to a better life for their families no matter how hard they work. This bill will make it harder for these workers to ensure that their work is valued.

This bill undermines the dignity of work in this country. We ought to be lifting up workers. We shouldn't be undermining their right to advocate for themselves. These are workers banding together to advocate for themselves. Their voices are stronger when they are together, and that is when management has to listen to them. That is why they get better wages. That is why they get better healthcare. That is why they get better retirement. But we know what this bill does. It doesn't protect Tribal sovereignty. That is just what they say it does, just like they said—80 percent of the tax cut went to the richest 1 percent of Americans, and they called that a tax cut for the middle class. Surely it wasn't that. Just like the bank bill that rolls back some tough rules on Wall Street—they like to say that was a bill for the small banks. No, it wasn't. It was much about Wall Street. Just like this bill is not for Tribal sovereignty—it is to help put labor unions out of business and depress wages. That is why I oppose this bill.

I urge my colleagues to vote no.

NOMINATION OF RONNY JACKSON

Mr. President, over the next few weeks, the Senate will consider the President's nominee to head the Department of Veterans Affairs, Dr. Ronny Jackson. I will be meeting with Dr. Jackson tomorrow, and I look forward to that meeting. I am eager to

hear what his plans are and how he will make the VA system work better for the women and men who serve our country. I will have some tough questions for him. I know my friend, the Senator from Kansas and the current Presiding Officer, who also sits on the Committee on Veterans' Affairs, has the same concerns that I have.

One of my top priorities will be finding out his views on the misguided idea that some are pushing of privatizing the Veterans' Administration. Privatizing the VA would mean putting profits ahead of veterans. It would mean depriving the women and men who served our country the best possible care just to line the pockets of healthcare executives.

We have seen what happens when we introduce corporate profit motives into organizations that should be set up to serve the American people. Just look how private, for-profit charter schools have failed children in my State. The owners of the private, for-profit charter schools have done well, while taxpayers have been fleeced and students have been betrayed. We know that privatization of the prison system or privatization of Social Security or privatization of Medicare or privatization of the Veterans' Administration all works the same way. The people who are to be served find they have less quality care or service. The people who own the newly privatized agencies or companies do very well.

Study after study in my State shows these for-profit charter schools don't give Ohio students an adequate education and cost taxpayers more. According to a report from Stanford University's Center for Research on Education Outcomes, students at Ohio's charter schools lose 43 days of math instruction and 14 days of reading instruction, compared with traditional public schools in the State. We allowed for-profit school operators to inject profits into Ohio's public education, and they treated taxpayers like ATM machines and shortchanged students. We can't allow the same thing to happen to veterans. I will fight any effort to use America's veterans to pad the profits of wealthy corporations. Dr. Jackson will have to commit to oppose any VA privatization efforts to earn my vote.

We know the VA system isn't perfect, and we know it can improve. We have work to do to rebuild and strengthen it. Dr. Shulkin was trying to do that and made some inroads in doing it, but it will be hard. It is the largest healthcare system in the country. It serves 9 million veterans every year and provides care at more than 1,200 facilities across the country, including about three dozen in my State.

Some of those serve veterans very well, while others need significant investment to improve their services. Too many veterans still face obstacles to get the highest quality care through the VA system. I know veterans service organizations, some of the best groups

and civic organizations in our country—to name a few, knowing I will leave some out: the Disabled American Veterans, the American Legion, the AMVETS, the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Polish American Veterans—all these organizations have said: We don't want to privatize the VA. We want improvements in the Veterans' Administration, but we want to keep it a public organization that serves veterans who fought for this country.

Just because the task to fix the VA is hard doesn't mean we abandon our responsibility to the men and women who served this country. We need to redouble our efforts to strengthen the VA, not tear it down and not privatize it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I understand there is 4 minutes left, and I might go a few minutes over. I ask unanimous consent to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I rise in support of S. 140, as amended, the bill sponsored by the outstanding Senator from the great State of Kansas, Mr. MORAN. This bill affirms Tribal sovereignty and upholds the unique government-to-government relationship the United States shares with the Indian nations.

As chairman of the Indian Affairs Committee, I have long said there is far more common ground than division on Indian issues. Our committee has a strong tradition of working in a bipartisan manner to improve the lives of Indian people and to build stronger Native American communities.

With the support of Indian Country, we have successfully advanced important initiatives to support Tribal economic development, healthcare, public safety, and housing. Additionally, we have worked to support our many Native veterans. Native Americans proudly serve and defend our great country at some of the highest rates per capita of any ethnic group.

Of the 29 bills we have cleared through the Indian Affairs Committee this Congress, 18 have passed the Senate by unanimous consent and 4 have already been signed into law.

Jefferson Keel, lieutenant governor of the Chickasaw Nation and president of the National Congress of American Indians, recently stated in an op-ed piece to *The Hill*: "Both political parties have seen the wisdom of supporting strong tribal governments and tribal sovereignty and have to realize

that as the most local of governments, tribes know best how to solve local challenges."

Tribal sovereignty is the inherent right of Indian Tribes to govern themselves on their own lands, and it is the cornerstone of our government-to-government, nation-to-nation relationship. Today marks a real opportunity for the Senate to affirm and celebrate Tribal sovereignty and self-determination.

The Senate will be considering S. 140, as amended, "An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010." This bill combines both Republican and Democratic bills into three sections of S. 140. Each of these bills—S. 140, S. 249, and S. 63—all passed out of the Indian Affairs Committee with bipartisan support.

The first section of S. 140 would allow for a technical amendment so the White Mountain Apache Tribe can use all or a portion of already appropriated funds from a water rights settlement to complete their drinking water system in Arizona. This section was originally sponsored by Senators FLAKE and MCCAIN as S. 140. The bill was voice-voted out of the Indian Affairs Committee and passed the Senate by unanimous consent.

Section 2 of S. 140 would amend the Indian Long-Term Leasing Act so that the Pueblos of Santa Clara and Ohkay Owingeh are authorized to lease their respective Indian trust and restricted lands for up to 99 years. This is identical language to S. 249, a bill that was introduced by Senators UDALL and HEINRICH of New Mexico. That bill was passed by the committee on February 8, 2017.

Section 3 of S. 140 would amend and clarify the National Labor Relations Act so that Indian Tribes, Tribal governments, and tribally owned and operated institutions and enterprises that are located on Indian lands would be provided parity under the law with respect to other governments. This would reverse the 2004 National Labor Relations Board decision that found Tribal governments to be private organizations. That NLRB decision overturned years of precedent.

Let's listen to Tribal leaders. In his prepared statement to the Committee on Indian Affairs regarding the Tribal Labor Sovereignty Act of 2015, then-Governor Paul Torres of the Pueblo of Isleta stated:

This bill is essential to restore the dignity and equality of Indian tribes as sovereigns, which the National Labor Relations Board is seeking to deny us. The Board treats every sovereign, all the way down to local governments and political subdivisions of the state, as exempt from the National Labor Relations Act except for one—Indian tribes. It does so even though Congress made clear, when the NLRA was enacted, that the Act does not apply to sovereign entities. The NLRA does not mention Indian tribes and for a long time the Board recognized that the Act does not apply to Tribes. Since 2004, it wants that power—but it did not ask Congress for it. Nor did it ask the Tribes for their views.



So this clearly goes beyond what should be allowed under the law. We have accomplished a lot in our committee, and it is because we have listened to Tribal leaders and their communities. This bill, S. 140, has the support of every Tribal leader across the country, the National Congress of American Indians, the National Indian Gaming Association, the U.S. Chamber of Commerce, and many other organizations.

With that, Mr. President, I urge a “yes” vote on cloture and on passage of this bill.

With that, I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify use of amounts in the WMAT Settlement Fund.

Mitch McConnell, Cory Gardner, Orrin G. Hatch, Tom Cotton, Steve Daines, Roy Blunt, Mike Crapo, James E. Risch, Johnny Isakson, John Thune, Thom Tillis, James M. Inhofe, Pat Roberts, John Hoeven, John Boozman, Jeff Flake, Jerry Moran.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “yea”.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), is necessarily absent.

The PRESIDING OFFICER (Mrs. ERNST). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 74 Leg.]

#### YEAS—55

Alexander	Cassidy	Daines
Baldwin	Collins	Enzi
Barrasso	Corrigan	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Flake
Burr	Crapo	Gardner
Capito	Cruz	Graham

Grassley	King
Hatch	Lankford
Heinrich	Lee
Heitkamp	McConnell
Heller	Moran
Hoeven	Murkowski
Hyde-Smith	Paul
Inhofe	Perdue
Isakson	Risch
Johnson	Roberts
Kaine	Rounds
Kennedy	Sasse

#### NAYS—41

Bennet	Harris	Peters
Blumenthal	Hassan	Portman
Booker	Hirono	Reed
Brown	Jones	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Manchin	Shaheen
Casey	Markey	Smith
Coons	McCaskey	Stabenow
Cortez Masto	Menendez	Van Hollen
Donnelly	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Nelson	

#### NOT VOTING—4

Duckworth	Rubio
McCain	Tillis

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

#### MOTION TO REFER WITH AMENDMENT NO. 2229

Mr. McCONNELL. Madam President, I move to table the motion to refer.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### MOTION TO CONCUR WITH AMENDMENT NO. 2227

Mr. McCONNELL. Madam President, I move to table the motion to concur with further amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### MOTION TO CONCUR WITH AMENDMENT NO. 2232

Mr. McCONNELL. I move to concur in the House amendment to S. 140, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to concur in the House amendment to S. 140, with an amendment numbered 2232.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk on the motion to concur with further amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, with a further amendment.

Mitch McConnell, John Barrasso, Roy Blunt, Johnny Isakson, Todd Young, Tom Cotton, Tim Scott, Roger F. Wicker, Cory Gardner, John Thune, Jerry Moran, John Hoeven, Lamar Alexander, Pat Roberts, Mike Crapo, Jeff Flake, John Boozman.

Mr. McCONNELL. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2233 TO AMENDMENT NO. 2232

Mr. McCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2233 to amendment No. 2232.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

#### MOTION TO REFER WITH AMENDMENT NO. 2234

Mr. McCONNELL. Madam President, I move to refer the House message on S. 140 to the Committee on Commerce with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to refer the House message to accompany S. 140 to the Committee on Commerce, Science, and Transportation with instructions to report back forthwith with an amendment numbered 2234.

The amendment is as follows:

At the end add the following.

“This Act shall take effect 2 days after the date of enactment.”

Mr. McCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2235

Mr. McCONNELL. Madam President, I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2235 to the instructions of the motion to refer.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike “2” and insert “3”

Mr. McCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2236 TO AMENDMENT NO. 2235

Mr. McCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2236 to amendment No. 2235.

The amendment is as follows:

Strike “3 days” and insert “4 days”

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 609.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JAMES BRIDENSTINE, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Mike Crapo, John Kennedy, John Barrasso, John Thune, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, Cory Gardner.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

• Mr. RUBIO. Mr. President, today I joined President Trump in Florida to discuss the benefits of the Tax Cuts and Jobs Act with local businesses. Due to these important discussions, I will miss today's vote.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

• Ms. DUCKWORTH. Madam President, I was necessarily absent for vote No. 74 on the motion to invoke cloture on the motion to concur in the House amendment to S. 140. On vote No. 74, had I been present, I would have voted nay on the motion to invoke cloture on the motion to concur in the House amendment to S. 140.

### AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION BILL

Mr. INHOFE. Madam President, I am delighted the Senate has decided to take up S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund which, in part, includes a bill I have cosponsored, S. 63, the Tribal Labor Sovereignty Act of 2017.

S. 63 is a much needed reform measure aimed at correcting excessive government overreach by the National Labor Relations Board, NLRB. In 2004, the NLRB overturned longstanding precedent by asserting its authority over Native American Tribes. The NLRB never should have expanded its authority to Indian Tribes located on Tribal land. This decision has caused tremendous legal confusion and stagnation of Indian business development. Fortunately, with passage of S. 140, the Congress is acting to address bureaucratic overreach by the NLRB. I urge my colleagues to support its passage.

## NOMINATION OBJECTION

Mr. WYDEN. Madam President, I am putting a hold on the nomination of Mr. Jason Klitenic to be General Counsel of the Office of Director of National Intelligence. I intend to maintain the hold until there is a satisfactory response to the March 6, 2018, letter Senator GRASSLEY and I sent the Director of National Intelligence regarding the Intelligence Community Office of Inspector General, OIG, and the termination of its Executive Director of Intelligence Community Whistleblowing and Source Protection. To date, we have received no response to the letter, nor have we been provided the documents related to the Executive Director's termination requested in the letter.

My hold is not connected to the qualifications of Mr. Klitenic to serve in the position to which he has been nominated, and it is my intention to release the hold once my concerns related to the OIG are resolved.

I ask unanimous consent to have the March 6, 2018, letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 6, 2018.

Hon. DANIEL COATS,  
*Director of National Intelligence,*  
*Washington, DC.*

DEAR DIRECTOR COATS: We write to express deep concern about the Office of the Intelligence Community Inspector General (OIG) and to urge that you stay actions taken by the OIG pending confirmation of the new Inspector General. We are writing to you because the current acting leadership of the OIG is the subject of our concerns as well as the subject of allegations in connection with the specific personnel matter in question.

Late last week, the OIG's Executive Director of Intelligence Community Whistleblowing and Source Protection (the "Executive Director") was terminated in a process marked by procedural irregularities and serious conflicts of interest. Further, the termination of the Executive Director came after an extended period during which the acting leadership of the OIG demonstrated a lack of support for the critical whistleblower protection mission of the office.

The timing of these actions, which occurred during the confirmation process for Mr. Michael Atkinson to be the new Inspector General, is especially troubling. We are concerned that the termination of the Executive Director may constitute an effort to preempt the nominee's authority to make his own decisions upon confirmation. Moreover, during the nominee's hearing, multiple U.S. Senators expressed the expectation that the nominee would, if confirmed, address their concerns regarding the current acting leadership of the OIG and its approach to whistleblowers. We are concerned that any preemptive steps taken by the acting leadership risk undercutting the constitutional authority of the U.S. Senate to provide advice and consent through the confirmation process.

We therefore write with several urgent requests. First, on November 29, 2017, Senator Grassley sent you and the Acting Inspector General letters urging the preservation of all records relating to the Executive Director's then-proposed termination, as well as all the contents of the Executive Director's office.



Senator Grassley has not received responses to those letters. We request that you respond and that you ensure that the Acting Inspector General responds as well. We further request that the preservation described in the letters be implemented, and that it be applied as well to all subsequent records related to the Executive Director's termination and all matters then pending involving his Office.

Second, Senator Grassley's letters requested documents related to the personnel action against the Executive Director and related matters. We request your support in ensuring that Congress receives the documents described in the letters as well as subsequent documents related to the process by which the Executive Director was terminated.

Finally, we urge that all personnel decisions made by the OIG since the nomination of Mr. Atkinson, including the termination of the Executive Director, be stayed pending his confirmation. (Mr. Atkinson's nomination has been favorably reported by both the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence and is awaiting final Senate action on the Calendar.) Upon his confirmation, the new Inspector General should have the unfettered authority to consider both personnel and policy matters de novo without being hindered by preemptive actions taken by the current acting leadership.

Thank you for your attention to this urgent matter.

Sincerely,

CHARLES GRASSLEY,  
U.S. Senator.  
RON WYDEN,  
U.S. Senator.

#### TRIBUTE TO LIEUTENANT COLONEL CHARCILLEA SCHAEFER

Mr. MORAN. Madam President, I would like to take a few moments of the Senate's time this evening to recognize servicemembers who take time away from core missions serving our Nation to support Members of Congress to facilitate a healthy and balanced exchange with the Department of Defense. We work in an environment in which we are surrounded by these dedicated individuals in our Armed Forces. They educate us, prepare us, and do their very best to make sure the members of this body can strive to do their work in the most effective way possible. The vast majority of their efforts go without proper acknowledgement. I speak today to ensure that we recognize one of the hardest working and dedicated individuals among them, LTC Charcillea Schaefer. As an American soldier, she has dedicated her life to serving our country, and for the past 3 years, she has successfully supported me and other Members of Congress.

I have been able to work with Charcy by virtue of the U.S. Army Congressional Fellowship Program. Through this program, she was assigned to the U.S. Army's congressional budget liaison office, where she worked alongside Senate appropriators and Army leaders in the Pentagon. Charcy directly improved the relationships between Members of Congress, their staffs, and Army leaders with her ability to build trust and gain confidence among those who

relied on her. Her accurate and timely responses to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies had a significant impact on the subcommittee's ability to establish priorities and craft appropriations legislation that better serves our military, their families, and our veterans.

Charcy was skilled in translating the military construction needs of the Army such as military hospitals, barracks, and clean energy initiatives. She also helped Members understand the impact new construction and facility upgrades would have in direct support of combatant commands and their missions. Charcy was influential in assisting the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies support one of our Nation's most sacred and cherished treasures, the Arlington National Cemetery.

Charcy is trustworthy and dependable, she made a difference, and I am grateful for her support.

On behalf of Kansans and the Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, I offer sincere gratitude to Charcillea Schaefer of Centreville, VA.

Charcy, ma'am, thank you for a job well done. I wish you nothing but the best in your future endeavors and service to our Nation.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Cuccia, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Veterans' Affairs.

(The message received today is printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 3:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4790. An act to amend the Volcker rule to give the Board of Governors of the Federal Reserve System sole rulemaking authority, to exclude community banks from the requirements of the Volcker rule, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4790. An act to amend the Volcker rule to give the Board of Governors of the

Federal Reserve System sole rulemaking authority, to exclude community banks from the requirements of the Volcker rule, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2667. A bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4872. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tetraconazole; Pesticide Tolerances" (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4873. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazole; Pesticide Tolerances" (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4874. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluensulfone; Pesticide Tolerances" (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4875. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clethodim; Pesticide Tolerances" (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4876. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rinderpest; Update of Communicable Animal Disease Provisions" (Docket No. APHIS-2017-0070) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4877. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal year 2018 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS-2018-0437); to the Committees on Armed Services; Appropriations; and Foreign Relations.

EC-4878. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) for the Army and Air Force Major Defense Acquisition Programs

(MDAPs) (OSS-2018-0418); to the Committee on Armed Services.

EC-4879. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) for the Navy/Marine Corps Major Defense Acquisition Programs (MDAPs) (OSS-2018-0352); to the Committee on Armed Services.

EC-4880. A communication from the President of the United States, transmitting, pursuant to law, the fiscal year 2017 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, United States Strategic Command (OSS-2018-0353); to the Committee on Armed Services.

EC-4881. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Christopher F. Burne, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4882. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces" (RIN0790-AJ97) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Armed Services.

EC-4883. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Competition for Religious-Related Services Contracts" ((RIN0750-AJ06) (DFARS Case 2016-D015)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services.

EC-4884. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Consolidation of Contract Requirements" ((RIN0750-AJ43) (DFARS Case 2017-D004)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services.

EC-4885. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Definition of 'Information Technology'" ((RIN0750-AJ39) (DFARS Case 2017-D033)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services.

EC-4886. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Educational Service Agreements" ((RIN0750-AJ49) (DFARS Case 2017-D039)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services.

EC-4887. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Safe Access to Projects in Afghanistan" ((RIN0750-AJ38) (DFARS Case 2018-D007)) received in the Office of the President of the Senate on April

10, 2018; to the Committee on Armed Services.

EC-4888. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Temporary Extension of Test Program for Comprehensive Small Business Subcontracting Plan" ((RIN0750-AJ00) (DFARS Case 2015-D013)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services.

EC-4889. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Administrator, Federal Transit Administration, Department of Transportation, received in the Office of the President of the Senate on April 12, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4890. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (Iowa, Hancock County, City or Corwith, et al.)" ((44 CFR Part 64) (Docket No. FEMA-2018-0002)) received in the Office of the President of the Senate on April 12, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4891. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Export Administration Regulations to Reclassify Targets for the Production of Tritium and Related Development and Production Technology Initially Classified Under the 0Y521 Series" (RIN0694-AG90) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4892. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Real Estate Appraisals" (RIN3064-AE56) received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-4893. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 56th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2017; to the Committee on Commerce, Science, and Transportation.

EC-4894. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2017; to the Committee on Energy and Natural Resources.

EC-4895. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen" ((RIN2060-AR57) (FRL No. 9976-78-OAR)) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Environment and Public Works.

EC-4896. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Illinois; Regional Haze Progress Report" (FRL No. 9976-70-Region 5) received in the Office of the President

of the Senate on April 11, 2018; to the Committee on Environment and Public Works.

EC-4897. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Florida Update to Materials Incorporated by Reference" (FRL No. 9975-70-Region 4) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Environment and Public Works.

EC-4898. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Remedial actions for tax-advantaged bonds" (Rev. Proc. 2018-26) received in the Office of the President of the Senate on April 12, 2018; to the Committee on Finance.

EC-4899. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2018" (Rev. Proc. 2018-33) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance.

EC-4900. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911(d)(4)—2017 Update" (Rev. Proc. 2018-23) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance.

EC-4901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Scope of Determination Letter Program for Individually Designed Plans During Calendar Year 2019" (Rev. Proc. 2018-24) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance.

EC-4902. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Finance.

EC-4903. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Act, a report relative to targeted missile strikes on Syrian military chemical weapons-related facilities, received during adjournment of the Senate on April 15, 2018; to the Committee on Foreign Relations.

EC-4904. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a group as a Foreign Terrorist Organization by the Secretary of State (OSS-2018-0400); to the Committee on Foreign Relations.

EC-4905. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's annual report concerning military assistance and military exports (OSS-2018-0417); to the Committee on Foreign Relations.

EC-4906. A communication from the Deputy Director, Office of Acquisition and Assistance, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Amend the USAID Acquisition Regulation (AIDAR)

Clause ‘Government Property—USAID Reporting Requirements’” (RIN0412-AA89) received in the Office of the President of the Senate on March 22, 2018; to the Committee on Foreign Relations.

EC-4907. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment” received in the Office of the President of the Senate on April 10, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4908. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Examinations of Working Places in Metal and Nonmetal Mines” (RIN1219-AB87) received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4909. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Health, Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4910. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission’s fiscal year 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-4911. A communication from the Acting Deputy Assistant Secretary for Civil Rights, Department of Agriculture, transmitting, pursuant to law, the Department’s fiscal year 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-4912. A communication from the Vice Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board’s fiscal year 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-4913. A communication from the Acting Chief Privacy and Civil Liberties Officer, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Privacy Act of 1974; Implementation” (CPCLO Order No. 001-2018) received in the Office of the President of the Senate on April 11, 2018; to the Committee on the Judiciary.

EC-4914. A communication from the Impact Analyst, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Schedule for Rating Disabilities; Gynecological Conditions and Disorders of the Breast” (RIN2900-AP13) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Veterans’ Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 146. A bill to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes (Rept. No. 115-230).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 2825. A bill to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. BENNET, Mr. DONNELLY, and Mr. YOUNG):

S. 2669. A bill to provide for accelerated approval of pain and addiction therapies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself and Mr. KING):

S. 2670. A bill to amend the Internal Revenue Code of 1986 to simplify the treatment of seasonal positions for purposes of the employer shared responsibility requirement; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself and Mr. VAN HOLLEN):

S. 2671. A bill to protect our Social Security system and improve benefits for current and future generations; to the Committee on Finance.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2672. A bill to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal land in President’s Park in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASSIDY (for himself and Mr. JONES):

S. 2673. A bill to limit the printing of the Congressional Record and the Senate Calendars, and for other purposes; to the Committee on Rules and Administration.

By Mr. INHOFE:

S. 2674. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. INHOFE:

S. 2675. A bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. CASSIDY (for himself and Mr. MURPHY):

S. 2676. A bill to permit certain disclosures of health information during emergencies, including overdoses; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CAPITO:

S. 2677. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for coal-powered electric generation units; to the Committee on Finance.

By Mr. KAINE (for himself, Ms. WARREN, Mr. HATCH, Ms. HASSAN, and Mr. BLUMENTHAL):

S. 2678. A bill to direct the Secretary of Health and Human Services, acting through

the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration, to publish and disseminate best practices for operating recovery housing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for Ms. DUCKWORTH (for herself, Mr. DURBIN, and Mr. KENNEDY)):

S. 2679. A bill to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses; to the Committee on Small Business and Entrepreneurship.

By Mr. ALEXANDER (for himself and Mrs. MURRAY):

S. 2680. A bill to address the opioid crisis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORKER (for himself, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. YOUNG, and Mr. NELSON):

S.J. Res. 59. A joint resolution to authorize the use of military force against the Taliban, al Qaeda, the Islamic State in Iraq and Syria, and designated associated forces, and to provide an updated, transparent, and sustainable statutory basis for counterterrorism operations; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Ms. HEITKAMP, and Mr. TILLIS):

S. Res. 464. A resolution supporting the goals and ideals of Take our Daughters and Sons To Work Day; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL:

S. Res. 465. A resolution electing Michael C. Stenger as Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 466. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. McCONNELL:

S. Res. 467. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. WYDEN (for himself, Mr. PORTMAN, Mr. ALEXANDER, Mr. HEINRICH, Ms. HIRONO, and Mr. BOOKER):

S. Res. 468. A resolution designating May 19, 2018, as “Kids to Parks Day”; considered and agreed to.

By Mr. MURPHY:

S. Res. 469. A resolution recognizing the historic, cultural, and religious significance of the festival of Vaisakhi, and expressing support for all communities that celebrate Vaisakhi; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 298

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 298, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 326

At the request of Mr. HELLER, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 783

At the request of Ms. BALDWIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 783, a bill to amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

S. 1403

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 1403, a bill to amend the Public Lands Corps Act of 1993 to establish the 21st Century Conservation Service Corps to place youth and veterans in national service positions to conserve, restore, and enhance the great outdoors of the United States, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2203

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2203, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2260

At the request of Mr. SCHATZ, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2260, a bill to establish and fund an Opioids and STOP Initiative to expand, intensify, and coordinate fundamental, translational, and clinical research of the National Institutes of Health with respect to opioid abuse, the understanding of pain, and the discovery and development of safer and more effective treatments and preventive interventions for pain.

S. 2346

At the request of Mr. BOOKER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2346, a bill to establish an innovative water infrastructure workforce development program, and for other purposes.

S. 2404

At the request of Mr. CASEY, the name of the Senator from Maryland

(Mr. VAN HOLLEN) was added as a cosponsor of S. 2404, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to reauthorize the organic agriculture research and extension initiative.

S. 2586

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2586, a bill to amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes.

S. 2587

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2587, a bill to amend the Endangered Species Act of 1973 to establish a program to allow States to assume certain Federal responsibilities under that Act with respect to agency actions applicable to highway projects within the States, and for other purposes.

S. 2588

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2588, a bill to amend title 54, United States Code, to establish a program to allow States to assume certain Federal responsibilities under that title with respect to agency actions applicable to highway projects within the States, and for other purposes.

S.J. RES. 57

At the request of Mr. MORAN, the names of the Senator from Montana (Mr. DAINES) and the Senator from Iowa (Mrs. ERNST) were added as cosponsors of S.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act".

S. RES. 460

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 460, a resolution condemning Boko Haram and calling on the Governments of the United States of America and Nigeria to swiftly implement measures to defeat the terrorist organization.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself, Ms. WARREN, Mr. HATCH, Ms. HASSAN, and Mr. BLUMENTHAL):

S. 2678. A bill to direct the Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration, to publish and disseminate best practices for operating recovery housing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President. As the opioid epidemic continues to challenge the Nation, the statistics on this public health crisis show the toll it is taking on communities across the country. In Virginia in 2016, there were over 1,400 deaths from overdoses, a 38 percent increase over 2015. Eighty percent of these deaths involved opioid use. Opioid overdoses are now the leading cause of accidental death in Virginia, surpassing car accidents and gun violence.

While we must focus on prevention and treatment to stem the tide of addiction and overdose deaths, it is also critical that our efforts include helping people recover from addiction and return to their families, the workforce, and their lives. That includes improved access and oversight Medication Assisted Treatment, wraparound services like peer recovery supports, and ensuring that "recovery residences" are safe.

After treatment, many people in the early recovery stages choose to enter recovery residences. These facilities give people a stable and sober environment as they transition back into society. While these residences are growing in number due to the epidemic, we are learning that these facilities often lack oversight or regulation. There have been deaths at recovery residences due to the lack of trained professionals and standards.

Currently, no national standards or guidelines are in place to ensure that recovery homes are providing a safe environment. This situation leaves families and victims in the dark about whether the facility that is looking after their loved one is qualified. The bill I am introducing today would authorize the Substance Abuse and Mental Health Services Administration (SAMHSA) to develop best practices for recovery living facilities. It would also authorize SAMHSA to provide technical assistance and support to States willing to adopt best practices. Additionally, the bill would require States that use SAMHSA grants for recovery residences to meet established best practices, direct SAMHSA to provide best practice information directly to patients and ensure that SAMHSA consults with other relevant Federal agencies on drafting guidelines.

I would like to thank Senator WARREN and our other cosponsors for working on this legislation, and Congresswoman CHU for championing legislation on this topic in the House.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 464—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. HEITKAMP, and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 464

Whereas the Take Our Daughters To Work program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters And Sons To Work" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas, in 2018, the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential", fully reflects the addition of boys;

Whereas the Take Our Daughters And Sons To Work Foundation, a nonprofit organization, has grown to be one of the largest public awareness campaigns, with more than 40,000,000 participants annually in more than 3,500,000 organizations and workplaces representing each State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters And Sons To Work Foundation, and received national recognition for its dedication to future generations;

Whereas, every year, mayors, governors, and other private and public officials sign proclamations and lend support to Take Our Daughters And Sons To Work Day;

Whereas the fame of the Take Our Daughters And Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas 2018 marks the 25th anniversary of the Take Our Daughters And Sons To Work program;

Whereas Take Our Daughters And Sons to Work Day will be observed on Thursday, April 26, 2018; and

Whereas, by offering opportunities for children to experience activities and events, Take Our Daughters And Sons To Work Day is intended to continue helping millions of girls and boys on an annual basis to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all participants of Take Our Daughters And Sons To Work Day for the—

(A) ongoing contributions that the participants make to education; and

(B) vital role that the participants play in promoting and ensuring a brighter, stronger future for the United States.

#### SENATE RESOLUTION 465—ELECTING MICHAEL C. STENGER AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 465

Electing Michael C. Stenger as Sergeant at Arms and Doorkeeper of the Senate.

*Resolved*, That Michael C. Stenger of Virginia be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

#### SENATE RESOLUTION 466—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 466

Notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

*Resolved*, That the President of the United States be notified of the election of the Honorable Michael C. Stenger as Sergeant at Arms and Doorkeeper of the Senate.

#### SENATE RESOLUTION 467—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

## S. RES. 467

Notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

*Resolved*, That the House of Representatives be notified of the election of the Honorable Michael C. Stenger as Sergeant at Arms and Doorkeeper of the Senate.

#### SENATE RESOLUTION 468—DESIGNATING MAY 19, 2018, AS "KIDS TO PARKS DAY"

Mr. WYDEN (for himself, Mr. PORTMAN, Mr. ALEXANDER, Mr. HEINRICH, Ms. HIRONO, and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

## S. RES. 468

Whereas the 8th annual Kids to Parks Day will be celebrated on May 19, 2018;

Whereas the goal of Kids to Parks Day is to promote healthy outdoor recreation and environmental stewardship, empower young people, and encourage families to get outdoors and visit the parks and public land of the United States;

Whereas on Kids to Parks Day, individuals from rural and urban areas of the United States can be reintroduced to the splendid national, State, and neighborhood parks located in their communities;

Whereas communities across the United States offer a variety of natural resources and public land, often with free access, to individuals seeking outdoor recreation;

Whereas the people of the United States, young and old, should be encouraged to lead more healthy and active lifestyles;

Whereas Kids to Parks Day is an opportunity for families to take a break from their busy lives and come together for a day of active, wholesome fun; and

Whereas Kids to Parks Day will broaden an appreciation for nature and the outdoors in young people, foster a safe setting for independent play and healthy adventure in neighborhood parks, and facilitate self-reliance while strengthening communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 19, 2018, as "Kids to Parks Day";

(2) recognizes the importance of outdoor recreation and the preservation of open

spaces to the health and education of the young people of the United States; and

(3) encourages the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

#### SENATE RESOLUTION 469—RECOGNIZING THE HISTORIC, CULTURAL, AND RELIGIOUS SIGNIFICANCE OF THE FESTIVAL OF VAISAKHI, AND EXPRESSING SUPPORT FOR ALL COMMUNITIES THAT CELEBRATE VAISAKHI

Mr. MURPHY submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES 469

Whereas Vaisakhi has been celebrated in the Punjab region of South Asia for centuries and today is also celebrated in communities throughout India, in the United States, and around the world;

Whereas Vaisakhi is an annual festival celebrating the spring harvest season;

Whereas Vaisakhi is of particular significance to the Sikh religion and is one of the most important dates in Sikh history;

Whereas, for Sikhs, Vaisakhi commemorates the creation of the Khalsa, a fellowship of devout Sikhs, by Guru Gobind Singh in 1699; and

Whereas Vaisakhi celebrates community, prosperity, and continued progress in the year ahead: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes—

(A) the historic, cultural, and religious significance of the festival of Vaisakhi; and

(B) the significance of Vaisakhi to Sikh communities in the United States and around the world; and

(2) expresses respect for all communities that celebrate Vaisakhi.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2232. Mr. MCCONNELL (for Mr. THUNE (for himself, Mr. NELSON, and Mr. SULLIVAN)) proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

SA 2233. Mr. MCCONNELL proposed an amendment to amendment SA 2232 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself, Mr. NELSON, and Mr. SULLIVAN)) to the bill S. 140, *supra*.

SA 2234. Mr. MCCONNELL proposed an amendment to the bill S. 140, *supra*.

SA 2235. Mr. MCCONNELL proposed an amendment to amendment SA 2234 proposed by Mr. MCCONNELL to the bill S. 140, *supra*.

SA 2236. Mr. MCCONNELL proposed an amendment to amendment SA 2235 proposed by Mr. MCCONNELL to the amendment SA 2234 proposed by Mr. MCCONNELL to the bill S. 140, *supra*.

SA 2237. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 140, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2232. Mr. MCCONNELL (for Mr. THUNE (for himself, Mr. NELSON, and Mr. SULLIVAN)) proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water

Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2017”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is the following:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

Sec. 101. Initial matter.  
 Sec. 102. Subtitle I.  
 Sec. 103. Chapter 1.  
 Sec. 104. Chapter 3.  
 Sec. 105. Chapter 5.  
 Sec. 106. Chapter 7.  
 Sec. 107. Chapter 9.  
 Sec. 108. Chapter 11.  
 Sec. 109. Subtitle II.  
 Sec. 110. Chapter 19.  
 Sec. 111. Part II.  
 Sec. 112. Chapter 21.  
 Sec. 113. Chapter 23.  
 Sec. 114. Chapter 25.  
 Sec. 115. Part III.  
 Sec. 116. Chapter 27.  
 Sec. 117. Chapter 29.  
 Sec. 118. Subtitle III and chapter 37.  
 Sec. 119. Chapter 39.  
 Sec. 120. Chapter 41.  
 Sec. 121. Subtitle IV and chapter 49.  
 Sec. 122. Chapter 51.  
 Sec. 123. References.  
 Sec. 124. Rule of construction.

#### TITLE II—AUTHORIZATIONS

Sec. 201. Amendments to title 14, United States Code, as amended by title I of this Act.  
 Sec. 202. Authorizations of appropriations.  
 Sec. 203. Authorized levels of military strength and training.  
 Sec. 204. Authorization of amounts for Fast Response Cutters.  
 Sec. 205. Authorization of amounts for shoreside infrastructure.  
 Sec. 206. Authorization of amounts for aircraft improvements.

#### TITLE III—COAST GUARD

Sec. 301. Amendments to title 14, United States Code, as amended by title I of this Act.  
 Sec. 302. Primary duties.  
 Sec. 303. National Coast Guard Museum.  
 Sec. 304. Unmanned aircraft.  
 Sec. 305. Coast Guard health-care professionals; licensure portability.  
 Sec. 306. Training; emergency response providers.  
 Sec. 307. Incentive contracts for Coast Guard yard and industrial establishments.  
 Sec. 308. Confidential investigative expenses.  
 Sec. 309. Regular captains; retirement.  
 Sec. 310. Conversion, alteration, and repair projects.  
 Sec. 311. Contracting for major acquisitions programs.  
 Sec. 312. Officer promotion zones.  
 Sec. 313. Cross reference.  
 Sec. 314. Commissioned service retirement.  
 Sec. 315. Leave for birth or adoption of child.  
 Sec. 316. Clothing at time of discharge.  
 Sec. 317. Unfunded priorities list.  
 Sec. 318. Safety of vessels of the Armed Forces.  
 Sec. 319. Protecting against unmanned aircraft.  
 Sec. 320. Air facilities.

#### TITLE IV—PORTS AND WATERWAYS SAFETY

Sec. 401. Codification of Ports and Waterways Safety Act.  
 Sec. 402. Conforming amendments.  
 Sec. 403. Transitional and savings provisions.  
 Sec. 404. Rule of construction.  
 Sec. 405. Advisory committee: repeal.  
 Sec. 406. Regattas and marine parades.  
 Sec. 407. Regulation of vessels in territorial waters of United States.  
 Sec. 408. Port, harbor, and coastal facility security.

#### TITLE V—MARITIME TRANSPORTATION SAFETY

Sec. 501. Consistency in marine inspections.  
 Sec. 502. Uninspected passenger vessels in St. Louis County, Minnesota.  
 Sec. 503. Engine cut-off switch requirements.  
 Sec. 504. Exception from survival craft requirements.  
 Sec. 505. Safety standards.  
 Sec. 506. Fishing safety grants.  
 Sec. 507. Fishing, fish tender, and fish processing vessel certification.  
 Sec. 508. Deadline for compliance with alternate safety compliance program.  
 Sec. 509. Termination of unsafe operations; technical correction.  
 Sec. 510. Technical corrections: Licenses, certificates of registry, and merchant mariner documents.  
 Sec. 511. Abandoned Seafarers Fund amendments.  
 Sec. 512. Clarification of logbook entries.  
 Sec. 513. Certificates of documentation for recreational vessels.  
 Sec. 514. Numbering for undocumented barges.  
 Sec. 515. Backup global positioning system.  
 Sec. 516. Scientific personnel.  
 Sec. 517. Transparency.

#### TITLE VI—ADVISORY COMMITTEES

Sec. 601. National maritime transportation advisory committees.  
 Sec. 602. Maritime Security Advisory Committees.

#### TITLE VII—FEDERAL MARITIME COMMISSION

Sec. 701. Short title.  
 Sec. 702. Authorization of appropriations.  
 Sec. 703. Reporting on impact of alliances on competition.  
 Sec. 704. Definition of certain covered services.  
 Sec. 705. Reports filed with the Commission.  
 Sec. 706. Public participation.  
 Sec. 707. Ocean transportation intermediaries.  
 Sec. 708. Common carriers.  
 Sec. 709. Negotiations.  
 Sec. 710. Injunctive relief sought by the Commission.  
 Sec. 711. Discussions.  
 Sec. 712. Transparency.  
 Sec. 713. Study of bankruptcy preparation and response.  
 Sec. 714. Agreements unaffected.

#### TITLE VIII—MISCELLANEOUS

Sec. 801. Repeal of obsolete reporting requirement.  
 Sec. 802. Corrections to provisions enacted by Coast Guard Authorization Acts.  
 Sec. 803. Officer evaluation report.  
 Sec. 804. Extension of authority.  
 Sec. 805. Coast Guard ROTC program.  
 Sec. 806. Currency detection canine team program.  
 Sec. 807. Center of expertise for Great Lakes oil spill search and response.  
 Sec. 808. Public safety answering points and maritime search and rescue coordination.

Sec. 809. Ship shoal lighthouse transfer: repeal.  
 Sec. 810. Land exchange, Ayakulik Island, Alaska.  
 Sec. 811. Use of Tract 43.  
 Sec. 812. Coast Guard maritime domain awareness.  
 Sec. 813. Monitoring.  
 Sec. 814. Reimbursements for non-Federal construction costs of certain aids to navigation.  
 Sec. 815. Towing safety management system fees.  
 Sec. 816. Oil spill disbursements auditing and report.  
 Sec. 817. Fleet requirements assessment and strategy.  
 Sec. 818. National Security Cutter.  
 Sec. 819. Acquisition plan for inland waterway and river tenders and bay-class icebreakers.  
 Sec. 820. Great Lakes icebreaker acquisition.  
 Sec. 821. Polar icebreakers.  
 Sec. 822. Strategic assets in the Arctic.  
 Sec. 823. Arctic planning criteria.  
 Sec. 824. Vessel response plan audit.  
 Sec. 825. Waters deemed not navigable waters of the United States for certain purposes.  
 Sec. 826. Documentation of recreational vessels.  
 Sec. 827. Equipment requirements; exemption from throwable personal flotation devices requirement.  
 Sec. 828. Visual distress signals and alternative use.  
 Sec. 829. Radar refresher training.  
 Sec. 830. Commercial fishing vessel safety national communications plan.  
 Sec. 831. Authorization for marine debris program.  
 Sec. 832. Atlantic Coast port access route study recommendations.  
 Sec. 833. Drawbridges.  
 Sec. 834. Waiver.  
 Sec. 835. Fire-retardant materials.  
 Sec. 836. Letters of determination.  
 Sec. 837. Temporary limitations.  
 Sec. 838. Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound National Wildlife Refuge.  
 Sec. 839. Emergency response.  
 Sec. 840. Use of funds in WMAT Settlement Fund for WMAT rural water system.

#### TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

Sec. 901. Short title.  
 Sec. 902. Definitions.  
 Sec. 903. Treatment of existing ballast water regulations.  
 Sec. 904. Ballast water discharge requirements.  
 Sec. 905. Approval of ballast water management systems.  
 Sec. 906. Review and raising of ballast water discharge standard.  
 Sec. 907. National Ballast Information Clearinghouse.  
 Sec. 908. Requirements for discharges incidental to the normal operation of a commercial vessel.  
 Sec. 909. Best management practices for Great Lakes vessels.  
 Sec. 910. Judicial review.  
 Sec. 911. State enforcement.  
 Sec. 912. Effect on other laws.  
 Sec. 913. Quagga mussel.  
 Sec. 914. Coastal aquatic invasive species mitigation grant program and mitigation fund.  
 Sec. 915. Rules of construction.

#### TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

Sec. 1001. Reauthorization of Hydrographic Services Improvement Act of 1998.



Sec. 1002. System for tracking and reporting all-inclusive cost of hydrographic surveys.

Sec. 1003. Homeport of certain research vessels.

# **TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE**

## **SEC. 101. INITIAL MATTER.**

Title 14, United States Code, is amended by striking the title designation, the title heading, and the table of parts at the beginning and inserting the following:

### **“TITLE 14—COAST GUARD**

“Subtitle	Sec.
<b>“I. Establishment, Powers, Duties, and Administration .....</b>	<b>101</b>
<b>“II. Personnel .....</b>	<b>1901</b>
<b>“III. Coast Guard Reserve and Auxiliary .....</b>	<b>3701</b>
<b>“IV. Coast Guard Authorizations and Reports to Congress .....</b>	<b>4901”.</b>

## **SEC. 102. SUBTITLE I.**

Part I of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning and inserting the following:

### **“Subtitle I—Establishment, Powers, Duties, and Administration**

“Chap.	Sec.
<b>“1. Establishment and Duties .....</b>	<b>101</b>
<b>“3. Composition and Organization .....</b>	<b>301</b>
<b>“5. Functions and Powers .....</b>	<b>501</b>
<b>“7. Cooperation .....</b>	<b>701</b>
<b>“9. Administration .....</b>	<b>901</b>
<b>“11. Acquisitions .....</b>	<b>1101”.</b>

## **SEC. 103. CHAPTER 1.**

(a) INITIAL MATTER.—Chapter 1 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

### **“CHAPTER 1—ESTABLISHMENT AND DUTIES**

“Sec.  
 “101. Establishment of Coast Guard.  
 “102. Primary duties.  
 “103. Department in which the Coast Guard operates.  
 “104. Removing restrictions.  
 “105. Secretary defined.”.

#### **(b) REDESIGNATIONS AND TRANSFERS.—**

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 1 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
1 .....	Establishment of Coast Guard	101
2 .....	Primary duties	102
3 .....	Department in which the Coast Guard operates	103
652 .....	Removing restrictions	104
4 .....	Secretary defined	105

## **SEC. 104. CHAPTER 3.**

(a) INITIAL MATTER.—Chapter 3 of title 14, United States Code, is amended by striking

the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

### **“CHAPTER 3—COMPOSITION AND ORGANIZATION**

“Sec.  
 “301. Grades and ratings.  
 “302. Commandant; appointment.  
 “303. Retirement of Commandant.  
 “304. Vice Commandant; appointment.  
 “305. Vice admirals.  
 “306. Retirement.  
 “307. Vice admirals and admiral, continuity of grade.  
 “308. Chief Acquisition Officer.  
 “309. Office of the Coast Guard Reserve; Director.  
 “310. Chief of Staff to President: appointment.  
 “311. Captains of the port.  
 “312. Prevention and response workforces.  
 “313. Centers of expertise for Coast Guard prevention and response.  
 “314. Marine industry training program.  
 “315. Training course on workings of Congress.  
 “316. National Coast Guard Museum.  
 “317. United States Coast Guard Band; composition; director.  
 “318. Environmental Compliance and Restoration Program.”.

#### **(b) REDESIGNATIONS AND TRANSFERS.—**

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 3 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
41 .....	Grades and ratings	301
44 .....	Commandant; appointment	302
46 .....	Retirement of Commandant	303
47 .....	Vice Commandant; appointment	304
50 .....	Vice admirals	305
51 .....	Retirement	306
52 .....	Vice admirals and admiral, continuity of grade	307
56 .....	Chief Acquisition Officer	308
53 .....	Office of the Coast Guard Reserve; Director	309
54 .....	Chief of Staff to President: appointment	310
57 .....	Prevention and response workforces	312
58 .....	Centers of expertise for Coast Guard prevention and response	313
59 .....	Marine industry training program	314
60 .....	Training course on workings of Congress	315

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
98 .....	National Coast Guard Museum	316
336 .....	United States Coast Guard Band; composition; director	317

#### **(c) ADDITIONAL CHANGES.—**

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended—

(A) by inserting after section 310 (as so redesignated and transferred under subsection (b)) the following:

### **“§ 311. Captains of the port**

“Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.”; and

(B) by inserting after section 317 (as so redesignated and transferred under subsection (b)) the following:

### **“§ 318. Environmental Compliance and Restoration Program**

“(a) DEFINITIONS.—For the purposes of this section—

“(1) ‘environment’, ‘facility’, ‘person’, ‘release’, ‘removal’, ‘remedial’, and ‘response’ have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

“(2) ‘hazardous substance’ has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given ‘oil’ in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

“(3) ‘pollutant’ has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

#### **“(b) PROGRAM.—**

“(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

“(2) Program goals include:

“(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

“(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

“(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

“(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

“(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

“(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

“(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

“(iii) on each vessel the Coast Guard owns or operates.

“(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person

responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

“(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

“(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary’s responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary’s responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

“(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor’s reasonable, potential, long-term liability.

“(c) ENVIRONMENTAL COMPLIANCE AND RESTORATION ACCOUNT.—

“(1) There is established for the Coast Guard an account known as the Coast Guard Environmental Compliance and Restoration Account. All sums appropriated to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law shall be credited or transferred to the account and remain available until expended.

“(2) Funds may be obligated or expended from the account to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law.

“(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard’s environmental compliance and restoration activities under this section or another law.

“(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary’s response actions at current and former Coast Guard facilities shall be credited to the account.

“(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—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 prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.”.

(2) CONFORMING REPEALS.—Sections 634, 690, 691, 692, and 693 of title 14, United States Code, are repealed.

#### SEC. 105. CHAPTER 5.

(a) INITIAL MATTER.—Chapter 5 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

#### “CHAPTER 5—FUNCTIONS AND POWERS

##### “SUBCHAPTER I—GENERAL POWERS

“Sec.

“501. Secretary; general powers.

“502. Delegation of powers by the Secretary.

“503. Regulations.

“504. Commandant; general powers.

“505. Functions and powers vested in the Commandant.

“506. Prospective payment of funds necessary to provide medical care.

“507. Appointment of judges.

##### “SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

“521. Saving life and property.

“522. Law enforcement.

“523. Enforcement authority.

“524. Enforcement of coastwise trade laws.

“525. Special agents of the Coast Guard Investigative Service law enforcement authority.

“526. Stopping vessels; indemnity for firing at or into vessel.

“527. Safety of naval vessels.

##### “SUBCHAPTER III—AIDS TO NAVIGATION

“541. Aids to navigation authorized.

“542. Unauthorized aids to maritime navigation; penalty.

“543. Interference with aids to navigation; penalty.

“544. Aids to maritime navigation; penalty.

“545. Marking of obstructions.

“546. Deposit of damage payments.

“547. Rewards for apprehension of persons interfering with aids to navigation.

##### “SUBCHAPTER IV—MISCELLANEOUS

“561. Icebreaking in polar regions.

“562. Appeals and waivers.

“563. Notification of certain determinations.”.

##### (b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 5 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
92 .....	Secretary; general powers	501
631 .....	Delegation of powers by the Secretary	502
633 .....	Regulations	503
93 .....	Commandant; general powers	504
632 .....	Functions and powers vested in the Commandant	505
520 .....	Prospective payment of funds necessary to provide medical care	506
153 .....	Appointment of judges	507
88 .....	Saving life and property	521
89 .....	Law enforcement	522
99 .....	Enforcement authority	523

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
100 .....	Enforcement of coastwise trade laws	524
95 .....	Special agents of the Coast Guard Investigative Service law enforcement authority	525
637 .....	Stopping vessels; indemnity for firing at or into vessel	526
91 .....	Safety of naval vessels	527
81 .....	Aids to navigation authorized	541
83 .....	Unauthorized aids to maritime navigation; penalty	542
84 .....	Interference with aids to navigation; penalty	543
85 .....	Aids to maritime navigation; penalty	544
86 .....	Marking of obstructions	545
642 .....	Deposit of damage payments	546
643 .....	Rewards for apprehension of persons interfering with aids to navigation	547
87 .....	Icebreaking in polar regions	561
101 .....	Appeals and waivers	562
103 .....	Notification of certain determinations	563

(c) ADDITIONAL CHANGES.—Chapter 5 of title 14, United States Code, is further amended—

(1) by inserting before section 501 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL POWERS”;

(2) by inserting before section 521 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES”;

(3) by inserting before section 541 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—AIDS TO NAVIGATION”;

and

(4) by inserting before section 561 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—MISCELLANEOUS”.

#### SEC. 106. CHAPTER 7.

(a) INITIAL MATTER.—Chapter 7 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

#### “CHAPTER 7—COOPERATION

“Sec.

“701. Cooperation with other agencies, States, territories, and political subdivisions.

“702. State Department.

“703. Treasury Department.

“704. Department of the Army and Department of the Air Force.

“705. Navy Department.

“706. United States Postal Service.

“707. Department of Commerce.

- “708. Department of Health and Human Services.  
 “709. Maritime instruction.  
 “710. Assistance to foreign governments and maritime authorities.  
 “711. Coast Guard officers as attachés to missions.  
 “712. Contracts with Government-owned establishments for work and material.  
 “713. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.  
 “714. Arctic maritime domain awareness.  
 “715. Oceanographic research.  
 “716. Arctic maritime transportation.  
 “717. Agreements.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 7 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
141 .....	Cooperation with other agencies, States, territories, and political subdivisions	701
142 .....	State Department	702
143 .....	Treasury Department	703
144 .....	Department of the Army and Department of the Air Force	704
145 .....	Navy Department	705
146 .....	United States Postal Service	706
147 .....	Department of Commerce	707
147a .....	Department of Health and Human Services	708
148 .....	Maritime instruction	709
149 .....	Assistance to foreign governments and maritime authorities	710
150 .....	Coast Guard officers as attachés to missions	711
151 .....	Contracts with Government-owned establishments for work and material	712
152 .....	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services	713
154 .....	Arctic maritime domain awareness	714
94 .....	Oceanographic research	715
90 .....	Arctic maritime transportation	716
102 .....	Agreements	717

**SEC. 107. CHAPTER 9.**

(a) INITIAL MATTER.—Chapter 9 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 9—ADMINISTRATION**

**“SUBCHAPTER I—REAL AND PERSONAL PROPERTY**

“Sec.

“901. Disposal of certain material.

“902. Employment of draftsmen and engineers.

“903. Use of certain appropriated funds.

“904. Local hire.

“905. Procurement authority for family housing.

“906. Air Station Cape Cod Improvements.

“907. Long-term lease of special purpose facilities.

“908. Long-term lease authority for light-house property.

“909. Small boat station rescue capability.

“910. Small boat station closures.

“911. Search and rescue center standards.

“912. Air facility closures.

“913. Turnkey selection procedures.

“914. Disposition of infrastructure related to E-LORAN.

**“SUBCHAPTER II—MISCELLANEOUS**

“931. Oaths required for boards.

“932. Administration of oaths.

“933. Coast Guard ensigns and pennants.

“934. Penalty for unauthorized use of words ‘Coast Guard’.

“935. Coast Guard band recordings for commercial sale.

“936. Confidentiality of medical quality assurance records; qualified immunity for participants.

“937. Admiralty claims against the United States.

“938. Claims for damage to property of the United States.

“939. Accounting for industrial work.

“940. Supplies and equipment from stock.

“941. Coast Guard Supply Fund.

“942. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.

“943. Arms and ammunition; immunity from taxation.

“944. Confidential investigative expenses.

“945. Assistance to film producers.

“946. User fees.

“947. Vessel construction bonding requirements.

“948. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.

“949. Telephone installation and charges.

“950. Designation, powers, and accountability of deputy disbursing officials.

“951. Aircraft accident investigations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 9 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
641 .....	Disposal of certain material	901

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
653 .....	Employment of draftsmen and engineers	902
656 .....	Use of certain appropriated funds	903
666 .....	Local hire	904
670 .....	Procurement authority for family housing	905
671 .....	Air Station Cape Cod Improvements	906
672 .....	Long-term lease of special purpose facilities	907
672a .....	Long-term lease authority for lighthouse property	908
674 .....	Small boat station rescue capability	909
675 .....	Small boat station closures	910
676 .....	Search and rescue center standards	911
676a .....	Air facility closures	912
677 .....	Turnkey selection procedures	913
681 .....	Disposition of infrastructure related to E-LORAN	914
635 .....	Oaths required for boards	931
636 .....	Administration of oaths	932
638 .....	Coast Guard ensigns and pennants	933
639 .....	Penalty for unauthorized use of words “Coast Guard”	934
640 .....	Coast Guard band recordings for commercial sale	935
645 .....	Confidentiality of medical quality assurance records; qualified immunity for participants	936
646 .....	Admiralty claims against the United States	937
647 .....	Claims for damage to property of the United States	938
648 .....	Accounting for industrial work	939
649 .....	Supplies and equipment from stock	940
650 .....	Coast Guard Supply Fund	941
654 .....	Public and commercial vessels and other watercraft; sale of fuel, supplies, and services	942
655 .....	Arms and ammunition; immunity from taxation	943
658 .....	Confidential investigative expenses	944
659 .....	Assistance to film producers	945
664 .....	User fees	946

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
667 .....	Vessel construction bonding requirements	947
668 .....	Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care	948
669 .....	Telephone installation and charges	949
673 .....	Designation, powers, and accountability of deputy disbursing officials	950
678 .....	Aircraft accident investigations	951

(c) **ADDITIONAL CHANGES.**—Chapter 9 of title 14, United States Code, is further amended—

(1) by inserting before section 901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—REAL AND PERSONAL PROPERTY”;

and

(2) by inserting before section 931 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—MISCELLANEOUS”.

#### SEC. 108. CHAPTER 11.

(a) **INITIAL MATTER.**—Chapter 11 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

##### “CHAPTER 11—ACQUISITIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“1101. Acquisition directorate.

“1102. Improvements in Coast Guard acquisition management.

“1103. Role of Vice Commandant in major acquisition programs.

“1104. Recognition of Coast Guard personnel for excellence in acquisition.

“1105. Prohibition on use of lead systems integrators.

“1106. Required contract terms.

“1107. Extension of major acquisition program contracts.

“1108. Department of Defense consultation.

“1109. Undefined contractual actions.

“1110. Guidance on excessive pass-through charges.

“1111. Mission need statement.

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

“1131. Identification of major system acquisitions.

“1132. Acquisition.

“1133. Preliminary development and demonstration.

“1134. Acquisition, production, deployment, and support.

“1135. Acquisition program baseline breach.

“1136. Acquisition approval authority.

“SUBCHAPTER III—PROCUREMENT

“1151. Restriction on construction of vessels in foreign shipyards.

“1152. Advance procurement funding.

“1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.

“1154. Procurement of buoy chain.

“SUBCHAPTER IV—DEFINITIONS

“1171. Definitions.”.

(b) **REDESIGNATIONS AND TRANSFERS.**—

(1) **REQUIREMENT.**—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 11 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) **TABLE.**—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
561 .....	Acquisition directorate	1101
562 .....	Improvements in Coast Guard acquisition management	1102
578 .....	Role of Vice Commandant in major acquisition programs	1103
563 .....	Recognition of Coast Guard personnel for excellence in acquisition	1104
564 .....	Prohibition on use of lead systems integrators	1105
565 .....	Required contract terms	1106
579 .....	Extension of major acquisition program contracts	1107
566 .....	Department of Defense consultation	1108
567 .....	Undefined contractual actions	1109
568 .....	Guidance on excessive pass-through charges	1110
569 .....	Mission need statement	1111
571 .....	Identification of major system acquisitions	1131
572 .....	Acquisition	1132
573 .....	Preliminary development and demonstration	1133
574 .....	Acquisition, production, deployment, and support	1134
575 .....	Acquisition program baseline breach	1135
576 .....	Acquisition approval authority	1136
665 .....	Restriction on construction of vessels in foreign shipyards	1151
577 .....	Advance procurement funding	1152
96 .....	Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards	1153
97 .....	Procurement of buoy chain	1154
581 .....	Definitions	1171

(c) **ADDITIONAL CHANGES.**—Chapter 11 of title 14, United States Code, is further amended—

(1) by striking all subdivision designations and headings in such chapter, except for—

(A) the chapter designation and heading added by subsection (a);

(B) the subchapter designations and headings added by this subsection; and

(C) any designation or heading of a section or a subdivision of a section;

(2) by inserting before section 1101 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

(3) by inserting before section 1131 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES”;

(4) by inserting before section 1151 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—PROCUREMENT”;

and

(5) by inserting before section 1171 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—DEFINITIONS”.

#### SEC. 109. SUBTITLE II.

(a) **INITIAL MATTER.**—Title 14, United States Code, is further amended by inserting after chapter 11 (as amended by section 108) the following:

##### “Subtitle II—Personnel

“Chap. Sec.  
**“19. Coast Guard Academy ..... 1901**  
**“21. Personnel; Officers ..... 2101**  
**“23. Personnel; Enlisted ..... 2301**  
**“25. Personnel; General Provisions ... 2501**  
**“27. Pay, Allowances, Awards, and Other Rights and Benefits ..... 2701**  
**“29. Coast Guard Family Support, Child Care, and Housing ..... 2901”.**

(b) **RESERVED CHAPTER NUMBERS.**—

(1) **CHAPTER 13.**—Chapter 13 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(2) **CHAPTER 14.**—Chapter 14 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(3) **CHAPTER 15.**—Chapter 15 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(4) **CHAPTER 17.**—Chapter 17 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(5) **CHAPTER 18.**—Chapter 18 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

#### SEC. 110. CHAPTER 19.

(a) **INITIAL MATTER.**—Chapter 19 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

##### “CHAPTER 19—COAST GUARD ACADEMY

“SUBCHAPTER I—ADMINISTRATION

“Sec.

“1901. Administration of Academy.

“1902. Policy on sexual harassment and sexual violence.

“1903. Annual Board of Visitors.

“1904. Participation in Federal, State, or other educational research grants.

“SUBCHAPTER II—CADETS

“1921. Corps of Cadets authorized strength.

“1922. Appointments.

“1923. Admission of foreign nationals for instruction; restrictions; conditions.

“1924. Conduct.

“1925. Agreement.

“1926. Cadet applicants; preappointment travel to Academy.

“1927. Cadets; initial clothing allowance.

“1928. Cadets; degree of bachelor of science.

“1929. Cadets; appointment as ensign.

“1930. Cadets; charges and fees for attendance; limitation.

“SUBCHAPTER III—FACULTY

“1941. Civilian teaching staff.

“1942. Permanent commissioned teaching staff; composition.

“1943. Appointment of permanent commissioned teaching staff.

“1944. Grade of permanent commissioned teaching staff.

“1945. Retirement of permanent commissioned teaching staff.

“1946. Credit for service as member of civilian teaching staff.

“1947. Assignment of personnel as instructors.

“1948. Marine safety curriculum.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 19 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
181 .....	Administration of Academy	1901
200 .....	Policy on sexual harassment and sexual violence	1902
194 .....	Annual Board of Visitors	1903
196 .....	Participation in Federal, State, or other educational research grants	1904
195 .....	Admission of foreign nationals for instruction; restrictions; conditions	1923
181a .....	Cadet applicants; preappointment travel to Academy	1926
183 .....	Cadets; initial clothing allowance	1927
184 .....	Cadets; degree of bachelor of science	1928
185 .....	Cadets; appointment as ensign	1929
197 .....	Cadets; charges and fees for attendance; limitation	1930

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
186 .....	Civilian teaching staff	1941
187 .....	Permanent commissioned teaching staff; composition	1942
188 .....	Appointment of permanent commissioned teaching staff	1943
189 .....	Grade of permanent commissioned teaching staff	1944
190 .....	Retirement of permanent commissioned teaching staff	1945
191 .....	Credit for service as member of civilian teaching staff	1946
192 .....	Assignment of personnel as instructors	1947
199 .....	Marine safety curriculum	1948

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended—

(A) by inserting before section 1901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

(B) by inserting before section 1923 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—CADETS

“§ 1921. Corps of Cadets authorized strength

“The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

“§ 1922. Appointments

“Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this section, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.”;

(C) by inserting before section 1926 (as so redesignated and transferred under subsection (b)) the following:

“§ 1924. Conduct

“The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

“§ 1925. Agreement

“(a) Each cadet shall sign an agreement with respect to the cadet’s length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

“(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

“(2) That upon graduation from the Coast Guard Academy the cadet—

“(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

“(B) will serve on active duty for at least five years immediately after such appointment.

“(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

“(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

“(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

“(b)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

“(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

“(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet’s agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

“(c) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

“(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

“(2) procedures for determining whether such a breach has occurred; and

“(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

“(d) In this section, ‘commissioned service obligation’, with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer’s appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

“(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

“(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of the parent or guardian.

“(f) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”; and

(D) by inserting before section 1941 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—FACULTY”.

(2) CONFORMING REPEAL.—Section 182 of title 14, United States Code, is repealed.

SEC. 111. PART II.

Part II of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

SEC. 112. CHAPTER 21.

(a) INITIAL MATTER.—Chapter 21 of title 14, United States Code, is amended by striking

the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 21—PERSONNEL; OFFICERS**

**“SUBCHAPTER I—APPOINTMENT AND PROMOTION**

- “Sec.  
 “2101. Original appointment of permanent commissioned officers.  
 “2102. Active duty promotion list.  
 “2103. Number and distribution of commissioned officers on active duty promotion list.  
 “2104. Appointment of temporary officers.  
 “2105. Rank of warrant officers.  
 “2106. Selection boards; convening of boards.  
 “2107. Selection boards; composition of boards.  
 “2108. Selection boards; notice of convening; communication with board.  
 “2109. Selection boards; oath of members.  
 “2110. Number of officers to be selected for promotion.  
 “2111. Promotion zones.  
 “2112. Promotion year; defined.  
 “2113. Eligibility of officers for consideration for promotion.  
 “2114. United States Deputy Marshals in Alaska.  
 “2115. Selection boards; information to be furnished boards.  
 “2116. Officers to be recommended for promotion.  
 “2117. Selection boards; reports.  
 “2118. Selection boards; submission of reports.  
 “2119. Failure of selection for promotion.  
 “2120. Special selection boards; correction of errors.  
 “2121. Promotions; appointments.  
 “2122. Removal of officer from list of selectees for promotion.  
 “2123. Promotions; acceptance; oath of office.  
 “2124. Promotions; pay and allowances.  
 “2125. Wartime temporary service promotions.  
 “2126. Promotion of officers not included on active duty promotion list.  
 “2127. Recall to active duty during war or national emergency.  
 “2128. Recall to active duty with consent of officer.  
 “2129. Aviation cadets; appointment as Reserve officers.  
 “SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE  
 “2141. Revocation of commissions during first five years of commissioned service.  
 “2142. Regular lieutenants (junior grade); separation for failure of selection for promotion.  
 “2143. Regular lieutenants; separation for failure of selection for promotion; continuation.  
 “2144. Regular Coast Guard; officers serving under temporary appointments.  
 “2145. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.  
 “2146. Discharge in lieu of retirement; separation pay.  
 “2147. Regular warrant officers; separation pay.  
 “2148. Separation for failure of selection for promotion or continuation; time of.  
 “2149. Regular captains; retirement.  
 “2150. Captains; continuation on active duty; involuntary retirement.  
 “2151. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.

- “2152. Voluntary retirement after twenty years' service.  
 “2153. Voluntary retirement after thirty years' service.  
 “2154. Compulsory retirement.  
 “2155. Retirement for physical disability after selection for promotion; grade in which retired.  
 “2156. Deferment of retirement or separation for medical reasons.  
 “2157. Flag officers.  
 “2158. Review of records of officers.  
 “2159. Boards of inquiry.  
 “2160. Boards of review.  
 “2161. Composition of boards.  
 “2162. Rights and procedures.  
 “2163. Removal of officer from active duty; action by Secretary.  
 “2164. Officers considered for removal; retirement or discharge; separation benefits.  
 “2165. Relief of retired officer promoted while on active duty.

**“SUBCHAPTER III—GENERAL PROVISIONS**

- “2181. Physical fitness of officers.  
 “2182. Multirater assessment of certain personnel.”

**(b) REDESIGNATIONS AND TRANSFERS.—**

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 21 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
211 .....	Original appointment of permanent commissioned officers	2101
41a .....	Active duty promotion list	2102
42 .....	Number and distribution of commissioned officers on active duty promotion list	2103
214 .....	Appointment of temporary officers	2104
215 .....	Rank of warrant officers	2105
251 .....	Selection boards; convening of boards	2106
252 .....	Selection boards; composition of boards	2107
253 .....	Selection boards; notice of convening; communication with board	2108
254 .....	Selection boards; oath of members	2109
255 .....	Number of officers to be selected for promotion	2110
256 .....	Promotion zones	2111
256a .....	Promotion year; defined	2112
257 .....	Eligibility of officers for consideration for promotion	2113
258 .....	Selection boards; information to be furnished boards	2115

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
259 .....	Officers to be recommended for promotion	2116
260 .....	Selection boards; reports	2117
261 .....	Selection boards; submission of reports	2118
262 .....	Failure of selection for promotion	2119
263 .....	Special selection boards; correction of errors	2120
271 .....	Promotions; appointments	2121
272 .....	Removal of officer from list of selectees for promotion	2122
273 .....	Promotions; acceptance; oath of office	2123
274 .....	Promotions; pay and allowances	2124
275 .....	Wartime temporary service promotions	2125
276 .....	Promotion of officers not included on active duty promotion list	2126
331 .....	Recall to active duty during war or national emergency	2127
332 .....	Recall to active duty with consent of officer	2128
373 .....	Aviation cadets; appointment as Reserve officers	2129
281 .....	Revocation of commissions during first five years of commissioned service	2141
282 .....	Regular lieutenants (junior grade); separation for failure of selection for promotion	2142
283 .....	Regular lieutenants; separation for failure of selection for promotion; continuation	2143
284 .....	Regular Coast Guard; officers serving under temporary appointments	2144
285 .....	Regular lieutenant commanders and commanders; retirement for failure of selection for promotion	2145
286 .....	Discharge in lieu of retirement; separation pay	2146
286a .....	Regular warrant officers; separation pay	2147
287 .....	Separation for failure of selection for promotion or continuation; time of	2148
288 .....	Regular captains; retirement	2149
289 .....	Captains; continuation on active duty; involuntary retirement	2150
290 .....	Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement	2151



Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
291 .....	Voluntary retirement after twenty years' service	2152
292 .....	Voluntary retirement after thirty years' service	2153
293 .....	Compulsory retirement	2154
294 .....	Retirement for physical disability after selection for promotion; grade in which retired	2155
295 .....	Deferment of retirement or separation for medical reasons	2156
296 .....	Flag officers	2157
321 .....	Review of records of officers	2158
322 .....	Boards of inquiry	2159
323 .....	Boards of review	2160
324 .....	Composition of boards	2161
325 .....	Rights and procedures	2162
326 .....	Removal of officer from active duty; action by Secretary	2163
327 .....	Officers considered for removal; retirement or discharge; separation benefits	2164
333 .....	Relief of retired officer promoted while on active duty	2165
335 .....	Physical fitness of officers	2181
429 .....	Multitrater assessment of certain personnel	2182

(c) **ADDITIONAL CHANGES.**—Chapter 21 of title 14, United States Code, is further amended—

(1) by striking all subchapter designations and headings in such chapter, except for the subchapter designations and headings added by this subsection;

(2) by inserting before section 2101 (as so redesignated and transferred under subsection (b)) the following:

**“SUBCHAPTER I—APPOINTMENT AND PROMOTION”;**

(3) by inserting before section 2115 (as so redesignated and transferred under subsection (b)) the following:

**“§2114. United States Deputy Marshals in Alaska**

“Commissioned officers may be appointed as United States Deputy Marshals in Alaska.”;

(4) by inserting before section 2141 (as so redesignated and transferred under subsection (b)) the following:

**“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE”;**

and

(5) by inserting before section 2181 (as so redesignated and transferred under subsection (b)) the following:

**“SUBCHAPTER III—GENERAL PROVISIONS”.**

**SEC. 113. CHAPTER 23.**

(a) **INITIAL MATTER.**—Chapter 23 of title 14, United States Code, is amended by striking

the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 23—PERSONNEL; ENLISTED**

**“Sec.**

“2301. Recruiting campaigns.

“2302. Enlistments; term, grade.

“2303. Promotion.

“2304. Compulsory retirement at age of sixty-two.

“2305. Voluntary retirement after thirty years' service.

“2306. Voluntary retirement after twenty years' service.

“2307. Retirement of enlisted members: increase in retired pay.

“2308. Recall to active duty during war or national emergency.

“2309. Recall to active duty with consent of member.

“2310. Relief of retired enlisted member promoted while on active duty.

“2311. Retirement in cases where higher grade or rating has been held.

“2312. Extension of enlistments.

“2313. Retention beyond term of enlistment in case of disability.

“2314. Detention beyond term of enlistment.

“2315. Inclusion of certain conditions in enlistment contract.

“2316. Discharge within three months before expiration of enlistment.

“2317. Aviation cadets; procurement; transfer.

“2318. Aviation cadets; benefits.

“2319. Critical skill training bonus.”.

(b) **REDESIGNATIONS AND TRANSFERS.**—

(1) **REQUIREMENT.**—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 23 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) **TABLE.**—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
350 .....	Recruiting campaigns	2301
351 .....	Enlistments; term, grade	2302
352 .....	Promotion	2303
353 .....	Compulsory retirement at age of sixty-two	2304
354 .....	Voluntary retirement after thirty years' service	2305
355 .....	Voluntary retirement after twenty years' service	2306
357 .....	Retirement of enlisted members: increase in retired pay	2307
359 .....	Recall to active duty during war or national emergency	2308
360 .....	Recall to active duty with consent of member	2309
361 .....	Relief of retired enlisted member promoted while on active duty	2310
362 .....	Retirement in cases where higher grade or rating has been held	2311

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
365 .....	Extension of enlistments	2312
366 .....	Retention beyond term of enlistment in case of disability	2313
367 .....	Detention beyond term of enlistment	2314
369 .....	Inclusion of certain conditions in enlistment contract	2315
370 .....	Discharge within three months before expiration of enlistment	2316
371 .....	Aviation cadets; procurement; transfer	2317
372 .....	Aviation cadets; benefits	2318
374 .....	Critical skill training bonus	2319

**SEC. 114. CHAPTER 25.**

(a) **INITIAL MATTER.**—Chapter 25 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 25—PERSONNEL; GENERAL PROVISIONS**

**“SUBCHAPTER I—GENERAL PROVISIONS**

**“Sec.**

“2501. Grade on retirement.

“2502. Retirement.

“2503. Status of recalled personnel.

“2504. Computation of retired pay.

“2505. Limitations on retirement and retired pay.

“2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.

“2507. Board for Correction of Military Records deadline.

“2508. Emergency leave retention authority.

“2509. Prohibition of certain involuntary administrative separations.

“2510. Sea service letters.

“2511. Investigations of flag officers and Senior Executive Service employees.

“2512. Leave policies for the Coast Guard.

“2513. Computation of length of service.

**“SUBCHAPTER II—LIGHTHOUSE SERVICE**

“2531. Personnel of former Lighthouse Service.”.

(b) **REDESIGNATIONS AND TRANSFERS.**—

(1) **REQUIREMENT.**—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 25 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) **TABLE.**—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
334 .....	Grade on retirement	2501
421 .....	Retirement	2502

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
422 .....	Status of recalled personnel	2503
423 .....	Computation of retired pay	2504
424 .....	Limitations on retirement and retired pay	2505
424a .....	Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution	2506
425 .....	Board for Correction of Military Records deadline	2507
426 .....	Emergency leave retention authority	2508
427 .....	Prohibition of certain involuntary administrative separations	2509
428 .....	Sea service letters	2510
430 .....	Investigations of flag officers and Senior Executive Service employees	2511
431 .....	Leave policies for the Coast Guard	2512
467 .....	Computation of length of service	2513
432 .....	Personnel of former Lighthouse Service	2531

(c) ADDITIONAL CHANGES.—Chapter 25 of title 14, United States Code, is further amended—

(1) by inserting before section 2501 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

and

(2) by inserting before section 2531 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—LIGHTHOUSE SERVICE”.

**SEC. 115. PART III.**

Part III of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

**SEC. 116. CHAPTER 27.**

(a) INITIAL MATTER.—Chapter 27 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS**

“SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

“Sec.

“2701. Procurement of personnel.

“2702. Training.

“2703. Contingent expenses.

“2704. Equipment to prevent accidents.

“2705. Clothing at time of discharge for good of service.

“2706. Right to wear uniform.

“2707. Protection of uniform.

“2708. Clothing for officers and enlisted personnel.

“2709. Procurement and sale of stores to members and civilian employees.

“2710. Disposition of effects of decedents.

“2711. Deserters; payment of expenses incident to apprehension and delivery; penalties.

“2712. Payment for the apprehension of stragglers.

“SUBCHAPTER II—AWARDS

“2731. Delegation of powers to make awards; rules and regulations.

“2732. Medal of honor.

“2733. Medal of honor: duplicate medal.

“2734. Medal of honor: presentation of Medal of Honor Flag.

“2735. Coast Guard cross.

“2736. Distinguished service medal.

“2737. Silver star medal.

“2738. Distinguished flying cross.

“2739. Coast Guard medal.

“2740. Insignia for additional awards.

“2741. Time limit on award; report concerning deed.

“2742. Honorable subsequent service as condition to award.

“2743. Posthumous awards.

“2744. Life-saving medals.

“2745. Replacement of medals.

“2746. Award of other medals.

“2747. Awards and insignia for excellence in service or conduct.

“2748. Presentation of United States flag upon retirement.

“SUBCHAPTER III—PAYMENTS

“2761. Persons discharged as result of court-martial; allowances to.

“2762. Shore patrol duty; payment of expenses.

“2763. Compensatory absence from duty for military personnel at isolated duty stations.

“2764. Monetary allowance for transportation of household effects.

“2765. Retroactive payment of pay and allowances delayed by administrative error or oversight.

“2766. Travel card management.

“2767. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.

“2768. Annual audit of pay and allowances of members undergoing permanent change of station.

“2769. Remission of indebtedness.

“2770. Special instruction at universities.

“2771. Attendance at professional meetings.

“2772. Education loan repayment program.

“2773. Rations or commutation therefor in money.

“2774. Sales of ration supplies to messes.

“2775. Flight rations.

“2776. Payments at time of discharge for good of service.

“2777. Clothing for destitute shipwrecked persons.

“2778. Advancement of public funds to personnel.

“2779. Transportation to and from certain places of employment.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 27 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
468 .....	Procurement of personnel	2701
469 .....	Training	2702
476 .....	Contingent expenses	2703
477 .....	Equipment to prevent accidents	2704
482 .....	Clothing at time of discharge for good of service	2705
483 .....	Right to wear uniform	2706
484 .....	Protection of uniform	2707
485 .....	Clothing for officers and enlisted personnel	2708
487 .....	Procurement and sale of stores to members and civilian employees	2709
507 .....	Disposition of effects of decedents	2710
508 .....	Deserters; payment of expenses incident to apprehension and delivery; penalties	2711
644 .....	Payment for the apprehension of stragglers	2712
499 .....	Delegation of powers to make awards; rules and regulations	2731
491 .....	Medal of honor	2732
504 .....	Medal of honor: duplicate medal	2733
505 .....	Medal of honor: presentation of Medal of Honor Flag	2734
491a .....	Coast Guard cross	2735
492 .....	Distinguished service medal	2736
492a .....	Silver star medal	2737
492b .....	Distinguished flying cross	2738
493 .....	Coast Guard medal	2739
494 .....	Insignia for additional awards	2740
496 .....	Time limit on award; report concerning deed	2741
497 .....	Honorable subsequent service as condition to award	2742
498 .....	Posthumous awards	2743
500 .....	Life-saving medals	2744
501 .....	Replacement of medals	2745
502 .....	Award of other medals	2746
503 .....	Awards and insignia for excellence in service or conduct	2747
516 .....	Presentation of United States flag upon retirement	2748

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
509 .....	Persons discharged as result of court-martial; allowances to	2761
510 .....	Shore patrol duty; payment of expenses	2762
511 .....	Compensatory absence from duty for military personnel at isolated duty stations	2763
512 .....	Monetary allowance for transportation of household effects	2764
513 .....	Retroactive payment of pay and allowances delayed by administrative error or oversight	2765
517 .....	Travel card management	2766
518 .....	Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States	2767
519 .....	Annual audit of pay and allowances of members undergoing permanent change of station	2768
461 .....	Remission of indebtedness	2769
470 .....	Special instruction at universities	2770
471 .....	Attendance at professional meetings	2771
472 .....	Education loan repayment program	2772
478 .....	Rations or commutation therefor in money	2773
479 .....	Sales of ration supplies to messes	2774
480 .....	Flight rations	2775
481 .....	Payments at time of discharge for good of service	2776
486 .....	Clothing for destitute shipwrecked persons	2777
488 .....	Advancement of public funds to personnel	2778
660 .....	Transportation to and from certain places of employment	2779

(c) **ADDITIONAL CHANGES.**—Chapter 27 of title 14, United States Code, is further amended—

(1) by inserting before section 2701 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS**”;

(2) by inserting before section 2731 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER II—AWARDS**”;

and

(3) by inserting before section 2761 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER III—PAYMENTS**”.

**SEC. 117. CHAPTER 29.**

(a) **INITIAL MATTER.**—Chapter 29 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“**CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING**

“**SUBCHAPTER I—COAST GUARD FAMILIES**

“Sec.

“3901. Work-life policies and programs.

“3902. Surveys of Coast Guard families.

“3903. Reimbursement for adoption expenses.

“3904. Education and training opportunities for Coast Guard spouses.

“3905. Youth sponsorship initiatives.

“3906. Dependent school children.

“**SUBCHAPTER II—COAST GUARD CHILD CARE**

“3921. Definitions.

“3922. Child development services.

“3923. Child development center standards and inspections.

“3924. Child development center employees.

“3925. Parent partnerships with child development centers.

“**SUBCHAPTER III—HOUSING**

“3941. Definitions.

“3942. General authority.

“3943. Leasing and hiring of quarters; rental of inadequate housing.

“3944. Retired service members and dependents serving on advisory committees.

“3945. Conveyance of real property.

“3946. Coast Guard Housing Fund.

“3947. Reports.”.

(b) **REDESIGNATIONS AND TRANSFERS.**—

(1) **REQUIREMENT.**—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 29 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) **TABLE.**—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
531 .....	Work-life policies and programs	2901
532 .....	Surveys of Coast Guard families	2902
541 .....	Reimbursement for adoption expenses	2903
542 .....	Education and training opportunities for Coast Guard spouses	2904
543 .....	Youth sponsorship initiatives	2905
544 .....	Dependent school children	2906
551 .....	Definitions	2921
552 .....	Child development services	2922
553 .....	Child development center standards and inspections	2923
554 .....	Child development center employees	2924
555 .....	Parent partnerships with child development centers	2925

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
680 .....	Definitions	2941
681 .....	General authority	2942
475 .....	Leasing and hiring of quarters; rental of inadequate housing	2943
680 .....	Retired service members and dependents serving on advisory committees	2944
685 .....	Conveyance of real property	2945
687 .....	Coast Guard Housing Fund	2946
688 .....	Reports	2947

(c) **ADDITIONAL CHANGES.**—Chapter 29 of title 14, United States Code, is further amended—

(1) by inserting before section 2901 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER I—COAST GUARD FAMILIES**”;

(2) by inserting before section 2921 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER II—COAST GUARD CHILD CARE**”;

and

(3) by inserting before section 2941 (as so redesignated and transferred under subsection (b)) the following:

“**SUBCHAPTER III—HOUSING**”.

**SEC. 118. SUBTITLE III AND CHAPTER 37.**

(a) **INITIAL MATTER.**—Title 14, United States Code, is further amended by adding after chapter 29 (as amended by section 117) the following:

“**Subtitle III—Coast Guard Reserve and Auxiliary**

“Chap.	Sec.
“37. Coast Guard Reserve .....	3701
“39. Coast Guard Auxiliary .....	3901
“41. General Provisions for Coast Guard Reserve and Auxiliary .....	4101

“**CHAPTER 1—COAST GUARD RESERVE**

“**SUBCHAPTER I—ADMINISTRATION**

“Sec.

“3701. Organization.

“3702. Authorized strength.

“3703. Coast Guard Reserve Boards.

“3704. Grades and ratings; military authority.

“3705. Benefits.

“3706. Temporary members of the Reserve; eligibility and compensation.

“3707. Temporary members of the Reserve; disability or death benefits.

“3708. Temporary members of the Reserve; certificate of honorable service.

“3709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.

“3710. Reserve student pre-commissioning assistance program.

“3711. Appointment or wartime promotion; retention of grade upon release from active duty.

“3712. Exclusiveness of service.

“3713. Active duty for emergency augmentation of regular forces.

“3714. Enlistment of members engaged in schooling.

“**SUBCHAPTER II—PERSONNEL**

“3731. Definitions.

“3732. Applicability of this subchapter.

“3733. Suspension of this subchapter in time of war or national emergency.  
 “3734. Effect of this subchapter on retirement and retired pay.  
 “3735. Authorized number of officers.  
 “3736. Precedence.  
 “3737. Running mates.  
 “3738. Constructive credit upon initial appointment.  
 “3739. Promotion of Reserve officers on active duty.  
 “3740. Promotion; recommendations of selection boards.  
 “3741. Selection boards; appointment.  
 “3742. Establishment of promotion zones under running mate system.  
 “3743. Eligibility for promotion.  
 “3744. Recommendation for promotion of an officer previously removed from an active status.  
 “3745. Qualifications for promotion.  
 “3746. Promotion; acceptance; oath of office.  
 “3747. Date of rank upon promotion; entitlement to pay.  
 “3748. Type of promotion; temporary.  
 “3749. Effect of removal by the President or failure of consent of the Senate.  
 “3750. Failure of selection for promotion.  
 “3751. Failure of selection and removal from an active status.  
 “3752. Retention boards; removal from an active status to provide a flow of promotion.  
 “3753. Maximum ages for retention in an active status.  
 “3754. Rear admiral and rear admiral (lower half); maximum service in grade.  
 “3755. Appointment of a former Navy or Coast Guard officer.  
 “3756. Grade on entry upon active duty.  
 “3757. Recall of a retired officer; grade upon release.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 37 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
701 .....	Organization	3701
702 .....	Authorized strength	3702
703 .....	Coast Guard Reserve Boards	3703
704 .....	Grades and ratings; military authority	3704
705 .....	Benefits	3705
706 .....	Temporary members of the Reserve; eligibility and compensation	3706
707 .....	Temporary members of the Reserve; disability or death benefits	3707
708 .....	Temporary members of the Reserve; certificate of honorable service	3708

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
709 .....	Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade	3709
709a .....	Reserve student pre-commissioning assistance program	3710
710 .....	Appointment or wartime promotion; retention of grade upon release from active duty	3711
711 .....	Exclusiveness of service	3712
712 .....	Active duty for emergency augmentation of regular forces	3713
713 .....	Enlistment of members engaged in schooling	3714
720 .....	Definitions	3731
721 .....	Applicability of this subchapter	3732
722 .....	Suspension of this subchapter in time of war or national emergency	3733
723 .....	Effect of this subchapter on retirement and retired pay	3734
724 .....	Authorized number of officers	3735
725 .....	Precedence	3736
726 .....	Running mates	3737
727 .....	Constructive credit upon initial appointment	3738
728 .....	Promotion of Reserve officers on active duty	3739
729 .....	Promotion; recommendations of selection boards	3740
730 .....	Selection boards; appointment	3741
731 .....	Establishment of promotion zones under running mate system	3742
732 .....	Eligibility for promotion	3743
733 .....	Recommendation for promotion of an officer previously removed from an active status	3744
734 .....	Qualifications for promotion	3745
735 .....	Promotion; acceptance; oath of office	3746
736 .....	Date of rank upon promotion; entitlement to pay	3747
737 .....	Type of promotion; temporary	3748
738 .....	Effect of removal by the President or failure of consent of the Senate	3749
739 .....	Failure of selection for promotion	3750

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
740 .....	Failure of selection and removal from an active status	3751
741 .....	Retention boards; removal from an active status to provide a flow of promotion	3752
742 .....	Maximum ages for retention in an active status	3753
743 .....	Rear admiral and rear admiral (lower half); maximum service in grade	3754
744 .....	Appointment of a former Navy or Coast Guard officer	3755
745 .....	Grade on entry upon active duty	3756
746 .....	Recall of a retired officer; grade upon release	3757

(c) ADDITIONAL CHANGES.—Chapter 37 of title 14, United States Code, is further amended—

(1) by inserting before section 3701 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

and

(2) by inserting before section 3731 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—PERSONNEL”.

**SEC. 119. CHAPTER 39.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 37 (as added by section 118) the following:

**“CHAPTER 39—COAST GUARD AUXILIARY**

“Sec.

“3901. Administration of the Coast Guard Auxiliary.

“3902. Purpose of the Coast Guard Auxiliary.

“3903. Eligibility; enrollments.

“3904. Members of the Auxiliary; status.

“3905. Disenrollment.

“3906. Membership in other organizations.

“3907. Use of member's facilities.

“3908. Vessel deemed public vessel.

“3909. Aircraft deemed public aircraft.

“3910. Radio station deemed government station.

“3911. Availability of appropriations.

“3912. Assignment and performance of duties.

“3913. Injury or death in line of duty.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 39 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
821 .....	Administration of the Coast Guard Auxiliary	3901

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
822 .....	Purpose of the Coast Guard Auxiliary	3902
823 .....	Eligibility; enrollments	3903
823a .....	Members of the Auxiliary; status	3904
824 .....	Disenrollment	3905
825 .....	Membership in other organizations	3906
826 .....	Use of member's facilities	3907
827 .....	Vessel deemed public vessel	3908
828 .....	Aircraft deemed public aircraft	3909
829 .....	Radio station deemed government station	3910
830 .....	Availability of appropriations	3911
831 .....	Assignment and performance of duties	3912
832 .....	Injury or death in line of duty	3913

**SEC. 120. CHAPTER 41.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 39 (as added by section 119) the following:

**“CHAPTER 41—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY**

“Sec.

“4101. Flags; pennants; uniforms and insignia.

“4102. Penalty.

“4103. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.

“4104. Availability of facilities and appropriations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 41 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
891 .....	Flags; pennants; uniforms and insignia	4101
892 .....	Penalty	4102
893 .....	Limitation on rights of members of the Auxiliary and temporary members of the Reserve	4103
894 .....	Availability of facilities and appropriations	4104

**SEC. 121. SUBTITLE IV AND CHAPTER 49.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 41 (as added by section 120) the following:

**“Subtitle IV—Coast Guard Authorizations and Reports to Congress**

“Chap.

Sec.

“49. Authorizations ..... 4901

“51. Reports ..... 5101

**“CHAPTER 49—AUTHORIZATIONS**

“Sec.

“4901. Requirement for prior authorization of appropriations.

“4902. Authorization of appropriations.

“4903. Authorization of personnel end strengths.

“4904. Authorized levels of military strength and training.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 49 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
2701 .....	Requirement for prior authorization of appropriations	4901
2702 .....	Authorization of appropriations	4902
2703 .....	Authorization of personnel end strengths	4903
2704 .....	Authorized levels of military strength and training	4904

**SEC. 122. CHAPTER 51.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 49 (as added by section 121) the following:

**“CHAPTER 51—REPORTS**

“Sec.

“5101. Transmission of annual Coast Guard authorization request.

“5102. Capital investment plan.

“5103. Major acquisitions.

“5104. Manpower requirements plan.

“5105. Inventory of real property.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 51 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
2901 .....	Transmission of annual Coast Guard authorization request	5101
2902 .....	Capital investment plan	5102
2903 .....	Major acquisitions	5103
2904 .....	Manpower requirements plan	5104
679 .....	Inventory of real property	5105

**SEC. 123. REFERENCES.**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) REDESIGNATED SECTION.—The term “re-designated section” means a section of title 14, United States Code, that is redesignated by this title, as that section is so redesignated.

(2) SOURCE SECTION.—The term “source section” means a section of title 14, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

(b) REFERENCE TO SOURCE SECTION.—

(1) TREATMENT OF REFERENCE.—A reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.

(2) TITLE 14.—In title 14, United States Code, each reference in the text of such title to a source section is amended by striking such reference and inserting a reference to the appropriate, as determined using the tables located in this title, redesignated section.

(c) OTHER CONFORMING AMENDMENTS.—

(1) REFERENCE TO SECTION 182.—Section 1923(c) of title 14, United States Code, as so redesignated by this title, is further amended by striking “section 182” and inserting “section 1922”.

(2) REFERENCES TO CHAPTER 11.—Title 14, United States Code, is further amended—

(A) in section 2146(d), as so redesignated by this title, by striking “chapter 11 of this title” and inserting “this chapter”; and

(B) in section 3739, as so redesignated by this title, by striking “chapter 11” each place that it appears and inserting “chapter 21”.

(3) REFERENCE TO CHAPTER 13.—Section 3705(b) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 13” and inserting “chapter 27”.

(4) REFERENCE TO CHAPTER 15.—Section 308(b)(3) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 15” and inserting “chapter 11”.

(5) REFERENCES TO CHAPTER 19.—Title 14, United States Code, is further amended—

(A) in section 4901(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”; and

(B) in section 4902(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”.

(6) REFERENCE TO CHAPTER 23.—Section 701(a) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 23” and inserting “chapter 39”.

**SEC. 124. RULE OF CONSTRUCTION.**

This title, including the amendments made by this title, is intended only to reorganize title 14, United States Code, and may not be construed to alter—

(1) the effect of a provision of title 14, United States Code, including any authority or requirement therein;

(2) a department or agency interpretation with respect to title 14, United States Code; or

(3) a judicial interpretation with respect to title 14, United States Code.

## TITLE II—AUTHORIZATIONS

### SEC. 201. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

### SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 4902 of title 14, United States Code, is amended to read as follows:

#### “§ 4902. Authorizations of appropriations

“(a) FISCAL YEAR 2018.—Funds are authorized to be appropriated for fiscal year 2018 for necessary expenses of the Coast Guard as follows:

“(1) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,210,313,000 for fiscal year 2018.

“(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2018.

“(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services, \$114,875,000 for fiscal year 2018.

“(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 318 of this title, \$13,397,000 for fiscal year 2018.

“(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2018.

“(b) FISCAL YEAR 2019.—Funds are authorized to be appropriated for fiscal year 2019 for necessary expenses of the Coast Guard as follows:

“(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,914,195,000 for fiscal year 2019.

“(B) Of the amount authorized under subparagraph (A)—

“(i) \$16,701,000 shall be for environmental compliance and restoration; and

“(ii) \$199,360,000 shall be for the Coast Guard's Medicare-eligible retiree health care fund contribution to the Department of Defense.

“(2) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2019.

“(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and

human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2019.”.

(b) REPEAL.—On October 1, 2018—

(1) section 4902(a) of title 14, United States Code, as amended by subsection (a), shall be repealed; and

(2) subsection 4902(b) of title 14, United States Code, as amended by subsection (a), shall be amended by striking “(b) FISCAL YEAR 2019.—”.

### SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

(1) in subsection (a), by striking “for each of fiscal years 2016 and 2017” and inserting “for fiscal year 2018 and 44,500 for fiscal year 2019”; and

(2) in subsection (b), by striking “fiscal years 2016 and 2017” and inserting “fiscal years 2018 and 2019”.

### SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RESPONSE CUTTERS.

(a) IN GENERAL.—Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$167,500,000 is authorized for the acquisition of 3 Fast Response Cutters.

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

### SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE INFRASTRUCTURE.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$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 Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

### SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IMPROVEMENTS.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$3,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund analysis and program development for improvements to or the replacement of rotary-wing aircraft.

## TITLE III—COAST GUARD

### SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

### SEC. 302. PRIMARY DUTIES.

Section 102(7) of title 14, United States Code, is amended to read as follows:

“(7) maintain a state of readiness to assist in the defense of the United States, including when functioning as a specialized service in the Navy pursuant to section 103.”.

### SEC. 303. NATIONAL COAST GUARD MUSEUM.

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 a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

“(b) LIMITATION ON EXPENDITURES.—

“(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

“(2) The Secretary shall fund the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

“(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

“(c) FUNDING PLAN.—Before the date on which the Commandant establishes a National Coast Guard Museum under subsection (a), 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 plan for constructing, operating, and maintaining such a 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; and

“(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

“(d) AUTHORITY.—The Commandant may not establish a national Coast Guard museum except as set forth in this section.”.

### SEC. 304. UNMANNED AIRCRAFT.

(a) LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

#### “§ 319. Land-based unmanned aircraft system program

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft system program under the control of the Commandant of the Coast Guard.

“(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ‘unmanned aircraft system’ has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(b) LIMITATION ON UNMANNED AIRCRAFT SYSTEMS.—Chapter 11 of title 14, United States Code, is amended by inserting after section 1154 the following:

#### “§ 1155. Limitation on unmanned aircraft systems

“(a) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of an Offshore Patrol Cutter, the Commandant of the Coast Guard—

“(1) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

“(2) may lease, acquire, or acquire the services of an unmanned aircraft system only if such system—



“(A) has been part of a program of record of, procured by, or used by a Federal entity (or funds for research, development, test, and evaluation have been received from a Federal entity with regard to such system) before the date on which the Commandant leases, acquires, or acquires the services of the system; and

“(B) is leased, acquired, or utilized by the Commandant through an agreement with a Federal entity, unless such an agreement is not practicable or would be less cost-effective than an independent contract action by the Coast Guard.

“(b) **SMALL UNMANNED AIRCRAFT EXEMPTION.**—Subsection (a)(2) does not apply to small unmanned aircraft.

“(c) **DEFINITIONS.**—In this section, the terms ‘small unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”

(c) **CLERICAL AMENDMENTS.**—

(1) **CHAPTER 3.**—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“319. Land-based unmanned aircraft system program.”

(2) **CHAPTER 11.**—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1154 the following:

“1155. Limitation on unmanned aircraft systems.”

(d) **CONFORMING AMENDMENT.**—Subsection (c) of section 1105 of title 14, United States Code, is repealed.

#### **SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.**

(a) **IN GENERAL.**—Chapter 5 of title 14, United States Code, is amended by inserting after section 507 the following:

“§ 508. Coast Guard health-care professionals; licensure portability

“(a) **IN GENERAL.**—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient is located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

“(b) **DESCRIBED INDIVIDUALS.**—A health-care professional described in this subsection is an individual—

“(1) who is—

“(A) a member of the Coast Guard;

“(B) a civilian employee of the Coast Guard;

“(C) a member of the Public Health Service who is assigned to the Coast Guard; or

“(D) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

“(2) who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing authorized duties for the Coast Guard.

“(c) **DEFINITIONS.**—In this section, the terms ‘license’ and ‘health-care professional’ have the meanings given those terms in section 1094(e) of title 10.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 507 the following:

“508. Coast Guard health-care professionals; licensure portability.”

(c) **ELECTRONIC HEALTH RECORDS.**—

(1) **SYSTEM.**—The Commandant of the Coast Guard is authorized to procure for the Coast Guard an electronic health record system that—

(A) has been competitively awarded by the Department of Defense; and

(B) ensures full integration with the Department of Defense electronic health record systems.

(2) **SUPPORT SERVICES.**—

(A) **IN GENERAL.**—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

(B) **SCOPE.**—Support services procured pursuant to this paragraph may include services for the following:

(i) System integration support.

(ii) Hosting support.

(iii) Training, testing, technical, and data migration support.

(iv) Hardware support.

(v) Any other support the Commandant considers appropriate.

(3) **AUTHORIZED PROCUREMENT ACTIONS.**—The Commandant is authorized to procure an electronic health record system under this subsection through the following:

(A) A task order under the Department of Defense electronic health record contract.

(B) A sole source contract award.

(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.

(D) A contract or other procurement vehicle otherwise authorized.

(4) **COMPETITION IN CONTRACTING; EXEMPTION.**—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code.

#### **SEC. 306. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

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

“§ 718. Training; emergency response providers

“(a) **IN GENERAL.**—The Commandant of the Coast Guard may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

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

“(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

“(3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

“(b) **EMERGENCY RESPONSE PROVIDERS DEFINED.**—In this section, the term ‘emergency response providers’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(c) **TREATMENT OF REIMBURSEMENT.**—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

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

“(1) **STATUS.**—Any individual to whom, as an emergency response provider, training is made available under this section, who is not

otherwise a Federal employee, shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

“(2) **LIMITATION ON LIABILITY.**—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.”

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

“718. Training; emergency response providers.”

#### **SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.**

Section 939 of title 14, United States Code, is amended—

(1) by inserting before “The Secretary may” the following: “(a) **IN GENERAL.**—”;

(2) in subsection (a), as so designated by paragraph (1) of this section, by striking the period at the end of the last sentence and inserting “or in accordance with subsection (b).”; and

(3) by adding at the end the following:

“(b) **INCENTIVE CONTRACTS.**—

“(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

“(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

“(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

“(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

“(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

“(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.”

#### **SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

Section 944 of title 14, United States Code, is amended by striking “\$45,000” and inserting “\$250,000”.

#### **SEC. 309. REGULAR CAPTAINS; RETIREMENT.**

Section 2149(a) of title 14, United States Code, is amended—

(1) by striking “zone is” and inserting “zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is”; and

(2) by striking the period at the end and inserting “or placed at the top of the list of selectees, as applicable.”

#### **SEC. 310. CONVERSION, ALTERATION, AND REPAIR PROJECTS.**

(a) **IN GENERAL.**—Chapter 9 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 951 the following:

# **“§ 952. Construction of Coast Guard vessels and assignment of vessel projects**

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 951 the following:

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

# **SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.**

(a) GENERAL ACQUISITION AUTHORITY.—Section 501(d) of title 14, United States Code, is amended by inserting “aircraft, and systems,” after “vessels,”.

(b) CONTRACTING AUTHORITY.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 1136 the following:

# **“§ 1137. Contracting for major acquisitions programs**

“(a) IN GENERAL.—In carrying out authorities provided to the Secretary to design, construct, accept, or otherwise acquire assets and systems under section 501(d), the Secretary, acting through the Commandant of the Coast Guard or the head of an integrated program office established for a major acquisition program, may enter into contracts for a major acquisition program.

“(b) AUTHORIZED METHODS.—Contracts entered into under subsection (a)—

“(1) may be block buy contracts;

“(2) may be incrementally funded;

“(3) may include combined purchases, also known as economic order quantity purchases, of—

“(A) materials and components; and

“(B) long lead time materials; and

“(4) as provided in section 2306b of title 10, may be multiyear contracts.

“(c) SUBJECT TO APPROPRIATIONS.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically provided in advance for that purpose in subsequent appropriations Acts.”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 1136 the following:

“1137. Contracting for major acquisitions programs.”.

(d) CONFORMING AMENDMENTS.—The following provisions are repealed:

(1) Section 223 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (14 U.S.C. 1152 note), and the item relating to that section in the table of contents in section 2 of such Act.

(2) Section 221(a) of the Coast Guard and Maritime Transportation Act of 2012 (14 U.S.C. 1133 note).

(3) Section 207(a) of the Coast Guard Authorization Act of 2016 (14 U.S.C. 561 note).

(e) INTERNAL REGULATIONS AND POLICY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish the internal regulations and policies necessary to exercise the authorities provided under this section, including the amendments made in this section.

(f) MULTIYEAR CONTRACTS.—The Secretary of the department in which the Coast Guard

is operating is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

# **SEC. 312. OFFICER PROMOTION ZONES.**

Section 2111(a) of title 14, United States Code, is amended by striking “six-tenths.” and inserting “one-half.”.

# **SEC. 313. CROSS REFERENCE.**

Section 2129(a) of title 14, United States Code, is amended by inserting “designated under section 2317” after “cadet”.

# **SEC. 314. COMMISSIONED SERVICE RETIREMENT.**

For Coast Guard officers who retire in fiscal year 2018 or 2019, the President may reduce the period of active commissioned service required under section 2152 of title 14, United States Code, to a period of not less than 8 years.

# **SEC. 315. LEAVE FOR BIRTH OR ADOPTION OF CHILD.**

(a) POLICY.—Section 2512 of title 14, United States Code, is amended—

(1) by striking “Not later than 1 year” and inserting the following:

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

(2) by adding at the end the following:

“(b) LEAVE ASSOCIATED WITH BIRTH OR ADOPTION OF CHILD.—Notwithstanding subsection (a), sections 701 and 704 of title 10, or any other provision of law, all officers and enlisted members of the Coast Guard shall be authorized leave associated with the birth or adoption of a child during the 1-year period immediately following such birth or adoption and, at the discretion of the Commanding Officer, such officer or enlisted member shall be permitted—

“(1) to take such leave in increments; and

“(2) to use flexible work schedules (pursuant to a program established by the Secretary in accordance with chapter 61 of title 5).”.

(b) FLEXIBLE WORK SCHEDULES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall ensure that a flexible work schedule program under chapter 61 of title 5, United States Code, is in place for officers and enlisted members of the Coast Guard.

# **SEC. 316. CLOTHING AT TIME OF DISCHARGE.**

Section 2705 of title 14, United States Code, and the item relating to that section in the analysis for chapter 27 of that title, are repealed.

# **SEC. 317. UNFUNDED PRIORITIES LIST.**

(a) IN GENERAL.—Section 5102 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, 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 capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

“(1) the proposed appropriations included in the budget;

“(2) the total estimated cost of completion based on the proposed appropriations included in the budget;

“(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

“(4) an estimated completion date based on the proposed appropriations included in the budget; and

“(5) an acquisition program baseline, as applicable.”; and

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

“(c) DEFINITIONS.—In this section, the term ‘new capital asset’ means—

“(1) an acquisition program that does not have an approved acquisition program baseline; or

“(2) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.”.

(b) UNFUNDED PRIORITIES.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

# **“§ 5106. Unfunded priorities list**

“(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, 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 list of each unfunded priority for the Coast Guard.

“(b) PRIORITIZATION.—The list required under subsection (a) shall present the unfunded priorities in order from the highest priority to the lowest, as determined by the Commandant.

“(c) UNFUNDED PRIORITY DEFINED.—In this section, the term ‘unfunded priority’ means a program or mission requirement that—

“(1) has not been selected for funding in the applicable proposed budget;

“(2) is necessary to fulfill a requirement associated with an operational need; and

“(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.”.

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

“5106. Unfunded priorities list.”.

# **SEC. 318. SAFETY OF VESSELS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 527 of title 14, United States Code, is amended—

(1) in the heading, by striking “naval vessels” and inserting “vessels of the Armed Forces”;

(2) in subsection (a), by striking “United States naval vessel” and inserting “vessel of the Armed Forces”;

(3) in subsection (b)—

(A) by striking “senior naval officer present in command” and inserting “senior officer present in command”; and

(B) by striking “United States naval vessel” and inserting “vessel of the Armed Forces”; and

(4) by adding at the end the following:

“(e) For purposes of this title, the term ‘vessel of the Armed Forces’ means—

“(1) any vessel owned or operated by the Department of Defense or the Coast Guard, other than a time- or voyage-chartered vessel; and

“(2) any vessel owned and operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in paragraph (1).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is further amended by striking the item relating to section 527 and inserting the following:

“527. Safety of vessels of the Armed Forces.”.

(c) CONFORMING AMENDMENTS.—Section 2510(a)(1) of title 14, United States Code, is amended—

(1) by striking “armed forces” and inserting “Armed Forces”; and

(2) by striking “section 101(a) of title 10” and inserting “section 527(e)”.

#### SEC. 319. PROTECTING AGAINST UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 527 the following:

##### “§ 528. Protecting against unmanned aircraft

“(a) AUTHORITY.—Notwithstanding title 18 (including section 32, section 1030, sections 2510–2522, and sections 3121–3127), and section 46502 of title 49, the Secretary, or the Secretary’s designee, may take such actions described in subsection (c)(1) as are necessary to mitigate the threat, as defined by the Secretary in consultation with the Secretary of Transportation, that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered vessel or aircraft.

“(b) COORDINATION WITH THE SECRETARY OF TRANSPORTATION.—The Secretary, or the Secretary’s designee, shall coordinate with the Secretary of Transportation, including the Administrator of the Federal Aviation Administration, before issuing any guidance or implementing any program or procedures to carry out this section that might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of the airspace.

##### “(c) ACTIONS DESCRIBED.—

“(1) The actions described in this paragraph are the following:

“(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

“(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

“(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

“(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

“(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

“(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

“(2) The Secretary shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

“(d) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary is subject to forfeiture to the United States.

“(e) REGULATIONS.—The Secretary and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section. The Secretary and the Secretary of Transportation shall coordinate in the development of such guidance.

##### “(f) DEFINITIONS.—In this section:

“(1) The term ‘covered vessel or aircraft’ means a vessel or aircraft that—

“(A)(i) is a vessel or aircraft operated by the Coast Guard; or

“(ii) is a vessel the Coast Guard is assisting or escorting;

“(B) is located in the United States (including the territories and possessions of the United States); and

“(C) is directly involved in a mission of the Coast Guard pertaining to—

“(i) assisting or escorting a vessel of the Department of Defense;

“(ii) assisting or escorting a vessel of national security significance, a high interest vessel, a high capacity passenger vessel, or a high value unit, as those terms are defined by the Secretary;

“(iii) section 91(a) of this title;

“(iv) assistance in protecting the President or the Vice President (or other officer next in order of succession to the Office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

“(v) protection of a National Special Security Event, as designated by the Secretary;

“(vi) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system; or

“(vii) a search and rescue operation.

“(2) The terms ‘electronic communication’, ‘intercept’, ‘oral communication’, and ‘wire communication’ have the meaning given those terms in section 2510 of title 18.

“(3) The term ‘National Special Security Event’ has the meaning given the term in section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601).

“(4) The terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

##### “(g) PRESERVATION OF APPROPRIATE AUTHORITY.—

“(1) Nothing in this section may be construed to vest in the Secretary any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49.

“(2) Nothing in this section may be construed to vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary under title 14.

“(h) PRIVACY PROTECTION.—Regulations or guidance issued under subsection (e) shall ensure that—

“(1) the interception or acquisition of or access to communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the Fourth Amendment to the United States Constitution and applicable Federal law;

“(2) communications to or from an unmanned aircraft system are intercepted, acquired, or accessed only to the extent necessary to support a function of the Department;

“(3) records of such communications are not maintained for more than 180 days unless the Secretary determines that maintenance of such records—

“(A) is necessary to support one or more functions of the Department; or

“(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

“(4) such communications are not disclosed outside the Department unless the disclosure—

“(A) would fulfill a function of the Department;

“(B) would support a civilian law enforcement agency or enforcement activities of a regulatory agency in connection with a criminal or civil investigation of, or any regulatory action with regard to, any activity described under subsection (c); or

“(C) is otherwise required by law or regulation.

“(i) SEMI-ANNUAL BRIEFINGS REQUIRED.—

“(1) Not less than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2017, and every 6 months thereafter until the authority terminates pursuant to subsection (j), the Secretary and the Secretary of Transportation shall jointly provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the activities carried out pursuant to this section. Such briefings shall include—

“(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

“(B) a description of each instance where an action described in subsection (c)(1) has been taken;

“(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and

“(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

“(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

“(j) TERMINATION OF AUTHORITY.—The authority pursuant to this section shall expire on December 31, 2020, for Department missions unless the President of the United States certifies to Congress, not less than 45 days prior to the expiration date that retaining authority pursuant to this section is in the national security interests of the United States, thereby extending the authority for those mission areas an additional 180 days.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 527 the following:

“528. Protecting against unmanned aircraft.”.

#### SEC. 320. AIR FACILITIES.

Section 912 of title 14, United States Code, is amended—

(1) by striking subsection (a);

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

(3) in subsection (a) as redesignated—

(A) by amending paragraph (3) to read as follows:

“(3) PUBLIC NOTICE AND COMMENT.—

“(A) IN GENERAL.—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

“(B) PUBLIC MEETINGS.—Prior to convening a public meeting under subparagraph (A), the Secretary shall notify each congressional office representing any portion of the area of responsibility of the air station that is the subject to such public meeting of the schedule and location of such public meeting.”;

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A) by striking “2015” and inserting “2017”; and

(ii) by amending subparagraph (A) to read as follows:

“(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 that includes—

“(i) a discussion of the determination made by the Secretary pursuant to paragraph (2); and

“(ii) a report summarizing the public comments received by the Secretary under paragraph (3)”;

(C) by adding at the end the following:

“(5) CONGRESSIONAL REVIEW.—The Secretary may not close, cease operations, or significantly reduce personnel and use of a Coast Guard air facility for which a written notice is provided under paragraph (4)(A) until a period of 18 months beginning on the date on which such notice is provided has elapsed.”.

#### TITLE IV—PORTS AND WATERWAYS SAFETY

##### SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

(a) CODIFICATION.—Subtitle VII of title 46, United States Code, is amended by inserting before chapter 701 the following:

#### “CHAPTER 700—PORTS AND WATERWAYS SAFETY

##### “SUBCHAPTER A—VESSEL OPERATIONS

- “70001. Vessel traffic services.
- “70002. Special powers.
- “70003. Port access routes.
- “70004. Considerations by Secretary.
- “70005. International agreements.

##### “SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

- “70011. Waterfront safety.
- “70012. Navigational hazards.
- “70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

##### “SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

- “70021. Conditions for entry to ports in the United States.

##### “SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

- “70031. Definitions.
- “70032. Saint Lawrence Seaway.
- “70033. Limitation on application to foreign vessels.
- “70034. Regulations.
- “70035. Investigatory powers.
- “70036. Enforcement.

##### “SUBCHAPTER I—VESSEL OPERATIONS

#### “§ 70001. Vessel traffic services

“(a) 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)(A) 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.

“(B) Notwithstanding subparagraph (A), 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) 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) LIMITATION.—

“(A) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) As used in this paragraph, the term ‘inherently governmental function’ means any activity that is so intimately related to the public interest as to mandate performance 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 judgment in making a decision for the Government.

##### “(c) 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, 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 assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

#### “§ 70002. Special powers

“The Secretary may order any vessel, in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States, to operate or anchor in a manner the Secretary directs if—

“(1) the Secretary has reasonable cause to believe such vessel does not comply with any regulation issued under section 70034 or any other applicable law or treaty;

“(2) the Secretary determines such vessel does not satisfy the conditions for port entry set forth in section 70021 of this title; or

“(3) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the Secretary is satisfied such direction is justified in the interest of safety.

#### “§ 70003. Port access routes

“(a) AUTHORITY TO DESIGNATE.—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

##### “(b) LIMITATION.—

“(1) IN GENERAL.—No designation may be made by the Secretary under this section if—

“(A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and

“(B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).

“(2) CONSULTATION REQUIRED.—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.

“(c) CONSIDERATION OF OTHER USES.—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—

“(1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;

“(2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and

“(3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.

“(d) STUDY.—In carrying out the Secretary’s responsibilities under subsection (c), the Secretary shall—

“(1) proceed expeditiously to complete any study undertaken; and

“(2) after completion of such a study, promptly—

“(A) issue a notice of proposed rulemaking for the designation contemplated; or

“(B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.

“(e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the Secretary—

“(1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;

“(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes mandatory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

“(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues; and

“(4) shall, through appropriate channels—

“(A) notify cognizant international organizations of any designation, or adjustment thereof; and

“(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas.

#### “§ 70004. Considerations by Secretary

“In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

“(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

“(A) the scope and degree of the risk or hazard involved;

“(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

“(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

“(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

“(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

“(F) environmental factors;

“(G) economic impact and effects;

“(H) existing vessel traffic services; and

“(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

“(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

#### “§ 70005. International agreements

“(a) TRANSMITTAL OF REGULATIONS.—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

“(b) AGREEMENTS.—The President is authorized and encouraged to—

“(1) enter into negotiations and conclude and execute agreements with neighboring nations, to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

“(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

“(c) OPERATIONS.—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

“(1) require vessels operating in an area of a vessel traffic service to utilize or to comply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

“(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exercises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

“(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

“(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

“(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

#### “SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

##### “§ 70011. Waterfront safety

“(a) IN GENERAL.—The Secretary may take such action as is necessary to—

“(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

“(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

“(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

“(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

“(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

“(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

“(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

“(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

##### “§ 70012. Navigational hazards

“(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

“(b) SECRETARY'S RESPONSE.—

“(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

“(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

“(c) PIPELINE DEFINED.—For purposes of this section, the term ‘pipeline’ has the meaning given the term ‘pipeline facility’ in section 60101(a)(18) of title 49.

##### “§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as

the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

#### “SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

##### “§ 70021. Conditions for entry to ports in the United States

“(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

“(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

“(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

“(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

“(4) does not comply with any applicable vessel traffic service requirements;

“(5) is manned by one or more officers who are licensed by a certifying State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

“(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

“(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

##### “(b) EXCEPTIONS.—

“(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

“(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation, or condition, as appropriate.

#### “SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

##### “§ 70031. Definitions

“As used in subchapters A through C and this subchapter, unless the context otherwise requires:

“(1) The term ‘marine environment’ means—

“(A) the navigable waters of the United States and the land and resources therein and thereunder;

“(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

“(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

“(D) the recreational, economic, and scenic values of such waters and resources.

“(2) The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

“(3) The term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

##### “§ 70032. Saint Lawrence Seaway

“The authority granted to the Secretary under sections 70001, 70002, 70003, 7004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

##### “§ 70033. Limitation on application to foreign vessels

“Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters A through C and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.

##### “§ 70034. Regulations

“(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C and this subchapter.

“(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

“(1) interested Federal departments and agencies;

“(2) officials of State and local governments;

“(3) representatives of the maritime community;

“(4) representatives of port and harbor authorities or associations;

“(5) representatives of environmental groups;

“(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and

“(7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

##### “§ 70035. Investigatory powers

“(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage

to, any structure subject to subchapters A through C and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

“(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

##### “§ 70036. Enforcement

###### “(a) CIVIL PENALTY.—

“(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C or this subchapter or a regulation issued under subchapters A through C or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

“(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

###### “(b) CRIMINAL PENALTY.—

“(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C or this subchapter or any regulation issued thereunder commits a class D felony.

“(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

“(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C or this subchapter or of regulations issued under such subchapter, for cause shown.



“(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C of this subchapter or the regulations issued under such subchapter—

“(1) into the navigable waters of the United States; or

“(2) to any port or place under the jurisdiction of the United States.

“(f) WITHHOLDING OF CLEARANCE.—

“(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

“(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such subtitle is amended by inserting before the item relating to chapter 701 the following:

**“700. Ports and Waterways Safety .....70001.”.**

#### SEC. 402. CONFORMING AMENDMENTS.

(a) ELECTRONIC CHARTS.—

(1) TRANSFER OF PROVISION.—Section 4A of the Ports and Waterways Safety Act (33 U.S.C. 1223a)—

(A) is redesignated as section 3105 of title 46, United States Code, and transferred to appear after section 3104 of that title; and

(B) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.”

(2) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 31 of such title is amended by adding at the end the following: “3105. Electronic charts.”

(b) PORT, HARBOR, AND COASTAL FACILITY SECURITY.—

(1) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70116 of title 46, United States Code, and transferred so as to replace section 70116 of that title, as in effect before the enactment of this Act.

(2) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70116 of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by striking the item relating to section 70116 and inserting the following:

“70116. Port, harbor, and coastal facility security.”

(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C.

1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

(d) REPEAL.—Section 2307 of title 46, United States Code, and the item relating to that section in the analysis at the beginning of chapter 23 of that title, are repealed.

(e) REPEAL.—The Ports and Waterways Safety Act (33 U.S.C. 1221–1231, 1232–1232b), as amended by this Act, is repealed.

#### SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term “source provision” means a provision of law that is replaced by a title 46 provision under this title.

(2) TITLE 46 PROVISION.—The term “title 46 provision” means a provision of title 46, United States Code, that is enacted by section 402.

(b) CUTOFF DATE.—The title 46 provisions replace certain provisions of law enacted before the date of the enactment of this Act. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

(d) REFERENCES TO TITLE 46 PROVISIONS.—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

#### SEC. 404. RULE OF CONSTRUCTION.

This title, including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act to title 46, United States Code, and may not be construed to alter—

(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.

#### SEC. 405. ADVISORY COMMITTEE: REPEAL.

Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

#### SEC. 406. REGATTAS AND MARINE PARADES.

(a) IN GENERAL.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

#### “SUBCHAPTER V—REGATTAS AND MARINE PARADES

##### “§ 70041. Regattas and marine parades

“(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

“(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

“(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

“(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

“(c) TRANSFER OF AUTHORITY.—The authority of the Commandant under this section may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President's judgment such transfer is desirable.

“(d) PENALTIES.—

“(1) IN GENERAL.—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

“(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

“(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

“(C) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations occurred without the owner's knowledge.

“(D) Any other person shall be liable to a penalty of \$2,500.

“(2) MITIGATION OR REMISSION.—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

#### “SUBCHAPTER E—REGATTAS AND MARINE PARADES

“70041. Regattas and marine parades.”

(c) REPEAL.—The Act of April 28, 1908 (35 Stat. 69, chapter 151; 33 U.S.C. 1233 et seq.), is repealed.

#### SEC. 407. REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES.

(a) ESTABLISHMENT OF SUBCHAPTER F.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

##### “§ 70054. Definitions

“In this subchapter:

“(1) UNITED STATES.—The term ‘United States’ includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

(b) REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.—Section 1 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 191), is amended—

(1) by striking the section designation and all that follows before “by proclamation” and inserting the following:

**“§ 70051. Regulation of anchorage and movement of vessels during national emergency**

“Whenever the President”;  
 (2) by striking “of the Treasury”;  
 (3) by striking “of the department in which the Coast Guard is operating”;  
 (4) by striking “this title” and inserting “this subchapter”;

and  
 (5) by transferring the section so that the section appears before section 70054 of title 46, United States Code (as added by subsection (a) of this section).

(c) **SEIZURE AND FORFEITURE OF VESSEL; FINE AND IMPRISONMENT.**—Section 2 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is amended—

(1) by striking the section designation and all that follows before “agent,” and inserting the following:

**“§ 70052. Seizure and forfeiture of vessel; fine and imprisonment**

“(a) **IN GENERAL.**—If any owner,”;  
 (2) by striking “this title” each place it appears and inserting “this subchapter”;

and  
 (3) by transferring the section so that the section appears after section 70051 of title 46, United States Code (as transferred by subsection (b) of this section).

(d) **ENFORCEMENT PROVISIONS.**—Section 4 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 194), is amended—

(1) by striking all before “may employ” and inserting the following:

**“§ 70053. Enforcement provisions**

“The President”;  
 (2) by striking “the purpose of this title” and inserting “this subchapter”;

and  
 (3) by transferring the section so that the section appears after section 70052 of title 46, United States Code (as transferred by subsection (c) of this section).

(e) **CLERICAL AMENDMENT.**—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emergency.

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions.

“70054. Definitions.”.

**SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECURITY.**

(a) **TRANSFER OF PROVISIONS.**—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70102a of title 46, United States Code, and transferred so as to appear after section 70102 of that title.

(b) **DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.**—Section 70102a of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) **DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.**—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(c) **CLERICAL AMENDMENT.**—The analysis at the beginning of chapter 701 of such title is amended by inserting after the item relating to section 70102 the following:

“70102a. Port, harbor, and coastal facility security.”.

(d) **NONDISCLOSURE OF PORT SECURITY PLANS.**—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C.

1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

**TITLE V—MARITIME TRANSPORTATION SAFETY**

**SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.**

(a) **IN GENERAL.**—Section 3305 of title 46, United States Code, is amended by adding at the end the following:

“(d)(1) The Commandant of the Coast Guard shall ensure that Officers in Charge, Marine Inspections consistently interpret regulations and standards under this subtitle and chapter 700 to avoid disruption and undue expense to industry.

“(2)(A) Subject to subparagraph (B), in the event of a disagreement regarding the condition of a vessel or the interpretation of a regulation or standard referred to in subsection (a) between a local Officer in Charge, Marine Inspection conducting an inspection of the vessel and the Officer in Charge, Marine Inspection that issued the most recent certificate of inspection for the vessel, such Officers shall seek to resolve such disagreement.

“(B) If a disagreement described in subparagraph (A) involves vessel design or plan review, the Coast Guard marine safety center shall be included in all efforts to resolve such disagreement.

“(C) If a disagreement described in subparagraph (A) or (B) cannot be resolved, the local Officer in Charge, Marine Inspection shall submit to the Commandant of the Coast Guard, through the cognizant Coast Guard district commander, a request for a final agency determination of the matter in disagreement.

“(3) The Commandant of the Coast Guard shall—

“(A) provide to each person affected by a decision or action by an Officer in Charge, Marine Inspection or by the Coast Guard marine safety center all information necessary for such person to exercise any right to appeal such decision or action; and

“(B) if such an appeal is filed, process such appeal under parts 1 through 4 of title 46, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017.

“(4) In this section, the term ‘Officer in Charge, Marine Inspection’ means any person from the civilian or military branch of the Coast Guard who—

“(A) is designated as such by the Commandant; and

“(B) under the superintendence and direction of the cognizant Coast Guard district commander, is in charge of an inspection zone for the performance of duties with respect to the inspections under, and enforcement and administration of, subtitle II, chapter 700, and regulations under such laws.”.

(b) **REPORT ON MARINE INSPECTOR TRAINING.**—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 Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications required for assignment as a marine inspector under section 312 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the required courses;

(2) a description of the training, including a specific list of the included courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of the enactment of this Act, but is no longer required or offered, including a specific list of the included courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

**SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS COUNTY, MINNESOTA.**

Section 4105 of title 46, United States Code, amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute ‘12 passengers’ for ‘6 passengers’ each place it appears in section 2101(42).”.

**SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

(a) **IN GENERAL.**—Chapter 43 of title 46, United States Code, is amended by adding at the end the following:

**“§ 4312. Engine cut-off switches**

“(a) **INSTALLATION REQUIREMENT.**—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A-33, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2017.

“(b) **EDUCATION ON CUT-OFF SWITCHES.**—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

“(c) **AVAILABILITY OF STANDARD FOR INSPECTION.**—

“(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A-33, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017, to—

“(A) the Committee on Transportation and Infrastructure of the House of Representatives;

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Coast Guard Office of Design and Engineering Standards; and

“(D) the National Archives and Records Administration.

“(2) **AVAILABILITY.**—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

“(d) **DEFINITIONS.**—In this section:

“(1) **COVERED RECREATIONAL VESSEL.**—The term ‘covered recreational vessel’ means a recreational vessel that is—

“(A) less than 26 feet overall in length; and

“(B) capable of developing 115 pounds or more of static thrust.

“(2) DEALER.—The term ‘dealer’ means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

“(3) DISTRIBUTOR.—The term ‘distributor’ means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

“(4) MANUFACTURER.—The term ‘equipment manufacturer’ means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

“(5) PROPULSION MACHINERY.—The term ‘propulsion machinery’ means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

“(6) STATIC THRUST.—The term ‘static thrust’ means the forward or backwards thrust developed by propulsion machinery while stationary.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“4312. Engine cut-off switches.”.

(c) EFFECTIVE DATE.—Section 4312 of title 46, United States Code, as amended by this section, shall take effect one year after the date of the enactment of this Act.

#### SEC. 504. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking “a survival craft” and inserting “subject to paragraph (3), a survival craft”;

(2) by adding at the end the following:

“(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

“(A) necessary for normal fishing operations;

“(B) readily accessible during an emergency; and

“(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.”; and

(3) by adding at the end the following:

“(k) For the purposes of this section, the term ‘auxiliary craft’ means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.”.

#### SEC. 505. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

“(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).”.

#### SEC. 506. FISHING SAFETY GRANTS.

Section 4502 of title 46, United States Code, is amended—

(1) in subsections (i) and (j), by striking “Secretary” each place it appears and inserting “Secretary of Health and Human Services”;

(2) in subsection (i)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the

Commandant of the Coast Guard” after “Health and Human Services”;

(3) in subsection (i)(3), by striking “75” and inserting “50”;

(4) in subsection (i)(4), by striking “\$3,000,000 for each of fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”;

(5) in subsection (j)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the Commandant of the Coast Guard,” after “Health and Human Services”;

(6) in subsection (j)(3), by striking “75” and inserting “50”; and

(7) in subsection (j)(4), by striking “\$3,000,000 for each fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”.

#### SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

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

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503(f) of title 46, United States Code, as redesignated by section 508 of this Act, is further amended to read as follows:

“(f)(1) For purposes of this section and section 4503a, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(A) The vessel’s keel is laid.

“(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

“(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.”.

#### SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is redesignated as section 4503a and transferred to appear after section 4503 of such title.

(b) FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(2) in subsection (b), by striking “subsection (d)” and inserting “section 4503a”;

(3) in subsection (c)(2)(B)(ii)(I), by striking “subsection (e)” and inserting “subsection (d)”;

(4) in subsection (c)(2)(B)(ii)(II), by striking “subsection (f)” and inserting “subsection (e)”;

(5) in subsection (e)(1), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(6) in subsection (e)(2), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(c) ALTERNATE SAFETY COMPLIANCE PROGRAM.—Section 4503a of title 46, United States Code, as redesignated and transferred by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (a), (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (a), as so redesignated, the following:

#### “§ 4503a. Alternate safety compliance program”;

(3) in subsection (a), as redesignated by paragraph (1) of this subsection, by striking “After January 1, 2020,” and all that follows through “the Secretary, if” and inserting “Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if”;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(5) in subsection (b), as so redesignated, by striking “establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary” and inserting “prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program”;

(6) by amending subsection (c), as so redesignated, to read as follows:

“(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.”;

(7) in subsection (d), as so redesignated—

(A) by striking “paragraph (1)” and inserting “subsection (a)”;

(B) by striking “that paragraph” each place it appears and inserting “that subsection”;

(8) in subsection (e), as so redesignated, by—

(A) inserting “is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and” after “July 1, 2012”; and

(B) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(9) by adding at the end the following:

“(f) For the purposes of this section, the term ‘built’ has the meaning given that term in section 4503(f).”.

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 45 of such title is amended by inserting after the item relating to section 4503 the following

“4503a. Alternate safety compliance program.”.

(e) CONFORMING AMENDMENT.—Section 3104 of title 46, United States Code, is amended by striking “section 4503(e)” and inserting “section 4503(d)”.

(f) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.

(g) ALTERNATE SAFETY COMPLIANCE PROGRAM STATUS REPORT.—

(1) IN GENERAL.—Not later than January 1, 2019, the Secretary of the department in which the Coast Guard is operating 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 status of the development of the alternate safety compliance program directed by section 4503a of title 46, United States Code, as redesignated by subsection (c).

(2) CONTENTS.—The report required under paragraph (1) shall include discussion of—

(A) steps taken in the rulemaking process to establish the alternate safety compliance program;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and the commercial fishing vessel industry regarding the development of the alternate safety compliance program;

(C) consideration given to developing alternate safety compliance programs for specific regions and fisheries, as authorized in section 4503a(c) of such title, as redesignated by subsection (c);

(D) any identified legislative changes necessary to implement an effective alternate safety compliance program; and

(E) the timeline and planned actions that will be taken to implement regulations necessary to fully establish an alternate safety compliance program before January 1, 2020.

#### **SEC. 509. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL CORRECTION.**

Section 4505(2) of title 46, United States Code, is amended—

(1) by striking “4503(1)” and inserting “4503(a)(2)”; and

(2) by inserting before the period the following: “, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies”.

#### **SEC. 510. TECHNICAL CORRECTIONS: LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.**

Title 46, United States Code, is amended—

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

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

(3) in section 7507(b)(1), by striking “licenses or certificates of registry” and inserting “merchant mariner documents”; and

(4) in section 7507(b)(2) by striking “merchant mariner’s document,” and inserting “license or certificate of registry”.

#### **SEC. 511. ABANDONED SEAFARERS FUND AMENDMENTS.**

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

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

(2) in subsection (a)(4)(A), by striking “paragraph (2)” and inserting “paragraph (3)”; and

(3) in subsection (c)(2)(B)—

(A) by striking “section 2(9)(a)” and inserting “section 2(a)(9)(a)”; and

(B) by striking “33 U.S.C. 1901(9)(a)” and inserting “33 U.S.C. 1901(a)(9)(a)”.

#### **SEC. 512. CLARIFICATION OF LOGBOOK ENTRIES.**

(a) IN GENERAL.—Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “an official logbook, which” and inserting “a logbook, which may be in any form, including electronic, and”; and

(2) in subsection (b), by amending paragraph (3) to read as follows:

“(3) Each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.”.

(b) TECHNICAL AMENDMENT.—Section 11304(b) is amended by striking “log book” and inserting “logbook”.

#### **SEC. 513. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.**

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(e) EFFECTIVE PERIOD.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for

a 1-year period and may be renewed for additional 1-year periods.

“(2) RECREATIONAL VESSELS.—

“(A) IN GENERAL.—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.

“(B) PHASE-IN PERIOD.—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.

“(C) FEES.—

“(i) REQUIREMENT.—The Secretary shall assess and collect a fee—

“(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

“(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

“(ii) TREATMENT.—Fees collected under this subsection—

“(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

“(II) may remain available until expended.

“(3) NOTICE OF CHANGE IN INFORMATION.—

“(A) REQUIREMENT.—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

“(B) TERMINATION OF CERTIFICATE.—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

“(4) STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.”.

#### **SEC. 514. NUMBERING FOR UNDOCUMENTED BARGES.**

Section 12301(b) of title 46, United States Code, is amended—

(1) by striking “shall” and inserting “may”; and

(2) by inserting “of” after “barge”.

#### **SEC. 515. BACKUP GLOBAL POSITIONING SYSTEM.**

(a) SHORT TITLE.—This section may be cited as the “National Timing Resilience and Security Act of 2018”.

(b) IN GENERAL.—Chapter 3 of title 49, United States Code, is amended by adding at the end the following:

##### **“§ 312. Alternative timing system**

“(a) IN GENERAL.—Subject to the availability of appropriations and not later than 3 years after the date of the enactment of the National Timing Resilience and Security Act of 2018, the Secretary shall establish a land-based, resilient, and reliable alternative timing system—

“(1) to reduce critical dependencies on, and provide a complement to and backup for, the timing component of the Global Positioning System; and

“(2) to ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event that GPS timing signals are corrupted, degraded, unreliable, or otherwise unavailable.

“(b) ESTABLISHMENT OF REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary shall establish requirements for the procurement of a land-based complement to and backup for the timing component of GPS.

“(2) REQUIREMENTS.—The Secretary shall consider the following requirements for the system, to the degree practicable:

“(A) Be wireless.

“(B) Be terrestrial.

“(C) Provide wide-area coverage.

“(D) Be synchronized with coordinated universal time.

“(E) Be resilient and extremely difficult to disrupt or degrade.

“(F) Be able to penetrate underground and inside buildings.

“(G) Be capable of deployment to remote locations.

“(H) Incorporate the expertise of the private sector with respect to development, building, and installation.

“(I) Be interoperable with and complement other similar positioning, navigation, and timing systems, including enhanced long-range navigation systems and Nationwide Differential GPS systems.

“(J) Be available for use by Federal and non-Federal government agencies for public purposes at no cost.

“(K) Be capable of adaptation and expansion to provide position and navigation capabilities.

“(L) Incorporate the recommendations and next actions from any GPS back-up capability demonstration program initiated and completed by the Secretary, in coordination with other Federal agencies.

“(M) Incorporate such other requirements determined necessary by the Secretary.

“(c) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary 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 plan to implement the establishment of the system authorized by subsection (a). Such plan shall describe the work necessary to provide a follow-on complementary and backup positioning and navigation capability.

“(d) FUNDING.—

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall transfer, without reimbursement, to the Secretary to carry out this section the following:

“(A) Notwithstanding section 914 of title 14, or any other provision of law, such infrastructure comprising the Long-Range Navigation (LORAN) system, including any real and personal property under the administrative control of the Coast Guard and used for the LORAN system, as the Secretary determines necessary for the purposes described in subsection (a).

“(B) Any funds specifically appropriated or made available for the purposes described in subsection (a), and such funds shall remain available until expended, without fiscal year limitation.

“(2) LIABILITIES AND RESPONSIBILITIES.—

“(A) Nothing in this subsection may be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

“(B) The Secretary shall assume all environmental compliance and restoration responsibilities and liabilities associated with real property transferred under paragraph (1)(A).

“(e) AGREEMENT.—

“(1) IN GENERAL.—Federal agencies may not make commitments under this section (including cooperative agreements (as that term is defined under section 6305 of title 31), leases, service contracts, or any other type of commitment) unless funds are specifically provided for such purposes in advance in subsequent appropriations Acts, and only to the extent that the full extent of anticipated costs stemming from such commitments is recorded as an obligation up front and in full at the time it is made.

“(2) COMPETITION REQUIRED.—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into an agreement to fulfill the purpose or this section.

“(3) DETERMINATION.—Prior to entering into any agreement under this subsection, the Secretary must determine that the use of such agreement is in the best financial interest of the Federal Government.

“(f) DEFINITIONS.—In this section:

“(1) ENTITY.—The term ‘entity’ means a non-Federal entity with the demonstrated technical expertise and requisite administrative and financial resources to meet any such terms and conditions as may be established by the Secretary.

“(2) GPS.—The term ‘GPS’ means the Global Positioning System.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.”.

(c) TABLE OF CONTENTS.—The table of contents for chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“312. Alternative timing system.”.

#### SEC. 516. SCIENTIFIC PERSONNEL.

Section 2101(31) of title 46, United States Code, is amended—

(1) by inserting “(A) Subject to subparagraph (B),” before the text; and

(2) by adding at the end the following:

“(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to—

“(I) engage in scientific research;

“(II) instruct in oceanography or limnology; or

“(III) receive instruction in oceanography or limnology.

“(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.”.

#### SEC. 517. TRANSPARENCY.

(a) IN GENERAL.—The Commandant of the Coast Guard shall publish any letter of determination issued by the Coast Guard National Vessel Documentation Center after the date of the enactment of this Act on the National Vessel Documentation Center website not later than 30 days after the date of issuance of such letter of determination.

(b) AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, the results of which shall be made publicly available, of—

(A) the method or process by which the Coast Guard National Vessel Documentation Center develops policy for and documents compliance with the requirements of section 67.97 of title 46, Code of Federal Regulations, for the purpose of issuing endorsements under section 12112 and 12113 of title 46, United States Code;

(B) the coordination between the Coast Guard and U.S. Customs and Border Protection with respect to the enforcement of such requirements; and

(C) the extent to which the Secretary of the department in which the Coast Guard is operating and the Secretary of Transportation, through the Maritime Administra-

tion, have published and disseminated information to promote compliance with applicable vessel construction requirements.

(2) REPORT.—Not later than 90 days after the audit under paragraph (1) is complete, 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 regarding the results of and recommendations made pursuant to such audit.

(c) OUTLINE.—Not later than 180 days after the date of the submission of the Comptroller General of the United States report required under subsection (b), the Commandant of the Coast Guard 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 an outline of plans—

(1) to enhance the transparency of the documentation process, and communications with the maritime industry regarding such process over the next 5 years; and

(2) to implement the recommendations made by the Comptroller General of the United States in the report required under subsection (b)(2).

### TITLE VI—ADVISORY COMMITTEES

#### SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES.

(a) IN GENERAL.—Subtitle II of title 46, United States Code, is amended by adding at the end the following:

#### “PART XI—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

##### “CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

“Sec.

“15101. National Chemical Transportation Safety Advisory Committee.

“15102. National Commercial Fishing Safety Advisory Committee.

“15103. National Merchant Marine Personnel Advisory Committee.

“15104. National Merchant Mariner Medical Advisory Committee.

“15105. National Boating Safety Advisory Committee.

“15106. National Offshore Safety Advisory Committee.

“15107. National Navigation Safety Advisory Committee.

“15108. National Towing Safety Advisory Committee.

“15109. Administration.

#### “§ 15101. National Chemical Transportation Safety Advisory Committee

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

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 25 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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.—Each member of the Committee shall represent 1 of the following:

“(A) Chemical manufacturing entities.

“(B) Entities related to marine handling or transportation of chemicals.

“(C) Vessel design and construction entities.

“(D) Marine safety or security entities.

“(E) Marine environmental protection entities.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

#### “§ 15102. National Commercial Fishing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Commercial Fishing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall—

“(1) advise the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including the matters of—

“(A) navigation safety;

“(B) safety equipment and procedures;

“(C) marine insurance;

“(D) vessel design, construction, maintenance, and operation; and

“(E) personnel qualifications and training; and

“(2) review regulations proposed under chapter 45 of this title (during preparation of the regulations).

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 10 members shall represent the commercial fishing industry and—

“(i) as a group, shall together reflect a regional and representational balance; and

“(ii) as individuals, shall each have experience—

“(I) in the operation of vessels to which chapter 45 of this title applies; or

“(II) as a crew member or processing line worker on a fish processing vessel.

“(B) 1 member shall represent naval architects and marine engineers.

“(C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.

“(D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

“(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.

“(F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.

“(G) 3 members shall represent the general public and, to the extent possible, shall include—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and

“(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

#### “§ 15103. National Merchant Marine Personnel Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Marine Personnel Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to

personnel in the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 19 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 9 members shall represent mariners and, of the 9—

“(i) each shall—

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

“(II) hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title;

“(ii) 3 shall be deck officers who represent merchant marine deck officers and, of the 3—

“(I) 2 shall be licensed for oceans any gross tons;

“(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

“(III) 2 shall have a master's license or a master of towing vessels license;

“(IV) 1 shall have significant tanker experience; and

“(V) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iii) 3 shall be engineering officers who represent merchant marine engineering officers and, of the 3—

“(I) 2 shall be licensed as chief engineer any horsepower;

“(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

“(III) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iv) 2 shall be unlicensed seamen who represent merchant marine unlicensed seaman and, of the 2—

“(I) 1 shall represent able-bodied seamen; and

“(II) 1 shall represent qualified members of the engine department; and

“(v) 1 shall be a pilot who represents merchant marine pilots.

“(B) 6 members shall represent marine educators and, of the 6—

“(i) 3 shall be marine educators who represent maritime academies and, of the 3—

“(I) 2 shall represent State maritime academies (and are jointly recommended by such academies); and

“(II) 1 shall represent either State maritime academies or the United States Merchant Marine Academy; and

“(ii) 3 shall be marine educators who represent other maritime training institutions and, of the 3, 1 shall represent the small vessel industry.

“(C) 2 members shall represent shipping companies employed in ship operation management.

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

“§ 15104. National Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

“(1) medical certification determinations for the issuance of licenses, certification of registry, and merchant mariners' documents with respect to merchant mariners;

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

“(3) medical examiner education; and

“(4) medical research.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 9 shall represent health-care professionals and have particular expertise, knowledge, and experience regarding the medical examinations of merchant mariners or occupational medicine.

“(B) 5 shall represent professional mariners and have particular expertise, knowledge, and experience in occupational requirements for mariners.

“§ 15105. National Boating Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to national boating safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 7 members shall represent State officials responsible for State boating safety programs.

“(B) 7 members shall represent recreational vessel and associated equipment manufacturers.

“(C) 7 members shall represent the general public or national recreational boating organizations and, of the 7, at least 5 shall represent national recreational boating organizations.

“§ 15106. National Offshore Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 15 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 2 members shall represent entities engaged in the production of petroleum.

“(B) 2 members shall represent entities engaged in offshore drilling.

“(C) 2 members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore mineral and

oil operations, including geophysical services.

“(D) 1 member shall represent entities engaged in the construction of offshore exploration and recovery facilities.

“(E) 1 member shall represent entities engaged in diving services related to offshore construction, inspection, and maintenance.

“(F) 1 member shall represent entities engaged in safety and training services related to offshore exploration and construction.

“(G) 1 member shall represent entities engaged in pipelaying services related to offshore construction.

“(H) 2 members shall represent individuals employed in offshore operations and, of the 2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore mineral and energy industry.

“(I) 1 member shall represent national environmental entities.

“(J) 1 member shall represent deepwater ports.

“(K) 1 member shall represent the general public (but not a specific environmental group).

“§ 15107. National Navigation Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Navigation Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to maritime collisions, ramblings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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.—Each member of the Committee shall represent 1 of the following:

“(A) Commercial vessel owners or operators.

“(B) Professional mariners.

“(C) Recreational boaters.

“(D) The recreational boating industry.

“(E) State agencies responsible for vessel or port safety.

“(F) The Maritime Law Association.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

“§ 15108. National Towing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Towing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(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) 7 members shall represent the barge and towing industry, reflecting a regional geographic balance.

“(B) 1 member shall represent the offshore mineral and oil supply vessel industry.

“(C) 1 member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(D) 1 member shall represent masters of towing vessels in offshore service who hold active licenses.

“(E) 1 member shall represent masters of active ship-docking or harbor towing vessels.

“(F) 1 member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.

“(G) 2 members shall represent port districts, authorities, or terminal operators.

“(H) 2 members shall represent shippers and, of the 2, 1 shall be engaged in the shipment of oil or hazardous materials by barge.

“(I) 2 members shall represent the general public.

#### “§ 15109. Administration

“(a) MEETINGS.—Each committee established under this chapter shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

“(b) EMPLOYEE STATUS.—A member of a committee established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

“(1) Chapter 81 of title 5.

“(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

“(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter, when actually engaged in the performance of the duties of such committee, may—

“(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

“(2) if not compensated in accordance with paragraph (1)—

“(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

“(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter may serve on such committee on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

“(e) STATUS OF MEMBERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter whom the Secretary appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

“(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter shall be treated as a special Government employee for purposes of the committee service of the member if—

“(A) the Secretary appointed the member to represent the general public; or

“(B) the member, without regard to service on the committee, is a special Government employee.

“(f) SERVICE ON COMMITTEE.—

“(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

“(2) APPOINTMENTS.—

“(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter.

“(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter.

“(3) SERVICE AT PLEASURE OF THE SECRETARY.—

“(A) IN GENERAL.—Each member of a committee established under this chapter shall serve at the pleasure of the Secretary.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

“(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter.

“(5) PROHIBITION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter.

“(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

“(6) TERMS.—

“(A) IN GENERAL.—The term of each member of a committee established under this chapter shall expire on December 31 of the third full year after the effective date of the appointment.

“(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

“(7) VACANCIES.—A vacancy on a committee established under this chapter shall be filled in the same manner as the original appointment.

“(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

“(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

“(h) CHAIRMAN; VICE CHAIRMAN.—

“(1) IN GENERAL.—Each committee established under this chapter shall elect a Chairman and Vice Chairman from among the committee's members.

“(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chairman shall act as Chairman in

the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(i) SUBCOMMITTEES AND WORKING GROUPS.—

“(1) IN GENERAL.—The Chairman of a committee established under this chapter may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.

“(2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter and additional persons drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).

“(3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).

“(j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

“(1) CONSULTATION.—

“(A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice, and recommendations of, a committee established under this chapter if the function of the committee is to advise the Secretary on matters related to the significant action.

“(B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.

“(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.

“(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—

“(A) publish the recommendations on a website accessible at no charge to the public;

“(B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and

“(C) respond, in writing, to the committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

“(4) SUBMISSION TO CONGRESS.—

“(A) IN GENERAL.—The Secretary 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 advice, reports, and recommendations received from committees under paragraph (2).

“(B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

“(k) OBSERVERS.—Any Federal agency with matters under such agency's administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

“(1) attend any meeting of such committee; and

“(2) participate as an observer at meetings of such committee that relate to such a matter.

“(l) TERMINATION.—Each committee established under this chapter shall terminate on September 30, 2027.”

(b) CLERICAL AMENDMENT.—The analysis for subtitle II of title 46, United States Code,



is amended by inserting after the item relating to chapter 147 the following:

“Part K—National Maritime Transportation Advisory Committees

**“151. National Maritime Transportation Advisory Committees ..... 15101”.**

(c) CONFORMING AMENDMENTS.—

(1) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, and the item relating to that section in the analysis for chapter 45 of that title, are repealed.

(2) MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.—Section 7115 of title 46, United States Code, and the item relating to that section in the analysis for chapter 71 of that title, are repealed.

(3) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 8108 of title 46, United States Code, and the item relating to that section in the analysis for chapter 81 of that title, are repealed.

(B) CONFORMING AMENDMENT.—Section 7510(c)(1)(C) of title 46, United States Code, is amended by inserting “National” before “Merchant Marine”.

(4) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—

(A) REPEAL.—Section 13110 of title 46, United States Code, and the item relating to that section in the analysis for chapter 131 of that title, are repealed.

(B) CONFORMING AMENDMENTS.—

(i) REGULATIONS.—Section 4302(c)(4) of title 46, United States Code, is amended by striking “Council established under section 13110 of this title” and inserting “Committee established under section 15105 of this title”.

(ii) REPAIR AND REPLACEMENT OF DEFECTS.—Section 4310(f) of title 46, United States Code, is amended by striking “Advisory Council” and inserting “Advisory Committee”.

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

(6) TOWING SAFETY ADVISORY COMMITTEE.—

(A) REPEAL.—Public Law 96–380 (33 U.S.C. 1231a) is repealed.

(B) CONFORMING AMENDMENTS.—

(1) REDUCTION OF OIL SPILLS FROM SINGLE HULL NON-SELF-PROPELLED TANK VESSELS.—Section 3719 of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(ii) SAFETY EQUIPMENT.—Section 4102(f)(1) of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(d) TREATMENT OF EXISTING COUNCILS AND COMMITTEES.—Notwithstanding any other provision of law—

(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section, including a council or committee the authority for which was repealed under subsection (c), may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such council or committee; or

(iii) to bar the members of such council or committee from meeting.

**SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.**

(a) IN GENERAL.—Section 70112 of title 46, United States Code, is amended to read as follows:

**“§ 70112. Maritime Security Advisory Committees**

“(a) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (in this subsection referred to as the ‘Committee’).

“(2) FUNCTION.—The Committee shall advise the Secretary on matters relating to national maritime security.

“(3) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall consist of at least 8 members, but not more than 21 members, appointed by the Secretary in accordance with this subsection and section 15109 of this title.

“(B) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(C) REPRESENTATION.—Each of the following shall be represented by at least 1 member of the Committee:

“(i) Port authorities.

“(ii) Facilities owners and operators.

“(iii) Terminal owners and operators.

“(iv) Vessel owners and operators.

“(v) Maritime labor organizations.

“(vi) The academic community.

“(vii) State and local governments.

“(viii) The maritime industry.

“(D) DISTRIBUTION.—If the Committee consists of at least 8 members who, together, satisfy the minimum representation requirements of subparagraph (C), the Secretary shall, based on the needs of the Coast Guard, determine the number of additional members of the Committee who represent each entity specified in that subparagraph. Neither this subparagraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in subparagraph (C).

“(4) ADMINISTRATION.—For purposes of section 15109 of this title, the Committee shall be treated as a committee established under chapter 151 of such title.

“(b) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—The Secretary may—

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

“(ii) request such a committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the committee considers appropriate.

“(B) ADDITIONAL FUNCTIONS AND MEETINGS.—A committee established under this subsection for an area—

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

“(ii) may make available to the Congress recommendations that the committee makes to the Secretary; and

“(iii) shall meet at the call of—

“(I) the Secretary, who shall call such a meeting at least once during each calendar year; or

“(II) a majority of the committee.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—Each committee established under this subsection shall consist of at least 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

“(B) TERMS.—The term of each member of a committee established under this subsection shall be for a period of not more than 5 years, specified by the Secretary.

“(C) NOTICE.—Before appointing an individual to a position on a committee established under this subsection, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the committee.

“(D) BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this subsection.

“(E) REPRESENTATION.—Each committee established under this subsection shall be composed of individuals who represent the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—

“(A) IN GENERAL.—Each committee established under this subsection shall elect 1 of the committee’s members as the Chairperson and 1 of the committee’s members as the Vice Chairperson.

“(B) VICE CHAIRPERSON ACTING AS CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

“(4) OBSERVERS.—

“(A) IN GENERAL.—The Secretary shall, and the head of any other interested Federal agency may, designate a representative to participate as an observer with a committee established under this subsection.

“(B) ROLE.—The Secretary’s designated representative to a committee established under this subsection shall act as the executive secretary of the committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

“(5) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of each committee established under this subsection in formulating policy regarding matters affecting maritime security.

“(6) COMPENSATION AND EXPENSES.—

“(A) IN GENERAL.—A member of a committee established under this subsection, when attending meetings of the committee or when otherwise engaged in the business of the committee, is entitled to receive—

“(i) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–15 of the General Schedule under section 5332 of title 5 including travel time; and

“(ii) travel or transportation expenses under section 5703 of title 5.

“(B) STATUS.—A member of a committee established under this subsection shall not be considered to be an officer or employee of the United States for any purpose based on the receipt of any payment under this paragraph.

“(7) FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a committee established under this subsection.”.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(1) an advisory committee substantially similar to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of enactment of this section, may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such committee, 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 committee from meeting.

#### **TITLE VII—FEDERAL MARITIME COMMISSION**

##### **SEC. 701. SHORT TITLE.**

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

##### **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

Section 308 of title 46, United States Code, is amended by striking “\$24,700,000 for each of fiscal years 2016 and 2017” and inserting “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019”.

##### **SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COMPETITION.**

Section 306 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement under this part between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition.”; and

(2) by adding at the end the following:

“(c) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term ‘certain covered services’ has the meaning given the term in section 41012.”.

##### **SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.**

Section 41012 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (25) as paragraphs (6) through (26), respectively; and

(2) by inserting after paragraph (4), the following:

“(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term ‘certain covered services’ means, with respect to a vessel—

“(A) the berthing or bunkering of the vessel;

“(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;

“(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and

“(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.”.

##### **SEC. 705. REPORTS FILED WITH THE COMMISSION.**

Section 40104(a) of title 46, United States Code, is amended to read as follows:

“(a) REPORTS.—

“(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

“(2) REQUIREMENTS.—Any report, account, record, rate, charge, or memorandum required to be filed under paragraph (1) shall—

“(A) be made under oath if the Commission requires; and

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

“(3) LIMITATION.—The Commission shall—

“(A) limit the scope of any filing ordered under this section to fulfill the objective of the order; and

“(B) provide a reasonable period of time for respondents to respond based upon their capabilities and the scope of the order.”.

##### **SEC. 706. PUBLIC PARTICIPATION.**

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

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

“(1) transmit a notice of the filing to the Federal Register for publication; and

“(2) request interested persons to submit relevant information and documents.”.

(b) REQUEST FOR INFORMATION AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking “section” and inserting “part”.

(c) SAVING CLAUSE.—Nothing in this section, or the amendments made by this section, may be construed—

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

##### **SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.**

(a) LICENSE REQUIREMENT.—Section 40901(a) of title 46, United States Code, is amended by inserting “advertise, hold oneself out, or” after “may not”.

(b) APPLICABILITY.—Section 40901 of title 46, United States Code, is amended by adding at the end the following:

“(c) APPLICABILITY.—Subsection (a) and section 40902 do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.”.

(c) FINANCIAL RESPONSIBILITY.—Section 40902(a) of title 46, United States Code, is amended by inserting “advertise, hold oneself out, or” after “may not”.

##### **SEC. 708. COMMON CARRIERS.**

(a) Section 41104 of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “(a) IN GENERAL.—” before “A common carrier”;;

(2) in subsection (a), as designated—

(A) by amending paragraph (11) to read as follows:

“(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 40902 of this title”;;

(B) in paragraph (12), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(13) continue to participate simultaneously in a rate discussion agreement and an agreement to share vessels, in the same trade, if the interplay of the authorities exercised by the specified agreements is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost.”; and

(3) by adding at the end the following:

“(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, there is no private right of action to enforce the prohibition under subsection (a)(13).

“(c) AGREEMENT VIOLATION.—Participants in an agreement found by the Commission to violate subsection (a)(13) shall have 90 days from the date of such Commission finding to withdraw from the agreement as necessary to comply with that subsection.”.

(b) APPLICATION.—Section 41104(a)(13) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

##### **SEC. 709. NEGOTIATIONS.**

(a) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) negotiate with a tug or towing vessel service provider on any matter relating to rates or services provided within the United States by those tugs or towing vessels;

“(6) with respect to a vessel operated by an ocean common carrier within the United States, negotiate for the purchase of certain covered services, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers.”.

(b) AUTHORITY.—Chapter 411 of title 46, United States Code, is amended—

(1) by inserting after section 41105 the following:

##### **“§ 41105A. Authority**

“Nothing in section 41105, as amended by the Federal Maritime Commission Authorization Act of 2017, shall be construed to limit the authority of the Department of Justice regarding antitrust matters.”; and

(2) in the analysis at the beginning of chapter 411, by inserting after the item relating to section 41105 the following:

“41105A. Authority.”.

(c) EXEMPTION.—Section 40307(b)(1) of title 46, United States Code, is amended by inserting “tug operators,” after “motor carriers.”.

##### **SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMISSION.**

(a) IN GENERAL.—Section 41307(b) of title 46, United States Code is amended—

(1) in paragraph (1) by inserting “or to substantially lessen competition in the purchasing of certain covered services” after “transportation cost”; and

(2) by adding at the end the following:

“(4) COMPETITION FACTORS.—In making a determination under this subsection regarding whether an agreement is likely to substantially lessen competition in the purchasing of certain covered services, the Commission may consider any relevant competition factors in affected markets, including, without limitation, the competitive effect of agreements other than the agreement under review.”.

(b) APPLICATION.—Section 41307(b) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

#### SEC. 711. DISCUSSIONS.

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

##### “§ 303. Meetings

“(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

“(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

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

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

“(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

“(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

“(D) the General Counsel of the Commission is present at the meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

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

“(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

“(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 555b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

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

“(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

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

“(A) to limit the applicability of section 552b of title 5 with respect to any informa-

tion which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

“(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.”.

(b) TABLE OF CONTENTS.—The analysis at the beginning of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

“303. Meetings.”.

#### SEC. 712. TRANSPARENCY.

(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, 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 biannual 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.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

- (1) the popular title;
- (2) the current stage of the proceeding;
- (3) an abstract of the proceeding;
- (4) what prompted the action in question;
- (5) any applicable statutory, regulatory, or judicial deadline;
- (6) the associated docket number;
- (7) the date the rulemaking was initiated;
- (8) a date for the next action; and
- (9) if a date for next action identified in the previous report is not met, the reason for the delay.

#### SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RESPONSE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study that examines the immediate aftermath of a major ocean carrier bankruptcy and its impact through the supply chain. The study shall consider any financial mechanisms that could be used to mitigate the impact of any future bankruptcy events on the supply chain.

(b) REPORT.—No later than 1 year after the date of 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 containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).

#### SEC. 714. AGREEMENTS UNAFFECTED.

Nothing in this Act may be construed—

- (1) to limit or amend the definition of “agreement” in section 40102(1) of title 46, United States Code, with respect to the exclusion of maritime labor agreements; or
- (2) to apply to a maritime labor agreement (as defined in section 40102(15) of that title).

### TITLE VIII—MISCELLANEOUS

#### SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIREMENT.

Subsection (h) of section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) is repealed.

#### SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281; 128 Stat. 3061) is amended by inserting “and fishery endorsement” after “endorsement”.

#### SEC. 803. OFFICER EVALUATION REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) SURVEYS.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall conduct surveys of—

(1) outgoing promotion board members and assignment officers to determine, at a minimum—

(A) which sections of the officer evaluation report were most useful;

(B) which sections of the officer evaluation report were least useful;

(C) how to better reflect high performers; and

(D) any recommendations for improving the officer evaluation report; and

(2) at least 10 percent of the officers from each grade of officers from O1 to O6 to determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(c) REVISIONS.—

(1) IN GENERAL.—Not later than 4 years after the date of the completion of the surveys required by subsection (b), the Commandant of the Coast Guard shall revise the officer evaluation report, and provide corresponding directions, taking into account the requirements under paragraph (2).

(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsection (b);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

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

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(d) REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act, the Commandant of the Coast Guard 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 findings of the surveys under subsection (b).

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

#### SEC. 804. EXTENSION OF AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 124 Stat. 2950) is amended—

(1) in subsection (a), in the text preceding paragraph (1), by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and

(2) by striking subsection (b), and redesignating subsection (c) as subsection (b).

#### SEC. 805. COAST GUARD ROTC PROGRAM.

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

Coast Guard 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 costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other Armed Forces programs.

#### SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CANINE CURRENCY DETECTION TEAM.—The term “canine currency detection team” means a canine and a canine handler that are trained to detect currency.

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

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement, including underway vessel boardings.

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

#### SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the “Center of Expertise”) in accordance with section 313 of title 14, United States Code, as amended by this Act.

(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) FUNCTIONS.—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response techniques and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) DEFINITION.—In this section, the term “Great Lakes” means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.

#### SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARITIME SEARCH AND RESCUE COORDINATION.

Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard shall review Coast Guard policies and procedures for public safety answering points and search-and-rescue coordination with State and local law enforcement entities in order to—

(A) further minimize the possibility of maritime 911 calls being improperly routed; and

(B) assure the Coast Guard is able to effectively carry out the Coast Guard's maritime search and rescue mission; and

(2) the Commandant shall—

(A) formulate a national maritime public safety answering points policy; and

(B) submit a report to the Congress on such assessment and policy, which shall include an update to the report submitted in accordance with section 233 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

#### SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.

Effective January 1, 2021, section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2218) is repealed.

#### SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

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

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

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

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

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

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

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) FAILURE TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after trans-

mitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA NOT AFFECTED.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

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

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

(3) TRACT.—The term “Tract” means the land (including submerged land) depicted as “PROPOSED PROPERTY EXCHANGE AREA” on the survey titled “PROPOSED PROPERTY EXCHANGE PARCEL” and dated 3/22/17.

#### SEC. 811. USE OF TRACT 43.

Section 524(e)(2) of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120), as amended by section 3533 of the Pribilof Island Transition Completion Amendments Act of 2016 (subtitle B of title XXXV of Public Law 114-328), is amended by—

(1) striking “each month” and inserting “each April and October”; and

(2) striking “previous month” and inserting “previous six months”.

#### SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.

(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 available unmanned, autonomous, or remotely controlled maritime domain awareness technologies for use by the Coast Guard.

(b) ASSESSMENT.—The assessment shall—

(1) describe the potential limitations of current and emerging unmanned technologies used in the maritime domain for—

(A) ocean observation;

(B) vessel monitoring and identification;

(C) weather observation;

(D) to the extent practicable for consideration by the Academy, intelligence gathering, surveillance, and reconnaissance; and

(E) communications;

(2) examine how technologies described in paragraph (1) can help prioritize Federal investment by examining;

(A) affordability, including acquisition, operations, and maintenance;

(B) reliability;

(C) versatility;

(D) efficiency; and

(E) estimated service life and persistence of effort; and

(3) analyze whether the use of new and emerging maritime domain awareness technologies can be used to—

(A) carry out Coast Guard missions at lower costs;

(B) expand the scope and range of Coast Guard maritime domain awareness;

(C) allow the Coast Guard to more efficiently and effectively allocate Coast Guard vessels, aircraft, and personnel; and

(D) identify adjustments that would be necessary in Coast Guard policies, procedures, and protocols to incorporate unmanned technologies to enhance efficiency.

(c) REPORT TO CONGRESS.—Not later than 1 year after entering into an arrangement

with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment prepared under this section to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) **USE OF INFORMATION.**—In formulating costs pursuant to subsection (b), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard manpower requirements or other reports, assessments, or analyses for the acquisition of unmanned, autonomous, or remotely controlled technologies by the Federal Government.

**SEC. 813. MONITORING.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities, including illegal, unreported, and unregulated fishing, in the Western Pacific region.

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

(1) consider the use of light aircraft-based detection systems that can identify potential illegal activity from high altitudes and produce enforcement-quality evidence at low altitudes; and

(2) be directed at detecting and deterring illegal maritime activities, including illegal, unreported, and unregulated fishing, and enhancing maritime domain awareness.

**SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CONSTRUCTION COSTS OF CERTAIN AIDS TO NAVIGATION.**

(a) **IN GENERAL.**—Subject to the availability of amounts specifically provided in advance in subsequent appropriations Acts and in accordance with this section, the Commandant of the Coast Guard may reimburse a non-Federal entity for costs incurred by the entity for a covered project.

(b) **CONDITIONS.**—The Commandant may not provide reimbursement under subsection (a) with respect to a covered project unless—

(1) the need for the project is a result of the completion of construction with respect to a federally authorized navigation channel;

(2) the Commandant determines, through an appropriate navigation safety analysis, that the project is necessary to ensure safe marine transportation;

(3) the Commandant approves the design of the project to ensure that it meets all applicable Coast Guard aids-to-navigation standards and requirements;

(4) the non-Federal entity agrees to transfer the project upon completion to the Coast Guard for operation and maintenance by the Coast Guard as a Federal aid to navigation;

(5) the non-Federal entity carries out the project in accordance with the same laws and regulations that would apply to the Coast Guard if the Coast Guard carried out the project, including obtaining all permits required for the project under Federal and State law; and

(6) the Commandant determines that the project satisfies such additional requirements as may be established by the Commandant.

(c) **LIMITATIONS.**—Reimbursements under subsection (a) may not exceed the following:

(1) For a single covered project, \$5,000,000.

(2) For all covered projects in a single fiscal year, \$5,000,000.

(d) **EXPIRATION.**—The authority granted under this section shall expire on the date that is 4 years after the date of enactment of this section.

(e) **COVERED PROJECT DEFINED.**—In this section, the term “covered project” means a project carried out—

(1) by a non-Federal entity to construct and establish an aid to navigation that facilitates safe and efficient marine transportation on a Federal navigation project authorized by title I of the Water Resources Development Act of 2007 (Public Law 110-114); and

(2) in an area that was affected by Hurricane Harvey.

**SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

(a) **REVIEW.**—The Commandant of the Coast Guard shall—

(1) review and compare the costs to the Government of—

(A) towing vessel inspections performed by the Coast Guard; and

(B) such inspections performed by a third party; and

(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

(b) **REVISION OF FEES.**—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.

**SEC. 816. OIL SPILL DISBURSEMENTS AUDITING AND REPORT.**

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by repealing subsection (g);

(2) in subsection (1)(1), by striking “Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter,” and inserting “Each year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code,”; and

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

“(2) **CONTENTS.**—The report shall include—

“(A) a list of each incident that—

“(i) occurred in the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more;

“(B) a list of each incident that—

“(i) occurred in the fiscal year preceding the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more; and

“(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more.”

**SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.**

(a) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, 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 including—

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

(2) a strategic plan for meeting the requirements identified under paragraph (1).

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

(1) an assessment of—

(A) the extent to which the Coast Guard at-sea operational fleet requirements referred to in subsection (a)(1) are currently being met;

(B) the Coast Guard's current fleet, its operational lifespan, and how the anticipated changes in the age and distribution of vessels in the fleet will impact the ability to meet at-sea operational requirements;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) the number of Fast Response Cutters, Offshore Patrol Cutters, and National Security Cutters needed to meet at-sea operational requirements as compared to planned acquisitions under the current programs of record;

(2) an analysis of—

(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard's current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and

(B) whether existing and planned cutter programs of record (including the Fast Response Cutter, Offshore Patrol Cutter, and National Security Cutter) will enable the Coast Guard to meet at-sea operational requirements; and

(3) a description of—

(A) planned manned and unmanned vessel acquisition; and

(B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) **CONSULTATION AND TRANSPARENCY.**—

(1) **CONSULTATION.**—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

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

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

(d) **ENSURING MARITIME COVERAGE.**—In order to meet Coast Guard mission requirements for search and rescue, ports, waterways, and coastal security, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

**SEC. 818. NATIONAL SECURITY CUTTER.**

(a) **STANDARD METHOD FOR TRACKING.**—The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is away from its homeport for maintenance or repair; and

(2) a report analyzing cost and performance for different approaches to achieving varied

levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative measure of operational tempo for a National Security Cutter; and

(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.

(b) CONFORMING AMENDMENTS.—

(1) Section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 (126 Stat. 1560) is repealed.

(2) Section 204(c)(1) of the Coast Guard Authorization Act of 2016 (130 Stat. 35) is repealed.

**SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND RIVER TENDERS AND BAY-CLASS ICEBREAKERS.**

(a) ACQUISITION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Commandant of the Coast Guard 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 to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.

(b) CONTENTS.—The plan under subsection (a) shall include—

(1) an analysis of the work required to extend the life of vessels described in subsection (a);

(2) recommendations for which, if any, such vessels it is cost effective to undertake a ship-life extension or enhanced maintenance program;

(3) an analysis of the aids to navigation program to determine if advances in navigation technology may reduce the needs for physical aids to navigation;

(4) recommendations for changes to physical aids to navigation and the distribution of such aids that reduce the need for the acquisition of vessels to replace the vessels described in subsection (a);

(5) a schedule for the acquisition of vessels to replace the vessels described in subsection (a), including the date on which the first vessel will be delivered;

(6) the date such acquisition will be complete;

(7) a description of the order and location of replacement vessels;

(8) an estimate of the cost per vessel and of the total cost of the acquisition program of record; and

(9) an analysis of whether existing vessels can be used.

**SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.**

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by this Act, for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter *Mackinaw* to enhance icebreaking capacity on the Great Lakes.

(b) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Com-

mittee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115-31) will be allocated to support the acquisition activities referred to in paragraph (1).

**SEC. 821. POLAR ICEBREAKERS.**

(a) ENHANCED MAINTENANCE PROGRAM FOR THE *POLAR STAR*.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall conduct an enhanced maintenance program on Coast Guard Cutter *Polar Star* (WAGB-10) to extend the service life of such vessel until at least December 31, 2025.

(2) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2017, the Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, 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 detailed report describing a plan to extend the service life of the Coast Guard Cutter *Polar Star* (WAGB-10) until at least December 31, 2025, through an enhanced maintenance program.

(3) CONTENT.—The report required by paragraph (2) shall include the following:

(A) An assessment and discussion of the enhanced maintenance program recommended by the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment in the letter report "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs".

(B) An assessment and discussion of the Government Accountability Office's concerns and recommendations regarding service life extension work on Coast Guard Cutter *Polar Star* (WAGB-10) in the report "Status of the Coast Guard's Polar Icebreaking Fleet Capability and Recapitalization Plan".

(C) Based upon a materiel condition assessment of the Coast Guard Cutter *Polar Star* (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the amount needed to be appropriated to complete the enhanced maintenance program.

(D) A plan to ensure the vessel will maintain seasonally operational status during the enhanced maintenance program.

(4) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by section 202 of this Act, for the enhanced maintenance program described in the report required by subsection (a).

(b) OVERDUE REPORT.—Upon the date of enactment of the Coast Guard Authorization Act of 2017, 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 the polar icebreaker recapitalization plan required under section 3523 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

(c) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012; AMENDMENT.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213), as amended, is further amended as follows:

(1) by striking subsections (a) through (d);

(2) by redesignating subsections (e) through (g) as subsections (a) through (c), respectively;

(3) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (1), by striking "Except as provided in subsection (c), the Commandant" and inserting "The Commandant";

(B) in paragraph (1) by striking "Polar Sea or";

(C) in paragraph (2) by striking "either of the vessels" and inserting "the Polar Star or the Polar Sea"; and

(D) in paragraph (3) by striking "either of the vessels" each place it appears and inserting "the Polar Star".

**SEC. 822. STRATEGIC ASSETS IN THE ARCTIC.**

(a) DEFINITION OF ARCTIC.—In this section, 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).

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

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, 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 progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

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

(1) a description of the Coast Guard's progress toward each strategic objective identified in the United States Coast Guard Arctic Strategy dated May 2013;

(2) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence;

(3) an analysis of the sufficiency of the distribution of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters both stationed in various Alaskan ports and in other locations to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy, dated May 2013;

(4) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

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

(6) an explanation of—



(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic; and

(7) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities.

#### SEC. 823. ARCTIC PLANNING CRITERIA.

##### (a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—For purposes of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the Commandant of the Coast Guard may approve a vessel response plan under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for a vessel operating in any area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic, if the Commandant verifies that—

(A) equipment required to be available for response under the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) the operators of such equipment have conducted training on the equipment within the area covered by such Captain of the Port Zone.

(2) POST-APPROVAL REQUIREMENTS.—In approving a vessel response plan under paragraph (1), the Commandant shall—

(A) require that the oil spill removal organization identified in the vessel response plan conduct regular exercises and drills of the plan in the area covered by the Captain of the Port Zone that includes the Arctic; and

(B) allow such oil spill removal organization to take credit for a response to an actual spill or release in the area covered by such Captain of the Port Zone, instead of conducting an exercise or drill required under subparagraph (A), if the oil spill removal organization—

(i) documents which exercise or drill requirements were met during the response; and

(ii) submits a request for credit to, and receives approval from, the Commandant.

##### (b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard 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 oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of equipment and assets available for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone, including details on any providers of such equipment and assets.

(B) A description of the location of such equipment and assets, including an estimate of the time to deploy the equipment and assets.

(C) A determination of how effectively such equipment and assets are distributed throughout the area covered by the Captain of the Port Zone.

(D) A statement regarding whether the ability to maintain and deploy such equipment and assets is taken into account when measuring the equipment and assets avail-

able throughout the area covered by the Captain of the Port Zone.

(E) A validation of the port assessment visit process and response resource inventory for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the area covered by the Captain of the Port Zone during the previous 3 years.

(G) A description of the resources needed throughout the area covered by the Captain of the Port Zone to conduct port assessments, exercises, response plan reviews, and spill responses.

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

#### SEC. 824. VESSEL RESPONSE PLAN AUDIT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and 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 comprehensive review of the processes and resources used by the Coast Guard to implement vessel response plan requirements under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

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

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

(A) to approve the vessel response plans referred to in subsection (a);

(B) to approve alternate planning criteria used in lieu of National Planning Criteria in approving such plans;

(C) to verify compliance with such plans; and

(D) to act in the event of a failure to comply with the requirements of such plans;

(2) an examination of all Federal and State agency resources used by the Coast Guard in carrying out the processes identified under paragraph (1), including—

(A) the current staffing model and organization;

(B) data, software, simulators, systems, or other technology, including those pertaining to weather, oil spill trajectory modeling, and risk management;

(C) the total amount of time per fiscal year expended by Coast Guard personnel to approve and verify compliance with vessel response plans; and

(D) the average amount of time expended by the Coast Guard for approval of, and verification of compliance with, a single vessel response plan;

(3) an analysis of how, including by what means or methods, the processes identified under paragraph (1)—

(A) ensure compliance with applicable law;

(B) are implemented by the Coast Guard, including at the district and sector levels;

(C) are informed by public comment and engagement with States, Indian Tribes, and other regional stakeholders;

(D) ensure availability and adequate operational capability and capacity of required assets and equipment, including in cases in which contractual obligations may limit the availability of such assets and equipment for response;

(E) provide for adequate asset and equipment mobilization time requirements, particularly with respect to—

(i) calculation and establishment of such requirements;

(ii) verifying compliance with such requirements; and

(iii) factoring in weather, including specific regional adverse weather as defined in section 155.1020 of title 33, Code of Federal Regulations, in calculating, establishing, and verifying compliance with such requirements;

(F) ensure response plan updates and vessel compliance when changes occur in response planning criteria, asset and equipment mobilization times, or regional response needs, such as trends in transportation of high gravity oils or changes in vessel traffic volume; and

(G) enable effective action by the Coast Guard in the event of a failure to comply with response plan requirements;

(4) a determination regarding whether asset and equipment mobilization time requirements under approved vessel response plans can be met by the vessels to which they apply; and

(5) recommendations for improving the processes identified under paragraph (1), including recommendations regarding the sufficiency of Coast Guard resources dedicated to those processes.

#### SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

For purposes of the application of subtitle II of title 46, United States Code, to the *Volunteer* (Hull Number CCA4108), the Illinois and Michigan Canal is deemed to not be navigable waters of the United States.

#### SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.

Coast Guard personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform recreational vessel documentation under section 12114 of such title in any fiscal year in which—

(1) funds available for Coast Guard operating expenses may not be used for expenses incurred for recreational vessel documentation;

(2) fees collected from owners of yachts and credited to such use are insufficient to pay expenses of recreational vessel documentation; and

(3) there is a backlog of applications for recreational vessel documentation.

#### SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES REQUIREMENT.

Not later than one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) prescribe regulations in part 160 of title 46, Code of Federal Regulations, that treat a marine throw bag, as that term is commonly used in the commercial whitewater rafting industry, as a type of lifesaving equipment; and

(2) revise section 175.17 of title 33, Code of Federal Regulations, to exempt rafts that are 16 feet or more overall in length from the requirement to carry an additional throwable personal flotation device when such a marine throw bag is onboard and accessible.

#### SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REGULATIONS.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the



Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

#### SEC. 829. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

#### SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NATIONAL COMMUNICATIONS PLAN.

(a) **REQUIREMENT FOR PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and 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 national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 15102 of title 46, United States Code, as added by this Act, to the commercial fishing vessel industry.

(b) **CONTENT.**—The plan required by subsection (a), and each annual update, shall—

(1) identify staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(3) include a mechanism to measure effectiveness of such plan.

(c) **IMPLEMENTATION.**—Not later than one year after submission of the initial plan, the Secretary of the department in which the Coast Guard is operating shall implement the plan and shall at a minimum—

(1) leverage Coast Guard staff, resources, and systems available;

(2) monitor implementation nationwide to ensure adherence to plan contents;

(3) allow each Captain of the Port to adopt the most effective strategy and means to communicate with commercial fishing vessel industry in that Captain of the Port Zone;

(4) document communication and outreach; and

(5) solicit feedback from the commercial fishing vessel industry.

(d) **REPORT AND UPDATES.**—The Secretary of the department in which the Coast Guard is operating shall—

(1) 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 effectiveness of the plan to date and any updates to ensure maximum impact of the plan one year after the date of enactment of this Act, and every 4 years thereafter; and

(2) include in such report input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry.

#### SEC. 831. AUTHORIZATION FOR MARINE DEBRIS PROGRAM.

The Marine Debris Research, Prevention, and Reduction Act is amended—

(1) in section 9 (33 U.S.C. 1958)—

(A) by striking the em-dash and all that follows through “(1)”; and

(B) by striking “; and” and all that follows through the end of the section and inserting a period; and

(2) by adding at the end the following:

#### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“Of the amounts authorized for each fiscal year under section 4902 of title 14, United States Code, up to \$2,000,000 are authorized for the Commandant to carry out section 4 of this Act, of which not more than 10 percent may be used for administrative costs.”.

#### SEC. 832. ATLANTIC COAST PORT ACCESS ROUTE STUDY RECOMMENDATIONS.

Not later than 30 days after the date of the enactment of the Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendations contained in the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup for which notice of availability was published March 14, 2016 (81 Fed. Reg. 13307).

#### SEC. 833. DRAWBRIDGES.

Section 5 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following:

“(d) **TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.**—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

“(1) is approved—

“(A) the Secretary of the department in which the Coast Guard is operating shall—

“(i) issue a deviation approval letter to the bridge owner; and

“(ii) announce the temporary change in—

“(I) the Local Notice to Mariners;

“(II) a broadcast notice to mariners and through radio stations; or

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

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

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

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

“(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

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

“(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

“(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

“(e) **DRAWBRIDGE MOVEMENTS.**—The Secretary of the department in which the Coast Guard is operating—

“(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

“(2) may inspect the logbook to ensure drawbridge movement is in accordance with the posted operating schedule;

“(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

“(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

“(f) **REQUIREMENTS.**—

“(1) **LOGBOOKS.**—An operator of a drawbridge built across a navigable river or other water of the United States—

“(A) that opens the draw of such bridge for the passage of a vessel, shall record in a logbook—

“(i) the bridge identification and date of each opening;

“(ii) the bridge tender or operator for each opening;

“(iii) each time it is opened for navigation;

“(iv) each time it is closed for navigation;

“(v) the number and direction of vessels passing through during each opening;

“(vi) the types of vessels passing through during each opening;

“(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

“(viii) for each vessel, the vessel name and registration number if easily observable; and

“(ix) all maintenance openings, malfunctions, or other comments; and

“(B) that remains open to navigation but closes to allow for trains to cross, shall record in a logbook—

“(i) the bridge identification and date of each opening and closing;

“(ii) the bridge tender or operator;

“(iii) each time it is opened to navigation;

“(iv) each time it is closed to navigation; and

“(v) all maintenance openings, closings, malfunctions, or other comments.

“(2) **MAINTENANCE OF LOGBOOKS.**—A drawbridge operator shall maintain logbooks required under paragraph (1) for not less than 5 years.

“(3) **SUBMISSION OF LOGBOOKS.**—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary the logbook required under paragraph (1) as the Secretary considers necessary to carry out this section.

“(4) **EXEMPTION.**—The requirements under paragraph (1) shall be exempt from sections 3501 to 3521 of title 44, United States Code.”.

#### SEC. 834. WAIVER.

Section 8902 of title 46, United States Code, shall not apply to the chain ferry DIANE (United States official number CG002692) when such vessel is operating on the Kalamazoo River in Saugatuck, Michigan.

#### SEC. 835. FIRE-RETARDANT MATERIALS.

Section 3503 of title 46, United States Code, is amended to read as follows:

##### “§ 3503. Fire-retardant materials

“(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

“(A) the vessel is constructed of fire-retardant materials; and

“(B) the vessel—

“(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations; and

“(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems.

“(2) Before December 1, 2028, this subsection does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

“(b)(1) The owner or managing operator of an exempted vessel described in subsection (a)(2) shall—

“(A) notify in writing prospective passengers, prior to purchase, and each crew member that the vessel does not comply

with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

“(B) display in clearly legible font prominently throughout the vessel, including in each state room the following: ‘THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.’;

“(C) acquire prior to the vessel entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

“(D) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

“(E) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

“(F) ensure, to the satisfaction of the Secretary, that the combustible fire-load has been reduced pursuant to subparagraph (D) during each annual inspection for certification;

“(G) ensure the vessel has multiple forms of egress off the vessel’s bow and stern;

“(H) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to subparagraph (D) and comply with any noncombustible material requirements prescribed by the Coast Guard;

“(I) annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with the requirement under subsection (a)(1);

“(J) provide crewmembers manning such vessel shipboard training that—

“(i) is specialized for exempted vessels;

“(ii) exceeds requirements related to standards for firefighting training under chapter I of title 46, Code of Federal Regulations, as in effect on October 1, 2017; and

“(iii) is approved by the Coast Guard; and

“(K) to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

“(2) The owner or managing operator of an exempted vessel described in subsection (a)(2) may not disclaim liability to a passenger or crew member of such vessel for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator.

“(3) The Secretary shall—

“(A) conduct an annual audit and inspection of each exempted vessel described in subsection (a)(2);

“(B) in implementing subparagraph (b)(1)(F), consider, to the extent practicable, the goal of preservation of the historic integrity of such vessel in areas carrying or accessible to passengers or generally visible to the public; and

“(C) prescribe regulations to carry out this section, including to prescribe the manner in which prospective passengers are to be notified under paragraph (1)(A).

“(4) The penalties provided in section 3504(c) of this title shall apply to a violation of this subsection.

“(c) In addition to otherwise applicable penalties, the Secretary may immediately withdraw a certificate of inspection for an exempted vessel described in subsection (a)(2) that does not comply with any requirement under subsection (b).”.

#### SEC. 836. LETTERS OF DETERMINATION.

(a) IN GENERAL.—Notwithstanding sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary of the de-

partment in which the Coast Guard is operating (referred to in this section as the “Secretary”) shall issue a certificate of documentation with coastwise and fishery endorsements for the vessel “AMERICA’S FINEST” (United States official number 1276760) if—

(1) the chief executive officer of the shipyard that built the vessel and the chief executive officer of the company purchasing the vessel and their respective entities fully comply with the requirements in paragraph (2); and

(2) the Secretary, through the Commandant of the Coast Guard, renders an affirmative determination under subsection (d).

(b) REPLACEMENT VESSELS.—The vessel “AMERICA’S FINEST” (United States official number 1276760) shall—

(1) qualify as a replacement vessel for the vessel “AMERICA NO. 1” (United States official number 610654) and as an Amendment 80 replacement vessel, as defined in section 679.2 of title 50, Code of Federal Regulations; and

(2) not be precluded from operating as an Amendment 80 replacement vessel under the provisions of part 679 of title 50, Code of Federal Regulations.

#### (c) REQUIREMENTS.—

(1) IN GENERAL.—After issuing the certificate of documentation under subsection (a), the Commandant of the Coast Guard shall require the chief executive officer of the shipyard that built the vessel and the chief executive officer of the company purchasing the vessel to each submit, not later than 30 days after the issuance date, a written affidavit to the Commandant of the Coast Guard that—

(A) certifies that neither person nor their respective entities had knowledge that the use of certain foreign fabricated steel components on the vessel would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, prior to the installation of such components;

(B) describes why the shipyard or the vessel owner or purchaser and their respective entities chose to use certain foreign fabricated steel components for the construction of the vessel;

(C) certifies that neither person or their respective entities had prior knowledge of the ability to request a Letter of Determination from the Coast Guard prior to or during the construction of the vessel to ensure compliance with all requirements under such sections 12112(a)(2)(A) and 12113(a)(2);

(D) includes an engineering analysis, conducted by a professionally certified naval architect, to determine the percentage (by tonnage) of foreign fabricated steel utilized in the construction of the vessel; and

(E) certifies that each person and their respective entities are now fully aware of requirements under such sections 12112(a)(2)(A) and 12113(a)(2).

#### (2) SUBMISSION.—

(A) EXTENSION.—The Secretary may extend the deadline under paragraph (1), if the Secretary determines the circumstances warrant such an extension.

(B) REVOCATION.—If the affidavits required under paragraph (1) are not submitted by the date required under that paragraph or subparagraph (A) of this paragraph, as applicable, the Commandant of the Coast Guard shall immediately revoke the certificate of documentation issued under subsection (a).

#### (d) COAST GUARD DETERMINATION.—

(1) REVIEW.—Not later than 30 days after the date of the submission of the affidavits under subsection (c)(1), the Secretary, acting through the Commandant of the Coast Guard, shall conduct and complete a review to substantiate the affidavits submitted

under such subsection. As part of the review, the Secretary, Commandant, and appropriate Federal law enforcement agency may request and review—

(A) any official or unofficial electronic or physical records, including any engineering analyses of the vessel conducted by a professionally certified naval architect;

(B) any contractual agreements between the contracting parties;

(C) any information provided by other Federal agencies regarding the future use of the vessel as a fishing vessel documented under the laws of the United States; and

(D) any other relevant information, correspondence, or documents.

(2) DETERMINATION.—If, after completing the review under paragraph (1), the Secretary finds evidence to suggest that the shipyard or the purchaser of the vessel had knowledge that the use of certain foreign fabricated steel components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, before such components were procured or installed, the vessel shall be ineligible to receive such endorsements described in subsection (a) of this section.

(e) WAIVER OF CLAIMS.—By submitting an affidavit under subsection (c)(1), the submitting party, all entities represented by a submitting party, and any third party that could otherwise sustain an action based upon the action of a submitting party or entity represented by a submitting party, thereby waives all claims against the Secretary, the Commandant of the Coast Guard, and their departments and any persons acting on their behalf, regarding any potential claims arising from the determination set forth in this section.

(f) TERMINATION RULE.—In the event that the original purchaser terminates the original agreement, the original purchaser is prohibited from entering into a subsequent contract or agreement for purchase of the vessel described in subsection (a).

#### (g) DEFINITIONS.—In this section:

(1) ORIGINAL AGREEMENT.—The term “original agreement” means the Vessel Construction Agreement entered into by the original purchaser with Dakota Creek Industries on November 18, 2014, relating to the vessel described in subsection (a).

(2) ORIGINAL PURCHASER.—The term “original purchaser” means—

(A) the entity that entered into the first agreement with Dakota Creek Industries to purchase the vessel described in subsection (a); and

(B) any subsidiary of, or other entity owned or controlled by, that entity.

(3) RESPECTIVE ENTITY.—The term “respective entity” means—

(A) the shipyard that built the vessel “AMERICA’S FINEST” (United States official number 1276760), when used with respect to the chief executive officer of the shipyard; and

(B) the original purchaser, when used with respect to the chief executive officer of the original purchaser.

#### SEC. 837. TEMPORARY LIMITATIONS.

##### (a) LIMITATIONS.—

(1) IN GENERAL.—Upon the Coast Guard issuing a certificate of documentation with coastwise and fishery endorsements for the vessel “AMERICA’S FINEST” (United States official number 1276760), and subject to subsection (b), the vessels described in paragraph (2) shall not collectively exceed—

(A) the percentage of the harvest available in any Gulf of Alaska groundfish fisheries (other than fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council) that is equivalent to the total harvest by the vessels

described in paragraph (2) in those fisheries in the calendar years that a vessel described in paragraph (2) had harvest from 2012 through 2017 relative to the total allowable catch available to such vessels in the calendar years 2012 through 2017; or

(B) the percentage of processing of deliveries from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries (including fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council, or community development quotas as described in section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i))) that is equivalent to the total processing of such deliveries by the vessels described in paragraph (2) in those fisheries in the calendar years 2012 through 2017 relative to the total allowable catch available in the calendar years 2012 through 2017.

(2) **APPLICABLE VESSELS.**—The limitations described in paragraph (1) shall apply, in the aggregate, to—

(A) the vessel *AMERICA'S FINEST* (United States official number 1276760);

(B) the vessel *US INTREPID* (United States official number 604439);

(C) the vessel *AMERICAN NO. 1* (United States official number 610654);

(D) any replacement of a vessel described in subparagraph (A), (B), or (C); and

(E) any vessel assigned license number LLG3217 under the license limitation program under part 679 of title 50, Code of Federal Regulations.

(b) **EXPIRATION.**—The limitations described in subsection (a) shall apply to a groundfish species in Bering Sea, Aleutian Islands, and Gulf of Alaska only until the earlier of—

(1) the end of the 6-year period beginning on the date of enactment of this Act; or

(2) the date on which the Secretary of Commerce issues a final rule, based on recommendations developed by the North Pacific Fishery Management Council consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), that limits processing deliveries of that groundfish species from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries that are not subject to conservation and management measures under section 206 of the American Fisheries Act (16 U.S.C. 1851 note).

(c) **EXISTING AUTHORITY.**—Except for the measures required by this section, nothing in this title shall be construed to limit the authority of the North Pacific Fishery Management Council or the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

#### **SEC. 838. TRANSFER OF COAST GUARD PROPERTY IN JUPITER ISLAND, FLORIDA, FOR INCLUSION IN HOBE SOUND NATIONAL WILDLIFE REFUGE.**

(a) **TRANSFER.**—Administrative jurisdiction over the property described in subsection (b) is transferred to the Secretary of the Interior.

(b) **PROPERTY DESCRIBED.**—The property described in this subsection is real property administered by the Coast Guard in the Town of Jupiter Island, Florida, comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(c) **ADMINISTRATION.**—The property described in subsection (b) is included in Hobe Sound National Wildlife Refuge, and shall be administered by the Secretary of the Interior acting through the United States Fish and Wildlife Service.

#### **SEC. 839. EMERGENCY RESPONSE.**

Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall request the National Offshore Safety Advisory Committee to examine whether there are unnecessary regulatory barriers to the use of small passenger vessels, crewboats, and offshore supply vessels in disaster response and provide recommendations, as appropriate, to reduce such barriers.

#### **SEC. 840. USE OF FUNDS IN WMAT SETTLEMENT FUND FOR WMAT RURAL WATER SYSTEM.**

(a) **AUTHORIZATION OF WMAT RURAL WATER SYSTEM.**—Section 307(a) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3080) is amended in the matter preceding paragraph (1) by inserting “, (b)(2),” after “subsections (a)”.

(b) **FUNDING.**—Section 312(b)(2)(C)(i)(III) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3093) is amended by striking the period at the end and inserting the following: “, including the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).”.

#### **SEC. 841. DRAWBRIDGES CONSULTATION.**

(a) **CONSULTATION.**—In addition and subsequent to any rulemaking conducted under section 117.8 of title 33, Code of Federal Regulations, related to permanent changes to drawbridge openings that result from Amtrak service between New Orleans, Louisiana and Orlando, Florida, the Commandant shall consult with owners or operators of rail lines used for Amtrak passenger service between New Orleans, Louisiana and Orlando, Florida and affected waterway users on changes to drawbridge operating schedules necessary to facilitate the On Time Performance of passenger trains. These changes to schedules shall not impact Coast Guard response times to operational missions.

(b) **TIMING.**—Consultation in subsection (a) shall occur after commencement of Amtrak passenger service on the rail lines between New Orleans, Louisiana and Orlando, Florida at the following intervals:

(1) Not less than 3 months following the commencement of Amtrak passenger service.

(2) Not less than 6 months following the commencement of Amtrak passenger service.

(c) **REPORT.**—If after conducting the consultations required by subsection (b)(2), the Commandant finds that permanent changes to drawbridge operations are necessary to mitigate delays in the movement of trains described in subsection (a) and that those changes do not unreasonably obstruct the navigability of the affected waterways, then the Commandant shall submit those findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT**

##### **SEC. 901. SHORT TITLE.**

This title may be cited as the “Vessel Incidental Discharge Act”.

##### **SEC. 902. DEFINITIONS.**

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **AQUATIC NUISANCE SPECIES.**—The term “aquatic nuisance species” means a non-indigenous species (including a pathogen, microbe, or virus) that threatens the diversity or abundance of native species or the ecological stability of waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) **BALLAST WATER.**—

(A) **IN GENERAL.**—The term “ballast water” means any water and suspended matter taken on board a commercial vessel—

(i) to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how such water and matter is carried; or

(ii) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the commercial vessel.

(B) **EXCLUSIONS.**—The term “ballast water” does not include any substance that is added to water described in subparagraph (A) that is directly related to the operation of a properly functioning ballast water management system.

(4) **BALLAST WATER DISCHARGE STANDARD.**—The term “ballast water discharge standard” means—

(A) the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title (as in effect on the date of the enactment of this Act); or

(B) if the standard described in subparagraph (A) has been revised under section 906, such revised standard.

(5) **BALLAST WATER MANAGEMENT SYSTEM.**—The term “ballast water management system” means any system, including all ballast water treatment equipment and all associated control and monitoring equipment, that processes ballast water—

(A) to kill, render nonviable, or remove organisms; or

(B) to avoid the uptake or discharge of organisms.

(6) **BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.**—The term “best available technology economically achievable” has the meaning given that term in sections 301(b)(2)(A) and 304(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A) and 1314(b)(2)(B)) as such term applies to a mobile point source.

(7) **BIOCIDE.**—The term “biocide” means a substance or organism that is introduced into or produced by a ballast water management system to kill or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard.

(8) **CAPTAIN OF THE PORT ZONE.**—The term “Captain of the Port Zone” means a Captain of the Port Zone established by the Secretary pursuant to sections 92, 93, and 633 of title 14, United States Code.

(9) **COMMERCIAL VESSEL.**—

(A) **IN GENERAL.**—The term “commercial vessel” means—

(i) a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101(5) of title 46, United States Code); or

(ii) a vessel that is within the scope of the General Permit or Small Vessel General Permit on the day before the date of enactment of this Act.

(B) **EXCLUSION.**—The term “commercial vessel” does not include—

(i) a recreational vessel; or

(ii) a vessel of the armed forces (as defined in section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)).

(10) **DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.**—

(A) **IN GENERAL.**—The term “discharge incidental to the normal operation of a commercial vessel” means—

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

(I)(aa) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and

thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber wash water, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(II) deck runoff, deck washdown, above the waterline hull cleaning effluent, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

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

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

(B) EXCLUSIONS.—The term “discharge incidental to the normal operation of a commercial vessel” does not include—

(i) any discharge into navigable waters of the United States from a commercial vessel off—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(i) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator;

(iii) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water; or

(iv) any discharge that results from an activity other than the normal operation of a commercial vessel.

(1) EMPTY BALLAST TANK.—The term “empty ballast tank” means a tank—

(A) intended to hold ballast water that has been drained to the limit of the functional or operational capabilities of such tank, such as loss of suction, and otherwise recorded as empty on a vessel log; and

(B) that contains unpumpable residual ballast water and sediments.

(12) EXCHANGE.—The term “exchange” means, with respect to ballast water, to replace the water in a ballast water tank using one of the following methods:

(A) Flow-through exchange, in which ballast water is flushed out by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until 3 full volumes of water has been changed to minimize the number of original organisms remaining in the tank.

(B) Empty and refill exchange, in which ballast water taken on in ports, estuarine waters, or territorial waters is pumped out until the pump loses suction, after which the ballast tank is refilled with mid-ocean water.

(13) GENERAL PERMIT.—The term “General Permit” means the “Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel” noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(14) GREAT LAKES STATES.—The term “Great Lakes States” means Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(15) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(16) MAJOR CONVERSION.—The term “major conversion” has the meaning given that term in section 2101(14a) of title 46, United States Code.

(17) MARINE POLLUTION CONTROL DEVICE.—The term “marine pollution control device” means any equipment for installation or use on board a commercial vessel that is—

(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a commercial vessel; and

(B) determined by the Secretary, in consultation with the Administrator, to be the most effective equipment or management practice to reduce the environmental impact of the discharge consistent with the considerations set forth in section 908(a)(2).

(18) MID-OCEAN WATER.—The term “mid-ocean water” means water greater than 200 nautical miles from any shore.

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

(20) OPERATING IN A CAPACITY OTHER THAN AS A MEANS OF TRANSPORTATION ON WATER.—The term “operating in a capacity other than as a means of transportation on water” includes—

(A) when in use as an energy or mining facility;

(B) when in use as a storage facility or seafood processing facility;

(C) when secured to a storage facility or seafood processing facility; and

(D) when secured to the bed of the ocean, contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development.

(21) ORGANISM.—The term “organism” means any organism and includes pathogens, microbes, viruses, bacteria, and fungi.

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

(23) PACIFIC COAST REGION.—The term “Pacific Coast Region” means Federal and State waters adjacent to Alaska, Washington, Oregon, or California extending from shore and including the entire exclusive economic zone (as defined in section 1001(8) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(8))) adjacent to each such State.

(24) POLLUTANT.—The term “pollutant” has the meaning given that term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(25) PORT OR PLACE OF DESTINATION.—The term “port or place of destination” means any port or place to which a vessel is bound to anchor or moor.

(26) RECREATIONAL VESSEL.—The term “recreational vessel” has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(27) RENDER NONVIALE.—The term “render nonviable” means, with respect to organisms in ballast water, the action of a ballast water management system that leaves such

organisms permanently incapable of reproduction following treatment.

(28) SALTWATER FLUSH.—The term “saltwater flush”—

(A) means—

(i) the addition of as much mid-ocean water into each empty ballast tank of a commercial vessel as is safe for such vessel and crew and the mixing of the flushwater with residual water and sediment through the motion of such vessel; and

(ii) the discharge of the mixed water, such that the resultant residual water remaining in the tank has the highest salinity possible, and is at least 30 parts per thousand; and

(B) may require more than one fill-mix-empty sequence, particularly if only small amounts of water can be safely taken onboard the commercial vessel at one time.

(29) SECRETARY.—Except as otherwise specified, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(30) SMALL VESSEL GENERAL PERMIT.—The term “Small Vessel General Permit” means the “Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Small Vessel” noticed in the Federal Register on September 10, 2014 (79 Fed. Reg. 53702).

#### SEC. 903. TREATMENT OF EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) that is in effect on the day before the date of the enactment of this Act, and that relates to a matter subject to regulation under this title, shall remain in full force and effect unless or until superseded by a new regulation issued under this title relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—

(1) IN GENERAL.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this title.

(2) PENALTIES.—The penalties for violations described in paragraph (1) shall increase consistent with inflation.

#### SEC. 904. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (7), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if the owner or operator discharges the ballast water in accordance with requirements established by this title or the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM AND HUDSON RIVER.—If a commercial vessel enters the Great Lakes through the mouth of the Saint Lawrence River or the Hudson River north of the George Washington Bridge, the owner or operator shall—

(A) comply with the applicable requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations (or similar successor regulations); and

(iii) section 401.30 of such title (or similar successor regulations); and

(B) after operating—

(i) outside the exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange in an area that

is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1); or

(ii) exclusively within the territorial waters or exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange outside the Saint Lawrence River and the Great Lakes in an area that is 50 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1), unless traveling 50 nautical miles or more from shore would compromise commercial vessel safety or is otherwise prohibited by any domestic or international regulation.

(3) **COMMERCIAL VESSELS OPERATING WITHIN THE PACIFIC COAST REGION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C) and paragraph (6), the owner or operator of a commercial vessel described in subparagraph (B) shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

(B) **COMMERCIAL VESSEL DESCRIBED.**—A commercial vessel described in this subparagraph is a commercial vessel—

(i) operating between 2 ports or places of destination within the Pacific Coast Region; or

(ii) operating between a port or place of destination within the Pacific Coast Region and a port or place of destination on the Pacific Coast of Canada or Mexico north of 20 degrees north latitude, inclusive of the Gulf of California.

(C) **EXEMPTIONS.**—Subparagraph (A) shall not apply to the following:

(i) A commercial vessel voyaging between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 43 degrees, 32 minutes north latitude, including the internal waters of the Columbia River, and the internal waters of Canada south of parallel 50 degrees north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca.

(ii) A commercial vessel voyaging between ports or places of destination in the States of Washington and Oregon if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude.

(iii) A commercial vessel voyaging between ports or places of destination in the State of California within the San Francisco Bay area east of the Golden Gate Bridge, including the Port of Stockton and the Port of Sacramento, if any ballast water to be discharged from such vessel originated solely from ports or places within such area.

(iv) A commercial vessel voyaging between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal if any ballast water to be discharged from such vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal.

(v) A commercial vessel voyaging between a port or place in the State of Alaska within a single Captain of the Port Zone.

(4) **EMPTY BALLAST TANKS.**—

(A) **REQUIREMENTS.**—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel with empty ballast tanks shall conduct a saltwater flush—

(i) at least 200 nautical miles from any shore for voyages originating outside the United States or Canadian exclusive economic zone; or

(ii) at least 50 nautical miles from any shore for voyages within the Pacific Coast Region.

(B) **EXCEPTION.**—The requirements of subparagraph (A) shall not apply—

(i) if a ballast tank's unpumpable residual waters and sediments were subject to a saltwater flush, ballast water exchange, or treatment through a ballast water management system; or

(ii) unless otherwise required under this title, if the ballast tank's unpumpable residual waters and sediments were sourced within the same port or place of destination, or Captain of the Port Zone.

(5) **LOW SALINITY BALLAST WATER.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B) and paragraph (6), owners or operators of commercial vessels that transport ballast water sourced from waters with a measured salinity of less than 18 parts per thousand, except as provided by a public or commercial source under subsection (b)(2)(C), and voyage to a Pacific Coast Region port or place of destination that has a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

(i) more than 50 nautical miles from shore if the ballast water was sourced from a Pacific Coast Region port or place of destination; or

(ii) more than 200 nautical miles from shore if the ballast water was not sourced from a Pacific Coast Region port or place of destination.

(B) **EXCEPTION.**—The requirements of subparagraph (A) shall not apply to a commercial vessel that has a ballast water management system approved for treating freshwater at concentrations prescribed in section 906(a)(1)(A) or that retains all of its ballast water.

(6) **EXEMPTED VESSELS.**—

(A) **IN GENERAL.**—The requirements of paragraphs (3), (4), and (5) shall not apply to a commercial vessel if—

(i) complying with such requirements would compromise the safety of the commercial vessel;

(ii) design limitations of the commercial vessel prevent ballast water exchange or saltwater flush from being conducted;

(iii) the commercial vessel is certified by the Secretary as having no residual ballast water or sediments on board or retains all its ballast water while in waters subject to such requirements; or

(iv) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary so there is no discharge or uptake and subsequent discharge of ballast waters subject to such requirements.

(B) **ADDITIONAL EXEMPTIONS.**—The requirements of paragraphs (3) and (4) shall not apply to a commercial vessel if the commercial vessel uses a method of ballast water management approved by the Coast Guard under section 905 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(7) **SAFETY EXEMPTION.**—Notwithstanding paragraphs (1) through (6), an owner or operator of a commercial vessel may discharge

ballast water into navigable waters of the United States from a commercial vessel if—

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

(B) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a discharge from the commercial vessel of a pollutant that would violate a Federal or State law.

(8) **LOGBOOK REQUIREMENTS.**—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(13) when a commercial vessel does not carry out ballast water management requirements as applicable and pursuant to regulations promulgated and issued by the Secretary, including when such a vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement about the failure to comply and the circumstances under which the failure occurred, made immediately after when practicable to do so.”

(9) **LIMITATION OF REQUIREMENTS.**—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that—

(i) are not subject to discharge;

(ii) have been certified by the Secretary; and

(iii) have been noted in the commercial vessel logbook; or

(B) discharges ballast water solely into a reception facility described in subsection (d).

(b) **APPLICABILITY.**—

(1) **COVERED VESSELS.**—Except as provided in paragraphs (2) and (3), subsection (a) shall apply to any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

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

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have ballast water management systems or the ballast water management systems of the vessel are inoperable;

(C) that discharges ballast water consisting solely of water taken aboard from a public or commercial source that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(D) in an alternative compliance program established pursuant to subsection (c);

(E) that carries all of its permanent ballast water in sealed tanks that are not subject to discharge; or

(F) uses other liquid or material as ballast and does not discharge ballast overboard.

(3) **VESSELS OPERATING EXCLUSIVELY WITHIN THE GREAT LAKES AND SAINT LAWRENCE RIVER.**—

(A) **IN GENERAL.**—A commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River shall be subject to subsection (a).

(B) TRANSITION.—Notwithstanding subparagraph (A), a commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River that is not required to comply with the ballast water discharge standard on the day before the date of enactment of this Act shall transition into compliance with subsection (a) under the special rules established in subparagraph (C) of this subsection:

(C) SPECIAL RULES.—The Secretary shall require a class of commercial vessels described in subparagraph (B) of this subsection to comply with subsection (a) only if the Secretary—

(i) approves a ballast water management system for such class of commercial vessels under section 905 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulation);

(ii) determines that such ballast water management system meets the operationally practicable criteria described in section 906 with respect to such class of commercial vessels complying with the ballast water discharge standard;

(iii) determines that requiring such class of commercial vessels to comply with the ballast water discharge standard is operationally practicable for such class of commercial vessels; and

(iv) in coordination with the Administrator, conducts a probabilistic assessment of the benefits to the environment and the costs to industry of compliance with subsection (a) by such class of commercial vessels and determines that such benefits exceed such costs.

(D) RECONSIDERATION.—If the Secretary determines under subparagraph (C)(iv) that such benefits do not exceed such costs, the Secretary, in coordination with the Administrator, shall reconsider the determination of the Secretary under that subparagraph—

(i) if a petition is received from a Governor of a Great Lakes State that—

(I) includes new data or science not considered during such determination; and

(II) is submitted not less than 1 year after the date of such determination; or

(ii) not later than 5 years after the date of such determination.

(E) COMPLIANCE DEADLINE.—A class of commercial vessels that is required by the Secretary to comply with subsection (a) under the special rules established by subparagraph (C) of this subsection shall comply with the ballast water discharge standard—

(i) after completion of the first scheduled vessel dry docking that commences on or after the date that is 3 years after the date that the Secretary requires compliance under subparagraph (C), for a vessel built on or before the date that is 3 years after the date the Secretary terminates such exemption; or

(ii) upon entry into the navigable waters of the United States for a vessel that is built after the date that is 3 years after the date the Secretary requires compliance under subparagraph (C) for such class of vessels.

(F) REPORT.—Not less than 60 days after a determination by the Secretary under subparagraph (C)(iv), the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing how the costs were considered in the assessment required by that subparagraph.

(C) RECEPTION FACILITIES; TRANSFER STANDARDS.—The Secretary, in coordination with the Administrator, may promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

## SEC. 905. APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS.

(a) BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER ORGANISMS NONVIALE.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations (or similar successor regulations), and part 162 of title 46, Code of Federal Regulations (or similar successor regulations), a ballast water management system that renders nonviable organisms in ballast water at the concentrations prescribed in the ballast water discharge standard shall be approved by the Secretary, if—

(1) such system—

(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and

(B) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), other than the requirements related to staining methods or measuring the concentration of living organisms; and

(2) such laboratory uses a testing method described in a final policy letter published under subsection (c)(3).

(b) PROHIBITION ON BIOCIDES.—The Secretary shall not approve a ballast water management system under subsection (a) or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), if such system—

(1) uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Administrator has approved the use of the biocide in such ballast water management system; or

(2) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) APPROVAL TESTING METHODS.—

(1) DRAFT POLICY.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a draft policy letter, based on the best available science, describing type approval testing methods and protocols for ballast water management systems that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations)—

(A) to measure the concentration of organisms in ballast water that are capable of reproduction;

(B) to certify the performance of each ballast water management system under this section; and

(C) to certify laboratories to evaluate such treatment technologies.

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

(3) FINAL POLICY.—

(A) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type approval testing methods for ballast water management systems capable of measuring the concentration of organisms in ballast water that are capable of reproduction based on the best available science that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(B) REVISIONS.—The Secretary shall revise the final policy letter published under subparagraph (A) as additional testing methods are determined by the Secretary, in coordi-

nation with the Administrator, to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(C) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary, in coordination with the Administrator—

(i) shall consider a testing method that uses organism grow out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

(ii) shall not consider a testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

## SEC. 906. REVIEW AND RAISING OF BALLAST WATER DISCHARGE STANDARD.

(a) STRINGENCY REVIEWS.—

(1) SIX-YEAR REVIEW.—

(A) IN GENERAL.—Not later than January 1, 2024, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall complete a review to determine whether, based on the application of the best available technology economically achievable and operationally practicable, the ballast water discharge standard can be revised such that ballast water discharged in the normal operation of a vessel contains—

(i) less than 1 organism that is living or has not been rendered nonviable per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(ii) less than 1 organism that is living or has not been rendered nonviable per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(iii) concentrations of indicator microbes that are less than—

(I) 1 colony-forming unit of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(II) 126 colony-forming units of *Escherichia coli* per 100 milliliters; and

(III) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(iv) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary, in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(B) ALTERNATIVE REVISED STANDARD.—If the Secretary, in concurrence with the Administrator, finds—

(i) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in subparagraph (A), the Secretary, in concurrence with the Administrator, shall determine whether the application of the best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(ii) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall



determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) **OPERATIONALLY PRACTICABLE.**—In determining operational practicability under this subsection, the Secretary, in concurrence with the Administrator, shall consider—

(i) whether a ballast water management system is—

(I) effective and reliable in the shipboard environment;

(II) compatible with the design and operation of a commercial vessel by class, type, and size;

(III) commercially available; and

(IV) safe;

(ii) whether testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised; and

(iii) other criteria that the Secretary, in concurrence with Administrator, considers appropriate.

(2) **TEN-YEAR REVIEWS.**—Not later than January 1, 2034, not less frequently than every 10 years thereafter, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall conduct a review to determine whether the application of the best available technology economically achievable and operationally practicable as described in paragraph (1)(C) results in a reduction in the risk of the introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent.

(3) **STATE PETITIONS FOR REVIEW.**—

(A) **IN GENERAL.**—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) or (2) if there is new information that could reasonably indicate the ballast water discharge standard could be made more stringent to reduce the risk of the introduction or establishment of aquatic nuisance species.

(B) **TIMING.**—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1) or (2).

(C) **REQUIRED INFORMATION.**—A petition submitted to the Secretary under subparagraph (A) shall include—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including a description of the risk reduction that would result from the proposed ballast water discharge standard included under clause (i); and

(iv) any additional information the Secretary considers appropriate.

(D) **PUBLIC AVAILABILITY.**—Upon receiving a petition under subparagraph (A), the Secretary shall make publicly available a copy of the petition, including the information included under subparagraph (C).

(E) **TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.**—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) **AUTHORITY TO REVIEW.**—After receiving a petition that meets the requirements of this paragraph, the Secretary, in concurrence with the Administrator, may conduct a review under paragraph (1) or (2) as the

Secretary, in concurrence with the Administrator, determines appropriate.

(4) **ISSUANCE OF REVISED BALLAST WATER DISCHARGE STANDARD.**—The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines on the basis of the review under paragraph (1) or (2) that—

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is the best available technology economically achievable and operationally practicable; and

(B) testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised.

(5) **REQUIREMENT.**—Any revised ballast water discharge standard issued in the rule under paragraph (4) shall be more stringent than the ballast water discharge standard it replaces.

(6) **STANDARD NOT REVISED.**—If the Secretary, in concurrence with the Administrator, determines that the requirements of this subsection have not been satisfied, the Secretary shall publish a description of how such determination was made.

(b) **REVISED BALLAST WATER DISCHARGE STANDARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.**—

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

(A) an effective date for the revised ballast discharge standard that is 3 years after the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which such rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(2) **VESSEL SPECIFIC COMPLIANCE DEADLINES.**—The Secretary may establish a deadline for compliance by a commercial vessel (or a class, type, or size of commercial vessel) with a revised ballast water discharge standard that is different than the general deadline established under paragraph (1).

(3) **EXTENSIONS.**—The Secretary shall establish a process for an owner or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(4) **APPLICATION FOR EXTENSION.**—An owner or operator shall submit an application for an extension under paragraph (3) not less than 90 days prior to the applicable compliance deadline established under paragraph (1) or (2).

(5) **FACTORS.**—In reviewing an application under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(E) electric power generating capacity aboard the commercial vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(6) **CONSIDERATION OF EXTENSIONS.**—

(A) **DETERMINATIONS.**—The Secretary shall approve or deny an application for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) **DEADLINE.**—The Secretary shall—

(i) acknowledge receipt of an application for an extension submitted under paragraph (4) not later than 30 days after the date of receipt of the application; and

(ii) to the extent practicable, approve or deny such an application not later than 90 days after the date of receipt of the application.

(C) **FAILURE TO REVIEW.**—If the Secretary does not approve or deny an application described in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be conditionally approved.

(7) **PERIOD OF EXTENSIONS.**—An extension granted to an owner or operator under paragraph (3)—

(A) may be granted for an initial period of not more than 18 months;

(B) may be renewed for additional periods of not more than 18 months each; and

(C) may not be in effect for a total of more than 5 years.

(8) **PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the ballast water management system is maintained in proper working condition, as determined by the Secretary;

(iii) the ballast water management system is maintained and used in accordance with the manufacturer's specifications; and

(iv) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) **LIMITATION.**—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

## **SEC. 907. NATIONAL BALLAST INFORMATION CLEARINGHOUSE.**

Subsection (f) of section 1102 of the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended to read as follows:

“(f) **NATIONAL BALLAST INFORMATION CLEARINGHOUSE.**—

“(1) **IN GENERAL.**—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a National Ballast Information Clearinghouse of national data concerning—

“(A) ballasting practices;

“(B) compliance with the guidelines issued pursuant to section 1101(c); and



“(C) any other information obtained by the Task Force pursuant to subsection (b).

“(2) BALLAST WATER REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The owner or operator of a commercial vessel subject to this title shall submit the current ballast water management report form approved by the Office of Management and Budget (OMB 1625-0069 or a subsequent form) to the National Ballast Information Clearinghouse not later than 6 hours after the arrival of such vessel at a United States port or place, unless such vessel is operating exclusively on a voyage between ports or places within a single Captain of the Port Zone.

“(B) MULTIPLE DISCHARGES WITHIN A SINGLE PORT.—The owner or operator of a commercial vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port during the same voyage.

“(C) ADVANCED REPORT TO STATES.—A State may require the owner or operator of a commercial vessel subject to this title to submit directly to the State a ballast water management report form—

“(i) not later than 24 hours prior to arrival at a United States port or place of destination if the voyage of such vessel is anticipated to exceed 24 hours; or

“(ii) before departing the port or place of departure if the voyage of such vessel is not anticipated to exceed 24 hours.

“(3) COMMERCIAL VESSEL REPORTING DATA.—

“(A) DISSEMINATION TO STATES.—Upon receiving submission of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall—

“(i) in the case of forms submitted electronically, immediately disseminate the report to interested States; or

“(ii) in the case of forms submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

“(B) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the date of the receipt of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall make the data in such report fully and readily available to the public in searchable and fully retrievable electronic formats.

“(4) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate committees of Congress and make available to the public, on a biennial basis not later than 180 days from the end of each odd numbered calendar year, a report that synthesizes and analyzes the data referred to in paragraph (1) for the previous 2 years to evaluate nationwide status and trends relating to—

“(A) ballast water delivery and management; and

“(B) invasions of aquatic nuisance species resulting from ballast water.

“(5) WORKING GROUP.—Not later than 1 year after the date of the enactment of the Vessel Incidental Discharge Act, the Secretary shall establish a working group that includes members from the National Ballast Information Clearinghouse and States with ballast water management programs to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this Act.

“(6) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means the Committee on Commerce, Science, and Transportation of the Senate and the Com-

mittee on Transportation and Infrastructure of the House of Representatives.”.

#### SEC. 908. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) MANAGEMENT OF INCIDENTAL DISCHARGE FOR COMMERCIAL VESSELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in concurrence with the Administrator and in consultation with the States, shall publish a final rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel for commercial vessels that—

(A) are greater than or equal to 79 feet in length;

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code); and

(C) are not subject to the best management practices required under section 909.

(2) ELEMENTS.—The best management practices established under paragraph (1) shall—

(A) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(B) use marine pollution control devices when appropriate;

(C) be economically achievable and operationally practicable; and

(D) not compromise the safety of a commercial vessel.

(3) IMPLEMENTATION.—The Secretary shall implement the best management practices established by final rule under paragraph (1) not later than 60 days after the date on which the final rule is published in the Federal Register as required under such paragraph.

(b) TRANSITION.—

(1) IN GENERAL.—Except as provided in section 909(c) and notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of the enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the implementation date under subsection (a)(3).

(2) PART 6 CONDITIONS.—Except as provided in section 909(c) and notwithstanding paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the implementation date under subsection (a)(3).

(c) APPLICATION TO CERTAIN VESSELS.—

(1) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under this title apply to, a discharge incidental to the normal operation of a commercial vessel if the commercial vessel—

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

(B) is a fishing vessel, including a fish processing vessel or fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT.—The terms and conditions of the General Permit and the Small Vessel General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on and after the date of the enactment of this Act.

(d) REVIEW AND REVISION.—The Secretary, in concurrence with the Administrator and in consultation with the States, shall—

(1) review the practices and standards established under subsection (a) not less frequently than once every 10 years; and

(2) revise such practices consistent with the elements described in paragraph (2) of such subsection.

(e) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary, in concurrence with the Administrator, revise a best management practice established under subsection (a) if there is new information that could reasonably indicate that—

(A) revising the best management practice would—

(i) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species; and

(ii) reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

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

(B) any additional information the Secretary and Administrator consider appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

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

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary, in concurrence with the Administrator, determines that revising a best management practice would mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species, the Secretary, in concurrence with the Administrator and in consultation with the States, shall revise such practice consistent with the elements described in subsection (a)(2).

(f) REPEAL OF NO PERMIT REQUIREMENT.—Public Law 110-299 (33 U.S.C. 1342 note) is amended by striking section 2.

#### SEC. 909. BEST MANAGEMENT PRACTICES FOR GREAT LAKES VESSELS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in concurrence with the Administrator, shall publish a final rule in the Federal Register that establishes best management practices for—

(1) ballast water for commercial vessels operating in navigable waters of the United States within the Great Lakes and Saint Lawrence River; and

(2) discharges incidental to the normal operation of a commercial vessel in navigable waters of the United States for commercial vessels operating in the Great Lakes and Saint Lawrence River that—

(A) are greater than or equal to 79 feet in length; and

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) ELEMENTS.—The Secretary, in concurrence with the Administrator and in consultation with the Governors of the Great Lakes States and the owners or operators of commercial vessels described in subsection (a), shall ensure that the best management practices established under subsection (a)—

(1) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(2) use marine pollution control devices when appropriate;

(3) are economically achievable and operationally practicable;

(4) do not compromise the safety of a commercial vessel; and

(5) to the extent possible, apply consistently to all navigable waters of the United States within the Great Lakes and Saint Lawrence River.

(c) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section 904(b), the following best management practices applicable to commercial vessels described in subsection (a) shall remain in effect until the date on which the best management practices described in such subsection are implemented under subsection (g)(1):

(A) Best management practices required by Part 2 of the General Permit.

(B) Such other practices as required by the Secretary.

(2) PART 6 BEST MANAGEMENT PRACTICES.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section 904(b), the best management practices described by the sections in Part 6 of the General Permit applicable to the Great Lakes States that are applicable to commercial vessels described in subsection (a) shall expire on the date on which the best management practices described in subsection (a) are implemented under subsection (g)(1).

(d) OUTREACH.—The Secretary shall solicit recommendations and information from the Great Lakes States, Indian Tribes, owners and operators of vessels described in subsection (a), and other persons that the Secretary considers appropriate in developing best management practices under subsection (a).

(e) REVIEW AND REVISION OF BEST PRACTICES.—Not less frequently than once every 5 years, the Secretary, in coordination with the Administrator, shall review the best management practices established under subsection (a) and revise such practices by rule published in the Federal Register consistent with subsections (b) and (d).

(f) REVISED PRACTICES BY STATE PETITION.—

(1) IN GENERAL.—The Governor of a Great Lakes State may petition the Secretary to revise the best management practices established under subsection (a), including by employing additional best management practices, consistent with the elements described in subsection (b), to address new and emerging aquatic nuisance species or pollution threats, implement more effective practices, or update guidelines to harmonize requirements on owners and operators of commercial vessels described in subsection (a).

(2) DETERMINATION.—

(A) IN GENERAL.—Not later than 180 days after receiving a petition under paragraph (1), the Secretary, in coordination with the Administrator, shall determine which, if any, best management practices included in such petition shall be required of commercial vessels described in subsection (a).

(B) CONSULTATION.—The Secretary shall consult with the Governors of other Great

Lakes States and owners or operators of commercial vessels that would be subject to best management practices pursuant to paragraph (1) before making a determination under subparagraph (A).

(3) TREATMENT OF PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(4) PUBLIC AVAILABILITY.—The Secretary shall make publicly available a petition and any supporting documentation submitted under paragraph (1) for not less than 60 days prior to approving or disapproving such petition.

(g) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall implement the best management practices established by final rule under subsection (a) not later than 60 days after the date on which the final rule is published in the Federal Register as required by such subsection.

(2) IMPLEMENTATION OF PRACTICES BY STATE PETITION.—Not later than 90 days after making a determination under subsection (f)(2), the Secretary shall, by rule published in the Federal Register, require commercial vessels that would be subject to the revised best management practices described in such subsection to implement such practices.

(h) EMERGENCY BEST MANAGEMENT PRACTICES.—The Secretary, in concurrence with the Administrator, may establish emergency best management practices if the Secretary, in concurrence with the Administrator, determines that such emergency best management practices are necessary to reduce the risk of introduction or establishment of aquatic nuisance species.

(i) PUBLIC AVAILABILITY.—The Secretary shall make publicly available any determination made under this section.

**SEC. 910. JUDICIAL REVIEW.**

(a) IN GENERAL.—A person may file a petition for review of a final rule or a final agency action issued under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the final rule to be reviewed is published in the Federal Register or the final agency action is issued, as the case may be.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file a petition under paragraph (1) has passed may be filed not later than 120 days after the date on which such grounds first arise.

**SEC. 911. STATE ENFORCEMENT.**

(a) STATE AUTHORITIES.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in coordination with the Governors of the States, shall develop and publish Federal and State inspection, data management, and enforcement procedures for the enforcement of standards and requirements under this title by States.

(2) PROCEDURES.—Procedures developed and published under paragraph (1)—

(A) may be periodically updated;

(B) shall describe the conditions and procedures under which the Secretary may suspend the agreement described in paragraph (3); and

(C) shall have a mechanism for the Secretary to provide to the Governor of a State, if requested by the Governor, access to Automated Identification System arrival data for inbound vessels to specific ports or places of destination in the State.

(3) STATE ENFORCEMENT.—The Secretary shall enter into an agreement with the Governor of a State to authorize the State to inspect vessels to enforce the provisions of this

title in accordance with the procedures developed under paragraph (1).

(b) FEES.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), a State that assesses a permit fee, inspection fee, or other fee related to the regulation of ballast water or a discharge incidental to the normal operation of a commercial vessel before the date of the enactment of this Act may assess a fee to cover the costs of program administration, inspection, and enforcement activities by the State.

(2) MAXIMUM FEE.—Except as provided in paragraph (3), a State may assess a fee under this subsection of not more than \$1,000 per qualifying voyage to the owner or operator of a commercial vessel arriving at a port or place of destination in the State.

(3) COMMERCIAL VESSELS ENGAGED IN COASTWISE TRADE.—A State may not assess more than \$5,000 in fees per vessel each year to the owner or operator of a commercial vessel registered under the laws of the United States and lawfully engaged in the coastwise trade.

(4) ADJUSTMENT FOR INFLATION.—A State may adjust a fee authorized by this subsection every 5 years to reflect the percentage by which the Consumer Price Index for all urban consumers published by the Department of Labor for the month of October immediately preceding the date of adjustment exceeds the Consumer Price Index for all urban consumers published by the Department of Labor for the month of October that immediately precedes the date that is 5 years before the date of adjustment.

(5) QUALIFYING VOYAGE.—In this subsection, the term “qualifying voyage” means a vessel arrival at a port or place of destination in a State by a commercial vessel that has operated outside of that State and excludes movement entirely within a single port or place of destination.

(c) EFFECT ON STATE AUTHORITY.—Except as provided in subsection (a) and as necessary to implement an agreement entered into under such subsection, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

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

(2) a discharge into navigable waters of the United States incidental to the normal operation of a commercial vessel.

(d) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

**SEC. 912. EFFECT ON OTHER LAWS.**

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

(1) IN GENERAL.—Except as provided in sections 908(b) and 909(c) of this title, or in section 159.309 of title 33, Code of Federal Regulations (or similar successor regulations), on and after the date of the enactment of this Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in this title may be construed as affecting the application to a commercial vessel of section

311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321; 1322).

(b) **ESTABLISHED REGIMES.**—Notwithstanding any other provision of this title, nothing in this title may be construed as affecting the authority of the Federal Government under—

(1) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of the enactment of this Act, is covered under—

(A) the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, with annexes and protocols, done at London February 17, 1978; or

(B) title XIV of division B of the Consolidated Appropriations Act, 2001 (33 U.S.C. 1901 note);

(2) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.) with respect to the regulation by the Federal Government of any anti-fouling system that, on or after the date of the enactment of this Act, is covered under the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, done at London October 5, 2001; and

(3) section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(c) **INTERNATIONAL LAW.**—Any action taken under this title shall be taken in accordance with international law.

(d) **CONFORMING AMENDMENT.**—The Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) is amended—

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

(A) by striking subparagraph (L); and

(B) in subparagraph (K), by striking “; and” and inserting a period; and

(2) in section 1205 (16 U.S.C. 4725), by adding at the end the following: “Ballast water and discharges incidental to the normal operation of a commercial vessel, as such terms are defined in the Vessel Incidental Discharge Act, shall be regulated pursuant to such Act.”.

#### SEC. 913. QUAGGA MUSSEL.

The Secretary of the Interior shall prescribe by regulation that the quagga mussel (*Dreissena rostriformis bugensis*) is a species that is injurious under section 42 of title 18, United States Code.

#### SEC. 914. COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.

(a) **COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COASTAL ZONE.**—The term “coastal zone” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(B) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State government, local government, Indian Tribe, nongovernmental organization, or academic institution.

(C) **EXCLUSIVE ECONOMIC ZONE.**—The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030 of March 10, 1983 (16 U.S.C. 1453 note).

(D) **FOUNDATION.**—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) **PROGRAM.**—The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2).

(2) **ESTABLISHMENT.**—The Secretary of Commerce and the Foundation shall estab-

lish the Coastal Aquatic Invasive Species Mitigation Grant Program to award grants to eligible entities, as described in this subsection.

(3) **PURPOSES.**—The purposes of the Program are—

(A) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in the coastal zone and the Exclusive Economic Zone;

(B) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone of the United States; and

(C) to support the restoration of marine, estuarine, Pacific Island habitats, and the Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(4) **USE OF GRANTS.**—

(A) **IN GENERAL.**—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(i) to develop and implement procedures and programs to prevent, control, mitigate, or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(ii) to restore habitat impacted by an aquatic invasive species;

(iii) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(iv) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(v) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(B) **PROHIBITION ON FUNDING LITIGATION.**—A grant awarded under the Program may not be used to fund litigation in any matter.

(5) **ADMINISTRATION.**—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary of Commerce, shall establish the following:

(A) Application and review procedures for awarding grants under the Program.

(B) Approval procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(C) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(D) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record keeping.

(6) **MATCHING REQUIREMENT.**—Each eligible entity awarded a grant under the Program to carry out an activity shall provide matching funds to carry out such activity, in cash or through in-kind contributions from sources other than the Federal Government, in an amount equal to 50 percent of the cost of such activity.

(7) **FUNDING.**—The Secretary of Commerce and the Foundation shall use the amounts available in the Coastal Aquatic Invasive Species Mitigation Fund established under subsection (b), to award grants under the Program.

(b) **COASTAL AQUATIC INVASIVE SPECIES MITIGATION FUND.**—

(1) **CREATION OF FUND.**—There is established in the Treasury of the United States a trust fund to be known as the “Coastal Aquatic Invasive Species Mitigation Fund” (referred to in this section as the “Fund”), consisting of such amounts as may be appropriated or credited to the Fund as provided in this sec-

tion or section 9602 of the Internal Revenue Code of 1986.

(2) **TRANSFERS TO FUND.**—

(A) **APPROPRIATION.**—There is authorized to be appropriated from the Treasury to the Fund each fiscal year an amount equal to the penalties assessed under section 903(b) of this title in the prior fiscal year.

(B) **AUTHORIZATION OF FURTHER APPROPRIATIONS.**—There is authorized to be appropriated to the Fund, in addition to the amounts transferred to the Fund under paragraph (1), \$5,000,000 for each fiscal year.

(3) **EXPENDITURES FROM FUND.**—Amounts in the Fund shall be available without further appropriation to the Secretary of Commerce and the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act to award grants under the Coastal Aquatic Invasive Species Mitigation Grant Program established under subsection (a)(2).

#### SEC. 915. RULES OF CONSTRUCTION.

(a) **INTERNATIONAL STANDARDS.**—Nothing in this title may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule, as determined by the Secretary.

(b) **OTHER AUTHORITIES.**—Nothing in this title may be construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior to administer lands or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior.

#### TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

##### SEC. 1001. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) **REAUTHORIZATIONS.**—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking “There are” and inserting the following:

“(a) **IN GENERAL.**—There are”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking “surveys—” and all that follows through the end of the paragraph and inserting “surveys, \$69,627,000 for each of fiscal years 2018 through 2021.”;

(B) in paragraph (2), by striking “vessels—” and all that follows through the end of the paragraph and inserting “vessels, \$25,000,000 for each of fiscal years 2018 through 2021.”;

(C) in paragraph (3), by striking “Administration—” and all that follows through the end of the paragraph and inserting “Administration, \$29,932,000 for each of fiscal years 2018 through 2021.”;

(D) in paragraph (4), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$26,800,000 for each of fiscal years 2018 through 2021.”; and

(E) in paragraph (5), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$30,564,000 for each of fiscal years 2018 through 2021.”; and

(3) by adding at the end the following:

“(b) **ARCTIC PROGRAMS.**—Of the amount authorized by this section for each fiscal year—

“(1) \$10,000,000 is authorized for use in the Arctic—

“(A) to acquire hydrographic data;

“(B) to provide hydrographic services;

“(C) to conduct coastal change analyses necessary to ensure safe navigation;

“(D) to improve the management of coastal change; and

“(E) to reduce risks of harm to subsistence and coastal communities associated with increased international maritime traffic; and

“(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.”.

(b) **LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.**—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

“(c) **LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.**—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.”.

**SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

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

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate measures for comparing cost per unit effort in addition to measures of cost per nautical square mile; and

(3) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) **DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.**—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111-11; 33 U.S.C. 3501 et seq.).

**SEC. 1003. HOMEPORT OF CERTAIN RESEARCH VESSELS.**

(a) **ACCEPTANCE OF FUNDS AUTHORIZED.**—The Secretary of Commerce may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 775) at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(b) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a strategic plan for implementing subsection (a).

(c) **ACCEPTANCE OF FUNDS AUTHORIZED.**—The Secretary may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida, at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(d) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

**SA 2233.** Mr. MCCONNELL proposed an amendment to amendment SA 2232 proposed by Mr. MCCONNELL (for Mr. THUNE (for himself, Mr. NELSON, and Mr. SULLIVAN)) to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

**SA 2234.** Mr. MCCONNELL proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

At the end add the following.

“This Act shall take effect 2 days after the date of enactment.”

**SA 2235.** Mr. MCCONNELL proposed an amendment to amendment SA 2234 proposed by Mr. MCCONNELL to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike “2” and insert “3”

**SA 2236.** Mr. MCCONNELL proposed an amendment to amendment SA 2235 proposed by Mr. MCCONNELL to the amendment SA 2234 proposed by Mr. MCCONNELL to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike “3 days” and insert “4 days”

**SA 2237.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. PROTECTING AMERICAN JOBS ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Protecting American Jobs Act”.

(b) **DUTIES OF THE GENERAL COUNSEL AND ADMINISTRATIVE LAW JUDGES.**—The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended—

(1) in section 3(d) (29 U.S.C. 153(d)), by striking “investigation of charges and issuance of complaints under section 10, and in respect of the prosecution of such complaints before the Board” and inserting “investigation of allegations under section 10”; and

(2) in section 4(a) (29 U.S.C. 154(a)), by striking the fourth sentence.

(c) **CLARIFICATION OF THE BOARD’S RULEMAKING AUTHORITY.**—Section 6 of such Act (29 U.S.C. 156) is amended by adding at the end the following: “Such rulemaking authority shall be limited to rules concerning the internal functions of the Board. The Board shall not promulgate rules or regulations that affect the substantive or procedural rights of any person, employer, employee, or labor organization, including rules and regulations concerning unfair labor practices and representation elections.”.

(d) **INVESTIGATORY POWER AND ADJUDICATORY AUTHORITY OVER UNFAIR LABOR PRACTICE ALLEGATIONS.**—Section 10 of such Act (29 U.S.C. 160) is amended—

(1) in subsection (a)—

(A) by striking “prevent any person from engaging in” and inserting “investigate”; and

(B) by striking “This power shall” and all that follows through the end of the subsection;

(2) in subsection (b)—

(A) by striking “Whenever it is charged” and inserting “Whenever it is alleged”; and

(B) by striking “or is engaging in” and inserting “, is engaging in, or is about to engage in”; and

(C) by striking “the Board, or any agent” and all that follows through “Provided, That no complaint shall issue” and inserting “the aggrieved person may bring a civil action for such relief (including an injunction) as may be appropriate. Any such civil action may be brought in the district court of the United States where the violation occurred, or, at the option of the parties, in the United States District Court for the District of Columbia. No civil action may be brought”;

(D) by striking “charge with the Board” and all that follows through “prevented from filing such charge” and inserting “civil action, unless the person aggrieved thereby was prevented from filing such civil action”; and

(E) by striking “Any such complaint may be amended” and all that follows through “Any such proceeding shall, so far as practicable,” and inserting “Any proceeding under this subsection shall”;

(3) by striking subsections (c) through (k);

(4) by redesignating subsections (l) and (m) as subsections (c) and (d), respectively;

(5) in subsection (c) (as so redesignated)—

(A) by striking “Whenever it is charged” and inserting “Whenever it is alleged”; and

(B) in the first sentence, by striking “charge” and inserting “allegation”; and

(C) by striking “such charge is true and that a complaint should issue, he shall” and all that follows through the end of the subsection and inserting “such allegation is true, the officer or regional attorney shall, on behalf of the Board, submit a written summary of the findings to all parties involved in the alleged unfair labor practice.”; and

(6) in subsection (d) (as so redesignated)—

(A) by striking “Whenever it is charged” and inserting “Whenever it is alleged”; and

(B) by striking “such charge” and inserting “such allegation”; and

(C) by striking “and cases given priority under subsection (i)”.

(e) **CONFORMING AMENDMENTS.**—The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended—

(1) in section 9 (29 U.S.C. 159)—

(A) in subsection (c)(2), by striking “and in no case shall the Board” and all that follows through the end of such subsection and inserting a period;

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d);

(2) in section 3(b) (29 U.S.C. 153(b)), by striking “or (e) of section 9” and inserting “or (d) of section 9”;

(3) in section 8 (29 U.S.C. 158), by striking “9(e)” each place it appears and inserting “9(d)”;

(4) in section 18 (29 U.S.C. 168), by striking “section 10 (e) or (f)” and inserting “subsection (e) or (f) of section 10, as such subsections were in effect on the day before the date of enactment of the Protecting American Jobs Act.”;

(f) REGULATIONS.—Not later than 6 months after the date of enactment of this section, the National Labor Relations Board shall review all regulations promulgated before such date of enactment and revise or rescind any such regulations as necessary to implement the amendment made by subsection (c).

#### ELECTING MICHAEL C. STENGER AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 465) electing Michael C. Stenger as Sergeant at Arms and Doorkeeper of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 465) was agreed to.

(The resolution is printed in today's RECORD under “Submitted Resolutions.”)

#### RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 466, S. Res. 467, and S. Res. 468.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolutions be agreed to, the preamble, where applicable, be agreed to, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 466 and S. Res. 467) were agreed to.

(The resolutions are printed in today's RECORD under “Submitted Resolutions.”)

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

#### ORDERS FOR TUESDAY, APRIL 17, 2018

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 17; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed. I further ask that following leader remarks, the Senate proceed to executive session to consider the Muniz nomination under the previous order, with the time until 12:30 p.m. equally divided between the two leaders or their designees; finally, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator UDALL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

#### INDIAN AFFAIRS LEGISLATION

Mr. UDALL. I thank the Presiding Officer for the recognition.

Madam President, I rise today as the ranking member on the Senate Indian Affairs Committee. In our parlance on the committee, it is called the vice chair. Normally, our committee is very bipartisan. It was not so in this case today. In the debate, it was mentioned that this was a negotiated package. It was not. I was not asked for input as the vice chair of the committee. Nothing about this bill sent over from the House was negotiated with me.

For the first time in 10 years, this body has just considered a bill from the Committee on Indian Affairs using a cloture filing and valuable floor time. Let me repeat that. For the first time in 10 years, this Chamber just debated an Indian Affairs bill using valuable floor time and not unanimous consent.

For a Senate majority, floor time and cloture filings are the coin of the realm, and this is the first time in 10 years that it is being spent on a Tribal issue.

Over this decade, during which both Democrats and Republicans have held a majority, Indian Country has seen its priorities sidelined. Important legislation that touches the lives of Native veterans, Native families, and Native

communities—from Maine to Hawaii, from Florida to Alaska—makes it out of the Indian Affairs Committee only to die waiting on the Senate legislative calendar, often due to objections by one or a small handful of Senators—legislation, for example, like the Native American Housing Assistance and Self-Determination Reauthorization Act, the Esther Martinez Native Languages Preservation Act, the PROGRESS for Indian Tribes Act, and the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.

These are all broadly supported bipartisan bills that have gotten stuck in the legislative process for 5, 10, or even 15 years—all broadly supported bipartisan bills that Indian Country needs. They address pressing issues like homelessness, language loss, and economic development, and all of these broadly supported bipartisan bills are central to fulfilling our solemn trust and treaty responsibilities.

My colleague, the senior Senator from Montana, tells the same story about his fight to gain Federal recognition for the Little Shell Tribe. This legislation is important to Montanans and Tribes he represents. This bill has been fighting for a day on the floor since 2008.

My distinguished colleagues from Washington first took up the fight to get the Spokane Tribe settlement act signed into law back in 2003.

I am honored to work with so many colleagues who dedicate themselves each and every day to fighting for Indian Country. But we can't do that if Indian Affairs legislation is not given equal weight to other bills.

It is shameful that this full body does not consider and resolve these and other important issues facing Indian Country. It is shameful that when the Senate gives Indian Country its first shot in 10 years, Republicans closed the debate to prevent consideration of other pressing pieces of Indian Affairs legislation. I am amazed that there will be no time for amendments, that there will be no time for this body to do what it is supposed to do—deliberate, deliberate. That is what we are supposed to do here.

Instead, the majority leader limits consideration to one issue, chosen specifically to amplify partisan rancor. We should be working together for Indian Country. The majority isn't doing that. It is using a wedge issue to pit people against each other in an attempt to score political points.

When Republicans were in the minority, Senator MCCONNELL lamented the lack of debate. He complained that legislation was “dropped on the floor with little or no opportunities for members to participate in the amendment process, virtually guaranteeing a fight.”

As the majority leader said, simply and eloquently:

Bills should come to the floor and be thoroughly debated. . . . This is the Senate. . . . Let the Senate work its will, and that means

bringing bills to the floor. It means having a free and open amendment process. That is legislating.

I couldn't agree more. We came here to craft legislation. We came here to take tough votes. That process may take more time, more work, and more cooperation, but it would lead to better outcomes for everyone, and, most importantly in this case, it would lead to better outcomes for Indian Country.

Let there be no mistake. Indian Country loses when we give in to partisan rancor. We have seen this play out before. When the trillion-dollar tax cut was rammed through this Chamber without any input from my Democratic colleagues, what happened? Indian Country and Indian Tribes were entirely left out in the cold. There was not a single provision for Indian Tribes in a trillion-dollar package.

On the other hand, we know what happens when bipartisanship prevails. Senator MURKOWSKI, my chairman on the Interior Appropriations Subcommittee, and I were able to deliver big wins for Indian Country in the fiscal year 2018 omnibus. We increased funding for the Bureau of Indian Affairs by \$204 million, and we increased funding for the Indian health programs by another \$500 million—that is almost three-quarters of a billion dollars—because Democrats and Republicans decided it was better to work for Indian Country instead of against each other.

As anyone in Indian Country will tell you, Indian affairs issues transcend partisan politics. Native policy issues go to the core of the trust responsibility, to the government-to-government relationships enshrined in our Constitution and countless treaties. Sadly, that is not true today.

I wanted a better deal for Indian Country. Indian Country had to wait 10 years for today's vote. We should have had a full opportunity to bring other

issues onto the table and to be added onto the bill in the form of amendments. Housing, public safety, self-determination, and self-governance are equally deserving of the Senate's consideration. We could have considered legislation that would do more to unite us than divide us, like the Native American Housing and Self-Determination Act, which expired in 2013. This important program benefits Native Americans, Native Hawaiians, and Alaska Natives.

In my home State of New Mexico, as in most of Indian Country, NAHASDA is the primary source of funding for Tribal housing needs and development. For instance, in Isleta Pueblo, 44 percent of households are low-income. Without NAHASDA funding, the Pueblo would be unable to address this crippling need. Reauthorizing NAHASDA would provide Tribes like Isleta the certainty they require to meet current and future housing needs. Instead, we only voted on one Tribal priority, the Tribal Labor Sovereignty Act. I voted yes on cloture. As a longtime advocate for Indian Country, I understand and respect how integral Tribal sovereignty is to Tribal governance, and I am and always will be an unwavering supporter of Tribal sovereignty.

I am also a supporter of strong labor protections and the working families they protect in New Mexico and around the country. I support collective bargaining and am against right-to-work laws that are being pushed around the country.

The tough issue here is that for decades Tribes were treated as States and local governments and not subject to the National Labor Relations Board. Recent Board and court decisions have changed that in some parts of the country but not others, resulting in a patchwork of regulations. The previous administration proposed a compromise

approach, but neither side embraced it. I hope that changes. But no matter the outcome today, I will continue to fight for Indian Country and seek new opportunities to enact longstanding Tribal legislative priorities.

I close with past advice from my colleague, the majority leader: "If you want fewer fights, give the other side a say." I couldn't agree more, and I urge the majority leader to give us and Indian Country a say.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:14 p.m., adjourned until Tuesday, April 17, 2018, at 10 a.m.

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#### NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF VETERANS AFFAIRS

RONNY LYNN JACKSON, OF TEXAS, TO BE SECRETARY OF VETERANS AFFAIRS, VICE DAVID J. SHULKIN.

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#### DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

\*HANNIBAL WARE, OF THE VIRGIN ISLANDS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.