

117TH CONGRESS  
2D SESSION

# S. 4802

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

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2022

Ms. CANTWELL (for herself, Mr. WICKER, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Coast Guard Authorization Act of 2022”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Commandant.

### TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.  
Sec. 102. Authorized levels of military strength and training.

- Sec. 103. Authorization for shoreside infrastructure and facilities.
- Sec. 104. Authorization for acquisition of vessels.
- Sec. 105. Authorization for the childcare subsidy program.

## TITLE II—COAST GUARD

### Subtitle A—Infrastructure and Assets

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

### Subtitle B—Great Lakes

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

### Subtitle C—Arctic

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

### Subtitle D—Maritime Cyber and Artificial Intelligence

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

### Subtitle E—Aviation

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

### Subtitle F—Workforce Readiness

- Sec. 251. Authorized strength.
- Sec. 252. Number and distribution of officers on active duty promotion list.
- Sec. 253. Continuation on active duty of officers with critical skills.
- Sec. 254. Career incentive pay for marine inspectors.
- Sec. 255. Expansion of the ability for selection board to recommend officers of particular merit for promotion.
- Sec. 256. Pay and allowances for certain members of the Coast Guard during funding gap.
- Sec. 257. Modification to education loan repayment program.
- Sec. 258. Retirement of Vice Commandant.
- Sec. 259. Report on resignation and retirement processing times and denial.
- Sec. 260. Calculation of active service.
- Sec. 261. Physical disability evaluation system procedure review.
- Sec. 262. Expansion of authority for multirater assessments of certain personnel.
- Sec. 263. Promotion parity.
- Sec. 264. Partnership program to diversify the Coast Guard.
- Sec. 265. Expansion of Coast Guard Junior Reserve Officers' Training Corps.
- Sec. 266. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.
- Sec. 267. Strategy to enhance diversity through recruitment and accession.
- Sec. 268. Support for Coast Guard Academy.
- Sec. 269. Training for congressional affairs personnel.
- Sec. 270. Strategy for retention of cuttermen.
- Sec. 271. Study on extremism in the Coast Guard.
- Sec. 272. Study on performance of Coast Guard Force Readiness Command.
- Sec. 273. Study on frequency of weapons training for Coast Guard personnel.

#### Subtitle G—Miscellaneous Provisions

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

### TITLE III—ENVIRONMENT

- Sec. 301. Definition of Secretary.

#### Subtitle A—Marine Mammals

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

#### Subtitle B—Oil Spills

- Sec. 321. Improving oil spill preparedness.
- Sec. 322. Western Alaska oil spill planning criteria.

- Sec. 323. Accident and incident notification relating to pipelines.
- Sec. 324. Coast Guard claims processing costs.
- Sec. 325. Calculation of interest on debt owed to the national pollution fund.
- Sec. 326. Per-incident limitation.
- Sec. 327. Access to the Oil Spill Liability Trust Fund.
- Sec. 328. Cost-reimbursable agreements.
- Sec. 329. Oil spill response review.
- Sec. 330. Review and report on limited indemnity provisions in standby oil spill response contracts.
- Sec. 331. Additional exceptions to regulations for towing vessels.

#### Subtitle C—Environmental Compliance

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

#### Subtitle D—Environmental Issues

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

#### Subtitle E—Illegal Fishing and Forced Labor Prevention

- Sec. 361. Definitions.

### CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

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

### CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

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

## TITLE IV—SUPPORT FOR COAST GUARD WORKFORCE

### Subtitle A—Support for Coast Guard Members and Families

- Sec. 401. Coast Guard child care improvements.

- Sec. 402. Armed Forces access to Coast Guard child care facilities.
- Sec. 403. Cadet pregnancy policy improvements.
- Sec. 404. Pilot program for fertility treatments.
- Sec. 405. Combat-related special compensation.
- Sec. 406. Restoration of amounts improperly withheld for tax purposes from severance payments to veterans of the Coast Guard with combat-related injuries.
- Sec. 407. Modification of basic needs allowance for members of the Coast Guard.
- Sec. 408. Study on food security.

#### Subtitle B—Healthcare

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

#### Subtitle C—Housing

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

#### Subtitle D—Other Matters

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

### TITLE V—MARITIME

#### Subtitle A—Vessel Safety

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

#### Subtitle B—Other Matters

- Sec. 521. Definition of a stateless vessel.
- Sec. 522. Report on enforcement of coastwise laws.

- Sec. 523. Study on multi-level supply chain security strategy of the Department of Homeland Security.
- Sec. 524. Study to modernize the merchant mariner licensing and documentation system.
- Sec. 525. Study and report on development and maintenance of mariner records database.

TITLE VI—SEXUAL ASSAULT AND SEXUAL HARASSMENT  
PREVENTION AND RESPONSE

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

TITLE VII—NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned  
Officer Corps

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

Subtitle B—Other Matters

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

TITLE VIII—TECHNICAL, CONFORMING, AND CLARIFYING  
AMENDMENTS

- Sec. 801. Technical corrections.

Sec. 802. Reinstatement.  
 Sec. 803. Terms and vacancies.

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

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

4 **TITLE I—AUTHORIZATIONS**

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

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

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

11 (2) in paragraph (1)—

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

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

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

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

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

24 (3) in paragraph (2)—

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

3 “(i) \$2,459,100,000 for fiscal year  
4 2022; and

5 “(ii) \$3,477,600,000 for fiscal year  
6 2023.”; and

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

9 “(i) \$20,400,000 for fiscal year 2022;  
10 and

11 “(ii) \$20,808,000 for fiscal year  
12 2023.”;

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

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

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

17 and

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

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

21 and

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



1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

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

5 (1) in subsection (a), by striking “fiscal years  
6 2020 and 2021” and inserting “fiscal years 2022  
7 and 2023”; and

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

11 **SEC. 103. AUTHORIZATION FOR SHORESIDE INFRASTRUC-**  
12 **TURE AND FACILITIES.**

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

17 (1) \$3,000,000,000 is authorized to fund main-  
18 tenance, new construction, and repairs needed for  
19 Coast Guard shoreside infrastructure;

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

25 (3) \$80,000,000 is authorized for the construc-  
26 tion of additional new childcare development centers

1 not constructed using funds authorized by the Infra-  
2 structure Investment and Jobs Act (Public Law  
3 117–58; 135 Stat. 429).

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

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

14 (2) \$236,000,000 is authorized for the acquisi-  
15 tion of a new floating drydock, to remain available  
16 until expended.

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

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

22 (1) \$350,000,000 is authorized for the acquisi-  
23 tion of a Great Lakes icebreaker that is at least as  
24 capable as Coast Guard cutter Mackinaw (WLBB–  
25 30);

1           (2) \$172,500,000 is authorized for the program  
2 management, design, and acquisition of 12 Pacific  
3 Northwest heavy weather boats that are at least as  
4 capable as the Coast Guard 52-foot motor surfboat;

5           (3) \$841,000,000 is authorized for the third  
6 Polar Security Cutter;

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

12           (5) \$650,000,000 is authorized for the contin-  
13 ued acquisition of Offshore Patrol Cutters; and

14           (6) \$650,000,000 is authorized for a twelfth  
15 National Security Cutter.

16 **SEC. 105. AUTHORIZATION FOR THE CHILDCARE SUBSIDY**  
17 **PROGRAM.**

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

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

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

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

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

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

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

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

23           (a) FLEET MIX ANALYSIS.—

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

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

3 (A) to carry out—

4 (i) the missions of the Coast Guard;

5 and

6 (ii) emerging mission requirements;

7 and

8 (B) to address—

9 (i) national security threats; and

10 (ii) the global deployment of the Coast

11 Guard to counter great power competitors.

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

17 (b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11                   (a) REPORT.—

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) An assessment of—

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

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

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

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

25 (2) An identification of—

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

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

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

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

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

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

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

1 (5) to improve environmental compliance; and

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

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

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

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

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

15 (4) Environmental remediation.

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

18 (6) Acquisition of a new travel lift.

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

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

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

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

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

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

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

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

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

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

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

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

18 “(c) LIMITATIONS.—

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

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

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

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

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

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

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

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

22          “(e) REPORT.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6 **Subtitle B—Great Lakes**

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

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

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

12 “(a) GAO REPORT.—

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

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

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

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

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

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

8                   “(ii) Northeast icebreaking missions;  
9 and

10                   “(iii) inland waterway operations.

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

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

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

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

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

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

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

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

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

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

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

9           “(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

“564. Great Lakes icebreaking operations.”.

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

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

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

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

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

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



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

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

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

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

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

21          (f) DEFINITIONS.—In this section:

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

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

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

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

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

- 21 (A) to extricate vessels and individuals  
22 from danger;  
23 (B) to prevent damage due to flooding;  
24 (C) to meet the reasonable demands of  
25 commerce;

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

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

5 (5) REASONABLE DEMANDS OF COMMERCE.—

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

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

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

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

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

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

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

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

13 (3) an assessment of—

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

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

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



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

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

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

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

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

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

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



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

2 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

24 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

1 and Technology shall identify tools and resources  
2 that—

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

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

11 (3) CONSULTATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

17           “(1) an unmanned aircraft system (as defined  
18 in section 331 of the Federal Aviation Administra-  
19 tion Modernization and Reform Act of 2012 (Public  
20 Law 112–95; 49 U.S.C. 44802 note));

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

22           “(3) an unmanned marine subsurface system.

23           “(d) COST ASSESSMENT.—Not later than 1 year  
24 after the date of the enactment of this Act, the Com-  
25 mandant shall provide to Congress an estimate of the costs

1 associated with implementing the amendments made by  
2 this section.”.

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

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

7 **SEC. 233. ARTIFICIAL INTELLIGENCE STRATEGY.**

8 (a) ESTABLISHMENT OF ACTIVITIES.—

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

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

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

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

22 (b) DESIGNATED OFFICIAL.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of the enactment of this Act, the Com-

1 mandant shall designate a senior official of the  
2 Coast Guard (referred to in this section as the “des-  
3 ignated official”) with the principal responsibility for  
4 the coordination of activities relating to the develop-  
5 ment and demonstration of artificial intelligence and  
6 machine learning for the Coast Guard.

7 (2) DUTIES.—

8 (A) STRATEGIC PLAN.—

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

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

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

21 (II) The continuous evaluation  
22 and adaptation of relevant artificial  
23 intelligence capabilities developed by  
24 the Coast Guard and by other organi-



1                   zations for military missions and busi-  
2                   ness operations.

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

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

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

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

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

1 (iii) to develop and continuously im-  
2 prove research, innovation, policy, joint  
3 processes, and procedures to facilitate the  
4 development, acquisition, integration, ad-  
5 vancement, oversight, and sustainment of  
6 artificial intelligence and machine learning  
7 throughout the Coast Guard.

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

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

18 (2) ensure engagement with defense and private  
19 industries, research universities, and unaffiliated,  
20 nonprofit research institutions;

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

1           (4) support the development of requirements for  
2 artificial intelligence capabilities that address the  
3 highest priority capability gaps of the Coast Guard  
4 and technical feasibility;

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

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

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

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

18          (9) ensure—

19               (A) that artificial intelligence programs of  
20 the Coast Guard are consistent with this sec-  
21 tion; and

22               (B) appropriate coordination of artificial  
23 intelligence activities of the Coast Guard with  
24 interagency, industry, and international efforts

1 relating to artificial intelligence, including rel-  
2 evant participation in standards-setting bodies.

3 (d) STRATEGIC PLAN.—

4 (1) IN GENERAL.—The Commandant shall de-  
5 velop a strategic plan to develop, mature, adopt, and  
6 transition artificial intelligence technologies into  
7 operational use where appropriate, that is informed  
8 by the plan developed by the designated official  
9 under subsection (b)(2)(A).

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

12 (A) Each element described in clause (ii)  
13 of subsection (b)(2)(A).

14 (B) A consideration of the identification,  
15 adoption, and procurement of artificial intel-  
16 ligence technologies for use in operational and  
17 mission support activities.

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

24 (4) SUBMISSION TO CONGRESS.—Not later than  
25 1 year after the date of the enactment of this Act,

1 the Commandant shall submit to the Committee on  
2 Commerce, Science, and Transportation of the Sen-  
3 ate and the Committee on Transportation and Infra-  
4 structure of the House of Representatives the plan  
5 developed under paragraph (1).

6 **SEC. 234. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICA-**  
7 **TIONS AND ESTABLISHMENT OF PERFORM-**  
8 **ANCE METRICS.**

9 (a) IN GENERAL.—Not later than 2 years after the  
10 date of the enactment of this Act, the Commandant  
11 shall—

12 (1) review the potential applications of artificial  
13 intelligence and digital technology to the platforms,  
14 processes, and operations of the Coast Guard;

15 (2) identify the resources necessary to improve  
16 the use of artificial intelligence and digital tech-  
17 nology in such platforms, processes, and operations;  
18 and

19 (3) establish performance objectives and accom-  
20 panying metrics for the incorporation of artificial in-  
21 telligence and digital readiness into such platforms,  
22 processes, and operations.

23 (b) PERFORMANCE OBJECTIVES AND ACCOMPANYING  
24 METRICS.—

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

3           (A) conduct a comprehensive review and  
4 assessment of—

5           (i) skill gaps in the fields of software  
6 development, software engineering, data  
7 science, and artificial intelligence;

8           (ii) the qualifications of civilian per-  
9 sonnel needed for both management and  
10 specialist tracks in such fields; and

11           (iii) the qualifications of military per-  
12 sonnel (officer and enlisted) needed for  
13 both management and specialist tracks in  
14 such fields; and

15           (B) establish recruiting, training, and tal-  
16 ent management performance objectives and ac-  
17 companying metrics for achieving and maintain-  
18 ing staffing levels needed to fill identified gaps  
19 and meet the needs of the Coast Guard for  
20 skilled personnel.

21           (2) AI MODERNIZATION ACTIVITIES.—In car-  
22 rying out subsection (a), the Commandant, with sup-  
23 port from the Director of the Joint Artificial Intel-  
24 ligence Center, shall—

1 (A) assess investment by the Coast Guard  
2 in artificial intelligence innovation, science and  
3 technology, and research and development;

4 (B) assess investment by the Coast Guard  
5 in test and evaluation of artificial intelligence  
6 capabilities;

7 (C) assess the integration of, and the re-  
8 sources necessary to better use artificial intel-  
9 ligence in wargames, exercises, and experimen-  
10 tation;

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

14 (E) assess the integration of, and the re-  
15 sources necessary to better use, artificial intel-  
16 ligence for administrative functions;

17 (F) establish performance objectives and  
18 accompanying metrics for artificial intelligence  
19 modernization activities of the Coast Guard;  
20 and

21 (G) identify the resources necessary to ef-  
22 fectively use artificial intelligence to carry out  
23 the missions of the Coast Guard.

24 (c) REPORT TO CONGRESS.—Not later than 180 days  
25 after the completion of the review required by subsection

1 (a)(1), the Commandant shall submit to the Committee  
2 on Commerce, Science, and Transportation and the Com-  
3 mittee on Appropriations of the Senate and the Committee  
4 on Transportation and Infrastructure and the Committee  
5 on Appropriations of the House of Representatives a re-  
6 port on—

7 (1) the findings of the Commandant with re-  
8 spect to such review and any action taken or pro-  
9 posed to be taken by the Commandant, and the re-  
10 sources necessary to address such findings;

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

14 (3) any recommendation with respect to pro-  
15 posals for legislative change necessary to successfully  
16 implement artificial intelligence applications within  
17 the Coast Guard.

18 **SEC. 235. CYBER DATA MANAGEMENT.**

19 (a) IN GENERAL.—The Commandant, in coordina-  
20 tion with the Commander of United States Cyber Com-  
21 mand, and the Director of the Cybersecurity and Infra-  
22 structure Security Agency, shall—

23 (1) develop policies, processes, and operating  
24 procedures governing—



1 (A) access to and the ingestion, structure,  
2 storage, and analysis of information and data  
3 relevant to the Coast Guard Cyber Mission, in-  
4 cluding—

5 (i) intelligence data relevant to Coast  
6 Guard missions;

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

9 (iii) cyber threat information relevant  
10 to such missions; and

11 (B) data management and analytic plat-  
12 forms relating to such missions; and

13 (2) evaluate data management platforms re-  
14 ferred to in paragraph (1)(B) to ensure that such  
15 platforms operate consistently with the Coast Guard  
16 Data Strategy.

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

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

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

5 **SEC. 236. DATA MANAGEMENT.**

6           The Commandant shall develop data workflows and  
7           processes for the leveraging of mission-relevant data by  
8           the Coast Guard to enhance operational effectiveness and  
9           efficiency.

10 **SEC. 237. STUDY ON CYBER THREATS TO THE UNITED**  
11 **STATES MARINE TRANSPORTATION SYSTEM.**

12           (a) **IN GENERAL.**—Not later than 1 year after the  
13           date of the enactment of this Act, the Comptroller General  
14           of the United States shall commence a study on cyber  
15           threats to the United States marine transportation sys-  
16           tem.

17           (b) **ELEMENTS.**—The study required by paragraph  
18           (1) shall assess the following:

19                   (1) The extent to which the Coast Guard, in  
20                   collaboration with other Federal agencies, sets  
21                   standards for the cybersecurity of facilities and ves-  
22                   sels regulated under part 104, 105, or 106 of title  
23                   33 of the Code of Federal Regulations, as in effect  
24                   on the date of the enactment of this Act.

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

4           (3) The extent to which maritime sector-specific  
5           planning addresses cybersecurity, particularly for  
6           vessels and offshore platforms.

7           (4) The manner in which the Coast Guard,  
8           other Federal agencies, and vessel and offshore plat-  
9           form operators exchange information regarding  
10          cyber risks.

11          (5) The extent to which the Coast Guard is de-  
12          veloping and deploying cybersecurity specialists in  
13          port and vessel systems and collaborating with the  
14          private sector to increase the expertise of the Coast  
15          Guard with respect to cybersecurity.

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

19          (c) REPORT.—Not later than 1 year after com-  
20          mencing the study required by subsection (a), the Comp-  
21          troller General shall submit a report on the findings of  
22          the study to the Committee on Commerce, Science, and  
23          Transportation of the Senate and the Committee on  
24          Transportation and Infrastructure of the House of Rep-  
25          resentatives.

1 (d) DEFINITION OF FACILITY.—In this section the  
2 term “facility” has the meaning given the term in section  
3 70101 of title 46, United States Code.

## 4 **Subtitle E—Aviation**

### 5 **SEC. 241. SPACE-AVAILABLE TRAVEL ON COAST GUARD** 6 **AIRCRAFT: PROGRAM AUTHORIZATION AND** 7 **ELIGIBLE RECIPIENTS.**

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

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

12 “(a)(1) The Coast Guard may establish a program  
13 to provide transportation on Coast Guard aircraft on a  
14 space-available basis to the categories of eligible individ-  
15 uals described in subsection (c) (in this section referred  
16 to as the ‘program’).

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

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

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

1       “(B) The Commandant may make de minimis ex-  
2 penditures of resources required for the administrative as-  
3 pects of the program.

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

7       “(c) Subject to subsection (d), the categories of eligi-  
8 ble individuals described in this subsection are the fol-  
9 lowing:

10           “(1) Members of the armed forces on active  
11 duty.

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

15           “(3) Retired members of a regular or reserve  
16 component of the armed forces, including retired  
17 members of reserve components who, but for being  
18 under the eligibility age applicable under section  
19 12731 of title 10, would be eligible for retired pay  
20 under chapter 1223 of title 10.

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

23           “(5) Such categories of dependents of individ-  
24 uals described in paragraphs (1) through (3) as the  
25 Commandant shall specify in the policy under sub-

1 section (a)(2), under such conditions and cir-  
2 cumstances as the Commandant shall specify in such  
3 policy.

4 “(6) Such other categories of individuals as the  
5 Commandant, in the discretion of the Commandant,  
6 considers appropriate.

7 “(d) In operating the program, the Commandant  
8 shall—

9 “(1) in the sole discretion of the Commandant,  
10 establish an order of priority for transportation for  
11 categories of eligible individuals that is based on  
12 considerations of military necessity, humanitarian  
13 concerns, and enhancement of morale;

14 “(2) give priority in consideration of transpor-  
15 tation to the demands of members of the armed  
16 forces in the regular components and in the reserve  
17 components on active duty and to the need to pro-  
18 vide such members, and their dependents, a means  
19 of respite from such demands; and

20 “(3) implement policies aimed at ensuring cost  
21 control (as required by subsection (b)) and the safe-  
22 ty, security, and efficient processing of travelers, in-  
23 cluding limiting the benefit under the program to 1  
24 or more categories of otherwise eligible individuals,  
25 as the Commandant considers necessary.

1       “(e)(1) Notwithstanding subsection (d)(1), in estab-  
2       lishing space-available transportation priorities under the  
3       program, the Commandant shall provide transportation  
4       for an individual described in paragraph (2), and a single  
5       dependent of the individual if needed to accompany the  
6       individual, at a priority level in the same category as the  
7       priority level for an unaccompanied dependent over the  
8       age of 18 years traveling on environmental and morale  
9       leave.

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

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

15               “(B) is referred by a military or civilian pri-  
16       mary care provider located in that Commonwealth or  
17       possession to a specialty care provider for services to  
18       be provided outside of that Commonwealth or pos-  
19       session.

20       “(3) If an individual described in subsection (e)(3)  
21       is a retired member of a reserve component who is ineli-  
22       gible for retired pay under chapter 1223 of title 10 by  
23       reason of being under the eligibility age applicable under  
24       section 12731 of title 10, paragraph (1) applies to the in-  
25       dividual only if the individual is also enrolled in the

1 TRICARE program for certain members of the Retired  
2 Reserve authorized under section 1076e of title 10.

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

5 “(A) the travel from the Commonwealth or pos-  
6 session of the United States to receive the specialty  
7 care services; and

8 “(B) the return travel.

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

13 “(f)(1) Travel may not be provided under this section  
14 to a veteran eligible for travel pursuant to paragraph (4)  
15 of subsection (c) in priority over any member eligible for  
16 travel under paragraph (1) of that subsection or any de-  
17 pendent of such a member eligible for travel under this  
18 section.

19 “(2) Subsection (c)(4) may not be construed as—

20 “(A) affecting or in any way imposing on the  
21 Coast Guard, any armed force, or any commercial  
22 entity with which the Coast Guard or an armed  
23 force contracts, an obligation or expectation that the  
24 Coast Guard or such armed force will retrofit or  
25 alter, in any way, military aircraft or commercial



1 aircraft, or related equipment or facilities, used or  
2 leased by the Coast Guard or such armed force to  
3 accommodate passengers provided travel under such  
4 authority on account of disability; or

5 “(B) preempting the authority of an aircraft  
6 commander to determine who boards the aircraft  
7 and any other matters in connection with safe oper-  
8 ation of the aircraft.

9 “(g) The authority to provide transportation under  
10 the program is in addition to any other authority under  
11 law to provide transportation on Coast Guard aircraft on  
12 a space-available basis.”.

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

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

16 **SEC. 242. REPORT ON COAST GUARD AIR STATION BAR-**  
17 **BERS POINT HANGAR.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, the Commandant shall  
20 submit to the Committee on Commerce, Science, and  
21 Transportation and the Committee on Appropriations of  
22 the Senate and the Committee on Transportation and In-  
23 frastructure and the Committee on Appropriations of the  
24 House of Representatives a report on facilities require-

1 ments for constructing a hangar at Coast Guard Air Sta-  
2 tion Barbers Point at Oahu, Hawaii.

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

5 (1) A description of the \$45,000,000 phase one  
6 design for the hangar at Coast Guard Air Station  
7 Barbers Point funded by the Consolidated Appro-  
8 priations Act, 2021 (Public Law 116–260; 134 Stat.  
9 1132).

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

13 (A) storage and provision of fuel; and

14 (B) maintenance and parts storage facili-  
15 ties.

16 (3) An evaluation of facilities growth require-  
17 ments for possible future basing of the MH–60 with  
18 the C–130J at Coast Guard Air Station Barbers  
19 Point.

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

22 (5) A description of the plan for sheltering in  
23 the hangar during extreme weather events aircraft  
24 of the Coast Guard and partner agencies, such as

1 the National Oceanic and Atmospheric Administra-  
2 tion.

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

7 **SEC. 243. STUDY ON THE OPERATIONAL AVAILABILITY OF**  
8 **COAST GUARD AIRCRAFT AND STRATEGY**  
9 **FOR COAST GUARD AVIATION.**

10 (a) STUDY.—

11 (1) IN GENERAL.—Not later than 1 year after  
12 the date of the enactment of this Act, the Comp-  
13 troller General of the United States shall commence  
14 a study on the operational availability of Coast  
15 Guard aircraft.

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

18 (A) An assessment of—

19 (i) the extent to which the fixed-wing  
20 and rotary-wing aircraft of the Coast  
21 Guard have met annual operational avail-  
22 ability targets in recent years;

23 (ii) the challenges the Coast Guard  
24 may face with respect to such aircraft  
25 meeting operational availability targets,

1 and the effects of such challenges on the  
2 Coast Guard's ability to meet mission re-  
3 quirements; and

4 (iii) the status of Coast Guard efforts  
5 to upgrade or recapitalize its fleet of such  
6 aircraft to meet growth in future mission  
7 demands globally, such as in the Western  
8 Hemisphere, the Arctic region, and the  
9 Western Pacific region.

10 (B) Any recommendation with respect to  
11 the operational availability of Coast Guard air-  
12 craft.

13 (C) The resource and workforce require-  
14 ments necessary for Coast Guard Aviation to  
15 meet future mission demands.

16 (3) REPORT.—On completion of the study re-  
17 quired by paragraph (1), the Comptroller General  
18 shall submit to the Secretary of the department in  
19 which the Coast Guard is operating a report on the  
20 findings of the study.

21 (b) COAST GUARD AVIATION STRATEGY.—

22 (1) IN GENERAL.—Not later than 180 days  
23 after the date on which the study under subsection  
24 (a) is completed, the Secretary of the department in  
25 which the Coast Guard is operating shall develop a

1 comprehensive strategy for Coast Guard Aviation  
2 that is informed by the relevant recommendations  
3 and findings of the study.

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

6 (A) With respect to aircraft of the Coast  
7 Guard, an analysis of the current and future  
8 operations and future resource needs.

9 (B) The projected number of aviation as-  
10 sets, the locations at which such assets are to  
11 be stationed, the cost of operation and mainte-  
12 nance of such assets, and an assessment of the  
13 capabilities of such assets as compared to the  
14 missions they are expected to execute, at the  
15 completion of major procurement and mod-  
16 ernization plans.

17 (C) A procurement plan, including an esti-  
18 mated timetable and the estimated appropria-  
19 tions necessary for all platforms, including un-  
20 manned aircraft.

21 (D) A training plan for pilots and aircrew  
22 that addresses—

23 (i) the use of simulators owned and  
24 operated by the Coast Guard, and simula-  
25 tors that are not owned or operated by the

1 Coast Guard, including any such simula-  
2 tors based outside the United States; and

3 (ii) the costs associated with attending  
4 training courses.

5 (E) Current and future requirements for  
6 cutter and land-based deployment of aviation  
7 assets globally, including in the Arctic, the  
8 Eastern Pacific, the Western Pacific, the Carib-  
9 bean, the Atlantic Basin, and any other area  
10 the Commandant considers appropriate.

11 (F) A description of the feasibility of and  
12 resource requirements necessary to deploy ro-  
13 tary-winged assets onboard all future Arctic  
14 cutter patrols.

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

17 (H) An evaluation of pilot and aircrew  
18 training and retention needs, including aviation  
19 career incentive pay, retention bonuses, and any  
20 other workforce tools the Commandant con-  
21 siders necessary.

22 (3) BRIEFING.—Not later than 180 days after  
23 the date on which the strategy required by para-  
24 graph (1) is completed, the Commandant shall pro-  
25 vide to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on  
 2 Transportation and Infrastructure of the House of  
 3 Representatives a briefing on the strategy.

## 4 **Subtitle F—Workforce Readiness**

### 5 **SEC. 251. AUTHORIZED STRENGTH.**

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

8 “(c) The Secretary may vary the authorized end  
 9 strength of the Selected Reserve of the Coast Guard Re-  
 10 serve for a fiscal year by a number equal to not more than  
 11 3 percent of such end strength upon a determination by  
 12 the Secretary that such a variation is in the national inter-  
 13 est.

14 “(d) The Commandant may increase the authorized  
 15 end strength of the Selected Reserve of the Coast Guard  
 16 Reserve by a number equal to not more than 2 percent  
 17 of such authorized end strength upon a determination by  
 18 the Commandant that such an increase would enhance  
 19 manning and readiness in essential units or in critical spe-  
 20 cialties or ratings.”.

### 21 **SEC. 252. NUMBER AND DISTRIBUTION OF OFFICERS ON**

#### 22 **ACTIVE DUTY PROMOTION LIST.**

23 (a) MAXIMUM NUMBER OF OFFICERS.—Section  
 24 2103(a) of title 14, United States Code, is amended to  
 25 read as follows:

1       “(a) MAXIMUM TOTAL NUMBER.—

2               “(1) IN GENERAL.—The total number of Coast  
3       Guard commissioned officers on the active duty pro-  
4       motion list, excluding warrant officers, shall not ex-  
5       ceed 7,400.

6               “(2) TEMPORARY INCREASE.—Notwithstanding  
7       paragraph (1), the Commandant may temporarily  
8       increase the total number of commissioned officers  
9       permitted under that paragraph by up to 4 percent  
10      for not more than 60 days after the date of the com-  
11      missioning of a Coast Guard Academy class.

12              “(3) NOTIFICATION.—If the Commandant in-  
13      creases pursuant to paragraph (2) the total number  
14      of commissioned officers permitted under paragraph  
15      (1), the Commandant shall notify the Committee on  
16      Commerce, Science, and Transportation of the Sen-  
17      ate and the Committee on Transportation and Infra-  
18      structure of the House of Representatives of the  
19      number of officers on the active duty promotion list  
20      on the last day of the preceding 30-day period—

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

23                      “(B) every 30 days thereafter until the  
24                      total number of commissioned officers no longer



1 exceeds the total number of commissioned offi-  
2 cers permitted under paragraph (1).”.

3 (b) OFFICERS NOT ON ACTIVE DUTY PROMOTION  
4 LIST.—

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

8 **“§ 5113. Officers not on active duty promotion list**

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

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

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

1 **SEC. 253. CONTINUATION ON ACTIVE DUTY OF OFFICERS**  
2 **WITH CRITICAL SKILLS.**

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

6 **“§ 2166. Continuation on active duty of officers with**  
7 **critical skills**

8 “(a) IN GENERAL.—The Commandant may authorize  
9 an officer in any grade above grade O–2 to remain on ac-  
10 tive duty after the date otherwise provided for the retire-  
11 ment of the officer in section 2154 of this title if the offi-  
12 cer possesses a critical skill or specialty or is in a career  
13 field designated pursuant to subsection (b).

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

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

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

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

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

4 **SEC. 254. CAREER INCENTIVE PAY FOR MARINE INSPEC-**  
5 **TORS.**

6 (a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR  
7 SPECIAL DUTY PAY.—The Secretary of the department  
8 in which the Coast Guard is operating may provide assign-  
9 ment pay or special duty pay under section 352 of title  
10 37, United States Code, to a member of the Coast Guard  
11 serving in a prevention position and assigned as a marine  
12 inspector or marine investigator pursuant to section 312  
13 of title 14, United States Code.

14 (b) ANNUAL BRIEFING.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of the enactment of this Act, and an-  
17 nually thereafter, the Secretary of the department in  
18 which the Coast Guard is operating shall provide to  
19 the Committee on Commerce, Science, and Trans-  
20 portation of the Senate and the Committee on  
21 Transportation and Infrastructure of the House of  
22 Representatives a briefing on any uses of the au-  
23 thority under subsection (a) during the preceding  
24 year.

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

3           (A) The number of members of the Coast  
4 Guard serving as marine inspectors or marine  
5 investigators pursuant to section 312 of title  
6 14, United States Code, who are receiving as-  
7 signment pay or special duty pay under section  
8 352 of title 37, United States Code.

9           (B) An assessment of the impact of the  
10 use of the authority under this section on the  
11 effectiveness and efficiency of the Coast Guard  
12 in administering the laws and regulations for  
13 the promotion of safety of life and property on  
14 and under the high seas and waters subject to  
15 the jurisdiction of the United States.

16           (C) An assessment of the effects of assign-  
17 ment pay and special duty pay on retention of  
18 marine inspectors and investigators.

19           (D) If the authority provided in subsection  
20 (a) is not exercised, a detailed justification for  
21 not exercising such authority, including an ex-  
22 planation of the efforts the Secretary of the de-  
23 partment in which the Coast Guard is operating  
24 is taking to ensure that the Coast Guard work-

1 force contains an adequate number of qualified  
2 marine inspectors.

3 (c) STUDY.—

4 (1) IN GENERAL.—Not later than 2 years after  
5 the date of the enactment of this Act, the Secretary  
6 of the department in which the Coast Guard is oper-  
7 ating, in coordination with the Director of the Na-  
8 tional Institute for Occupational Safety and Health,  
9 shall conduct a study on the health of marine in-  
10 spectors and marine investigators who have served  
11 in such positions for a period of not less than least  
12 10 years.

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

15 (A) An evaluation of—

16 (i) the daily vessel inspection duties of  
17 marine inspectors and marine investiga-  
18 tors, including the examination of internal  
19 cargo tanks and voids and new construc-  
20 tion activities;

21 (ii) major incidents to which marine  
22 inspectors and marine investigators have  
23 had to respond, and any other significant  
24 incident, such as a vessel casualty, that  
25 has resulted in the exposure of marine in-

1           spectors and marine investigators to haz-  
2           ardous chemicals or substances; and

3                   (iii) the types of hazardous chemicals  
4           or substances to which marine inspectors  
5           and marine investigators have been ex-  
6           posed relative to the effects such chemicals  
7           or substances have had on marine inspec-  
8           tors and marine investigators.

9           (B) A review and analysis of the current  
10          Coast Guard health and safety monitoring sys-  
11          tems, and recommendations for improving such  
12          systems, specifically with respect to the expo-  
13          sure of members of the Coast Guard to haz-  
14          ardous substances while carrying out inspec-  
15          tions and investigation duties.

16          (C) Any other element the Secretary of the  
17          department in which the Coast Guard is oper-  
18          ating considers appropriate.

19          (3) REPORT.—On completion of the study re-  
20          quired by paragraph (1), the Secretary of the de-  
21          partment in which the Coast Guard is operating  
22          shall submit to the Committee on Commerce,  
23          Science, and Transportation of the Senate and the  
24          Committee on Transportation and Infrastructure of  
25          the House of Representatives a report on the find-

1        ings of the study and recommendations for actions  
2        the Commandant should take to improve the health  
3        and exposure of marine inspectors and marine inves-  
4        tigators.

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

9        **SEC. 255. EXPANSION OF THE ABILITY FOR SELECTION**  
10                                    **BOARD TO RECOMMEND OFFICERS OF PAR-**  
11                                    **TICULAR MERIT FOR PROMOTION.**

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

15        **SEC. 256. PAY AND ALLOWANCES FOR CERTAIN MEMBERS**  
16                                    **OF THE COAST GUARD DURING FUNDING**  
17                                    **GAP.**

18        (a) IN GENERAL.—During a funding gap, the Sec-  
19        retary of the Treasury shall make available to the Sec-  
20        retary of Homeland Security, out of any amounts in the  
21        general fund of the Treasury not otherwise appropriated,  
22        such amounts as the Secretary of Homeland Security de-  
23        termines to be necessary to continue to provide, without  
24        interruption, during the funding gap such sums as are  
25        necessary for—





1 **“§ 2772. Education loan repayment program: mem-**  
2 **bers on active duty in specified military**  
3 **specialties**

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

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

9 “(B) any loan made under part D of such title  
10 (the William D. Ford Federal Direct Loan Program,  
11 20 U.S.C. 1087a et seq.);

12 “(C) any loan made under part E of such title  
13 (20 U.S.C. 1087aa et seq.); or

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

16 “(i) an agency or instrumentality of a  
17 State;

18 “(ii) a financial or credit institution (in-  
19 cluding an insurance company) that is subject  
20 to examination and supervision by an agency of  
21 the United States or any State;

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

24 “(iv) a nonprofit private entity designated  
25 by a State, regulated by such State, and ap-

1           proved by the Secretary for purposes of this  
2           section.

3           “(2) Repayment of any such loan shall be made on  
4 the basis of each complete year of service performed by  
5 the borrower.

6           “(3) The Secretary may repay loans described in  
7 paragraph (1) in the case of any person for service per-  
8 formed on active duty as a member in an officer program  
9 or military specialty specified by the Secretary.

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

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

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

19          “(e) A person who transfers from service making the  
20 person eligible for repayment of loans under this section  
21 (as described in subsection (a)(3)) to service making the  
22 person eligible for repayment of loans under section 16301  
23 of title 10 (as described in subsection (a)(2) or (g) of that  
24 section) during a year shall be eligible to have repaid a  
25 portion of such loan determined by giving appropriate

1 fractional credit for each portion of the year so served,  
2 in accordance with regulations of the Secretary concerned.

3 “(f) The Secretary shall prescribe a schedule for the  
4 allocation of funds made available to carry out the provi-  
5 sions of this section and section 16301 of title 10 during  
6 any year for which funds are not sufficient to pay the sum  
7 of the amounts eligible for repayment under subsection (a)  
8 and section 16301(a) of title 10.

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

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

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

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

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

5 Section 303 of title 14, United States Code, is  
6 amended—

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

9 “(2) A Vice Commandant who is retired while  
10 serving as Vice Commandant, after serving not less  
11 than 2 years as Vice Commandant, shall be retired  
12 with the grade of admiral, except as provided in sec-  
13 tion 306(d).”; and

14 (2) in subsection (e), by striking “or Vice Com-  
15 mandant” and inserting “or as an officer serving as  
16 Vice Commandant who has served less than 2 years  
17 as Vice Commandant”.

18 **SEC. 259. REPORT ON RESIGNATION AND RETIREMENT**  
19 **PROCESSING TIMES AND DENIAL.**

20 (a) IN GENERAL.—Not later than 30 days after the  
21 date of the enactment of this Act, and annually thereafter,  
22 the Commandant shall submit to the Committee on Com-  
23 merce, Science, and Transportation of the Senate and the  
24 Committee on Transportation and Infrastructure of the

1 House of Representatives, a report that evaluates resigna-  
2 tion and retirement processing timelines.

3 (b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following for the preceding calendar  
5 year—

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

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

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

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

14 (5) for each denial of a request for a command  
15 endorsement and each failure to take action on such  
16 a request, a detailed description of the rationale for  
17 such denial or failure to take such action.

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

19 Any service described in writing, including by elec-  
20 tronic communication, before the date of the enactment  
21 of the William M. (Mac) Thornberry National Defense Au-  
22 thorization Act for Fiscal Year 2021 (Public Law 116–  
23 283; 134 Stat. 3388), by a representative of the Coast  
24 Guard Personnel Service Center, as service that counts to-  
25 ward total active service for the purpose of retirement

1 under section 2152 of title 14, United States Code, shall  
2 be considered by the President as active service for pur-  
3 poses of applying such section with respect to the deter-  
4 mination of the retirement qualification for any officer to  
5 whom a description was provided.

6 **SEC. 261. PHYSICAL DISABILITY EVALUATION SYSTEM PRO-**  
7 **CEDURE REVIEW.**

8 (a) STUDY.—

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

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

18 (A) Coast Guard compliance with all appli-  
19 cable laws, regulations, and policies relating to  
20 the Physical Disability Evaluation System and  
21 the Medical Evaluation Board.

22 (B) Coast Guard compliance with timelines  
23 set forth in—

24 (i) the instruction of the Commandant  
25 entitled “Physical Disability Evaluation

1           System” issued on May 19, 2006  
2           (COMDTNST M1850.2D); and

3           (ii) the Physical Disability Evaluation  
4           System Transparency Initiative  
5           (ALCGPSC 030/20).

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

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

22          (E) The frequency with which members of  
23          the Coast Guard seek private counsel in lieu of  
24          counsel appointed by the Coast Guard Office of

1 the Judge Advocate General, and the frequency  
2 of so doing at each member pay grade.

3 (F) The timeliness of determinations, guid-  
4 ance, and access to medical evaluations nec-  
5 essary for retirement or rating determinations  
6 and overall well-being of the affected member of  
7 the Coast Guard.

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

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

24 (I) The feasibility of establishing a pro-  
25 gram to allow members of the Coast Guard to



1           select an expedited review to ensure completion  
2           of the Medical Evaluation Board report not  
3           later than 180 days after the date on which  
4           such review was initiated.

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

12           (c) UPDATED POLICY GUIDANCE.—

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

18           (2) ELEMENTS.—The updated policy guidance  
19 required by paragraph (1) shall include the fol-  
20 lowing:

21           (A) A requirement that a member of the  
22 Coast Guard, or the counsel of such a member,  
23 shall be informed of the contents of, and af-  
24 farded the option to be present for, any commu-  
25 nication between the member's command and

1 the Personnel Service Center, or other Coast  
2 Guard entity, with respect to the duty status of  
3 the member.

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

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

23 (D) An updated policy to remove the com-  
24 mand endorsement requirement for retirement

1 or separation unless absolutely necessary for  
2 the benefit of the United States.

3 **SEC. 262. EXPANSION OF AUTHORITY FOR MULTIRATER AS-**  
4 **SESSMENTS OF CERTAIN PERSONNEL.**

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

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

11 “(A) the grade of O–4;

12 “(B) the grade of O–5; and

13 “(C) the grade of O–6.

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

17 “(A) the grade of E–7;

18 “(B) the grade of E–8;

19 “(C) the grade of E–9; and

20 “(D) the grade of E–10.

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

24 “(5) POST-ASSESSMENT ELEMENTS.—

1           “(A) IN GENERAL.—Following an assess-  
2           ment of an individual pursuant to paragraphs  
3           (1) through (3), the individual shall be provided  
4           appropriate post-assessment counseling and  
5           leadership coaching.

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

10       (b) COST ASSESSMENT.—

11           (1) IN GENERAL.—Not later than 1 year after  
12           the date of the enactment of this Act, the Com-  
13           mandant shall provide to the appropriate committees  
14           of Congress an estimate of the costs associated with  
15           implementing the amendment made by this section.

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

19                   (A) the Committee on Commerce, Science,  
20                   and Transportation and the Committee on Ap-  
21                   propriations of the Senate; and

22                   (B) the Committee on Transportation and  
23                   Infrastructure and the Committee on Appro-  
24                   priations of the House of Representatives.

1 **SEC. 263. PROMOTION PARITY.**

2 (a) INFORMATION TO BE FURNISHED.—Section  
3 2115(a) of title 14, United States Code, is amended—

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

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

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

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

21 (b) SPECIAL SELECTION REVIEW BOARDS.—

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

1 **“§ 2120a. Special selection review boards**

2       “(a) IN GENERAL.—(1) If the Secretary determines  
3 that a person recommended by a promotion board for pro-  
4 motion to a grade at or below the grade of rear admiral  
5 is the subject of credible information of an adverse nature,  
6 including any substantiated adverse finding or conclusion  
7 described in section 2115(a)(3) of this title that was not  
8 furnished to the promotion board during its consideration  
9 of the person for promotion as otherwise required by such  
10 section, the Secretary shall convene a special selection re-  
11 view board under this section to review the person and  
12 recommend whether the recommendation for promotion of  
13 the person should be sustained.

14       “(2) If a person and the recommendation for pro-  
15 motion of the person is subject to review under this section  
16 by a special selection review board convened under this  
17 section, the name of the person—

18               “(A) shall not be disseminated or publicly re-  
19 leased on the list of officers recommended for pro-  
20 motion by the promotion board recommending the  
21 promotion of the person; and

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

25       “(b) CONVENING.—(1) Any special selection review  
26 board convened under this section shall be convened in ac-

1 cordance with the provisions of section 2120(c) of this  
2 title.

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

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

13 “(A) The record and information concerning  
14 the person furnished in accordance with section  
15 2115 of this title to the promotion board that rec-  
16 ommended the person for promotion.

17 “(B) Any credible information of an adverse na-  
18 ture on the person, including any substantiated ad-  
19 verse finding or conclusion from an officially docu-  
20 mented investigation or inquiry described in section  
21 2115(a)(3) of this title.

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

1           “(3)(A) Before information on a person described in  
2 paragraph (1)(B) is furnished to a special selection review  
3 board for purposes of this section, the Secretary shall en-  
4 sure that—

5           “(i) such information is made available to the  
6 person; and

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

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

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

23           “(I) such information was made available to the  
24 person in connection with the furnishing of such in-  
25 formation under section 2115(a) of this title to the



1 promotion board that recommended the promotion of  
2 the person subject to review under this section; and

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

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

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

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

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

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

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

1 son or persons for whom the special selection review board  
2 was convened.

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

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

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

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

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

24 “(6) If a special selection review board does not sus-  
25 tain a recommendation for promotion of a person under

1 this section, the person shall be considered to have failed  
2 of selection for promotion.

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

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

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

24       “(2) A person who is appointed to the next higher  
25 grade as described in paragraph (1) shall, upon that ap-

1 pointment, have the same date of rank, the same effective  
2 date for the pay and allowances of that grade, and the  
3 same position on the active-duty list as the person would  
4 have had pursuant to the original recommendation for  
5 promotion of the promotion board concerned.

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

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

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

“2120a. Special selection review boards”.

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

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

1 the officials reviewing the recommendation. If an eligible  
2 officer cannot be given access to such information because  
3 of its classification status, the officer shall, to the max-  
4 imum extent practicable, be provided with an appropriate  
5 summary of the information.”.

6 (d) DELAY OF PROMOTION.—Section 2121(f) of title  
7 14, United States Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

18       **SEC. 264. PARTNERSHIP PROGRAM TO DIVERSIFY THE**  
19                               **COAST GUARD.**

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

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

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

3           (A) to increase the visibility of Coast  
4 Guard careers;

5           (B) to promote curriculum development—

6           (i) to enable acceptance into the Coast  
7 Guard; and

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

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

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

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

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

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

1           (3) a part B institution (as defined in section  
2           322 of the Higher Education Act of 1965 (20  
3           U.S.C. 1061));

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

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

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

11          (7) a Predominantly Black institution (as de-  
12          fined in section 371(c) of that Act (20 U.S.C.  
13          1071q(c)));

14          (8) an Asian American and Native American  
15          Pacific Islander-serving institution (as defined in  
16          such section); and

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

19 **SEC. 265. EXPANSION OF COAST GUARD JUNIOR RESERVE**  
20 **OFFICERS' TRAINING CORPS.**

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

23               (1) by redesignating subsection (c) as sub-  
24               section (d);





1           (1) determine which recommendations in the  
2       RAND representation report may practicably be im-  
3       plemented to promote improved representation in the  
4       Coast Guard of—

5                   (A) women; and

6                   (B) racial and ethnic minorities; and

7           (2) submit to the Committee on Commerce,  
8       Science, and Transportation of the Senate and the  
9       Committee on Transportation and Infrastructure of  
10      the House of Representatives a report on the actions  
11      the Commandant has taken, or plans to take, to im-  
12      plement such recommendations.

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

21       (c) DEFINITION OF RAND REPRESENTATION RE-  
22      PORT.—In this section, the term “RAND representation  
23      report” means the report of the Homeland Security Oper-  
24      ational Analysis Center of the RAND Corporation entitled  
25      “Improving the Representation of Women and Racial/Eth-

1 nic Minorities Among U.S. Coast Guard Active-Duty  
2 Members” issued on August 11, 2021.

3 **SEC. 267. STRATEGY TO ENHANCE DIVERSITY THROUGH**  
4 **RECRUITMENT AND ACCESSION.**

5 (a) IN GENERAL.—The Commandant shall develop a  
6 10-year strategy to enhance Coast Guard diversity  
7 through recruitment and accession—

8 (1) at educational institutions at the high  
9 school and higher education levels; and

10 (2) for the officer and enlisted ranks.

11 (b) REPORT.—

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

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

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

1 (B) An explanation of the manner in which  
 2 the strategy supports the Coast Guard’s overall  
 3 diversity and inclusion action plan.

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

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

10 (a) IN GENERAL.—Subchapter II of chapter 9 of title  
 11 14, United States Code, is amended by adding at the end  
 12 the following:

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

14 “(a) AUTHORITY.—

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

20 “(B) Notwithstanding section 2304(k) of title  
 21 10, the Commandant may enter into such contracts  
 22 and cooperative agreements on a sole source basis  
 23 pursuant to section 2304(c)(5) of title 10.

24 “(C) Notwithstanding chapter 63 of title 31, a  
 25 cooperative agreement under this section may be

1 used to acquire property or services for the direct  
2 benefit or use of the Coast Guard Academy.

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

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

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

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

22 “(3) LEASES.—For the purpose of supporting  
23 the athletic programs of the Coast Guard Academy,  
24 the Commandant may, consistent with section  
25 504(a)(13), rent or lease real property located at the

1 Coast Guard Academy to a qualified organization,  
2 except that proceeds from such a lease shall be re-  
3 tained and expended in accordance with subsection  
4 (f).

5 “(b) SUPPORT SERVICES.—

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

15 “(2) NO LIABILITY OF THE UNITED STATES.—  
16 Support services may only be provided without any  
17 liability of the United States to a qualified organiza-  
18 tion.

19 “(3) SUPPORT SERVICES DEFINED.—In this  
20 subsection, the term ‘support services’ includes utili-  
21 ties, office furnishings and equipment, communica-  
22 tions services, records staging and archiving, audio  
23 and video support, and security systems, in conjunc-  
24 tion with the leasing or licensing of property.

1       “(c) TRANSFERS FROM NONAPPROPRIATED FUND  
2 OPERATION.—(1) Except as provided in paragraph (2),  
3 the Commandant may, subject to the acceptance of the  
4 qualified organization concerned, transfer to the qualified  
5 organization all title to and ownership of the assets and  
6 liabilities of the Coast Guard nonappropriated fund instru-  
7 mentality, the function of which includes providing sup-  
8 port for the athletic programs of the Coast Guard Acad-  
9 emy, including bank accounts and financial reserves in the  
10 accounts of such fund instrumentality, equipment, sup-  
11 plies, and other personal property.

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

14       “(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED  
15 ORGANIZATION.—

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

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

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

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

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

14                  “(B) compromise the integrity or appear-  
15                  ance of integrity of any program of the Coast  
16                  Guard, or any individual involved in such a pro-  
17                  gram.

18           “(e) TRADEMARKS AND SERVICE MARKS.—

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



1 Coast Guard Academy, subject to the approval of  
2 the Commandant.

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

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

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

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

21 “(g) SERVICE ON QUALIFIED ORGANIZATION BOARD  
22 OF DIRECTORS.—A qualified organization is a designated  
23 entity for which authorization under sections 1033(a) and  
24 1589(a) of title 10, may be provided.

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

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

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

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

15           “(1) described in subsection (c)(3) of section  
16 501 of the Internal Revenue Code of 1986 and ex-  
17 empt from taxation under subsection (a) of that sec-  
18 tion; and

19           “(2) established by the Coast Guard Academy  
20 Alumni Association solely for the purpose of sup-  
21 porting Coast Guard athletics.

1 **“§ 954. Mixed-funded athletic and recreational extra-**  
2 **curricular programs: authority to man-**  
3 **age appropriated funds in same manner**  
4 **as nonappropriated funds**

5 “(a) AUTHORITY.—In the case of a Coast Guard  
6 Academy mixed-funded athletic or recreational extra-  
7 curricular program, the Commandant may designate  
8 funds appropriated to the Coast Guard and available for  
9 that program to be treated as nonappropriated funds and  
10 expended for that program in accordance with laws appli-  
11 cable to the expenditure of nonappropriated funds. Appro-  
12 priated funds so designated shall be considered to be non-  
13 appropriated funds for all purposes and shall remain avail-  
14 able until expended.

15 “(b) COVERED PROGRAMS.—In this section, the term  
16 ‘Coast Guard Academy mixed-funded athletic or rec-  
17 reational extracurricular program’ means an athletic or  
18 recreational extracurricular program of the Coast Guard  
19 Academy to which each of the following applies:

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

22 “(2) The program is supported through appro-  
23 priated funds.

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

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

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

“953. Support for Coast Guard Academy.

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

6 **SEC. 269. TRAINING FOR CONGRESSIONAL AFFAIRS PER-**  
7 **SONNEL.**

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

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

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

18           “(b) COURSE SUBJECT MATTER.—

19           “(1) IN GENERAL.—The training course re-  
20 quired by this section shall provide an overview and  
21 introduction to Congress and the Federal legislative  
22 process, including—

23           “(A) the congressional budget process;

1           “(B) the congressional appropriations  
2 process;

3           “(C) the congressional authorization proc-  
4 ess;

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

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

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

11           “(G) the concept and underlying purposes  
12 of congressional oversight within the governance  
13 framework of separation of powers;

14           “(H) the roles of Coast Guard fellows, liai-  
15 sons, counsels, governmental affairs officers,  
16 the Coast Guard Office of Program Review, the  
17 Coast Guard Headquarters program offices,  
18 and any other entity the Commandant considers  
19 relevant; and

20           “(I) the roles and responsibilities of Coast  
21 Guard public affairs and external communica-  
22 tions personnel with respect to Members of  
23 Congress and their staff necessary to enhance  
24 communication between Coast Guard units, sec-  
25 tors, and districts and Member offices and com-

1           mittees of jurisdiction so as to ensure visibility  
2           of Coast Guard activities.

3           “(2) **DETAIL WITHIN COAST GUARD OFFICE OF**  
4           **BUDGET AND PROGRAMS.—**

5                   “(A) **IN GENERAL.—**At the written request  
6           of the receiving congressional office, the train-  
7           ing course required by this section shall include  
8           a multi-day detail within the Coast Guard Of-  
9           fice of Budget and Programs to ensure ade-  
10          quate exposure to Coast Guard policy, over-  
11          sight, and requests from Congress.

12                   “(B) **NONCONSECUTIVE DETAIL PER-**  
13          **MITTED.—**A detail under this paragraph is not  
14          required to be consecutive with the balance of  
15          the training.

16           “(c) **COMPLETION OF REQUIRED TRAINING.—**A  
17          member of the Coast Guard selected for a position de-  
18          scribed in subsection (a) shall complete the training re-  
19          quired by this section before the date on which such mem-  
20          ber reports for duty for such position.”.

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

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

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

3 (1) Policies to improve flexibility in the afloat  
4 career path, including a policy that enables members  
5 of the Coast Guard serving on Coast Guard cutters  
6 to transition between operations afloat and oper-  
7 ations ashore assignments without detriment to their  
8 career progression.

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

13 (3) Strategies to improve crew comfort afloat,  
14 such as berthing modifications to accommodate  
15 mixed-gender crew and gender-nonconforming crew.

16 (4) Actionable steps to improve access to  
17 highspeed internet capable of video conference for  
18 the purposes of medical, educational, and personal  
19 use by members of the Coast Guard serving on  
20 Coast Guard cutters.

21 (5) An assessment of the effectiveness of bo-  
22 nuses to attract members to serve at sea and retain  
23 talented members of the Coast Guard serving on  
24 Coast Guard cutters to serve as leaders in senior en-

1 listed positions, department head positions, and com-  
2 mand positions.

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

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

9 (a) STUDY.—

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

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

17 (A) An assessment of—

18 (i) the extent to which extremist  
19 ideologies, including ideologies that encour-  
20 age, or could lead to, violence, exists within  
21 the workforce of the Coast Guard;

22 (ii) the unique challenges the Coast  
23 Guard faces in addressing such ideologies  
24 within the workforce of the Coast Guard;  
25 and



1 (iii) the manner in which such  
2 ideologies are introduced into the work-  
3 force of the Coast Guard.

4 (B) Recommendations on ways to address  
5 and eradicate any such ideologies within the  
6 workforce of the Coast Guard.

7 (b) REPORT.—Not later than 1 year after com-  
8 mencing the study required by subsection (a), the Comp-  
9 troller General shall submit to the Committee on Com-  
10 merce, Science, and Transportation of the Senate and the  
11 Committee on Transportation and Infrastructure of the  
12 House of Representatives a report on the findings of the  
13 study, including a description of the recommendations  
14 under paragraph (2) of that subsection.

15 (c) BRIEFING.—Not later than 90 days after the date  
16 on which the report is submitted under subsection (b), the  
17 Commandant shall provide a briefing to the Committee on  
18 Commerce, Science, and Transportation of the Senate and  
19 the Committee on Transportation and Infrastructure of  
20 the House of Representatives regarding the recommenda-  
21 tions described in the report.

22 **SEC. 272. STUDY ON PERFORMANCE OF COAST GUARD**  
23 **FORCE READINESS COMMAND.**

24 (a) IN GENERAL.—Not later than 1 year after the  
25 date of the enactment of this Act, the Comptroller General

1 of the United States shall commence a study on the per-  
2 formance of the Coast Guard Force Readiness Command.

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

5 (1) The actions the Force Readiness Command  
6 has taken to develop and implement training for the  
7 Coast Guard workforce.

8 (2) The extent to which the Force Readiness  
9 Command—

10 (A) has assessed performance, policy, and  
11 training compliance across Force Readiness  
12 Command headquarters and field units, and the  
13 results of any such assessment; and

14 (B) is modifying and expanding Coast  
15 Guard training to match the future demands of  
16 the Coast Guard with respect to growth in  
17 workforce numbers, modernization of assets and  
18 infrastructure, and increased global mission de-  
19 mands relating to the Arctic and Western Pa-  
20 cific regions and cyberspace.

21 (c) REPORT.—Not later than 1 year after the study  
22 required by subsection (a) commences, the Comptroller  
23 General shall submit to the Committee on Commerce,  
24 Science, and Transportation of the Senate and the Com-

1 mittee on Transportation and Infrastructure of the House  
2 of Representatives a report on the findings of the study.

3 **SEC. 273. STUDY ON FREQUENCY OF WEAPONS TRAINING**  
4 **FOR COAST GUARD PERSONNEL.**

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

9 (b) ELEMENTS.—The study required by subsection  
10 (a) shall—

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

14 (2) identify—

15 (A) the frequency of such training most  
16 likely to ensure adequate weapons training, pro-  
17 ficiency, and safety among such personnel;

18 (B) Coast Guard law enforcement and  
19 other applicable personnel who should be  
20 prioritized to receive such improved training;  
21 and

22 (C) any challenge posed by a transition to  
23 improving such training and offering such  
24 training more frequently, and the resources nec-  
25 essary to address such a challenge.

1 (c) REPORT.—Not later than 1 year after the date  
 2 of the enactment of this Act, the Commandant shall sub-  
 3 mit to the Committee on Commerce, Science, and Trans-  
 4 portation of the Senate and the Committee on Transpor-  
 5 tation and Infrastructure of the House of Representatives  
 6 a report on the findings of the study conducted under sub-  
 7 section (a).

## 8 **Subtitle G—Miscellaneous** 9 **Provisions**

### 10 **SEC. 281. BUDGETING OF COAST GUARD RELATING TO CER-** 11 **TAIN OPERATIONS.**

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

#### 15 **“§ 5114. Expenses of performing and executing de-** 16 **fense readiness missions and other activi-** 17 **ties unrelated to Coast Guard missions**

18 “The Commandant shall include in the annual budget  
 19 submission of the President under section 1105(a) of title  
 20 31 a dedicated budget line item that adequately represents  
 21 a calculation of the annual costs and expenditures of per-  
 22 forming and executing all defense readiness mission activi-  
 23 ties, including—

24 “(1) all expenses related to the Coast Guard’s  
 25 coordination, training, and execution of defense

1 readiness mission activities in the Coast Guard’s ca-  
2 pacity as an armed force (as such term is defined in  
3 section 101 of title 10) in support of Department of  
4 Defense national security operations and activities or  
5 for any other military department or Defense Agen-  
6 cy (as such terms are defined in such section);

7 “(2) costs associated with Coast Guard detach-  
8 ments assigned in support of the Coast Guard’s de-  
9 fense readiness mission; and

10 “(3) any other related expenses, costs, or mat-  
11 ters the Commandant considers appropriate or oth-  
12 erwise of interest to Congress.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 51 of title 14, United States Code, as amended by sec-  
15 tion 252(b), is further amended by adding at the end the  
16 following:

“5114. Expenses of performing and executing defense readiness missions or  
other activities unrelated to Coast Guard missions.”.

17 **SEC. 282. COAST GUARD ASSISTANCE TO UNITED STATES**

18 **SECRET SERVICE.**

19 Section 6 of the Presidential Protection Assistance  
20 Act of 1976 (18 U.S.C. 3056 note) is amended—

21 (1) by striking “Executive departments” and  
22 inserting the following:

23 “(a) Except as provided in subsection (b), Executive  
24 departments”;

1           (2) by striking “Director; except that the De-  
2           partment of Defense and the Coast Guard shall pro-  
3           vide such assistance” and inserting the following:

4           “Director.

5           “(b)(1) Subject to paragraph (2), the Department of  
6           Defense and the Coast Guard shall provide assistance de-  
7           scribed in subsection (a)”;

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

9           “(2)(A) For fiscal year 2022, and each fiscal year  
10          thereafter, the total cost of assistance described in sub-  
11          section (a) provided by the Coast Guard on a nonreim-  
12          bursable basis shall not exceed \$15,000,000.

13          “(B) The Coast Guard may provide assistance de-  
14          scribed in subsection (a) during a fiscal year in addition  
15          to the amount specified in subparagraph (A) on a reim-  
16          bursable basis.”.

17       **SEC. 283. CONVEYANCE OF COAST GUARD VESSELS FOR**  
18                               **PUBLIC PURPOSES.**

19          (a) TRANSFER.—Section 914 of the Coast Guard Au-  
20          thorization Act of 2010 (14 U.S.C. 501 note; Public Law  
21          111–281) is—

22               (1) transferred to subchapter I of chapter 5 of  
23               title 14, United States Code;

24               (2) added at the end so as to follow section 508  
25               of such title;

1           (3) redesignated as section 509 of such title;  
2           and

3           (4) amended so that the enumerator, the sec-  
4           tion heading, typeface, and typestyle conform to  
5           those appearing in other sections of title 14, United  
6           States Code.

7           (b) CLERICAL AMENDMENTS.—

8           (1) COAST GUARD AUTHORIZATION ACT OF  
9           2010.—The table of contents in section 1(b) of the  
10          Coast Guard Authorization Act of 2010 (Public Law  
11          111–281) is amended by striking the item relating  
12          to section 914.

13          (2) TITLE 14.—The analysis for subchapter I of  
14          chapter 5 of title 14, United States Code, is amend-  
15          ed by adding at the end the following:

“509. Conveyance of Coast Guard vessels for public purposes.”.

16          (c) CONVEYANCE OF COAST GUARD VESSELS FOR  
17          PUBLIC PURPOSES.—Section 509 of title 14, United  
18          States Code, as transferred and redesignated by sub-  
19          section (a), is amended—

20               (1) by amending subsection (a) to read as fol-  
21               lows:

22               “(a) IN GENERAL.—On request by the Commandant,  
23               the Administrator of the General Services Administration  
24               may transfer ownership of a Coast Guard vessel or aircraft  
25               to an eligible entity for educational, cultural, historical,

1 charitable, recreational, or other public purposes if such  
2 transfer is authorized by law.”; and

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by inserting “as if the request were  
6 being processed” after “vessels”; and

7 (ii) by inserting “, as in effect on the  
8 date of the enactment of the Coast Guard  
9 Authorization Act of 2022” after “Code of  
10 Federal Regulations”;

11 (B) in paragraph (2) by inserting “, as in  
12 effect on the date of the enactment of the Coast  
13 Guard Authorization Act of 2022” after “such  
14 title”; and

15 (C) in paragraph (3), by striking “of the  
16 Coast Guard”.

17 **SEC. 284. COAST GUARD INTELLIGENCE ACTIVITIES AND**  
18 **EMERGENCY AND EXTRAORDINARY EX-**  
19 **PENSES.**

20 (a) IN GENERAL.—Subject to the limitations of sub-  
21 section (b) and with sums made available to the Director  
22 of the Coast Guard Counterintelligence Service, the Com-  
23 mandant may expend funds for human intelligence and  
24 counterintelligence activities of any confidential, emer-  
25 gency, or extraordinary nature that cannot be anticipated



1 or classified. The Commandant shall certify that such ex-  
2 penditure was made for an object of a confidential, emer-  
3 gency, or extraordinary nature and such a certification is  
4 final and conclusive upon the accounting officers of the  
5 United States. A written certification by the Commandant  
6 is sufficient voucher for the expenditure.

7 (b) LIMITATIONS.—

8 (1) MAXIMUM ANNUAL AMOUNT.—For each fis-  
9 cal year, the Commandant may not obligate or ex-  
10 pend funds under subsection (a) in an amount that  
11 exceeds 5 percent of the funds made available to the  
12 Director of the Coast Guard Counterintelligence  
13 Service for such fiscal year until—

14 (A) the Commandant has notified the ap-  
15 propriate committees of Congress of the intent  
16 to obligate or expend the funds in excess of  
17 such amount; and

18 (B) 15 days have elapsed since the date of  
19 the notification in accordance with subpara-  
20 graph (A).

21 (2) REQUIREMENTS FOR EXPENDITURES IN EX-  
22 CESS OF \$25,000.—The Commandant may not obli-  
23 gate or expend funds under subsection (a) for an ex-  
24 penditure in excess of \$25,000 until—

1 (A) the Commandant has notified the ap-  
2 propriate committees of Congress of the intent  
3 to obligate or expend the funds; and

4 (B) 15 days have elapsed since the date of  
5 the notification in accordance with subpara-  
6 graph (A).

7 (c) WAIVER.—Notwithstanding subsection (b), the  
8 Commandant may waive a requirement under such sub-  
9 section if the Commandant determines that such a waiver  
10 is necessary due to extraordinary circumstances that af-  
11 fect the national security of the United States. If the Com-  
12 mandant issues a waiver under this subsection, the Com-  
13 mandant shall submit to the appropriate committees of  
14 Congress, by not later than 48 hours after issuing the  
15 waiver, written notice of and justification for the waiver.

16 (d) REPORTS.—

17 (1) IN GENERAL.—Not less frequently than  
18 semiannually, the Commandant shall—

19 (A) submit to the appropriate committees  
20 of Congress a report on all expenditures during  
21 the preceding semiannual period under sub-  
22 section (a); and

23 (B) provide a briefing to the appropriate  
24 committees of Congress on the report submitted  
25 under subparagraph (A).

1           (2) CONTENTS.—Each report submitted under  
2 paragraph (1)(A) shall include, for each individual  
3 expenditure covered by such report in an amount in  
4 excess of \$25,000, the following:

5           (A) A detailed description of the purpose  
6 of such expenditure.

7           (B) The amount of such expenditure.

8           (C) An identification of the approving au-  
9 thority for such expenditure.

10           (D) A justification of why other authorities  
11 available to the Coast Guard could not be used  
12 for such expenditure.

13           (E) Any other additional information as  
14 the Commandant considers appropriate.

15       (e) SPECIAL RULE.—The authority of this section  
16 shall be executed in a manner that does not contravene,  
17 and is consistent with, the responsibility and authority of  
18 the Director of National Intelligence as described in sec-  
19 tions 3023 and 3024 of title 50, United States Code.

20       (f) APPROPRIATE COMMITTEES OF CONGRESS.—In  
21 this section, the term “appropriate committees of Con-  
22 gress” means—

23           (1) the Committee on Commerce, Science, and  
24 Transportation of the Senate; and

1           (2) the Committee on Transportation and In-  
2           frastructure of the House of Representatives.

3 **SEC. 285. TRANSFER AND CONVEYANCE.**

4           (a) IN GENERAL.—

5           (1) REQUIREMENT.—The Commandant shall,  
6           without consideration, transfer in accordance with  
7           subsection (b) and convey in accordance with sub-  
8           section (c) a parcel of the real property described in  
9           paragraph (2), including any improvements thereon,  
10          to free the Coast Guard of liability for any unfore-  
11          seen environmental or remediation of substances un-  
12          known that may exist on, or emanate from, such  
13          parcel.

14          (2) PROPERTY.—The property described in this  
15          paragraph is real property at Dauphin Island, Ala-  
16          bama, located at 100 Agassiz Street, and consisting  
17          of a total of approximately 35.63 acres. The exact  
18          acreage and legal description of the parcel of such  
19          property to be transferred or conveyed in accordance  
20          with subsection (b) or (c), respectively, shall be de-  
21          termined by a survey satisfactory to the Com-  
22          mandant.

23          (b) TO THE SECRETARY OF HEALTH AND HUMAN  
24          SERVICES.—The Commandant shall transfer, as described  
25          in subsection (a), to the Secretary of Health and Human

1 Services (in this section referred to as the “Secretary”),  
2 for use by the Food and Drug Administration, custody  
3 and control of a portion, consisting of approximately 4  
4 acres, of the parcel of real property described in such sub-  
5 section, to be identified by agreement between the Com-  
6 mandant and the Secretary.

7 (c) TO THE STATE OF ALABAMA.—The Commandant  
8 shall convey, as described in subsection (a), to the Marine  
9 Environmental Sciences Consortium, a unit of the govern-  
10 ment of the State of Alabama, located at Dauphin Island,  
11 Alabama, all rights, title, and interest of the United States  
12 in and to such portion of the parcel described in such sub-  
13 section that is not transferred to the Secretary under sub-  
14 section (b).

15 (d) PAYMENTS AND COSTS OF TRANSFER AND CON-  
16 VEYANCE.—

17 (1) PAYMENTS.—

18 (A) IN GENERAL.—The Secretary shall pay  
19 costs to be incurred by the Coast Guard, or re-  
20 imburse the Coast Guard for such costs in-  
21 curred by the Coast Guard, to carry out the  
22 transfer and conveyance required by this sec-  
23 tion, including survey costs, appraisal costs,  
24 costs for environmental documentation related  
25 to the transfer and conveyance, and any other

1           necessary administrative costs related to the  
2           transfer and conveyance.

3                   (B) FUNDS.—Notwithstanding section 780  
4           of division B of the Further Consolidated Ap-  
5           propriations Act, 2020 (Public Law 116–94),  
6           any amounts that are made available to the  
7           Secretary under such section and not obligated  
8           on the date of enactment of this Act shall be  
9           available to the Secretary for the purpose de-  
10          scribed in subparagraph (A).

11                   (2) TREATMENT OF AMOUNTS RECEIVED.—  
12          Amounts received by the Commandant as reimburse-  
13          ment under paragraph (1) shall be credited to the  
14          Coast Guard Housing Fund established under sec-  
15          tion 2946 of title 14, United States Code, or the ac-  
16          count that was used to pay the costs incurred by the  
17          Coast Guard in carrying out the transfer or convey-  
18          ance under this section, as determined by the Com-  
19          mandant, and shall be made available until ex-  
20          pended. Amounts so credited shall be merged with  
21          amounts in such fund or account and shall be avail-  
22          able for the same purposes, and subject to the same  
23          conditions and limitations, as amounts in such fund  
24          or account.

1 **SEC. 286. TRANSPARENCY AND OVERSIGHT.**

2 (a) NOTIFICATION.—

3 (1) IN GENERAL.—Subject to subsection (b),  
4 the Secretary of the department in which the Coast  
5 Guard is operating, or the designee of the Secretary,  
6 shall notify the appropriate committees of Congress  
7 and the Coast Guard Office of Congressional and  
8 Governmental Affairs not later than 3 full business  
9 days before—

10 (A) making or awarding a grant allocation  
11 or grant in excess of \$1,000,000;

12 (B) making or awarding a contract, other  
13 transaction agreement, or task or delivery order  
14 on a Coast Guard multiple award contract, or  
15 issuing a letter of intent totaling more than  
16 \$4,000,000;

17 (C) awarding a task or delivery order re-  
18 quiring an obligation of funds in an amount  
19 greater than \$10,000,000 from multi-year  
20 Coast Guard funds;

21 (D) making a sole-source grant award; or

22 (E) announcing publicly the intention to  
23 make or award an item described in subpara-  
24 graph (A), (B), (C), or (D), including a con-  
25 tract covered by the Federal Acquisition Regu-  
26 lation.

1           (2) ELEMENT.—A notification under this sub-  
2 section shall include—

3                   (A) the amount of the award;

4                   (B) the fiscal year for which the funds for  
5 the award were appropriated;

6                   (C) the type of contract;

7                   (D) an identification of the entity awarded  
8 the contract, such as the name and location of  
9 the entity; and

10                  (E) the account from which the funds are  
11 to be drawn.

12           (b) EXCEPTION.—If the Secretary of the department  
13 in which the Coast Guard is operating determines that  
14 compliance with subsection (a) would pose a substantial  
15 risk to human life, health, or safety, the Secretary—

16                   (1) may make an award or issue a letter de-  
17 scribed in that subsection without the notification  
18 required under that subsection; and

19                   (2) shall notify the appropriate committees of  
20 Congress not later than 5 full business days after  
21 such an award is made or letter issued.

22           (c) APPLICABILITY.—Subsection (a) shall not apply  
23 to funds that are not available for obligation.



1 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—In this section, the term “appropriate commit-  
3 tees of Congress” means—

4 (1) the Committee on Commerce, Science, and  
5 Transportation and the Committee on Appropria-  
6 tions of the Senate; and

7 (2) the Committee on Transportation and In-  
8 frastructure and the Committee on Appropriations  
9 of the House of Representatives.

10 **SEC. 287. STUDY ON SAFETY INSPECTION PROGRAM FOR**  
11 **CONTAINERS AND FACILITIES.**

12 (a) IN GENERAL.—Not later than 1 year after the  
13 date of the enactment of this Act, the Commandant, in  
14 consultation with the Commissioner of U.S. Customs and  
15 Border Protection, shall complete a study on the safety  
16 inspection program for containers (as defined in section  
17 80501 of title 46, United States Code) and designated wa-  
18 terfront facilities receiving containers.

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

21 (1) An evaluation and review of such safety in-  
22 spection program.

23 (2) A determination of—

24 (A) the number of container inspections  
25 conducted annually by the Coast Guard during

1 the preceding 10-year period, as compared to  
2 the number of containers moved through United  
3 States ports annually during such period; and

4 (B) the number of qualified Coast Guard  
5 container and facility inspectors, and an assess-  
6 ment as to whether, during the preceding 10-  
7 year period, there have been a sufficient num-  
8 ber of such inspectors to carry out the mission  
9 of the Coast Guard.

10 (3) An evaluation of the training programs  
11 available to such inspectors and the adequacy of  
12 such training programs during the preceding 10-year  
13 period.

14 (4) An assessment as to whether such training  
15 programs adequately prepare future leaders for lead-  
16 ership positions in the Coast Guard.

17 (5) An identification of areas of improvement  
18 for such program in the interest of commerce and  
19 national security, and the costs associated with such  
20 improvements.

21 (c) REPORT TO CONGRESS.—Not later than 180 days  
22 after the date of the enactment of this Act, the Com-  
23 mandant shall submit to the Committee on Commerce,  
24 Science, and Transportation of the Senate and the Com-  
25 mittee on Transportation and Infrastructure of the House

1 of Representatives a report on the findings of the study  
 2 required by subsection (a), including the personnel and re-  
 3 source requirements necessary for such program.

## 4 **TITLE III—ENVIRONMENT**

### 5 **SEC. 301. DEFINITION OF SECRETARY.**

6 Except as otherwise specifically provided, in this title,  
 7 the term “Secretary” means the Secretary of the depart-  
 8 ment in which the Coast Guard is operating.

## 9 **Subtitle A—Marine Mammals**

### 10 **SEC. 311. DEFINITIONS.**

11 In this subtitle:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
 13 **TEES.**—The term “appropriate congressional com-  
 14 mittees” means—

15 (A) the Committee on Commerce, Science,  
 16 and Transportation of the Senate; and

17 (B) the Committee on Transportation and  
 18 Infrastructure and the Committee on Natural  
 19 Resources of the House of Representatives.

20 (2) **CORE FORAGING HABITATS.**—The term  
 21 “core foraging habitats” means areas—

22 (A) with biological and physical oceano-  
 23 graphic features that aggregate *Calanus*  
 24 *finmarchicus*; and

1 (B) where North Atlantic right whales for-  
2 aging aggregations have been well documented.

3 (3) EXCLUSIVE ECONOMIC ZONE.—The term  
4 “exclusive economic zone” has the meaning given  
5 that term in section 107 of title 46, United States  
6 Code.

7 (4) INSTITUTION OF HIGHER EDUCATION.—The  
8 term “institution of higher education” has the  
9 meaning given that term in section 101(a) of the  
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (5) LARGE CETACEAN.—The term “large ceta-  
12 cean” means all endangered or threatened species  
13 within—

14 (A) the suborder Mysticeti;

15 (B) the genera *Physeter*; or

16 (C) the genera *Orcinus*.

17 (6) NEAR REAL-TIME.—The term “near real-  
18 time”, with respect to monitoring of whales, means  
19 that visual, acoustic, or other detections of whales  
20 are transmitted and reported as soon as technically  
21 feasible after such detections have occurred.

22 (7) NONPROFIT ORGANIZATION.—The term  
23 “nonprofit organization” means an organization that  
24 is described in section 501(c) of the Internal Rev-

1        enue Code of 1986 and exempt from tax under sec-  
2        tion 501(a) of such Code.

3            (8) PUGET SOUND REGION.—The term “Puget  
4        Sound region” means the Vessel Traffic Service  
5        Puget Sound area described in section 161.55 of  
6        title 33, Code of Federal Regulations (as of the date  
7        of the enactment of this Act).

8            (9) TRIBAL GOVERNMENT.—The term “Tribal  
9        government” means the recognized governing body  
10       of any Indian or Alaska Native Tribe, band, nation,  
11       pueblo, village, community, component band, or com-  
12       ponent reservation, individually identified (including  
13       parenthetically) in the list published most recently as  
14       of the date of the enactment of this Act pursuant to  
15       section 104 of the Federally Recognized Indian  
16       Tribe List Act of 1994 (25 U.S.C. 5131).

17           (10) UNDER SECRETARY.—The term “Under  
18       Secretary” means the Under Secretary of Commerce  
19       for Oceans and Atmosphere.

20        **SEC. 312. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS**  
21                            **OF VESSEL TRAFFIC AND PORT OPERATIONS**  
22                            **ON MARINE MAMMALS.**

23           (a) IN GENERAL.—Not later than 180 days after the  
24       date of the enactment of this Act, the Under Secretary,  
25       in consultation with the Director of the United States Fish

1 and Wildlife Service, the Secretary, the Secretary of De-  
2 fense, and the Administrator of the Maritime Administra-  
3 tion, shall establish a grant program to provide assistance  
4 to eligible entities to develop and implement mitigation  
5 measures that will lead to a quantifiable reduction in  
6 threats to marine mammals from shipping activities and  
7 port operations.

8 (b) ELIGIBLE ENTITIES.—An entity is an eligible en-  
9 tity for purposes of assistance awarded under subsection  
10 (a) if the entity is—

11 (1) a port authority for a port;

12 (2) a State, regional, local, or Tribal govern-  
13 ment, or an Alaska Native or Native Hawaiian enti-  
14 ty that has jurisdiction over a maritime port author-  
15 ity or a port;

16 (3) an academic institution, research institu-  
17 tion, or nonprofit organization working in partner-  
18 ship with a port; or

19 (4) a consortium of entities described in para-  
20 graphs (1), (2), and (3).

21 (c) ELIGIBLE USES.—Assistance awarded under sub-  
22 section (a) may be used to develop, assess, and carry out  
23 activities that reduce threats to marine mammals by—

24 (1) reducing underwater stressors related to  
25 marine traffic;

1           (2) reducing mortality and serious injury from  
2 vessel strikes and other physical disturbances;

3           (3) monitoring sound;

4           (4) reducing vessel interactions with marine  
5 mammals;

6           (5) conducting other types of monitoring that  
7 are consistent with reducing the threats to, and en-  
8 hancing the habitats of, marine mammals; or

9           (6) supporting State agencies and Tribal gov-  
10 ernments in developing the capacity to receive assist-  
11 ance under this section through education, training,  
12 information sharing, and collaboration to participate  
13 in the grant program under this section.

14       (d) PRIORITY.—The Under Secretary shall prioritize  
15 assistance under subsection (a) for projects that—

16           (1) are based on the best available science with  
17 respect to methods to reduce threats to marine  
18 mammals;

19           (2) collect data on the reduction of such threats  
20 and the effects of such methods;

21           (3) assist ports that pose a higher relative  
22 threat to marine mammals listed as threatened or  
23 endangered under the Endangered Species Act of  
24 1973 (16 U.S.C. 1531 et seq.);

1           (4) are in close proximity to areas in which  
2           threatened or endangered cetaceans are known to  
3           experience other stressors; or

4           (5) allow eligible entities to conduct risk assess-  
5           ments and to track progress toward threat reduc-  
6           tion.

7           (e) OUTREACH.—The Under Secretary, in coordina-  
8           tion with the Secretary, the Administrator of the Maritime  
9           Administration, and the Director of the United States  
10          Fish and Wildlife Service, as appropriate, shall conduct  
11          coordinated outreach to ports to provide information with  
12          respect to—

13           (1) how to apply for assistance under sub-  
14          section (a);

15           (2) the benefits of such assistance; and

16           (3) facilitation of best practices and lessons, in-  
17          cluding the best practices and lessons learned from  
18          activities carried out using such assistance.

19          (f) REPORT REQUIRED.—Not less frequently than  
20          annually, the Under Secretary shall make available to the  
21          public on a publicly accessible internet website of the Na-  
22          tional Oceanic and Atmospheric Administration a report  
23          that includes the following information:



1           (1) The name and location of each entity to  
2           which assistance was awarded under subsection (a)  
3           during the year preceding submission of the report.

4           (2) The amount of each such award.

5           (3) A description of the activities carried out  
6           with each such award.

7           (4) An estimate of the likely impact of such ac-  
8           tivities on the reduction of threats to marine mam-  
9           mals.

10          (g) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—There is authorized to be  
12           appropriated to the Under Secretary to carry out  
13           this section \$10,000,000 for each of fiscal years  
14           2023 through 2028.

15           (2) AVAILABILITY.—Amounts appropriated pur-  
16           suant to the authorization of appropriations under  
17           paragraph (1) shall remain available until expended.

18           (h) SAVINGS CLAUSE.—An activity may not be car-  
19           ried out under this section if the Secretary of Defense,  
20           in consultation with the Under Secretary, determines that  
21           the activity would negatively impact the defense readiness  
22           or the national security of the United States.

1 **SEC. 313. NEAR REAL-TIME MONITORING AND MITIGATION**  
2 **PROGRAM FOR LARGE CETACEANS.**

3 (a) ESTABLISHMENT.—The Under Secretary for  
4 Commerce for Oceans and Atmosphere, in coordination  
5 with the heads of other relevant Federal agencies, shall  
6 design and deploy a cost-effective, efficient, and results-  
7 oriented near real-time monitoring and mitigation pro-  
8 gram for endangered or threatened cetaceans (referred to  
9 in this section as the “Program”).

10 (b) PURPOSE.—The purpose of the Program shall be  
11 to reduce the risk to large cetaceans posed by vessel colli-  
12 sions, and to minimize other impacts on large cetaceans,  
13 through the use of near real-time location monitoring and  
14 location information.

15 (c) REQUIREMENTS.—The Program shall—

16 (1) prioritize species of large cetaceans for  
17 which impacts from vessel collisions are of particular  
18 concern;

19 (2) prioritize areas where such impacts are of  
20 particular concern;

21 (3) be capable of detecting and alerting ocean  
22 users and enforcement agencies of the probable loca-  
23 tion of large cetaceans on an actionable real-time  
24 basis, including through real-time data whenever  
25 possible;

1 (4) inform sector-specific mitigation protocols  
2 to effectively reduce takes (as defined in section  
3 216.3 of title 50, Code of Federal Regulations, or  
4 successor regulations) of large cetaceans;

5 (5) integrate technology improvements; and

6 (6) be informed by technologies, monitoring  
7 methods, and mitigation protocols developed under  
8 the pilot project required by subsection (d).

9 (d) PILOT PROJECT.—

10 (1) ESTABLISHMENT.—In carrying out the Pro-  
11 gram, the Under Secretary shall first establish a  
12 pilot monitoring and mitigation project for North  
13 Atlantic right whales (referred to in this section as  
14 the “pilot project”) for the purposes of informing  
15 the Program.

16 (2) REQUIREMENTS.—In designing and deploy-  
17 ing the pilot project, the Under Secretary, in coordi-  
18 nation with the heads of other relevant Federal  
19 agencies, shall, using the best available scientific in-  
20 formation, identify and ensure coverage of—

21 (A) core foraging habitats; and

22 (B) important feeding, breeding, calving,  
23 rearing, or migratory habitats of North Atlantic  
24 right whales that co-occur with areas of high  
25 risk of mortality or serious injury of such

1 whales from vessels, vessel strikes, or disturb-  
2 ance.

3 (3) COMPONENTS.—Not later than 3 years  
4 after the date of the enactment of this Act, the  
5 Under Secretary, in consultation with relevant Fed-  
6 eral agencies and Tribal governments, and with  
7 input from affected stakeholders, shall design and  
8 deploy a near real-time monitoring system for North  
9 Atlantic right whales that—

10 (A) comprises the best available detection  
11 power, spatial coverage, and survey effort to de-  
12 tect and localize North Atlantic right whales  
13 within core foraging habitats;

14 (B) is capable of detecting North Atlantic  
15 right whales, including visually and acoustically;

16 (C) uses dynamic habitat suitability models  
17 to inform the likelihood of North Atlantic right  
18 whale occurrence in core foraging habitat at  
19 any given time;

20 (D) coordinates with the Integrated Ocean  
21 Observing System of the National Oceanic and  
22 Atmospheric Administration and Regional  
23 Ocean Partnerships to leverage monitoring as-  
24 sets;

25 (E) integrates historical data;

1 (F) integrates new near real-time moni-  
2 toring methods and technologies as such meth-  
3 ods and technologies become available;

4 (G) accurately verifies and rapidly commu-  
5 nicates detection data to appropriate ocean  
6 users;

7 (H) creates standards for contributing,  
8 and allows ocean users to contribute, data to  
9 the monitoring system using comparable near  
10 real-time monitoring methods and technologies;

11 (I) communicates the risks of injury to  
12 large cetaceans to ocean users in a manner that  
13 is most likely to result in informed decision-  
14 making regarding the mitigation of those risks;  
15 and

16 (J) minimizes additional stressors to large  
17 cetaceans as a result of the information avail-  
18 able to ocean users.

19 (4) REPORTS.—

20 (A) PRELIMINARY REPORT.—

21 (i) IN GENERAL.—Not later than 2  
22 years after the date of the enactment of  
23 this Act, the Under Secretary shall submit  
24 to the Committee on Commerce, Science,  
25 and Transportation of the Senate and the

1 Committee on Natural Resources of the  
2 House of Representatives, and make avail-  
3 able to the public, a preliminary report on  
4 the pilot project.

5 (ii) ELEMENTS.—The report required  
6 by clause (i) shall include the following:

7 (I) A description of the moni-  
8 toring methods and technology in use  
9 or planned for deployment under the  
10 pilot project.

11 (II) An analysis of the efficacy of  
12 the methods and technology in use or  
13 planned for deployment for detecting  
14 North Atlantic right whales.

15 (III) An assessment of the man-  
16 ner in which the monitoring system  
17 designed and deployed under para-  
18 graph (3) is directly informing and  
19 improving the management, health,  
20 and survival of North Atlantic right  
21 whales.

22 (IV) A prioritized identification  
23 of technology or research gaps.

24 (V) A plan to communicate the  
25 risks of injury to large cetaceans to

1 ocean users in a manner that is most  
2 likely to result in informed decision  
3 making regarding the mitigation of  
4 such risks.

5 (VI) Any other information on  
6 the potential benefits and efficacy of  
7 the pilot project the Under Secretary  
8 considers appropriate.

9 (B) FINAL REPORT.—

10 (i) IN GENERAL.—Not later than 6  
11 years after the date of the enactment of  
12 this Act, the Under Secretary, in coordina-  
13 tion with the heads of other relevant Fed-  
14 eral agencies, shall submit to the Com-  
15 mittee on Commerce, Science, and Trans-  
16 portation of the Senate and the Committee  
17 on Natural Resources of the House of Rep-  
18 resentatives, and make available to the  
19 public, a final report on the pilot project.

20 (ii) ELEMENTS.—The report required  
21 by clause (i) shall—

22 (I) address the elements under  
23 subparagraph (A)(ii); and

24 (II) include—

1 (aa) an assessment of the  
2 benefits and efficacy of the pilot  
3 project;

4 (bb) a strategic plan to ex-  
5 pand the pilot project to provide  
6 near real-time monitoring and  
7 mitigation measures—

8 (AA) to additional large  
9 cetaceans of concern for  
10 which such measures would  
11 reduce risk of serious injury  
12 or death; and

13 (BB) in important feed-  
14 ing, breeding, calving,  
15 rearing, or migratory habi-  
16 tats of large cetaceans that  
17 co-occur with areas of high  
18 risk of mortality or serious  
19 injury from vessel strikes or  
20 disturbance;

21 (cc) a budget and descrip-  
22 tion of funds necessary to carry  
23 out such strategic plan;

24 (dd) a prioritized plan for  
25 acquisition, deployment, and



1 maintenance of monitoring tech-  
2 nologies; and

3 (ee) the locations or species  
4 to which such plan would apply.

5 (e) MITIGATION PROTOCOLS.—The Under Secretary,  
6 in consultation with the Secretary, the Secretary of De-  
7 fense, the Secretary of Transportation, and the Secretary  
8 of the Interior, and with input from affected stakeholders,  
9 shall develop and deploy mitigation protocols that make  
10 use of the monitoring system designed and deployed under  
11 subsection (d)(3) to direct sector-specific mitigation meas-  
12 ures that avoid and significantly reduce risk of serious in-  
13 jury and mortality to North Atlantic right whales.

14 (f) ACCESS TO DATA.—The Under Secretary shall  
15 provide access to data generated by the monitoring system  
16 designed and deployed under subsection (d)(3) for pur-  
17 poses of scientific research and evaluation and public  
18 awareness and education, including through the Right  
19 Whale Sighting Advisory System of the National Oceanic  
20 and Atmospheric Administration and WhaleMap or other  
21 successor public internet website portals, subject to review  
22 for national security considerations.

23 (g) ADDITIONAL AUTHORITY.—The Under Secretary  
24 may enter into and perform such contracts, leases, grants,  
25 or cooperative agreements as may be necessary to carry

1 out the purposes of this section on such terms as the  
2 Under Secretary considers appropriate, consistent with  
3 the Federal Acquisition Regulation.

4 (h) SAVINGS CLAUSE.—An activity may not be car-  
5 ried out under this section if the Secretary of Defense,  
6 in consultation with the Under Secretary, determines that  
7 the activity would negatively impact the defense readiness  
8 or the national security of the United States.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to the Under Secretary to  
11 support development, deployment, application, and ongo-  
12 ing maintenance of the Program \$5,000,000 for each of  
13 fiscal years 2023 through 2027.

14 **SEC. 314. PILOT PROGRAM TO ESTABLISH A CETACEAN**  
15 **DESK FOR PUGET SOUND REGION.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date of the enactment of this Act, the Secretary,  
19 with the concurrence of the Under Secretary, shall  
20 establish a pilot program to establish a Cetacean  
21 Desk, which shall be—

22 (A) located and manned within the Puget  
23 Sound Vessel Traffic Service; and

24 (B) designed—

1 (i) to improve coordination with the  
2 maritime industry to reduce the risk of  
3 vessel impacts to large cetaceans, including  
4 impacts from vessel strikes, disturbances,  
5 and other sources; and

6 (ii) to monitor the presence and loca-  
7 tion of large cetaceans during the months  
8 during which such large cetaceans are  
9 present in Puget Sound, the Strait of Juan  
10 de Fuca, and the United States portion of  
11 the Salish Sea.

12 (2) DURATION AND STAFFING.—The pilot pro-  
13 gram required by paragraph (1)—

14 (A) shall—

15 (i) be for a duration of 4 years; and

16 (ii) require not more than 1 full-time  
17 equivalent position, who shall also con-  
18 tribute to other necessary Puget Sound  
19 Vessel Traffic Service duties and respon-  
20 sibilities as needed; and

21 (B) may be supported by other existing  
22 Federal employees, as appropriate.

23 (b) ENGAGEMENT WITH VESSEL OPERATORS.—

24 (1) IN GENERAL.—Under the pilot program re-  
25 quired by subsection (a), the Secretary shall require

1 personnel of the Cetacean Desk to engage with ves-  
2 sel operators in areas where large cetaceans have  
3 been seen or could reasonably be present to ensure  
4 compliance with applicable laws, regulations, and  
5 voluntary guidance, to reduce the impact of vessel  
6 traffic on large cetaceans.

7 (2) CONTENTS.—In engaging with vessel opera-  
8 tors as required by paragraph (1), personnel of the  
9 Cetacean Desk shall communicate where and when  
10 sightings of large cetaceans have occurred.

11 (c) MEMORANDUM OF UNDERSTANDING.—The Sec-  
12 retary and the Under Secretary may enter into a memo-  
13 randum of understanding to facilitate real-time sharing of  
14 data relating to large cetaceans between the Quiet Sound  
15 program of the State of Washington, the National Oceanic  
16 and Atmospheric Administration, and the Puget Sound  
17 Vessel Traffic Service, and other relevant entities, as ap-  
18 propriate.

19 (d) DATA.—The Under Secretary shall leverage exist-  
20 ing data collection methods, the pilot project required by  
21 section 313, and public data to ensure accurate and timely  
22 information on the sighting of large cetaceans.

23 (e) CONSULTATIONS.—

24 (1) IN GENERAL.—In carrying out the pilot  
25 program required by subsection (a), the Secretary

1 shall consult with Tribal governments, the State of  
2 Washington, institutions of higher education, the  
3 maritime industry, ports in the Puget Sound region,  
4 and nongovernmental organizations.

5 (2) COORDINATION WITH CANADA.—When ap-  
6 propriate, the Secretary shall coordinate with the  
7 Government of Canada, consistent with policies and  
8 agreements relating to management of vessel traffic  
9 in Puget Sound.

10 (f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL  
11 VARIANCE AND POLICY.—The Secretary, with the concur-  
12 rence of the Under Secretary and in consultation with the  
13 Captain of the Port for the Puget Sound region—

14 (1) shall implement local variances, as author-  
15 ized by subsection (c) of section 70001 of title 46,  
16 United States Code, to reduce the impact of vessel  
17 traffic on large cetaceans; and

18 (2) may enter into cooperative agreements, in  
19 accordance with subsection (d) of that section, with  
20 Federal, State, and local officials to reduce the like-  
21 lihood of vessel interactions with protected large  
22 cetaceans, which may include—

23 (A) communicating marine mammal pro-  
24 tection guidance to vessels;

1 (B) training on requirements imposed by  
2 local, State, Tribal, and Federal laws and regu-  
3 lations and guidelines concerning—

4 (i) vessel buffer zones;

5 (ii) vessel speed;

6 (iii) seasonal no-go zones for vessels;

7 (iv) protected areas, including areas  
8 designated as critical habitat, as applicable  
9 to marine operations; and

10 (v) any other activities to reduce the  
11 direct and indirect impact of vessel traffic  
12 on large cetaceans;

13 (C) training to understand, utilize, and  
14 communicate large cetacean location data; and

15 (D) training to understand and commu-  
16 nicate basic large cetacean detection, identifica-  
17 tion, and behavior, including—

18 (i) cues of the presence of large  
19 cetaceans such as spouts, water disturb-  
20 ances, breaches, or presence of prey;

21 (ii) important feeding, breeding,  
22 calving, and rearing habitats that co-occur  
23 with areas of high risk of vessel strikes;

1 (iii) seasonal large cetacean migration  
2 routes that co-occur with areas of high risk  
3 of vessel strikes; and

4 (iv) areas designated as critical habi-  
5 tat for large cetaceans.

6 (g) REPORT REQUIRED.—Not later than 1 year after  
7 the date of the enactment of this Act, and every 2 years  
8 thereafter for the duration of the pilot program under this  
9 section, the Commandant, in coordination with the Under  
10 Secretary and the Administrator of the Maritime Adminis-  
11 tration, shall submit to the appropriate congressional com-  
12 mittees a report that—

13 (1) evaluates the functionality, utility, reli-  
14 ability, responsiveness, and operational status of the  
15 Cetacean Desk established under the pilot program  
16 required by subsection (a), including a quantification  
17 of reductions in vessel strikes to large cetaceans as  
18 a result of the pilot program;

19 (2) assesses the efficacy of communication be-  
20 tween the Cetacean Desk and the maritime industry  
21 and provides recommendations for improvements;

22 (3) evaluates the integration and interoper-  
23 ability of existing data collection methods, as well as  
24 public data, into the Cetacean Desk operations;

1           (4) assesses the efficacy of collaboration and  
2 stakeholder engagement with Tribal governments,  
3 the State of Washington, institutions of higher edu-  
4 cation, the maritime industry, ports in the Puget  
5 Sound region, and nongovernmental organizations;  
6 and

7           (5) evaluates the progress, performance, and  
8 implementation of guidance and training procedures  
9 for Puget Sound Vessel Traffic Service personnel, as  
10 required by subsection (f).

11 **SEC. 315. MONITORING OCEAN SOUNDSCAPES.**

12       (a) IN GENERAL.—The Under Secretary shall main-  
13 tain and expand an ocean soundscape development pro-  
14 gram—

15           (1) to award grants to expand the deployment  
16 of Federal and non-Federal observing and data man-  
17 agement systems capable of collecting measurements  
18 of underwater sound for purposes of monitoring and  
19 analyzing baselines and trends in the underwater  
20 soundscape to protect and manage marine life;

21           (2) to continue to develop and apply standard-  
22 ized forms of measurements to assess sounds pro-  
23 duced by marine animals, physical processes, and  
24 anthropogenic activities; and



1           (3) after coordinating with the Secretary of De-  
2       fense, to coordinate and make accessible to the pub-  
3       lic the datasets, modeling and analysis, and user-  
4       driven products and tools resulting from observa-  
5       tions of underwater sound funded through grants  
6       awarded under paragraph (1).

7       (b) COORDINATION.—The program described in sub-  
8       section (a) shall—

9           (1) include the Ocean Noise Reference Station  
10       Network of the National Oceanic and Atmospheric  
11       Administration and the National Park Service;

12          (2) use and coordinate with the Integrated  
13       Ocean Observing System; and

14          (3) coordinate with the Regional Ocean Part-  
15       nerships and the Director of the United States Fish  
16       and Wildlife Service, as appropriate.

17       (c) PRIORITY.—In awarding grants under subsection  
18       (a), the Under Secretary shall consider the geographic di-  
19       versity of the recipients of such grants.

20       (d) SAVINGS CLAUSE.—An activity may not be car-  
21       ried out under this section if the Secretary of Defense,  
22       in consultation with the Under Secretary, determines that  
23       the activity would negatively impact the defense readiness  
24       or the national security of the United States.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated \$1,500,000 for each of fis-  
 3 cal years 2023 through 2028 to carry out this section.

## 4 **Subtitle B—Oil Spills**

### 5 **SEC. 321. IMPROVING OIL SPILL PREPAREDNESS.**

6 The Under Secretary of Commerce for Oceans and  
 7 Atmosphere shall include in the Automated Data Inquiry  
 8 for Oil Spills database (or a successor database) used by  
 9 National Oceanic and Atmospheric Administration oil  
 10 weathering models new data, including peer-reviewed data,  
 11 on properties of crude and refined oils, including data on  
 12 diluted bitumen, as such data becomes publicly available.

### 13 **SEC. 322. WESTERN ALASKA OIL SPILL PLANNING CRI-** 14 **TERIA.**

15 (a) ALASKA OIL SPILL PLANNING CRITERIA PRO-  
 16 GRAM.—

17 (1) IN GENERAL.—Chapter 3 of title 14, United  
 18 States Code, is amended by adding at the end the  
 19 following:

### 20 **“§ 323. Western Alaska Oil Spill Planning Criteria** 21 **Program**

22 “(a) ESTABLISHMENT.—There is established within  
 23 the Coast Guard a Western Alaska Oil Spill Planning Cri-  
 24 teria Program (referred to in this section as the ‘Pro-

1 gram') to develop and administer the Western Alaska oil  
2 spill planning criteria.

3 “(b) PROGRAM MANAGER.—

4 “(1) IN GENERAL.—Not later than 1 year after  
5 the date of the enactment of this section, the Com-  
6 mandant shall select a permanent civilian career em-  
7 ployee through a competitive search process for a  
8 term not less than 5 years to serve as the Western  
9 Alaska Oil Spill Criteria Program Manager (referred  
10 to in this section as the ‘Program Manager’)—

11 “(A) the primary duty of whom shall be to  
12 administer the Program; and

13 “(B) who shall not be subject to frequent  
14 or routine reassignment.

15 “(2) CONFLICTS OF INTEREST.—The individual  
16 selected to serve as the Program Manager shall not  
17 have conflicts of interest relating to entities regu-  
18 lated by the Coast Guard.

19 “(3) DUTIES.—

20 “(A) DEVELOPMENT OF GUIDANCE.—The  
21 Program Manager shall develop guidance for—

22 “(i) approval, drills, and testing relat-  
23 ing to the Western Alaska oil spill plan-  
24 ning criteria; and

1           “(ii) gathering input concerning such  
2           planning criteria from Federal agencies,  
3           State, local, and Tribal governments, and  
4           relevant industry and nongovernmental en-  
5           tities.

6           “(B) ASSESSMENTS.—Not less frequently  
7           than once every 5 years, the Program Manager  
8           shall—

9                   “(i) assess whether such existing plan-  
10                  ning criteria adequately meet the needs of  
11                  vessels operating in the geographic area;  
12                  and

13                   “(ii) identify methods for advancing  
14                  response capability so as to achieve, with  
15                  respect to a vessel, compliance with na-  
16                  tional planning criteria.

17           “(C) ONSITE VERIFICATIONS.—The Pro-  
18           gram Manager shall address the relatively small  
19           number and limited nature of verifications of  
20           response capabilities for vessel response plans  
21           by increasing, within the Seventeenth Coast  
22           Guard District, the quantity and frequency of  
23           onsite verifications of the providers identified in  
24           vessel response plans.

1       “(c) TRAINING.—The Commandant shall enhance the  
2 knowledge and proficiency of Coast Guard personnel with  
3 respect to the Program by—

4               “(1) developing formalized training on the Pro-  
5 gram that, at a minimum—

6                       “(A) provides in-depth analysis of—

7                               “(i) the national planning criteria de-  
8 scribed in part 155 of title 33, Code of  
9 Federal Regulations (or successor regula-  
10 tions);

11                               “(ii) alternative planning criteria;

12                               “(iii) Western Alaska oil spill plan-  
13 ning criteria;

14                               “(iv) Captain of the Port and Federal  
15 On-Scene Coordinator authorities related  
16 to activation of a vessel response plan;

17                               “(v) the responsibilities of vessel own-  
18 ers and operators in preparing a vessel re-  
19 sponse plan for submission; and

20                               “(vi) responsibilities of the Area Com-  
21 mittee, including risk analysis, response  
22 capability, and development of alternative  
23 planning criteria;

24                       “(B) explains the approval processes of  
25 vessel response plans that involve alternative

1 planning criteria or Western Alaska oil spill  
2 planning criteria; and

3 “(C) provides instruction on the processes  
4 involved in carrying out the actions described in  
5 paragraphs (9)(D) and (9)(F) of section 311(j)  
6 of the Federal Water Pollution Control Act (33  
7 U.S.C. 1321(j)), including instruction on car-  
8 rying out such actions—

9 “(i) in any geographic area in the  
10 United States; and

11 “(ii) specifically in the Seventeenth  
12 Coast Guard District; and

13 “(2) providing such training to all Coast Guard  
14 personnel involved in the Program.

15 “(d) DEFINITIONS.—In this section:

16 “(1) ALTERNATIVE PLANNING CRITERIA.—The  
17 term ‘alternative planning criteria’ means criteria  
18 submitted under section 155.1065 or 155.5067 of  
19 title 33, Code of Federal Regulations (or successor  
20 regulations), for vessel response plans.

21 “(2) TRIBAL.—The term ‘Tribal’ means of or  
22 pertaining to an Indian Tribe or a Tribal organiza-  
23 tion (as those terms are defined in section 4 of the  
24 Indian Self-Determination and Education Assistance  
25 Act (25 U.S.C. 5304)).

1           “(3) VESSEL RESPONSE PLAN.—The term ‘ves-  
 2           sel response plan’ means a plan required to be sub-  
 3           mitted by the owner or operator of a tank vessel or  
 4           a nontank vessel under regulations issued by the  
 5           President under section 311(j)(5) of the Federal  
 6           Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

7           “(4) WESTERN ALASKA OIL SPILL PLANNING  
 8           CRITERIA.—The term ‘Western Alaska oil spill plan-  
 9           ning criteria’ means the criteria required under  
 10          paragraph (9) of section 311(j) of the Federal  
 11          Water Pollution Control Act (33 U.S.C. 1321(j)).”.

12          (2) CLERICAL AMENDMENT.—The analysis for  
 13          chapter 3 of title 14, United States Code, is amend-  
 14          ed by adding at the end the following:

“323. Western Alaska Oil Spill Planning Criteria Program.”.

15          (b) WESTERN ALASKA OIL SPILL PLANNING CRI-  
 16          TERIA.—

17          (1) AMENDMENT.—Section 311(j) of the Fed-  
 18          eral Water Pollution Control Act (33 U.S.C.  
 19          1321(j)) is amended by adding at the end the fol-  
 20          lowing:

21          “(9) ALTERNATIVE PLANNING CRITERIA PRO-  
 22          GRAM.—

23                  “(A) DEFINITIONS.—In this paragraph:

24                          “(i) ALTERNATIVE PLANNING CRI-  
 25                          TERIA.—The term ‘alternative planning

1 criteria' means criteria submitted under  
2 section 155.1065 or 155.5067 of title 33,  
3 Code of Federal Regulations (or successor  
4 regulations), for vessel response plans.

5 “(ii) PRINCE WILLIAM SOUND CAP-  
6 TAIN OF THE PORT ZONE.—The term  
7 ‘Prince William Sound Captain of the Port  
8 Zone’ means the area described in section  
9 3.85–15(b) of title 33, Code of Federal  
10 Regulations (or successor regulations).

11 “(iii) SECRETARY.—The term ‘Sec-  
12 retary’ means the Secretary of the Depart-  
13 ment in which the Coast Guard is oper-  
14 ating.

15 “(iv) TRIBAL.—The term ‘Tribal’  
16 means of or pertaining to an Indian Tribe  
17 or a Tribal organization (as those terms  
18 are defined in section 4 of the Indian Self-  
19 Determination and Education Assistance  
20 Act (25 U.S.C. 5304)).

21 “(v) VESSEL RESPONSE PLAN.—The  
22 term ‘vessel response plan’ means a plan  
23 required to be submitted by the owner or  
24 operator of a tank vessel or a nontank ves-



1 sel under regulations issued by the Presi-  
2 dent under paragraph (5).

3 “(vi) WESTERN ALASKA CAPTAIN OF  
4 THE PORT ZONE.—The term ‘Western  
5 Alaska Captain of the Port Zone’ means  
6 the area described in section 3.85–15(a) of  
7 title 33, Code of Federal Regulations (as  
8 in effect on the date of enactment of this  
9 paragraph).

10 “(B) REQUIREMENT.—Except as provided  
11 in subparagraph (I), for any part of the area of  
12 responsibility of the Western Alaska Captain of  
13 the Port Zone or the Prince William Sound  
14 Captain of the Port Zone in which the Sec-  
15 retary has determined that the national plan-  
16 ning criteria established pursuant to this sub-  
17 section are inappropriate for a vessel operating  
18 in that area, a response plan required under  
19 paragraph (5) with respect to a discharge of oil  
20 for such a vessel shall comply with the planning  
21 criteria established under subparagraph (D)(i).

22 “(C) RELATION TO NATIONAL PLANNING  
23 CRITERIA.—The planning criteria established  
24 under subparagraph (D)(i) shall, with respect  
25 to a discharge of oil from a vessel described in

1           subparagraph (B), apply in lieu of any alter-  
2           native planning criteria accepted for vessels op-  
3           erating in that area prior to the date on which  
4           the planning criteria under subparagraph (D)(i)  
5           are established.

6           “(D) ESTABLISHMENT OF PLANNING CRI-  
7           TERIA.—The President, acting through the  
8           Commandant in consultation with the Western  
9           Alaska Oil Spill Criteria Program Manager es-  
10          tablished under section 323 of title 14, United  
11          States Code, shall establish—

12                 “(i) Alaska oil spill planning criteria  
13                 for a worst case discharge of oil, and a  
14                 substantial threat of such a discharge,  
15                 within any part of the area of responsi-  
16                 bility of the Western Alaska Captain of the  
17                 Port Zone or Prince William Sound Cap-  
18                 tain of the Port Zone in which the Sec-  
19                 retary has determined that the national  
20                 planning criteria established pursuant to  
21                 this subsection are inappropriate for a ves-  
22                 sel operating in that area; and

23                 “(ii) standardized submission, review,  
24                 approval, and compliance verification proc-  
25                 esses for the planning criteria established

1 under clause (i), including the quantity  
2 and frequency of drills and on-site  
3 verifications of vessel response plans ac-  
4 cepted pursuant to those planning criteria.

5 “(E) INCLUSIONS.—

6 “(i) IN GENERAL.—The Western  
7 Alaska oil spill planning criteria estab-  
8 lished under subparagraph (D)(i) shall in-  
9 clude planning criteria for the following:

10 “(I) Mechanical oil spill response  
11 resources that are required to be lo-  
12 cated within that area.

13 “(II) Response times for mobili-  
14 zation of oil spill response resources  
15 and arrival on the scene of a worst  
16 case discharge of oil, or substantial  
17 threat of such a discharge, occurring  
18 within that area.

19 “(III) Pre-identified vessels for  
20 oil spill response that are capable of  
21 operating in the ocean environment.

22 “(IV) Ensuring the availability of  
23 at least 1 oil spill removal organiza-  
24 tion that is classified by the Coast  
25 Guard and that—

1           “(aa) is capable of respond-  
2           ing in all operating environments  
3           in that area;

4           “(bb) controls oil spill re-  
5           sponse resources of dedicated and  
6           nondedicated resources within  
7           that area, through ownership,  
8           contracts, agreements, or other  
9           means approved by the Presi-  
10          dent, sufficient—

11          “(AA) to mobilize and  
12          sustain a response to a  
13          worst case discharge of oil;  
14          and

15          “(BB) to contain, re-  
16          cover, and temporarily store  
17          discharged oil;

18          “(cc) has pre-positioned oil  
19          spill response resources in stra-  
20          tegic locations throughout that  
21          area in a manner that ensures  
22          the ability to support response  
23          personnel, marine operations, air  
24          cargo, or other related logistics  
25          infrastructure;

1           “(dd) has temporary storage  
2 capability using both dedicated  
3 and non-dedicated assets located  
4 within that area;

5           “(ee) has non-mechanical oil  
6 spill response resources, to be  
7 available under contracts, agree-  
8 ments, or other means approved  
9 by the President, capable of re-  
10 sponding to a discharge of per-  
11 sistent oil and a discharge of  
12 nonpersistent oil, whether the  
13 discharged oil was carried by a  
14 vessel as fuel or cargo; and

15           “(ff) considers availability of  
16 wildlife response resources for  
17 primary, secondary, and tertiary  
18 responses to support carcass col-  
19 lection, sampling, deterrence, res-  
20 cue, and rehabilitation of birds,  
21 sea turtles, marine mammals,  
22 fishery resources, and other wild-  
23 life.

24           “(V) With respect to tank barges  
25 carrying nonpersistent oil in bulk as

1 cargo, oil spill response resources that  
2 are required to be carried on board.

3 “(VI) Specifying a minimum  
4 length of time that approval of a re-  
5 sponse plan under this paragraph is  
6 valid.

7 “(VII) Managing wildlife protec-  
8 tion and rehabilitation, including iden-  
9 tified wildlife protection and rehabili-  
10 tation resources in that area.

11 “(ii) ADDITIONAL CONSIDER-  
12 ATIONS.—The Commandant may consider  
13 criteria regarding—

14 “(I) vessel routing measures con-  
15 sistent with international routing  
16 measure deviation protocols; and

17 “(II) maintenance of real-time  
18 continuous vessel tracking, moni-  
19 toring, and engagement protocols with  
20 the ability to detect and address vessel  
21 operation anomalies.

22 “(F) REQUIREMENT FOR APPROVAL.—The  
23 President may approve a response plan for a  
24 vessel under this paragraph only if the owner or  
25 operator of the vessel demonstrates the avail-

1 ability of the oil spill response resources re-  
2 quired to be included in the response plan  
3 under the planning criteria established under  
4 subparagraph (D)(i).

5 “(G) PERIODIC AUDITS.—The Secretary  
6 shall conduct periodic audits to ensure compli-  
7 ance of vessel response plans and oil spill re-  
8 moval organizations within the Western Alaska  
9 Captain of the Port Zone and the Prince Wil-  
10 liam Sound Captain of the Port Zone with the  
11 planning criteria under subparagraph (D)(i).

12 “(H) REVIEW OF DETERMINATION.—Not  
13 less frequently than once every 5 years, the Sec-  
14 retary shall review each determination of the  
15 Secretary under subparagraph (B) that the na-  
16 tional planning criteria are inappropriate for a  
17 vessel operating in the area of responsibility of  
18 the Western Alaska Captain of the Port Zone  
19 and the Prince William Sound Captain of the  
20 Port Zone.

21 “(I) SAVINGS PROVISIONS.—Nothing in  
22 this paragraph affects—

23 “(i) the requirements under this sub-  
24 section applicable to vessel response plans  
25 for vessels operating within the area of re-

1           sponsibility of the Western Alaska Captain  
2           of the Port Zone;

3           “(ii) the requirements under this sub-  
4           section applicable to vessel response plans  
5           for vessels operating within the area of re-  
6           sponsibility of the Prince William Sound  
7           Captain of the Port Zone under section  
8           5005 of the Oil Pollution Act of 1990 (33  
9           U.S.C. 2735); or

10          “(iii) the authority of a Federal On-  
11          Scene Coordinator to use any available re-  
12          sources when responding to an oil spill.”.

13           (2) ESTABLISHMENT OF ALASKA OIL SPILL  
14          PLANNING CRITERIA.—

15           (A) DEADLINE.—Not later than 2 years  
16           after the date of the enactment of this Act, the  
17           President shall establish the planning criteria  
18           required to be established under paragraph  
19           (9)(D)(i) of section 311(j) of the Federal Water  
20           Pollution Control Act (33 U.S.C. 1321(j)).

21           (B) CONSULTATION.—In establishing the  
22           planning criteria described in subparagraph  
23           (B), the President shall consult with the Fed-  
24           eral, State, local, and Tribal agencies, and the  
25           owners and operators, that would be subject to



1 those planning criteria, oil spill removal organi-  
2 zations, Alaska Native organizations, and envi-  
3 ronmental nongovernmental organizations lo-  
4 cated within the State of Alaska.

5 (C) GOVERNMENT-TO-GOVERNMENT CON-  
6 SULTATION.—The Secretary shall conduct gov-  
7 ernment-to-government consultation with feder-  
8 ally recognized Indian Tribes, as requested and  
9 appropriate for activities authorized by this sec-  
10 tion.

11 (D) CONGRESSIONAL REPORT.—Not later  
12 than 2 years after the date of the enactment of  
13 this Act, the Secretary shall submit to Congress  
14 a report describing the status of implementa-  
15 tion of paragraph (9) of section 311(j) of the  
16 Federal Water Pollution Control Act (33 U.S.C.  
17 1321(j)).

18 **SEC. 323. ACCIDENT AND INCIDENT NOTIFICATION RELAT-**  
19 **ING TO PIPELINES.**

20 (a) REPEAL.—Subsection (c) of section 9 of the Pipe-  
21 line Safety, Regulatory Certainty, and Job Creation Act  
22 of 2011 (49 U.S.C. 60117 note; Public Law 112–90) is  
23 repealed.

24 (b) APPLICATION.—Section 9 of the Pipeline Safety,  
25 Regulatory Certainty, and Job Creation Act of 2011 (49

1 U.S.C. 60117 note; Public Law 112–90) shall be applied  
2 and administered as if the subsection repealed by sub-  
3 section (a) had never been enacted.

4 **SEC. 324. COAST GUARD CLAIMS PROCESSING COSTS.**

5 Section 1012(a)(4) of the Oil Pollution Act of 1990  
6 (33 U.S.C. 2712(a)(4)) is amended by striking “dam-  
7 ages;” and inserting “damages, including, in the case of  
8 a spill of national significance that results in extraordinary  
9 Coast Guard claims processing activities, the administra-  
10 tive and personnel costs of the Coast Guard to process  
11 those claims (including the costs of commercial claims  
12 processing, expert services, training, and technical serv-  
13 ices), subject to the condition that the Coast Guard shall  
14 submit to Congress a report describing the spill of national  
15 significance not later than 30 days after the date on which  
16 the Coast Guard determines it necessary to process those  
17 claims;”.

18 **SEC. 325. CALCULATION OF INTEREST ON DEBT OWED TO**  
19 **THE NATIONAL POLLUTION FUND.**

20 Section 1005(b)(4) of the Oil Pollution Act of 1990  
21 (33 U.S.C. 2705(b)(4)) is amended—

22 (1) by striking “The interest paid” and insert-  
23 ing the following:

1           “(A) IN GENERAL.—The interest paid for  
2           claims, other than Federal Government cost re-  
3           covery claims,”; and  
4           (2) by adding at the end the following:

5           “(B) FEDERAL COST RECOVERY CLAIMS.—  
6           The interest paid for Federal Government cost  
7           recovery claims under this section shall be cal-  
8           culated in accordance with section 3717 of title  
9           31, United States Code.”.

10 **SEC. 326. PER-INCIDENT LIMITATION.**

11           Subparagraph (A) of section 9509(c)(2) of the Inter-  
12           nal Revenue Code of 1986 is amended—

13           (1) in clause (i), by striking “\$1,000,000,000”  
14           and inserting “\$1,500,000,000”;

15           (2) in clause (ii), by striking “\$500,000,000”  
16           and inserting “\$750,000,000”; and

17           (3) in the heading, by striking “\$1,000,000,000”  
18           and inserting “\$1,500,000,000”.

19 **SEC. 327. ACCESS TO THE OIL SPILL LIABILITY TRUST**  
20 **FUND.**

21           Section 6002 of the Oil Pollution Act of 1990 (33  
22           U.S.C. 2752) is amended by striking subsection (b) and  
23           inserting the following:

24           “(b) EXCEPTIONS.—

1           “(1) IN GENERAL.—Subsection (a) shall not  
2 apply to—

3                   “(A) section 1006(f), 1012(a)(4), or 5006;

4 or

5                   “(B) an amount, which may not exceed  
6 \$50,000,000 in any fiscal year, made available  
7 by the President from the Fund—

8                           “(i) to carry out section 311(c) of the  
9 Federal Water Pollution Control Act (33  
10 U.S.C. 1321(c)); and

11                           “(ii) to initiate the assessment of nat-  
12 ural resources damages required under sec-  
13 tion 1006.

14           “(2) FUND ADVANCES.—

15                   “(A) IN GENERAL.—To the extent that the  
16 amount described in subparagraph (B) of para-  
17 graph (1) is not adequate to carry out the ac-  
18 tivities described in that subparagraph, the  
19 Coast Guard may obtain 1 or more advances  
20 from the Fund as may be necessary, up to a  
21 maximum of \$100,000,000 for each advance,  
22 with the total amount of advances not to exceed  
23 the amounts available under section 9509(c)(2)  
24 of the Internal Revenue Code of 1986.

1           “(B) NOTIFICATION TO CONGRESS.—Not  
2 later than 30 days after the date on which the  
3 Coast Guard obtains an advance under sub-  
4 paragraph (A), the Coast Guard shall notify  
5 Congress of—

6                   “(i) the amount advanced; and

7                   “(ii) the facts and circumstances that  
8 necessitated the advance.

9           “(C) REPAYMENT.—Amounts advanced  
10 under this paragraph shall be repaid to the  
11 Fund when, and to the extent that, removal  
12 costs are recovered by the Coast Guard from re-  
13 sponsible parties for the discharge or substan-  
14 tial threat of discharge.

15           “(3) AVAILABILITY.—Amounts to which this  
16 subsection applies shall remain available until ex-  
17 pended.”.

18 **SEC. 328. COST-REIMBURSABLE AGREEMENTS.**

19           Section 1012 of the Oil Pollution Act of 1990 (33  
20 U.S.C. 2712) is amended—

21                   (1) in subsection (a)(1)(B), by striking “by a  
22 Governor or designated State official” and inserting  
23 “by a State, a political subdivision of a State, or an  
24 Indian tribe, pursuant to a cost-reimbursable agree-  
25 ment”;

1           (2) by striking subsections (d) and (e) and in-  
2           serting the following:

3           “(d) COST-REIMBURSABLE AGREEMENT.—

4           “(1) IN GENERAL.—In carrying out section  
5           311(c) of the Federal Water Pollution Control Act  
6           (33 U.S.C. 1321(c)), the President may enter into  
7           cost-reimbursable agreements with a State, a polit-  
8           ical subdivision of a State, or an Indian tribe to obli-  
9           gate the Fund for the payment of removal costs con-  
10          sistent with the National Contingency Plan.

11          “(2) INAPPLICABILITY.—Neither section 1535  
12          of title 31, United States Code, nor chapter 63 of  
13          that title shall apply to a cost-reimbursable agree-  
14          ment entered into under this subsection.”; and

15          (3) by redesignating subsections (f), (h), (i), (j),  
16          (k), and (l) as subsections (e), (f), (g), (h), (i), and  
17          (j), respectively.

18   **SEC. 329. OIL SPILL RESPONSE REVIEW.**

19          (a) IN GENERAL.—Subject to the availability of ap-  
20          propriations, the Commandant shall develop and carry out  
21          a program—

22          (1) to increase collection and improve the qual-  
23          ity of incident data on oil spill location and response  
24          capability by periodically evaluating the data, docu-  
25          mentation, and analysis of—

1 (A) Coast Guard-approved vessel response  
2 plans, including vessel response plan audits and  
3 assessments;

4 (B) oil spill response drills conducted  
5 under section 311(j)(7) of the Federal Water  
6 Pollution Control Act (33 U.S.C. 1321(j)(7))  
7 that occur within the Marine Transportation  
8 System; and

9 (C) responses to oil spill incidents that re-  
10 quire mobilization of contracted response re-  
11 sources;

12 (2) to update, not less frequently than annually,  
13 information contained in the Coast Guard Response  
14 Resource Inventory and other Coast Guard tools  
15 used to document the availability and status of oil  
16 spill response equipment, so as to ensure that such  
17 information remains current; and

18 (3) subject to section 552 of title 5, United  
19 States Code (commonly known as the “Freedom of  
20 Information Act”), to make data collected under  
21 paragraph (1) available to the public.

22 (b) POLICY.—Not later than 1 year after the date  
23 of the enactment of this Act, the Commandant shall issue  
24 a policy—

1           (1) to establish processes to maintain the pro-  
2           gram under subsection (a) and support Coast Guard  
3           oil spill prevention and response activities, including  
4           by incorporating oil spill incident data from after-ac-  
5           tion oil spill reports and data ascertained from vessel  
6           response plan exercises and audits into—

7                   (A) review and approval process standards  
8                   and metrics;

9                   (B) Alternative Planning Criteria (APC)  
10                  review processes;

11                  (C) Area Contingency Plan (ACP) develop-  
12                  ment; and

13                  (D) risk assessments developed under sec-  
14                  tion 70001 of title 46, United States Code, in-  
15                  cluding lessons learned from reportable marine  
16                  casualties;

17           (2) to standardize and develop tools, training,  
18           and other relevant guidance that may be shared with  
19           vessel owners and operators to assist with accurately  
20           calculating and measuring the performance and via-  
21           bility of proposed alternatives to national planning  
22           criteria requirements and Area Contingency Plans  
23           under the jurisdiction of the Coast Guard;

24           (3) to improve training of Coast Guard per-  
25           sonnel to ensure continuity of planning activities



1 under this section, including by identifying ways in  
2 which civilian staffing may improve the continuity of  
3 operations; and

4 (4) to increase Federal Government engage-  
5 ment with State, local, and Tribal governments and  
6 stakeholders so as to strengthen coordination and ef-  
7 ficiency of oil spill responses.

8 (c) PERIODIC UPDATES.—Not less frequently than  
9 every 5 years, the Commandant shall update the processes  
10 established under subsection (b)(1) to incorporate relevant  
11 analyses of—

12 (1) incident data on oil spill location and re-  
13 sponse quality;

14 (2) oil spill risk assessments;

15 (3) oil spill response effectiveness and the af-  
16 fects of such response on the environment;

17 (4) oil spill response drills conducted under sec-  
18 tion 311(j)(7) of the Federal Water Pollution Con-  
19 trol Act (33 U.S.C. 1321(j)(7));

20 (5) marine casualties reported to the Coast  
21 Guard; and

22 (6) near miss incidents documented by a Vessel  
23 Traffic Service Center (as such terms are defined in  
24 sections 70001(m) of title 46, United States Code).

25 (d) REPORT.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of the enactment of this Act, and annually  
3           thereafter for 5 years, the Commandant shall pro-  
4           vide to the Committee on Commerce, Science, and  
5           Transportation of the Senate and the Committee on  
6           Transportation and Infrastructure of the House of  
7           Representatives a briefing on the status of ongoing  
8           and planned efforts to improve the effectiveness and  
9           oversight of the vessel response program.

10           (2) PUBLIC AVAILABILITY.—The Commandant  
11           shall publish the report required by subparagraph  
12           (A) on a publicly accessible internet website of the  
13           Coast Guard.

14 **SEC. 330. REVIEW AND REPORT ON LIMITED INDEMNITY**  
15                           **PROVISIONS IN STANDBY OIL SPILL RE-**  
16                           **SPONSE CONTRACTS.**

17           (a) IN GENERAL.—Not later than 1 year after the  
18           date of enactment of this Act, the Comptroller General  
19           of the United States shall submit to the Committee on  
20           Commerce, Science, and Transportation of the Senate and  
21           the Committee on Transportation and Infrastructure of  
22           the House of Representatives a report on the effects of  
23           removing limited indemnity provisions from Coast Guard  
24           oil spill response contracts entered into by the President

1 (or a delegate) under section 311(c) of the Federal Water  
2 Pollution Control Act (33 U.S.C. 1321(c)).

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

5 (1) An assessment of the adequacy of contracts  
6 described in that subsection in meeting the needs of  
7 the United States to carry out oil spill clean-ups  
8 under the National Contingency Plan (as defined in  
9 section 311(a) of the Federal Water Pollution Con-  
10 trol Act (33 U.S.C. 1321(a))) during the period be-  
11 ginning in 1990 and ending in 2014 with respect to  
12 those contracts that included limited indemnity pro-  
13 visions for oil spill response organizations.

14 (2) A review of the costs incurred by the Coast  
15 Guard, the Oil Spill Liability Trust Fund estab-  
16 lished by section 9509(a) of the Internal Revenue  
17 Code of 1986, and the Federal Government to cover  
18 the indemnity provisions provided to oil spill re-  
19 sponse organizations during the period described in  
20 paragraph (1).

21 (3) An assessment of the adequacy of contracts  
22 described in that subsection in meeting the needs of  
23 the United States to carry out oil spill clean-ups  
24 under the National Contingency Plan (as so defined)  
25 after limited indemnity provisions for oil spill re-

1        sponse organizations were removed from those con-  
2        tracts in 2014.

3            (4) An assessment of the impact that the re-  
4        moval of limited indemnity provisions described in  
5        paragraph (3) has had on the ability of oil spill re-  
6        sponse organizations to enter into contracts de-  
7        scribed in that subsection.

8            (5) An assessment of the ability of the Oil Spill  
9        Liability Trust Fund established by section 9509(a)  
10       of the Internal Revenue Code of 1986, to cover lim-  
11       ited indemnity provided to a contractor for liabilities  
12       and expenses incidental to the containment or re-  
13       moval of oil arising out of the performance of a con-  
14       tract that is substantially identical to the terms con-  
15       tained in subsections (d)(2) through (h) of section  
16       H.4 of the contract offered by the Coast Guard in  
17       the solicitation numbered DTCG89-98-A-68F953  
18       and dated November 17, 1998.

19 **SEC. 331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR**  
20 **TOWING VESSELS.**

21        (a) IN GENERAL.—Not later than 180 days after the  
22       date of enactment of this Act, the Secretary shall review  
23       existing Coast Guard policies with respect to exceptions  
24       to the applicability of subchapter M of chapter I of title

1 46, Code of Federal Regulations (or successor regula-  
2 tions), for—

3 (1) an oil spill response vessel, or a vessel of op-  
4 portunity, while such vessel is—

5 (A) towing boom for oil spill response; or

6 (B) participating in an oil response exer-  
7 cise; and

8 (2) a fishing vessel while that vessel is oper-  
9 ating as a vessel of opportunity.

10 (b) POLICY.—Not later than 180 days after the con-  
11 clusion of the review required by subsection (a), the Sec-  
12 retary shall revise or issue any necessary policy to clarify  
13 the applicability of subchapter M of chapter I of title 46,  
14 Code of Federal Regulations (or successor regulations) to  
15 the vessels described in subsection (a). Such a policy shall  
16 ensure safe and effective operation of such vessels.

17 (c) DEFINITIONS.—In this section:

18 (1) FISHING VESSEL; OIL SPILL RESPONSE VES-  
19 SEL.—The terms “fishing vessel” and “oil spill re-  
20 sponse vessel” have the meanings given such terms  
21 in section 2101 of title 46, United States Code.

22 (2) VESSEL OF OPPORTUNITY.—The term “ves-  
23 sel of opportunity” means a vessel engaged in spill  
24 response activities that is normally and substantially

1 involved in activities other than spill response and  
2 not a vessel carrying oil as a primary cargo.

### 3 **Subtitle C—Environmental** 4 **Compliance**

#### 5 **SEC. 341. REVIEW OF ANCHORAGE REGULATIONS.**

6 (a) REGULATORY REVIEW.—Not later than 1 year  
7 after the date of enactment of this Act, the Secretary shall  
8 complete a review of existing anchorage regulations or  
9 other rules and identify regulations or rules that may need  
10 modification in the interest of marine safety, security, and  
11 environmental concerns, taking into account undersea  
12 pipelines, cables, or other infrastructure.

13 (b) BRIEFING.—Upon completion of the review under  
14 paragraph (1), but not later than 2 years after the date  
15 of enactment of this Act, the Secretary shall provide a  
16 briefing to the Committee on Commerce, Science, and  
17 Transportation of the Senate and the Committee on  
18 Transportation and Infrastructure of the House of Rep-  
19 resentatives that summarizes the review.

#### 20 **SEC. 342. STUDY ON IMPACTS ON SHIPPING AND COMMER-** 21 **CIAL, TRIBAL, AND RECREATIONAL FISH-** 22 **ERIES FROM THE DEVELOPMENT OF RENEW-** 23 **ABLE ENERGY ON THE WEST COAST.**

24 (a) DEFINITIONS.—In this section:

1           (1) COVERED WATERS.—The term “covered  
2 waters” means Federal or State waters off of the  
3 Canadian border and out to the furthest extent of  
4 the exclusive economic zone.

5           (2) EXCLUSIVE ECONOMIC ZONE.—The term  
6 “exclusive economic zone” has the meaning given  
7 that term in section 107 of title 46, United States  
8 Code.

9           (b) STUDY.—Not later than 180 days after the date  
10 of enactment of this Act, the Secretary, the Secretary of  
11 the Interior, and the Under Secretary of Commerce for  
12 Oceans and Atmosphere, shall enter into an agreement  
13 with the National Academy of Sciences under which the  
14 National Academy of Sciences shall carry out a study to—

15           (1) identify, document, and analyze—

16           (A) historic and current, as of the date of  
17 the study, Tribal, commercial, and recreational  
18 fishing grounds, as well as areas where fish  
19 stocks are likely to shift in the future in all cov-  
20 ered waters;

21           (B) usual and accustomed fishing areas in  
22 all covered waters;

23           (C) historic, current, and potential future  
24 shipping lanes, based on projected growth in  
25 shipping traffic in all covered waters; and

1 (D) key data needed to properly site re-  
2 newable energy sites on the West Coast;

3 (2) analyze—

4 (A) methods used to manage fishing, ship-  
5 ping, and other maritime activities; and

6 (B) how those activities could be impacted  
7 by the placement of renewable energy infra-  
8 structure and the associated construction, main-  
9 tenance, and operation such infrastructure; and

10 (3) provide recommendations on appropriate  
11 areas for renewable energy sites and outline a com-  
12 prehensive approach to include all impacted coastal  
13 communities, particularly Tribal governments and  
14 fisheries communities, in the decision-making proc-  
15 ess.

16 (c) SUBMISSION.—Not later than 1 year after com-  
17 mencing the study under subsection (b), the Secretary  
18 shall—

19 (1) submit the study to the Committee on Com-  
20 merce, Science, and Transportation of the Senate  
21 and the Committee on Transportation and Infra-  
22 structure of the House of Representatives, including  
23 all recommendations provided under subsection  
24 (b)(3); and

25 (2) make the study publicly available.



1     **Subtitle D—Environmental Issues**

2     **SEC. 351. MODIFICATIONS TO THE SPORT FISH RESTORA-**  
 3                   **TION AND BOATING TRUST FUND ADMINIS-**  
 4                   **TRATION.**

5           (a) DINGELL-JOHNSON SPORT FISH RESTORATION  
 6     ACT AMENDMENTS.—

7           (1)       AVAILABLE        AMOUNTS.—Section  
 8           4(b)(1)(B)(i) of the Dingell-Johnson Sport Fish  
 9           Restoration Act (16 U.S.C. 777c(b)(1)(B)(i)) is  
 10          amended by striking subclause (I) and inserting the  
 11          following:

12                                   “(I) the product obtained by mul-  
 13                                   tiplying—

14   “(aa) \$12,786,434; and

15   “(bb) the change, relative to  
 16                                   the preceding fiscal year, in the  
 17                                   Consumer Price Index for All  
 18                                   Urban Consumers published by  
 19                                   the Department of Labor; and”.

20          (2) AUTHORIZED EXPENSES.—Section 9(a) of  
 21          the Dingell-Johnson Sport Fish Restoration Act (16  
 22          U.S.C. 777h(a)) is amended—

23                                   (A) in paragraph (7), by striking “full-  
 24                                   time”; and

1 (B) in paragraph (9), by striking “on a  
2 full-time basis”.

3 (b) PITTMAN-ROBERTSON WILDLIFE RESTORATION  
4 ACT AMENDMENTS.—

5 (1) AVAILABLE AMOUNTS.—Section  
6 4(a)(1)(B)(i) of the Pittman-Robertson Wildlife Res-  
7 toration Act (16 U.S.C. 669c(a)(1)(B)(i)) is amend-  
8 ed by striking subclause (I) and inserting the fol-  
9 lowing:

10 “(I) the product obtained by mul-  
11 tipling—

12 “(aa) \$12,786,434; and

13 “(bb) the change, relative to  
14 the preceding fiscal year, in the  
15 Consumer Price Index for All  
16 Urban Consumers published by  
17 the Department of Labor; and”.

18 (2) AUTHORIZED EXPENSES.—Section 9(a) of  
19 the Pittman-Robertson Wildlife Restoration Act (16  
20 U.S.C. 669h(a)) is amended—

21 (A) in paragraph (7), by striking “full-  
22 time”; and

23 (B) in paragraph (9), by striking “on a  
24 full-time basis”.

1 **SEC. 352. IMPROVEMENTS TO COAST GUARD COMMUNICA-**  
2 **TION WITH NORTH PACIFIC MARITIME AND**  
3 **FISHING INDUSTRY.**

4 (a) **RESCUE 21 SYSTEM IN ALASKA.**—

5 (1) **UPGRADES.**—The Commandant shall ensure  
6 the timely upgrade of the Rescue 21 system in Alas-  
7 ka so as to achieve, not later than August 30, 2023,  
8 98 percent operational availability of remote fixed  
9 facility sites.

10 (2) **PLAN TO REDUCE OUTAGES.**—

11 (A) **IN GENERAL.**—Not later than 180  
12 days after the date of the enactment of this  
13 Act, the Commandant shall develop an oper-  
14 ations and maintenance plan for the Rescue 21  
15 system in Alaska that anticipates maintenance  
16 needs so as to reduce Rescue 21 system outages  
17 to the maximum extent practicable.

18 (B) **PUBLIC AVAILABILITY.**—The plan re-  
19 quired by subparagraph (A) shall be made  
20 available to the public on a publicly accessible  
21 internet website.

22 (3) **REPORT REQUIRED.**—Not later than 180  
23 days after the date of the enactment of this Act, the  
24 Commandant shall submit to the Committee on  
25 Commerce, Science, and Transportation of the Sen-  
26 ate and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report  
2 that—

3 (A) contains a plan for the Coast Guard to  
4 notify mariners of radio outages for towers  
5 owned and operated by the Seventeenth Coast  
6 Guard District;

7 (B) addresses in such plan how the Seven-  
8 teenth Coast Guard will—

9 (i) disseminate updates regarding out-  
10 ages on social media not less frequently  
11 than every 48 hours;

12 (ii) provide updates on a publicly ac-  
13 cessible website not less frequently than  
14 every 48 hours;

15 (iii) develop methods for notifying  
16 mariners in areas in which cellular  
17 connectivity does not exist; and

18 (iv) develop and advertise a web-based  
19 communications update hub on AM/FM  
20 radio for mariners; and

21 (C) identifies technology gaps necessary to  
22 implement the plan and provides a budgetary  
23 assessment necessary to implement the plan.

24 (4) CONTINGENCY PLAN.—

1           (A) IN GENERAL.—Not later than 180  
2 days after the date of the enactment of this  
3 Act, the Commandant shall, in collaboration  
4 with relevant Federal and State entities (includ-  
5 ing the North Pacific Fishery Management  
6 Council, the National Oceanic and Atmospheric  
7 Administration Weather Service, the National  
8 Oceanic and Atmospheric Administration Fish-  
9 eries Service, agencies of the State of Alaska,  
10 local radio stations, and stakeholders), establish  
11 a contingency plan to ensure that notifications  
12 of an outage of the Rescue 21 system in Alaska  
13 are broadly disseminated in advance of such  
14 outage.

15           (B) ELEMENTS.—The plan required by  
16 subparagraph (A) shall require Coast Guard—

17           (i) to disseminate updates regarding  
18 outages on social media not less frequently  
19 than every 48 hours during an outage;

20           (ii) to provide updates on a publicly  
21 accessible website not less frequently than  
22 every 48 hours during an outage;

23           (iii) to notify mariners in areas in  
24 which cellular connectivity does not exist;

1 (iv) to develop and advertise a web-  
2 based communications update hub on AM/  
3 FM radio for mariners; and

4 (v) to identify technology gaps nec-  
5 essary to implement the plan and provides  
6 a budgetary assessment necessary to im-  
7 plement the plan.

8 (b) IMPROVEMENTS TO COMMUNICATION WITH THE  
9 FISHING INDUSTRY AND RELATED STAKEHOLDERS.—

10 (1) IN GENERAL.—The Commandant, in coordi-  
11 nation with the National Commercial Fishing Safety  
12 Advisory Committee established by section 15102 of  
13 title 46, United States Code, shall develop a publicly  
14 accessible internet website that contains all informa-  
15 tion related to fishing industry activities, including  
16 vessel safety, inspections, enforcement, hazards,  
17 training, regulations (including proposed regula-  
18 tions), Rescue 21 system outages and similar out-  
19 ages, and any other fishing-related activities.

20 (2) AUTOMATIC COMMUNICATIONS.—The Com-  
21 mandant shall provide methods for regular and auto-  
22 matic email communications with stakeholders who  
23 elect, through the internet website developed under  
24 paragraph (1), to receive such communications.

1 (c) ADVANCE NOTIFICATION OF MILITARY OR  
2 OTHER EXERCISES.—In consultation with the Secretary  
3 of Defense, the Secretary of State, and commercial fishing  
4 industry participants, the Commandant shall develop and  
5 publish on a publicly available internet website a plan for  
6 notifying United States mariners and the operators of  
7 United States fishing vessels in advance of—

8 (1) military exercises in the exclusive economic  
9 zone of the United States (as defined in section 3  
10 of the Magnuson-Stevens Fishery Conservation and  
11 Management Act (16 U.S.C. 1802)); or

12 (2) other military activities that will impact rec-  
13 reational or commercial activities.

14 **SEC. 353. FISHING SAFETY TRAINING GRANTS PROGRAM.**

15 Section 4502(i)(4) of title 46, United States Code,  
16 is amended by striking “2018 through 2021” and insert-  
17 ing “2023 through 2025”.

18 **SEC. 354. LOAD LINES.**

19 (a) DEFINITION OF COVERED FISHING VESSEL.—In  
20 this section, the term “covered fishing vessel” means a  
21 vessel that operates exclusively in one, or both, of the  
22 Thirteenth and Seventeenth Coast Guard Districts and  
23 that—

1           (1) was constructed, under construction, or  
2           under contract to be constructed as a fish tender  
3           vessel before January 1, 1980;

4           (2) was converted for use as a fish tender vessel  
5           before January 1, 2022, and—

6                   (A) the vessel has a current stability letter  
7                   issued in accordance with regulations prescribed  
8                   under chapter 51 of title 46, United States  
9                   Code; and

10                   (B) the hull and internal structure of the  
11                   vessel has been verified as suitable for intended  
12                   service as examined by a marine surveyor of an  
13                   organization accepted by the Secretary 2 times  
14                   in the 5 years preceding the date of the deter-  
15                   mination under this subsection, with no interval  
16                   of more than 3 years between such examina-  
17                   tions; or

18           (3) operates part-time as a fish tender vessel  
19           for a period of less than 180 days.

20           (b) APPLICATION TO CERTAIN VESSELS.—During  
21           the period beginning on the date of enactment of this Act  
22           and ending on the date that is 3 years after the date on  
23           which the report required under subsection (c) is sub-  
24           mitted, the load line requirements of chapter 51 of title



1 46, United States Code, shall not apply to covered fishing  
2 vessels.

3 (c) GAO REPORT.—

4 (1) IN GENERAL.—Not later than 12 months  
5 after the date of enactment of this Act, the Comp-  
6 troller General of the United States shall submit to  
7 the Committee on Commerce, Science, and Trans-  
8 portation of the Senate and the Committee on  
9 Transportation and Infrastructure of the House of  
10 Representatives—

11 (A) a report on the safety and seaworthi-  
12 ness of vessels referenced in section 5102(b)(5)  
13 of title 46, United States Code; and

14 (B) recommendations for exempting cer-  
15 tain vessels from the load line requirements  
16 under chapter 51 of title 46 of such Code.

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

19 (A) An assessment of stability require-  
20 ments of vessels referenced in section  
21 5102(b)(5) of title 46, United States Code.

22 (B) An analysis of vessel casualties, mis-  
23 haps, or other safety information relevant to  
24 load line requirements when a vessel is oper-  
25 ating part-time as a fish tender vessel.

1 (C) An assessment of any other safety in-  
2 formation as the Comptroller General deter-  
3 mines appropriate.

4 (D) A list of all vessels that, as of the date  
5 of the report—

6 (i) are covered under section  
7 5102(b)(5) of title 46, United States Code;

8 (ii) are acting as part-time fish tender  
9 vessels; and

10 (iii) are subject to any captain of the  
11 port zone subject to the oversight of the  
12 Commandant.

13 (3) CONSULTATION.—In preparing the report  
14 required under paragraph (1), the Comptroller Gen-  
15 eral shall consider consultation with, at a minimum,  
16 the maritime industry, including—

17 (A) relevant Federal, State, and tribal  
18 maritime associations and groups; and

19 (B) relevant federally funded research in-  
20 stitutions, nongovernmental organizations, and  
21 academia.

22 (d) APPLICABILITY.—Nothing in this section shall  
23 limit any authority available, as of the date of enactment  
24 of this Act, to the captain of a port with respect to safety

1 measures or any other authority as necessary for the safe-  
2 ty of covered fishing vessels.

3       **Subtitle E—Illegal Fishing and**  
4       **Forced Labor Prevention**

5 **SEC. 361. DEFINITIONS.**

6       In this subtitle:

7           (1) **FORCED LABOR.**—The term “forced labor”  
8       means any labor or service provided for or obtained  
9       by any means described in section 1589(a) of title  
10      18, United States Code.

11          (2) **HUMAN TRAFFICKING.**—The term “human  
12      trafficking” has the meaning given the term “severe  
13      forms of trafficking in persons” in section 103 of  
14      the Trafficking Victims Protection Act of 2000 (22  
15      U.S.C. 7102).

16          (3) **ILLEGAL, UNREPORTED, OR UNREGULATED**  
17      **FISHING.**—The term “illegal, unreported, or unregu-  
18      lated fishing” has the meaning given such term in  
19      the implementing regulations or any subsequent reg-  
20      ulations issued pursuant to section 609(e) of the  
21      High Seas Driftnet Fishing Moratorium Protection  
22      Act (16 U.S.C. 1826j(e)).

23          (4) **OPPRESSIVE CHILD LABOR.**—The term “op-  
24      pressive child labor” has the meaning given such

1 term in section 3 of the Fair Labor Standards Act  
2 of 1938 (29 U.S.C. 203).

3 (5) SEAFOOD.—The term “seafood” means all  
4 marine animal and plant life meant for consumption  
5 as food other than marine mammals and birds, in-  
6 cluding fish, shellfish, shellfish products, and proc-  
7 essed fish.

8 (6) SEAFOOD IMPORT MONITORING PROGRAM.—  
9 The term “Seafood Import Monitoring Program”  
10 means the Seafood Traceability Program established  
11 in subpart Q of part 300 of title 50, Code of Federal  
12 Regulations (or any successor regulation).

13 (7) SECRETARY.—The term “Secretary” means  
14 the Secretary of Commerce, acting through the Ad-  
15 ministrator of the National Oceanic and Atmos-  
16 pheric Administration.

17 **CHAPTER 1—COMBATING HUMAN TRAF-**  
18 **FICKING THROUGH SEAFOOD IMPORT**  
19 **MONITORING**

20 **SEC. 362. ENHANCEMENT OF SEAFOOD IMPORT MONI-**  
21 **TORING PROGRAM AUTOMATED COMMER-**  
22 **CIAL ENVIRONMENT MESSAGE SET.**

23 The Secretary, in coordination with the Commis-  
24 sioner of U.S. Customs and Border Protection, shall, not  
25 later than 6 months after the date of enactment of this

1 Act, develop a strategy to improve the quality and  
2 verifiability of already collected Seafood Import Moni-  
3 toring Program Message Set data elements in the Auto-  
4 mated Commercial Environment system. Such strategy  
5 shall prioritize the use of enumerated data types, such as  
6 checkboxes, dropdown menus, or radio buttons, and any  
7 additional elements the Administrator of the National  
8 Oceanic and Atmospheric Administration finds appro-  
9 priate.

10 **SEC. 363. DATA SHARING AND AGGREGATION.**

11 (a) INTERAGENCY WORKING GROUP ON ILLEGAL,  
12 UNREPORTED, OR UNREGULATED FISHING.—Section  
13 3551(c) of the Maritime SAFE Act (16 U.S.C. 8031(c))  
14 is amended—

15 (1) by redesignating paragraphs (4) through  
16 (13) as paragraphs (5) through (14), respectively;  
17 and

18 (2) by inserting after paragraph (3) the fol-  
19 lowing:

20 “(4) maximizing the utility of the import data  
21 collected by the members of the Working Group by  
22 harmonizing data standards and entry fields;”.

23 (b) PROHIBITION ON AGGREGATED CATCH DATA  
24 FOR CERTAIN SPECIES.—Beginning not later than 1 year  
25 after the date of enactment of this Act, for the purposes

1 of compliance with respect to Northern red snapper under  
2 the Seafood Import Monitoring Program, the Secretary  
3 may not allow an aggregated harvest report of such spe-  
4 cies, regardless of vessel size.

5 **SEC. 364. IMPORT AUDITS.**

6 (a) **AUDIT PROCEDURES.**—The Secretary shall, not  
7 later than 1 year after the date of enactment of this Act,  
8 implement procedures to audit information and supporting  
9 records of sufficient numbers of imports of seafood and  
10 seafood products subject to the Seafood Import Moni-  
11 toring Program to support statistically robust conclusions  
12 that the samples audited are representative of all seafood  
13 imports with respect to a given year.

14 (b) **EXPANSION OF MARINE FORENSICS LABORA-**  
15 **TORY.**—The Secretary shall, not later than 1 year after  
16 the date of enactment of this Act, begin the process of  
17 expanding the National Oceanic and Atmospheric Admin-  
18 istration’s Marine Forensics Laboratory, including by es-  
19 tablishing sufficient capacity for the development and de-  
20 ployment of rapid, and follow-up, analysis of field-based  
21 tests focused on identifying Seafood Import Monitoring  
22 Program species, and prioritizing such species at high risk  
23 of illegal, unreported, or unregulated fishing and seafood  
24 fraud.

1 (c) ANNUAL REVISION.—In developing the proce-  
2 dures required in subsection (a), the Secretary shall use  
3 predictive analytics to inform whether to revise such pro-  
4 cedures to prioritize for audit those imports originating  
5 from nations—

6 (1) identified pursuant to section 609(a) or  
7 610(a) of the High Seas Driftnet Fishing Morato-  
8 rium Protection Act (16 U.S.C. 1826j(a) or  
9 1826k(a)) that have not yet received a subsequent  
10 positive certification pursuant to section 609(d) or  
11 610(e) of such Act, respectively;

12 (2) identified by an appropriate regional fishery  
13 management organization as being the flag state or  
14 landing location of vessels identified by other nations  
15 or regional fisheries management organizations as  
16 engaging in illegal, unreported, or unregulated fish-  
17 ing;

18 (3) identified as having human trafficking or  
19 forced labor in any part of the seafood supply chain,  
20 including on vessels flagged in such nation, and in-  
21 cluding feed for cultured production, in the most re-  
22 cent Trafficking in Persons Report issued by the  
23 Department of State in accordance with the Traf-  
24 ficking Victims Protection Act of 2000 (22 U.S.C.  
25 7101 et seq.);

1           (4) identified as producing goods that contain  
2           seafood using forced labor or oppressive child labor  
3           in the most recent List of Goods Produced by Child  
4           Labor or Forced Labor in accordance with the Traf-  
5           ficking Victims Protection Act (22 U.S.C. 7101 et  
6           seq.); and

7           (5) identified as at risk for human trafficking,  
8           including forced labor, in their seafood catching and  
9           processing industries by the report required under  
10          section 3563 of the Maritime SAFE Act (Public  
11          Law 116–92).

12 **SEC. 365. AVAILABILITY OF FISHERIES INFORMATION.**

13          Section 402(b)(1) of the Magnuson-Stevens Fishery  
14          Conservation and Management Act (16 U.S.C.  
15          1881a(b)(1)) is amended—

16               (1) in subparagraph (G), by striking “or” after  
17               the semicolon;

18               (2) in subparagraph (H), by striking the period  
19               and inserting “; or”; and

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

21                       “(I) to Federal agencies, to the extent nec-  
22                       essary and appropriate, to administer Federal  
23                       programs established to combat illegal, unre-  
24                       ported, or unregulated fishing (as defined in  
25                       section 361 of the Coast Guard Authorization



1 Act of 2022) or forced labor (as defined in sec-  
2 tion 361 of the Coast Guard Authorization Act  
3 of 2022).”.

4 **SEC. 366. AUTHORITY TO HOLD FISH PRODUCTS.**

5 Section 311(b)(1) of the Magnuson-Stevens Fishery  
6 Conservation and Management Act (16 U.S.C.  
7 1861(b)(1)) is amended—

8 (1) in subparagraph (B), by striking “and”  
9 after the semicolon;

10 (2) in subparagraph (C), by striking the period  
11 and inserting “; and”; and

12 (3) by adding at the end the following a new  
13 subparagraph:

14 “(D) detain, for a period of not more than 14  
15 days, any shipment of fish or fish product imported  
16 into, landed on, introduced into, exported from, or  
17 transported within the jurisdiction of the United  
18 States, or, if such fish or fish product is determined  
19 to be perishable, sell and retain the proceeds there-  
20 from for a period of not more than 21 days.”.

21 **SEC. 367. REPORT ON SEAFOOD IMPORT MONITORING PRO-**  
22 **GRAM.**

23 (a) REPORT TO CONGRESS AND PUBLIC AVAIL-  
24 ABILITY OF REPORTS.—The Secretary shall, not later  
25 than 120 days after the end of each fiscal year, submit

1 to the Committee on Commerce, Science, and Transpor-  
2 tation of the Senate and the Committee on Natural Re-  
3 sources of the House of Representatives a report that  
4 summarizes the National Marine Fisheries Service's ef-  
5 forts to prevent the importation of seafood harvested  
6 through illegal, unreported, or unregulated fishing, par-  
7 ticularly with respect to seafood harvested, produced,  
8 processed, or manufactured by forced labor. Each such re-  
9 port shall be made publicly available on the website of the  
10 National Oceanic and Atmospheric Administration.

11 (b) CONTENTS.—Each report submitted under sub-  
12 section (a) shall include—

13 (1) the volume and value of seafood species sub-  
14 ject to the Seafood Import Monitoring Program, re-  
15 ported by 10-digit Harmonized Tariff Schedule of  
16 the United States codes, imported during the pre-  
17 vious fiscal year;

18 (2) the enforcement activities and priorities of  
19 the National Marine Fisheries Service with respect  
20 to implementing the requirements under the Seafood  
21 Import Monitoring Program;

22 (3) the percentage of import shipments subject  
23 to the Seafood Import Monitoring Program selected  
24 for inspection or the information or records sup-  
25 porting entry selected for audit, as described in sec-

1 tion 300.324(d) of title 50, Code of Federal Regula-  
2 tions;

3 (4) the number and types of instances of non-  
4 compliance with the requirements of the Seafood Im-  
5 port Monitoring Program;

6 (5) the number and types of instances of viola-  
7 tions of State or Federal law discovered through the  
8 Seafood Import Monitoring Program;

9 (6) the seafood species with respect to which  
10 violations described in paragraphs (4) and (5) were  
11 most prevalent;

12 (7) the location of catch or harvest with respect  
13 to which violations described in paragraphs (4) and  
14 (5) were most prevalent;

15 (8) the additional tools, such as high perform-  
16 ance computing and associated costs, that the Sec-  
17 retary needs to improve the efficacy of the Seafood  
18 Import Monitoring Program; and

19 (9) such other information as the Secretary  
20 considers appropriate with respect to monitoring and  
21 enforcing compliance with the Seafood Import Moni-  
22 toring Program.

23 **SEC. 368. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Com-  
25 missioner of U.S. Customs and Border Protection to carry

1 out enforcement actions pursuant to section 307 of the  
2 Tariff Act of 1930 (19 U.S.C. 1307) \$20,000,000 for each  
3 of fiscal years 2023 through 2027.

4 **CHAPTER 2—STRENGTHENING INTER-**  
5 **NATIONAL FISHERIES MANAGEMENT**  
6 **TO COMBAT HUMAN TRAFFICKING**

7 **SEC. 370. DENIAL OF PORT PRIVILEGES.**

8 Section 101(a)(2) of the High Seas Driftnet Fish-  
9 eries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amend-  
10 ed to read as follows:

11 “(2) DENIAL OF PORT PRIVILEGES.—The Sec-  
12 retary of Homeland Security shall, in accordance  
13 with international law—

14 “(A) withhold or revoke the clearance re-  
15 quired by section 60105 of title 46, United  
16 States Code, for any large-scale driftnet fishing  
17 vessel of a nation that receives a negative cer-  
18 tification under section 609(d) or 610(e) of the  
19 High Seas Driftnet Fishing Moratorium Protec-  
20 tion Act (16 U.S.C. 1826j(d) or 1826k(c)), or  
21 fishing vessels of a nation that has been listed  
22 pursuant to section 609(b) or section 610(a) of  
23 such Act (16 U.S.C. 1826j(b) or 1826k(a)) in  
24 2 or more consecutive reports for the same type  
25 of fisheries activity, as described under section

1           607 of such Act (16 U.S.C. 1826h), until a  
2           positive certification has been received;

3           “(B) withhold or revoke the clearance re-  
4           quired by section 60105 of title 46, United  
5           States Code, for fishing vessels of a nation that  
6           has been listed pursuant to section 609(a) or  
7           610(a) of the High Seas Driftnet Fishing Mor-  
8           atorium Protection Act (16 U.S.C. 1826j(a) or  
9           1826k(a)) in 2 or more consecutive reports as  
10          described under section 607 of such Act (16  
11          U.S.C. 1826h); and

12          “(C) deny entry of that vessel to any place  
13          in the United States and to the navigable  
14          waters of the United States, except for the pur-  
15          poses of inspecting such vessel, conducting an  
16          investigation, or taking other appropriate en-  
17          forcement action.”.

18 **SEC. 371. IDENTIFICATION AND CERTIFICATION CRITERIA.**

19          (a) DENIAL OF PORT PRIVILEGES.—Section 609(a)  
20          of the High Seas Driftnet Fishing Moratorium Protection  
21          Act (16 U.S.C. 1826j(a)) is amended—

22                 (1) by striking paragraph (2) and inserting the  
23          following:

24                 “(2) FOR ACTIONS OF A NATION.—The Sec-  
25          retary shall identify, and list in such report, a nation

1 engaging in or endorsing illegal, unreported, or un-  
2 regulated fishing. In determining which nations to  
3 list in such report, the Secretary shall consider the  
4 following:

5 “(A) Any nation that is violating, or has  
6 violated at any point during the 3 years pre-  
7 ceding the date of the determination, conserva-  
8 tion and management measures, including catch  
9 and other data reporting obligations and re-  
10 quirements, required under an international  
11 fishery management agreement to which the  
12 United States is a party.

13 “(B) Any nation that is failing, or has  
14 failed in the 3-year period preceding the date of  
15 the determination, to effectively address or reg-  
16 ulate illegal, unreported, or unregulated fishing  
17 within its fleets in any areas where its vessels  
18 are fishing.

19 “(C) Any nation that fails to discharge du-  
20 ties incumbent upon it under international law  
21 or practice as a flag, port, or coastal state to  
22 take action to prevent, deter, and eliminate ille-  
23 gal, unreported, or unregulated fishing.

24 “(D) Any nation that has been identified  
25 as producing for export to the United States

1 seafood-related goods through forced labor or  
2 oppressive child labor (as those terms are de-  
3 fined in section 361 of the Coast Guard Au-  
4 thorization Act of 2022) in the most recent List  
5 of Goods Produced by Child Labor or Forced  
6 Labor in accordance with the Trafficking Vic-  
7 tims Protection Act of 2000 (22 U.S.C. 7101 et  
8 seq.).”; and

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

10 “(4) TIMING.—The Secretary shall make an  
11 identification under paragraph (1) or (2) at any  
12 time that the Secretary has sufficient information to  
13 make such identification.”.

14 (b) ILLEGAL, UNREPORTED, OR UNREGULATED CER-  
15 TIFICATION DETERMINATION.—Section 609 of the High  
16 Seas Driftnet Fishing Moratorium Protection Act (16  
17 U.S.C. 1826j) is amended—

18 (1) in subsection (d), by striking paragraph (3)  
19 and inserting the following:

20 “(3) EFFECT OF CERTIFICATION DETERMINA-  
21 TION.—

22 “(A) EFFECT OF NEGATIVE CERTIFI-  
23 CATION.—The provisions of subsection (a) and  
24 paragraphs (3) and (4) of subsection (b) of sec-  
25 tion 101 of the High Seas Driftnet Fisheries

1 Enforcement Act (16 U.S.C. 1826a(a) and  
2 (b)(3) and (4)) shall apply to any nation that,  
3 after being identified and notified under sub-  
4 section (b) has failed to take the appropriate  
5 corrective actions for which the Secretary has  
6 issued a negative certification under this sub-  
7 section.

8 “(B) EFFECT OF POSITIVE CERTIFI-  
9 CATION.—The provisions of subsection (a) and  
10 paragraphs (3) and (4) of subsection (b) of sec-  
11 tion 101 of the High Seas Driftnet Fisheries  
12 Enforcement Act (16 U.S.C. 1826a(a) and  
13 (b)(3) and (4)) shall not apply to any nation  
14 identified under subsection (a) for which the  
15 Secretary has issued a positive certification  
16 under this subsection.”;

17 (2) by redesignating subsections (e) and (f) as  
18 subsections (f) and (g), respectively; and

19 (3) by inserting after subsection (d) the fol-  
20 lowing:

21 “(e) RECORDKEEPING REQUIREMENTS.—The Sec-  
22 retary shall ensure that seafood or seafood products au-  
23 thorized for entry under this section are imported con-  
24 sistent with the reporting and the recordkeeping require-  
25 ments of the Seafood Import Monitoring Program de-



1 scribed in part 300.324(b) of title 50, Code of Federal  
2 Regulations (or any successor regulation).”.

3 **SEC. 372. EQUIVALENT CONSERVATION MEASURES.**

4 (a) IDENTIFICATION.—Section 610(a) of the High  
5 Seas Driftnet Fishing Moratorium Protection Act (16  
6 U.S.C. 1826k(a)) is amended to read as follows:

7 “(a) IDENTIFICATION.—

8 “(1) IN GENERAL.—The Secretary shall iden-  
9 tify and list in the report under section 607—

10 “(A) a nation if—

11 “(i) any fishing vessel of that nation  
12 is engaged, or has been engaged during the  
13 3 years preceding the date of the deter-  
14 mination, in fishing activities or practices  
15 on the high seas or within the exclusive  
16 economic zone of any nation, that have re-  
17 sulted in bycatch of a protected living ma-  
18 rine resource; and

19 “(ii) the vessel’s flag state has not  
20 adopted, implemented, and enforced a reg-  
21 ulatory program governing such fishing de-  
22 signed to end or reduce such bycatch that  
23 is comparable in effectiveness to the regu-  
24 latory program of the United States, tak-  
25 ing into account differing conditions; and

1 “(B) a nation if—

2 “(i) any fishing vessel of that nation  
3 is engaged, or has engaged during the 3  
4 years preceding the date of the determina-  
5 tion, in fishing activities on the high seas  
6 or within the exclusive economic zone of  
7 another nation that target or incidentally  
8 catch sharks; and

9 “(ii) the vessel’s flag state has not  
10 adopted, implemented, and enforced a reg-  
11 ulatory program to provide for the con-  
12 servation of sharks, including measures to  
13 prohibit removal of any of the fins of a  
14 shark, including the tail, before landing the  
15 shark in port, that is comparable to that of  
16 the United States.

17 “(2) TIMING.—The Secretary shall make an  
18 identification under paragraph (1) at any time that  
19 the Secretary has sufficient information to make  
20 such identification.”.

21 (b) CONSULTATION AND NEGOTIATION.—Section  
22 610(b) of the High Seas Driftnet Fishing Moratorium  
23 Protection Act (16 U.S.C. 1826k(b)) is amended to read  
24 as follows:

1       “(b) CONSULTATION AND NEGOTIATION.—The Sec-  
2 retary of State, acting in conjunction with the Secretary,  
3 shall—

4           “(1) notify, as soon as practicable, the Presi-  
5 dent and nations that are engaged in, or that have  
6 any fishing vessels engaged in, fishing activities or  
7 practices described in subsection (a), about the pro-  
8 visions of this Act;

9           “(2) initiate discussions as soon as practicable  
10 with all foreign nations that are engaged in, or a  
11 fishing vessel of which has engaged in, fishing activi-  
12 ties described in subsection (a), for the purpose of  
13 entering into bilateral and multilateral treaties with  
14 such nations to protect such species and to address  
15 any underlying failings or gaps that may have con-  
16 tributed to identification under this Act;

17           “(3) seek agreements calling for international  
18 restrictions on fishing activities or practices de-  
19 scribed in subsection (a) through the United Na-  
20 tions, the Committee on Fisheries of the Food and  
21 Agriculture Organization of the United Nations, and  
22 appropriate international fishery management bod-  
23 ies; and

24           “(4) initiate the amendment of any existing  
25 international treaty for the protection and conserva-

1       tion of such species to which the United States is a  
2       party in order to make such treaty consistent with  
3       the purposes and policies of this section.”.

4       (c) CONSERVATION CERTIFICATION PROCEDURE.—  
5       Section 610(c) of the High Seas Driftnet Fishing Morato-  
6       rium Protection Act (16 U.S.C. 1826k(c)) is amended—

7           (1) in paragraph (2), by inserting “the public  
8       and” after “comment by”;

9           (2) in paragraph (4)—

10           (A) in subparagraph (A), by striking  
11       “and” after the semicolon;

12           (B) in subparagraph (B), by striking the  
13       period at the end and inserting “; and”; and

14           (C) by adding at the end the following:

15           “(C) ensure that any such fish or fish  
16       products authorized for entry under this section  
17       are imported consistent with the reporting and  
18       the recordkeeping requirements of the Seafood  
19       Import Monitoring Program established in sub-  
20       part Q of part 300 of title 50, Code of Federal  
21       Regulations (or any successor regulation).”;  
22       and

23           (3) in paragraph (5), by striking “(except to  
24       the extent that such provisions apply to sport fishing  
25       equipment or fish or fish products not caught by the

1 vessels engaged in illegal, unreported, or unregulated  
2 fishing)”.  
3

4 (d) DEFINITION OF PROTECTED LIVING MARINE RE-  
5 SOURCE.—Section 610(e) of the High Seas Driftnet Fish-  
6 ing Moratorium Protection Act (16 U.S.C. 1826k(e)) is  
7 amended by striking paragraph (1) and inserting the fol-  
8 lowing:

9 “(1) except as provided in paragraph (2),  
10 means nontarget fish, sea turtles, or marine mam-  
11 mals that are protected under United States law or  
12 international agreement, including—

13 “(A) the Marine Mammal Protection Act  
14 of 1972 (16 U.S.C. 1361 et seq.);

15 “(B) the Endangered Species Act of 1973  
16 (16 U.S.C. 1531 et seq.);

17 “(C) the Shark Finning Prohibition Act  
18 (16 U.S.C. 1822 note); and

19 “(D) the Convention on International  
20 Trade in Endangered Species of Wild Fauna  
21 and Flora, done at Washington March 3, 1973  
(27 UST 1087; TIAS 8249); but”.

22 **SEC. 373. CAPACITY BUILDING IN FOREIGN FISHERIES.**

23 (a) IN GENERAL.—The Secretary of Commerce, in  
24 consultation with the heads of other Federal agencies, as

1 appropriate, shall develop and carry out with partner gov-  
2 ernments and civil society—

3 (1) multi-year international environmental co-  
4 operation agreements and projects; and

5 (2) multi-year capacity-building projects for im-  
6 plementing measures to address illegal, unreported,  
7 or unregulated fishing, fraud, forced labor, bycatch,  
8 and other conservation measures.

9 (b) CAPACITY BUILDING.—Section 3543(d) of the  
10 Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

11 (1) in the matter preceding paragraph (1), by  
12 striking “as appropriate,”; and

13 (2) in paragraph (3), by striking “as appro-  
14 priate” and inserting “for all priority regions identi-  
15 fied by the Working Group”.

16 (c) REPORTS.—Section 3553 of the Maritime SAFE  
17 Act (16 U.S.C. 8033) is amended—

18 (1) in paragraph (7), by striking “and” after  
19 the semicolon;

20 (2) in paragraph (8), by striking the period at  
21 the end and inserting “; and”; and

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

23 “(9) the status of work with global enforcement  
24 partners.”.

1 **SEC. 374. TRAINING OF UNITED STATES OBSERVERS.**

2 Section 403(b) of the Magnuson-Stevens Fishery  
3 Conservation and Management Act (16 U.S.C. 1881b(b))  
4 is amended—

5 (1) in paragraph (3), by striking “and” after  
6 the semicolon;

7 (2) by redesignating paragraph (4) as para-  
8 graph (5); and

9 (3) by inserting after paragraph (3) the fol-  
10 lowing:

11 “(4) ensure that each observer has received  
12 training to identify indicators of forced labor (as de-  
13 fined in section 361 of the Coast Guard Authoriza-  
14 tion Act of 2022) and human trafficking (as defined  
15 in section 361 of the Coast Guard Authorization Act  
16 of 2022) and refer this information to appropriate  
17 authorities; and”.

18 **SEC. 375. REGULATIONS.**

19 Not later than 1 year after the date of enactment  
20 of this Act, the Secretary shall promulgate such regula-  
21 tions as may be necessary to carry out this title.

1 **TITLE IV—SUPPORT FOR COAST**  
2 **GUARD WORKFORCE**  
3 **Subtitle A—Support for Coast**  
4 **Guard Members and Families**

5 **SEC. 401. COAST GUARD CHILD CARE IMPROVEMENTS.**

6 (a) **FAMILY DISCOUNT FOR CHILD DEVELOPMENT**  
7 **SERVICES.**—Section 2922(b)(2) of title 14, United States  
8 Code, is amended by adding at the end the following:

9 “(D) In the case of an active duty member with  
10 two or more children attending a Coast Guard child  
11 development center, the Commandant may modify  
12 the fees to be charged for attendance for the second  
13 and any subsequent child of such member by an  
14 amount that is 15 percent less than the amount of  
15 the fee otherwise chargeable for the attendance of  
16 the first such child enrolled at the center, or another  
17 fee as the Commandant determines appropriate, con-  
18 sistent with multiple children.”.

19 (b) **CHILD DEVELOPMENT CENTER STANDARDS AND**  
20 **INSPECTIONS.**—Section 2923(a) of title 14, United States  
21 Code, is amended to read as follows:

22 “(a) **STANDARDS.**—The Commandant shall require  
23 each Coast Guard child development center to meet stand-  
24 ards of operation—



1           “(1) that the Commandant considers appro-  
2           priate to ensure the health, safety, and welfare of  
3           the children and employees at the center; and

4           “(2) necessary for accreditation by an appro-  
5           priate national early childhood programs accrediting  
6           entity.”.

7           (c) CHILD CARE SUBSIDY PROGRAM.—

8           (1) AUTHORIZATION.—

9           (A) IN GENERAL.—Subchapter II of chap-  
10           ter 29 of title 14, United States Code, is  
11           amended by inserting at the end the following:

12       **“§ 2927. Child care subsidy program**

13           “(a) AUTHORITY.—The Commandant may operate a  
14           child care subsidy program to provide financial assistance  
15           to eligible providers that provide child care services or  
16           youth program services to members of the Coast Guard  
17           and any other individual the Commandant considers ap-  
18           propriate, if—

19           “(1) providing such financial assistance—

20           “(A) is in the best interests of the Coast  
21           Guard; and

22           “(B) enables supplementation or expansion  
23           of the provision of Coast Guard child care serv-  
24           ices, while not supplanting or replacing Coast  
25           Guard child care services; and

1           “(2) the Commandant ensures, to the extent  
2           practicable, that the eligible provider is able to com-  
3           ply, and does comply, with the regulations, policies,  
4           and standards applicable to Coast Guard child care  
5           services.

6           “(b) ELIGIBLE PROVIDERS.—A provider of child care  
7           services or youth program services is eligible for financial  
8           assistance under this section if the provider—

9                   “(1) is licensed to provide such services under  
10           applicable State and local law;

11                   “(2) is registered in an au pair program of the  
12           Department of State;

13                   “(3) is a family home daycare; or

14                   “(4) is a provider of family child care services  
15           that—

16                           “(A) otherwise provides federally funded or  
17           federally sponsored child development services;

18                           “(B) provides such services in a child de-  
19           velopment center owned and operated by a pri-  
20           vate, not-for-profit organization;

21                           “(C) provides a before-school or after-  
22           school child care program in a public school fa-  
23           cility;

1           “(D) conducts an otherwise federally fund-  
2 ed or federally sponsored school-age child care  
3 or youth services program;

4           “(E) conducts a school-age child care or  
5 youth services program operated by a not-for-  
6 profit organization;

7           “(F) provides in-home child care, such as  
8 a nanny or an au pair; or

9           “(G) is a provider of another category of  
10 child care services or youth program services  
11 the Commandant considers appropriate for  
12 meeting the needs of members or civilian em-  
13 ployees of the Coast Guard.

14       “(c) FUNDING.—To provide financial assistance  
15 under this subsection, the Commandant may use any  
16 funds appropriated for the Coast Guard for operation and  
17 maintenance.”.

18           (B) CLERICAL AMENDMENT.—The analysis  
19 for chapter 29 of title 14, United States Code,  
20 is amended by inserting after the item relating  
21 to section 2926 the following:

“2927. Child care subsidy program.”.

22           (2) EXPANSION OF CHILD CARE SUBSIDY PRO-  
23 GRAM.—

24           (A) IN GENERAL.—The Commandant  
25 shall—

1 (i) evaluate potential eligible uses for  
2 the child care subsidy program established  
3 under section 2927 of title 14, United  
4 States Code (referred to in this paragraph  
5 as the “program”); and

6 (ii) expand the eligible uses of funds  
7 for the program to accommodate the child  
8 care needs of members of the Coast Guard  
9 (including such members with nonstandard  
10 work hours and surge or other deployment  
11 cycles), including by providing funds di-  
12 rectly to such members instead of care pro-  
13 viders.

14 (B) CONSIDERATIONS.—In evaluating po-  
15 tential eligible uses under subparagraph (A),  
16 the Commandant shall consider au pairs, nanny  
17 services, nanny shares, in-home child care serv-  
18 ices, care services such as supplemental care for  
19 children with disabilities, and any other child  
20 care delivery method the Commandant con-  
21 siders appropriate.

22 (C) REQUIREMENTS.—In establishing ex-  
23 panded eligible uses of funds for the program,  
24 the Commandant shall ensure that such uses—

1 (i) are in the best interests of the  
2 Coast Guard;

3 (ii) provide flexibility for members of  
4 the Coast Guard, including such members  
5 and employees with nonstandard work  
6 hours; and

7 (iii) ensure a safe environment for de-  
8 pendants of such members and employees.

9 (D) PUBLICATION.—Not later than 18  
10 months after the date of the enactment of this  
11 Act, the Commandant shall publish an updated  
12 Commandant Instruction Manual (referred to  
13 in this paragraph as the “manual”) that de-  
14 scribes the expanded eligible uses of the pro-  
15 gram.

16 (E) REPORT.—

17 (i) IN GENERAL.—Not later than 18  
18 months after the date of the enactment of  
19 this Act, the Commandant shall submit to  
20 the Committee on Commerce, Science, and  
21 Transportation of the Senate and the  
22 Committee on Transportation and Infra-  
23 structure of the House of Representatives  
24 a report outlining the expansion of the pro-  
25 gram.

1 (ii) ELEMENTS.—The report required  
2 by clause (i) shall include the following:

3 (I) An analysis of the consider-  
4 ations described in subparagraph (B).

5 (II) A description of the analysis  
6 used to identify eligible uses that were  
7 evaluated and incorporated into the  
8 manual under subparagraph (D).

9 (III) A full analysis and justifica-  
10 tion with respect to the forms of care  
11 that were ultimately not included in  
12 the manual.

13 (IV) Any recommendation with  
14 respect to funding or additional au-  
15 thorities necessary, including pro-  
16 posals for legislative change, to meet  
17 the current and anticipated future  
18 child care subsidy demands of the  
19 Coast Guard.

20 **SEC. 402. ARMED FORCES ACCESS TO COAST GUARD CHILD**  
21 **CARE FACILITIES.**

22 Section 2922(a) of title 14, United States Code, is  
23 amended to read as follows:

24 “(a)(1) The Commandant may make child develop-  
25 ment services available, in such priority as the Com-

1 mandant considers to be appropriate and consistent with  
2 readiness and resources and in the best interests of de-  
3 pendants of members and civilian employees of the Coast  
4 Guard, for—

5           “(A) members and civilian employees of the  
6 Coast Guard;

7           “(B) surviving dependents of members of the  
8 Coast Guard who have died on active duty, if such  
9 dependents were beneficiaries of a Coast Guard child  
10 development service at the time of the death of such  
11 members;

12           “(C) members of the armed forces (as defined  
13 in section 101 of title 10, United States Code); and

14           “(D) Federal civilian employees.

15           “(2) Child development service benefits provided  
16 under the authority of this section shall be in addition to  
17 benefits provided under other laws.”.

18 **SEC. 403. CADET PREGNANCY POLICY IMPROVEMENTS.**

19           (a) REGULATIONS REQUIRED.—Not later than 18  
20 months after the date of the enactment of this Act, the  
21 Secretary of the department in which the Coast Guard is  
22 operating, in consultation with the Secretary of Defense,  
23 shall prescribe regulations that—

1           (1) preserve parental guardianship rights of ca-  
2           dets who become pregnant or father a child while at-  
3           tending the Coast Guard Academy; and

4           (2) maintain military and academic require-  
5           ments for graduation and commissioning.

6           (b) BRIEFING.—Not later than 180 days after the  
7           date of the enactment of this Act, the Secretary of the  
8           department in which the Coast Guard is operating shall  
9           provide to the Committee on Commerce, Science, and  
10          Transportation of the Senate and the Committee on  
11          Transportation and Infrastructure of the House of Rep-  
12          resentatives a briefing on the development of the regula-  
13          tions required by subsection (a).

14   **SEC. 404. PILOT PROGRAM FOR FERTILITY TREATMENTS.**

15          (a) FINDINGS.—Congress makes the following find-  
16          ings:

17               (1) Members of the Coast Guard face unique  
18               challenges in addressing infertility issues.

19               (2) Frequent deployments, dislocation, trans-  
20               fers, and operational tempo impart unique stresses  
21               to members of the Coast Guard and their families.  
22               The same stressors often disrupt or make fertility  
23               treatments impractical or cost prohibitive.



1           (3) Only 6 military treatment facilities in the  
2 United States offer fertility treatments to members  
3 of the Armed Forces.

4 (b) AUTHORIZATION.—

5           (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, the  
7 Commandant shall establish a pilot program for all  
8 qualified members of the Coast Guard for the pur-  
9 pose of expanding access to fertility treatment cen-  
10 ters.

11           (2) INCLUSIONS.—The pilot program required  
12 by paragraph (1) may expand access and availability  
13 of fertility-related medical care and treatments, as  
14 determined by the Commandant.

15           (3) CONSIDERATION OF METHODS TO EXPAND  
16 ACCESS.—As part of the pilot program under this  
17 section, the Commandant shall consider methods to  
18 expand access to fertility treatments for members of  
19 the Coast Guard, including by—

20           (A) examining support to improve access  
21 to fertility services traditionally considered non-  
22 essential and not covered by the TRICARE pro-  
23 gram (as defined under section 1072(7) of title  
24 10, United States Code), such as medications,  
25 reproductive counseling, and other treatments;

1 (B) exploring ways to increase access to  
2 military treatment facilities that offer assistive  
3 reproductive technology services, consistent  
4 with—

5 (i) the Department of Defense Joint  
6 Travel Regulations issued on June 1,  
7 2022; and

8 (ii) the Coast Guard Supplement to  
9 the Joint Travel Regulations issued on  
10 June 28, 2019;

11 (C) developing a process to allow assign-  
12 ment or reassignment of members of the Coast  
13 Guard requesting fertility treatments to a loca-  
14 tion conducive to receiving treatments;

15 (D) in a case in which use of military  
16 treatment facilities is not available or prac-  
17 ticable, entering into partnerships with private-  
18 sector fertility treatment providers; and

19 (E) providing flexible working hours, duty  
20 schedules, and administrative leave to allow for  
21 necessary treatments, appointments, and other  
22 services associated with receipt of fertility treat-  
23 ments and associated care.

1 (c) DURATION.—The duration of the pilot program  
2 under subsection (a) shall be not less than 5 years begin-  
3 ning on the date on which the pilot program is established.

4 (d) DISCHARGE ON DISTRICT BASIS.—The Com-  
5 mandant—

6 (1) may carry out the pilot program on a dis-  
7 trict basis; and

8 (2) shall include remote and urban units in the  
9 pilot program.

10 **SEC. 405. COMBAT-RELATED SPECIAL COMPENSATION.**

11 (a) REPORT AND BRIEFING.—Not later than 90 days  
12 after the date of the enactment of this Act, and every 180  
13 days thereafter until the date that is 5 years after the  
14 date on which the initial report is submitted under this  
15 subsection, the Commandant shall submit a report and  
16 provide an in-person briefing to the Committee on Com-  
17 merce, Science, and Transportation of the Senate and the  
18 Committee on Transportation and Infrastructure of the  
19 House of Representatives on the implementation of section  
20 221 of the Coast Guard Authorization Act of 2015 (Public  
21 Law 114–120; 10 U.S.C. 1413a note).

22 (b) ELEMENTS.—Each report and briefing required  
23 by subsection (a) shall include the following:

1           (1) A description of methods to educate mem-  
2           bers and retirees on the combat-related special com-  
3           pensation program.

4           (2) Statistics regarding enrollment in such pro-  
5           gram for members of the Coast Guard and Coast  
6           Guard retirees.

7           (3) A summary of each of the following:

8                   (A) Activities carried out relating to the  
9                   education of members of the Coast Guard par-  
10                  ticipating in the Transition Assistance Program  
11                  with respect to the combat-related special com-  
12                  pensation program.

13                   (B) Activities carried out relating to the  
14                   education of members of the Coast Guard who  
15                   are engaged in missions in which they are sus-  
16                   ceptible to injuries that may result in qualifica-  
17                   tion for combat-related special compensation,  
18                   including flight school, the National Motor Life-  
19                   boat School, deployable special forces, and other  
20                   training programs as the Commandant con-  
21                   siders appropriate.

22                   (C) Activities carried out relating to train-  
23                   ing physicians and physician assistants em-  
24                   ployed by the Coast Guard, or otherwise sta-  
25                   tioned in Coast Guard clinics, sickbays, or other

1 locations at which medical care is provided to  
2 members of the Coast Guard, for the purpose  
3 of ensuring, during medical examinations, ap-  
4 propriate counseling and documentation of  
5 symptoms, injuries, and the associated incident  
6 that resulted in such injuries.

7 (D) Activities relating to the notification of  
8 health service officers with respect to the com-  
9 bat-related special compensation program.

10 (4) The written guidance provided to members  
11 of the Coast Guard regarding necessary record-  
12 keeping to ensure eligibility for benefits under such  
13 program.

14 (5) Any other matter relating to combat-related  
15 special compensation the Commandant considers ap-  
16 propriate.

17 (c) DISABILITY DUE TO CHEMICAL OR HAZARDOUS  
18 MATERIAL EXPOSURE.—Section 221(a)(2) of the Coast  
19 Guard Reauthorization Act of 2015 (Public Law 114–120;  
20 10 U.S.C. 1413a note) is amended, in the matter pre-  
21 ceding subparagraph (A)—

22 (1) by striking “and hazardous” and inserting  
23 “, hazardous”; and

24 (2) by inserting “, or a duty in which chemical  
25 or other hazardous material exposure has occurred

1 (such as during marine inspections or pollution re-  
2 sponse activities)” after “surfman”).

3 **SEC. 406. RESTORATION OF AMOUNTS IMPROPERLY WITH-**  
4 **HELD FOR TAX PURPOSES FROM SEVERANCE**  
5 **PAYMENTS TO VETERANS OF THE COAST**  
6 **GUARD WITH COMBAT-RELATED INJURIES.**

7 (a) APPLICATION TO MEMBERS OF THE COAST  
8 GUARD WHEN THE COAST GUARD IS NOT OPERATING  
9 AS A SERVICE IN THE DEPARTMENT OF THE NAVY.—The  
10 Combat-Injured Veterans Tax Fairness Act of 2016 (Pub-  
11 lic Law 114–292; 10 U.S.C. 1212 note) is amended—

12 (1) in section 3—

13 (A) in subsection (a)—

14 (i) in the matter preceding paragraph  
15 (1), by inserting “(and the Secretary of  
16 Homeland Security, with respect to the  
17 Coast Guard when it is not operating as a  
18 service in the Department of the Navy,  
19 and the Secretary of Transportation, with  
20 respect to the Coast Guard during the pe-  
21 riod in which it was operating as a service  
22 in the Department of Transportation), in  
23 coordination with the Secretary of the  
24 Treasury,” after “the Secretary of De-  
25 fense”;

1 (ii) in paragraph (1)(A)—

2 (I) in clause (i), by striking “the  
3 Secretary” and inserting “the Sec-  
4 retary of Defense (or the Secretary of  
5 Homeland Security or the Secretary  
6 of Transportation, with respect to the  
7 Coast Guard, as applicable)”;

8 (II) in clause (ii), by striking  
9 “the Secretary” and inserting “the  
10 Secretary of Defense (or the Secretary  
11 of Homeland Security or the Sec-  
12 retary of Transportation, with respect  
13 to the Coast Guard, as applicable)”;  
14 and

15 (III) in clause (iv), striking “the  
16 Secretary” and inserting “the Sec-  
17 retary of Defense (or the Secretary of  
18 Homeland Security or the Secretary  
19 of Transportation, with respect to the  
20 Coast Guard, as applicable)”;

21 (iii) in paragraph (2), by amending  
22 subparagraph (B) to read as follows:

23 “(B) instructions for—

1           “(i) filing amended tax returns to re-  
2           cover the amounts improperly withheld for  
3           tax purposes; and

4           “(ii) requesting standard refund  
5           amounts described in subsection (b).”;

6           (B) by redesignating subsection (b) as sub-  
7           section (c); and

8           (C) by inserting after subsection (a) the  
9           following:

10          “(b) STANDARD REFUND AMOUNTS DESCRIBED.—

11          The standard refund amounts described in this subsection  
12          are—

13                 “(1) \$1,750 for tax years 1991 through 2005;

14                 “(2) \$2,400 for tax years 2006 through 2010;

15          and

16                 “(3) \$3,200 for tax years 2011 through 2016.”;

17          (2) in section 4—

18                 (A) in the section heading, by inserting

19                 **“AND THE SECRETARY OF THE DEPART-**  
20                 **MENT IN WHICH THE COAST GUARD IS OP-**  
21                 **ERATING”** after **“SECRETARY OF DE-**  
22                 **FENSE”**;

23                 (B) by inserting “(and the Secretary of the  
24                 Department in which the Coast Guard is oper-  
25                 ating when it is not operating as a service in



1 the Department of the Navy), in coordination  
2 with the Secretary of the Treasury,” after “The  
3 Secretary of Defense”; and

4 (C) by striking “made by the Secretary”  
5 and inserting “made by the Secretary of De-  
6 fense (and the Secretary of the Department in  
7 which the Coast Guard is operating with re-  
8 spect to the Coast Guard)”; and

9 (3) in section 5—

10 (A) in subsection (a)—

11 (i) by inserting “(and the Secretary of  
12 the Department in which the Coast Guard  
13 is operating, with respect to the Coast  
14 Guard when it is not operating as a service  
15 in the Department of the Navy, and the  
16 Secretary of Transportation, with respect  
17 to the Coast Guard during the period in  
18 which it was operating as a service in the  
19 Department of Transportation)” after “the  
20 Secretary of Defense”; and

21 (ii) by striking “the Secretary to” and  
22 inserting “the Secretary of Defense (or the  
23 Secretary of Homeland Security or the  
24 Secretary of Transportation, with respect  
25 to the Coast Guard, as applicable) to”; and

1 (B) in subsection (b)—

2 (i) in paragraph (2), by striking “the  
3 Secretary” and inserting “the Secretary of  
4 Defense (or the Secretary of Homeland Se-  
5 curity or the Secretary of Transportation,  
6 with respect to the Coast Guard, as appli-  
7 cable)”; and

8 (ii) in paragraph (3), by striking “the  
9 Secretary” and inserting “the Secretary of  
10 Defense (or the Secretary of Homeland Se-  
11 curity, with respect to the Coast Guard  
12 when it is not operating as a service in the  
13 Department of the Navy)”.

14 (b) DEADLINES.—

15 (1) IDENTIFICATION OF AMOUNTS IMPROPERLY  
16 WITHHELD AND REPORTING.—The Secretary of  
17 Homeland Security and the Secretary of Transpor-  
18 tation, in coordination with the Secretary of the  
19 Treasury, shall carry out the requirements under—

20 (A) section 3(a) of the Combat-Injured  
21 Veterans Tax Fairness Act of 2016 (Public  
22 Law 114–292; 10 U.S.C. 1212 note), as  
23 amended by subsection (a)(1)(A), not later than  
24 1 year after the date of the enactment of this  
25 Act; and

1 (B) section 5 of that Act, as amended by  
2 subsection (a)(3), not later than 1 year after  
3 the date of the enactment of this Act.

4 (2) ENSURING AMOUNTS ARE NOT IMPROPERLY  
5 WITHHELD.—The Secretary of Homeland Security  
6 shall carry out the requirements under section 4 of  
7 the Combat-Injured Veterans Tax Fairness Act of  
8 2016 (Public Law 114–292; 10 U.S.C. 1212 note),  
9 as amended by subsection (a)(2), beginning on the  
10 date of the enactment of this Act.

11 **SEC. 407. MODIFICATION OF BASIC NEEDS ALLOWANCE**  
12 **FOR MEMBERS OF THE COAST GUARD.**

13 (a) IN GENERAL.—Section 402b of title 37, United  
14 States Code, is amended—

15 (1) by redesignating subsections (h) through (k)  
16 as subsections (i) through (l), respectively; and

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

19 “(h) SPECIAL RULE FOR MEMBERS OF COAST  
20 GUARD.—

21 “(1) IN GENERAL.—In the case of a member of  
22 the Coast Guard, the Secretary concerned shall—

23 “(A) determine under subsection (f) wheth-  
24 er the member is eligible under subsection (b)  
25 for the allowance under subsection (a); and

1           “(B) if the Secretary concerned determines  
2           a member is eligible for the allowance, pay the  
3           allowance to the member unless the member  
4           elects not to receive the allowance.

5           “(2) ATTESTATION OF INCOME.—A member of  
6           the Coast Guard is not required to submit an appli-  
7           cation under subsection (e) to receive the allowance  
8           under subsection (a), but not less frequently than bi-  
9           ennially, the member shall submit to the Secretary  
10          concerned an attestation that the gross household  
11          income of the member does not exceed the amount  
12          described in subsection (b)(2).

13          “(3) ELECTRONIC PROCESS.—The Secretary  
14          concerned shall establish an electronic process pur-  
15          suant to which a member of the Coast Guard may—

16                 “(A) elect under paragraph (1)(B) not to  
17                 receive the allowance; or

18                 “(B) submit an attestation under para-  
19                 graph (2).”.

20          (b) CONFORMING AMENDMENTS.—Such section is  
21 further amended—

22                 (1) in subsection (e)—

23                         (A) in paragraphs (1) and (2), by striking  
24                         “A member” both places it appears and insert-

1           ing “Except as provided by subsection (h), a  
2           member”; and

3                   (B) in paragraph (4)(B)—

4                           (i) by striking “that the member” and  
5                   inserting the following: “that—

6                                   “(i) the member”;

7                                   (ii) by striking the period at the end  
8                   and inserting “; or”; and

9                                   (iii) by adding at the end the fol-  
10           lowing:

11                                   “(ii) in the case of a member of the  
12           Coast Guard, that the member may receive  
13           the allowance as provided by subsection  
14           (h).”; and

15                   (2) in subsection (g)(2), by striking “A mem-  
16           ber” and inserting “Except as provided by sub-  
17           section (h), a member”.

18 **SEC. 408. STUDY ON FOOD SECURITY.**

19           (a) STUDY.—

20                   (1) IN GENERAL.—The Commandant shall con-  
21           duct a study on food insecurity among members of  
22           the Coast Guard.

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

1 (A) An analysis of the impact of food  
2 deserts on members of the Coast Guard, and  
3 their dependents, who live in areas with high  
4 costs of living, including areas with high-density  
5 populations and rural areas.

6 (B) A comparison of—

7 (i) the current method used by the  
8 Commandant to determine which areas are  
9 considered to be high cost-of-living areas;

10 (ii) local-level indicators used by the  
11 Bureau of Labor Statistics to determine  
12 cost of living that indicate buying power  
13 and consumer spending in specific geo-  
14 graphic areas; and

15 (iii) indicators of cost of living used  
16 by the Department of Agriculture in mar-  
17 ket basket analyses, and other measures of  
18 local and regional food costs.

19 (C) An assessment of the accuracy of the  
20 method and indicators described in subpara-  
21 graph (B) in quantifying high cost of living in  
22 low-data and remote areas.

23 (D) An assessment of the manner in which  
24 data accuracy and availability affect the accu-  
25 racy of cost-of-living allowance calculations and

1 other benefits, as the Commandant considers  
2 appropriate.

3 (E) Recommendations—

4 (i) to improve access to high-quality,  
5 affordable food within a reasonable dis-  
6 tance of Coast Guard units located in  
7 areas identified as food deserts;

8 (ii) to reduce transit costs for mem-  
9 bers of the Coast Guard and their depend-  
10 ents who are required to travel to access  
11 high-quality, affordable food; and

12 (iii) for improving the accuracy of  
13 such calculations.

14 (F) The estimated costs of implementing  
15 each recommendation made under subpara-  
16 graph (E).

17 (b) PLAN.—

18 (1) IN GENERAL.—The Commandant shall de-  
19 velop a detailed plan to implement the recommenda-  
20 tions of the study conducted under subsection (a).

21 (2) REPORT.—Not later than 1 year after the  
22 date of the enactment of this Act, the Commandant  
23 shall provide to the Committee on Commerce,  
24 Science, and Transportation of the Senate and the  
25 Committee on Transportation and Infrastructure of

1 the House of Representatives a briefing on the plan  
2 required by paragraph (1), including the cost of im-  
3 plementation, proposals for legislative change, and  
4 any other result of the study the Commandant con-  
5 siders appropriate.

6 (c) FOOD DESERT DEFINED.—In this section, the  
7 term “food desert” means an area, as determined by the  
8 Commandant, in which it is difficult to obtain affordable,  
9 high-quality fresh food in the immediate area in which  
10 members of the Coast Guard serve and reside.

## 11 **Subtitle B—Healthcare**

### 12 **SEC. 421. DEVELOPMENT OF MEDICAL STAFFING STAND-** 13 **ARDS FOR THE COAST GUARD.**

14 (a) IN GENERAL.—Not later than 180 days after the  
15 date of the enactment of this Act, the Commandant, in  
16 consultation with the Defense Health Agency and any  
17 healthcare expert the Commandant considers appropriate,  
18 shall develop medical staffing standards for the Coast  
19 Guard consistent with the recommendations of the Comp-  
20 troller General of the United States set forth in the report  
21 entitled “Coast Guard Health Care: Improvements Needed  
22 for Determining Staffing Needs and Monitoring Access to  
23 Care” published in February 2022.



1 (b) INCLUSIONS.—The standards required by sub-  
2 section (a) shall address and take into consideration the  
3 following:

4 (1) Current and future operations of healthcare  
5 personnel in support of Department of Homeland  
6 Security missions, including surge deployments for  
7 incident response.

8 (2) Staffing standards for specialized providers,  
9 such as flight surgeons, dentists, behavioral health  
10 specialists, and physical therapists.

11 (3) Staffing levels of medical, dental, and be-  
12 havioral health providers for the Coast Guard who  
13 are—

14 (A) members of the Coast Guard;

15 (B) assigned to the Coast Guard from the  
16 Public Health Service;

17 (C) Federal civilian employees; or

18 (D) contractors hired by the Coast Guard  
19 to fill vacancies.

20 (4) Staffing levels at medical facilities for Coast  
21 Guard units in remote locations.

22 (5) Any discrepancy between medical staffing  
23 standards of the Department of Defense and medical  
24 staffing standards of the Coast Guard.

1           (c) REVIEW.—Not later than 90 days after the staff-  
2 ing standards required by subsection (a) are completed,  
3 the Commandant shall submit the standards to the Comp-  
4 troller General, who shall review the standards and pro-  
5 vide recommendations to the Commandant.

6           (d) REPORT TO CONGRESS.—Not later than 180 days  
7 after developing such standards, the Commandant shall  
8 submit to the Committee on Commerce, Science, and  
9 Transportation of the Senate and the Committee on  
10 Transportation and Infrastructure of the House of Rep-  
11 resentatives a report on the standards developed under  
12 subsection (a) that includes a plan and a description of  
13 the resources and budgetary needs required to implement  
14 the standards.

15           (e) MODIFICATION, IMPLEMENTATION, AND PERI-  
16 ODIC UPDATES.—The Commandant shall—

17                 (1) modify such standards as necessary based  
18                 on the recommendations provided under subsection  
19                 (c);

20                 (2) implement the standards; and

21                 (3) review and update the standards not less  
22                 frequently than every 4 years.

1 **SEC. 422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC**  
2 **PLAN.**

3 (a) IN GENERAL.—Not later than 270 days after the  
4 completion of the studies conducted by the Comptroller  
5 General of the United States under sections 8259 and  
6 8260 of the William M. (Mac) Thornberry National De-  
7 fense Authorization Act of Fiscal Year 2021 (Public Law  
8 116–283; 134 Stat. 4679), the Commandant shall—

9 (1) conduct a comprehensive review of the  
10 Coast Guard healthcare system; and

11 (2) develop a strategic plan for improvements  
12 to, and modernization of, such system to ensure ac-  
13 cess to high-quality, timely healthcare for members  
14 of the Coast Guard, their dependents, and applicable  
15 Coast Guard retirees.

16 (b) PLAN.—

17 (1) IN GENERAL.—The strategic plan developed  
18 under subsection (a) shall seek—

19 (A) to maximize the medical readiness of  
20 members of the Coast Guard;

21 (B) to optimize delivery of healthcare bene-  
22 fits;

23 (C) to ensure high-quality training of  
24 Coast Guard medical personnel; and

25 (D) to prepare for the future needs of the  
26 Coast Guard.

1           (2) ELEMENTS.—The plan shall address, at a  
2           minimum, the following:

3                   (A) Improving access to healthcare for  
4                   members of the Coast Guard, their dependents,  
5                   and applicable Coast Guard retirees.

6                   (B) Quality of care.

7                   (C) The experience and satisfaction of  
8                   members of the Coast Guard and their depend-  
9                   ents with the Coast Guard healthcare system.

10                  (D) The readiness of members of the Coast  
11                  Guard and medical personnel.

12           (c) ADVISORY COMMITTEE.—

13                   (1) ESTABLISHMENT.—The Commandant shall  
14                   establish an advisory committee to conduct a com-  
15                   prehensive review of the Coast Guard healthcare sys-  
16                   tem (referred to in this section as the “Advisory  
17                   Committee”).

18                   (2) MEMBERSHIP.—

19                           (A) COMPOSITION.—The Advisory Com-  
20                           mittee shall be composed of members selected  
21                           by the Commandant, including—

22                                   (i) 1 or more members of the uni-  
23                                   formed services (as defined in section 101  
24                                   of title 10, United States Code) or Federal  
25                                   employees with expertise in—

1 (I) the medical, dental, phar-  
2 macy, behavioral health, or reproduc-  
3 tive health fields; or

4 (II) any other field the Com-  
5 mandant considers appropriate;

6 (ii) a representative of the Defense  
7 Health Agency; and

8 (iii) a medical representative from  
9 each Coast Guard district.

10 (3) CHAIRPERSON.—The chairperson of the Ad-  
11 visory Committee shall be the Director of the  
12 Health, Safety, and Work Life Directorate of the  
13 Coast Guard.

14 (4) STAFF.—The Advisory Committee shall be  
15 staffed by employees of the Coast Guard.

16 (5) REPORT TO COMMANDANT.—Not later than  
17 1 year after the Advisory Committee is established,  
18 the Advisory Committee shall submit to the Com-  
19 mandant a report that—

20 (A) taking into consideration the medical  
21 staffing standards developed under section 421,  
22 assesses the recommended medical staffing  
23 standards set forth in the Comptroller General  
24 study required by section 8260 of the William  
25 M. (Mac) Thornberry National Defense Author-

1           ization Act for Fiscal Year 2021 (Public Law  
2           116–283; 134 Stat. 4679), and compares such  
3           standards to the medical staffing standards of  
4           the Department of Defense and the private sec-  
5           tor;

6           (B) addresses improvements needed to en-  
7           sure continuity of care for members of the  
8           Coast Guard, including by evaluating the feasi-  
9           bility of having a dedicated primary care man-  
10          ager for each such member while the member is  
11          stationed at a duty station;

12          (C) evaluates the effects of increased surge  
13          deployments of medical personnel on staffing  
14          needs at Coast Guard clinics;

15          (D) identifies ways to improve access to  
16          care for members of the Coast Guard and their  
17          dependents who are stationed in remote areas,  
18          including methods to expand access to providers  
19          in the available network;

20          (E) identifies ways the Coast Guard may  
21          better use Department of Defense Medical  
22          Health System resources for members of the  
23          Coast Guard, their dependents, and applicable  
24          retirees;

1           (F) identifies barriers to participation in  
2           the Coast Guard healthcare system and ways  
3           the Coast Guard may better use patient feed-  
4           back to improve quality of care at Coast Guard-  
5           owned facilities, military treatment facilities,  
6           and specialist referrals;

7           (G) includes recommendations to improve  
8           the Coast Guard healthcare system; and

9           (H) any other matter the Commandant or  
10          the Advisory Committee considers appropriate.

11         (d) REPORT TO CONGRESS.—Not later than 2 years  
12         after the date of the enactment of this Act, the Com-  
13         mandant shall submit to the Committee on Commerce,  
14         Science, and Transportation of the Senate and the Com-  
15         mittee on Transportation and Infrastructure of the House  
16         of Representatives—

17                 (1) the strategic plan for the Coast Guard med-  
18                 ical system required by subsection (a);

19                 (2) the report of the Advisory Committee sub-  
20                 mitted to the Commandant under subsection (c);  
21                 and

22                 (3) a description of the manner in which the  
23                 Commandant plans to implement the recommenda-  
24                 tions of the Advisory Committee.

1 **SEC. 423. DATA COLLECTION AND ACCESS TO CARE.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of the enactment of this Act, the Commandant, in  
4 consultation with the Defense Health Agency and any  
5 healthcare expert the Commandant considers appropriate,  
6 shall develop a policy to require the collection of data re-  
7 garding access by members of the Coast Guard and their  
8 dependents to medical, dental, and behavioral healthcare  
9 as recommended by the Comptroller General of the United  
10 States in the report entitled “Coast Guard Health Care:  
11 Improvements Needed for Determining Staffing Needs  
12 and Monitoring Access to Care” published in February  
13 2022.

14 (b) ELEMENTS.—The policy required by subsection  
15 (a) shall address the following:

16 (1) Methods to collect data on access to care  
17 for—

18 (A) routine annual physical health assess-  
19 ments;

20 (B) flight physicals for aviators or prospec-  
21 tive aviators;

22 (C) sick call;

23 (D) injuries;

24 (E) dental health; and

25 (F) behavioral health conditions.



1           (2) Collection of data on access to care for re-  
2           ferrals.

3           (3) Collection of data on access to care for  
4           members of the Coast Guard stationed at remote  
5           units, aboard Coast Guard cutters, and on deploy-  
6           ments.

7           (4) Use of the electronic health record system  
8           to improve data collection on access to care.

9           (5) Use of data for addressing the standards of  
10          care, including time between requests for appoint-  
11          ments and actual appointments, including appoint-  
12          ments made with referral services.

13          (c) REVIEW BY COMPTROLLER GENERAL.—

14           (1) SUBMISSION.—Not later than 15 days after  
15          the policy is developed under subsection (a), the  
16          Commandant shall submit the policy to the Comp-  
17          troller General of the United States.

18           (2) REVIEW.—Not later than 180 days after re-  
19          ceiving the policy, the Comptroller General shall re-  
20          view the policy and provide recommendations to the  
21          Commandant.

22           (3) MODIFICATION.—Not later than 60 days  
23          after receiving the recommendations of the Comp-  
24          troller General, the Commandant shall modify the  
25          policy as necessary based on such recommendations.

1 (d) PUBLICATION AND REPORT TO CONGRESS.—Not  
2 later than 90 days after the policy is modified under sub-  
3 section (c)(3), the Commandant shall—

4 (1) publish the policy on a publicly accessible  
5 internet website of the Coast Guard; and

6 (2) submit to the Committee on Commerce,  
7 Science, and Transportation of the Senate and the  
8 Committee on Transportation and Infrastructure of  
9 the House of Representatives a report on the policy  
10 and the manner in which the Commandant plans to  
11 address access-to-care deficiencies.

12 (e) PERIODIC UPDATES.—Not less frequently than  
13 every 5 years, the Commandant shall review and update  
14 the policy.

15 **SEC. 424. BEHAVIORAL HEALTH POLICY.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that—

18 (1) members of the Coast Guard—

19 (A) are exposed to high-risk and often  
20 stressful duties; and

21 (B) should be encouraged to seek appro-  
22 priate medical treatment and professional guid-  
23 ance; and

24 (2) after treatment for behavioral health condi-  
25 tions, many members of the Coast Guard should be

1 allowed to resume service in the Coast Guard if  
2 they—

3 (A) are able to do so without persistent  
4 duty modifications; and

5 (B) do not pose a risk to themselves or  
6 other members of the Coast Guard.

7 (b) INTERIM BEHAVIORAL HEALTH POLICY.—

8 (1) IN GENERAL.—Not later than 180 days  
9 after the date of the enactment of this Act, the  
10 Commandant shall establish an interim behavioral  
11 health policy for members of the Coast Guard that  
12 is in parity with section 5.28 (relating to behavioral  
13 health) of Department of Defense Instruction  
14 6130.03, volume 2, “Medical Standards for Military  
15 Service: Retention”.

16 (2) TERMINATION.—The interim policy estab-  
17 lished under paragraph (1) shall remain in effect  
18 until the date on which the Commandant issues a  
19 permanent behavioral health policy for members of  
20 the Coast Guard.

21 (c) PERMANENT POLICY.—In developing a perma-  
22 nent policy with respect to retention and behavioral health,  
23 the Commandant shall ensure that, to the extent prac-  
24 ticable, the policy of the Coast Guard is in parity with  
25 section 5.28 (relating to behavioral health) of Department

1 of Defense Instruction 6130.03, volume 2, “Medical  
2 Standards for Military Service: Retention”.

3 **SEC. 425. MEMBERS ASSERTING POST-TRAUMATIC STRESS**  
4 **DISORDER OR TRAUMATIC BRAIN INJURY.**

5 (a) IN GENERAL.—Subchapter I of chapter 25 of title  
6 14, United States Code, is amended by adding at the end  
7 the following:

8 **“§ 2515. Members asserting post-traumatic stress dis-**  
9 **order or traumatic brain injury**

10 “(a) MEDICAL EXAMINATION REQUIRED.—(1) The  
11 Secretary shall ensure that a member of the Coast Guard  
12 who has performed Coast Guard operations or has been  
13 sexually assaulted during the preceding 2-year period, and  
14 who is diagnosed by an appropriate licensed or certified  
15 healthcare professional as experiencing post-traumatic  
16 stress disorder or traumatic brain injury or who otherwise  
17 alleges, based on the service of the member or based on  
18 such sexual assault, the influence of such a condition, re-  
19 ceives a medical examination to evaluate a diagnosis of  
20 post-traumatic stress disorder or traumatic brain injury.

21 “(2) A member described in paragraph (1) shall not  
22 be administratively separated under conditions other than  
23 honorable, including an administrative separation in lieu  
24 of court-martial, until the results of the medical examina-  
25 tion have been reviewed by appropriate authorities respon-

1 sible for evaluating, reviewing, and approving the separa-  
2 tion case, as determined by the Secretary.

3 “(3)(A) In a case involving post-traumatic stress dis-  
4 order, the medical examination shall be—

5 “(i) performed by—

6 “(I) a board-certified or board-eligible psy-  
7 chiatrist; or

8 “(II) a licensed doctorate-level psycholo-  
9 gist; or

10 “(ii) performed under the close supervision of—

11 “(I) a board-certified or board-eligible psy-  
12 chiatrist; or

13 “(II) a licensed doctorate-level psycholo-  
14 gist, a doctorate-level mental health provider, a  
15 psychiatry resident, or a clinical or counseling  
16 psychologist who has completed a 1-year intern-  
17 ship or residency.

18 “(B) In a case involving traumatic brain injury, the  
19 medical examination shall be performed by a physiatrist,  
20 psychiatrist, neurosurgeon, or neurologist.

21 “(b) PURPOSE OF MEDICAL EXAMINATION.—The  
22 medical examination required by subsection (a) shall as-  
23 sess whether the effects of mental or neurocognitive dis-  
24 orders, including post-traumatic stress disorder and trau-  
25 matic brain injury, constitute matters in extenuation that

1 relate to the basis for administrative separation under con-  
 2 ditions other than honorable or the overall characteriza-  
 3 tion of the service of the member as other than honorable.

4 “(c) INAPPLICABILITY TO PROCEEDINGS UNDER  
 5 UNIFORM CODE OF MILITARY JUSTICE.—The medical ex-  
 6 amination and procedures required by this section do not  
 7 apply to courts-martial or other proceedings conducted  
 8 pursuant to the Uniform Code of Military Justice.

9 “(d) COAST GUARD OPERATIONS DEFINED.—In this  
 10 section, the term ‘Coast Guard operations’ has the mean-  
 11 ing given that term in section 888(a) of the Homeland  
 12 Security Act of 2002 (6 U.S.C. 468(a)).”.

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

“2515. Members asserting post-traumatic stress disorder or traumatic brain in-  
 jury.”.

16 **SEC. 426. IMPROVEMENTS TO THE PHYSICAL DISABILITY**  
 17 **EVALUATION SYSTEM AND TRANSITION PRO-**  
 18 **GRAM.**

19 (a) TEMPORARY POLICY.—Not later than 60 days  
 20 after the date of the enactment of this Act, the Com-  
 21 mandant shall develop a temporary policy that—

22 (1) improves timeliness, communication, and  
 23 outcomes for members of the Coast Guard under-

1 going the Physical Disability Evaluation System, or  
2 a related formal or informal process;

3 (2) affords maximum career transition benefits  
4 to members of the Coast Guard determined by a  
5 Medical Evaluation Board to be unfit for retention  
6 in the Coast Guard; and

7 (3) maximizes the potential separation and ca-  
8 reer transition benefits for members of the Coast  
9 Guard undergoing the Physical Disability Evaluation  
10 System, or a related formal or informal process.

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

13 (1) A requirement that any member of the  
14 Coast Guard who is undergoing the Physical Dis-  
15 ability Evaluation System, or a related formal or in-  
16 formal process, shall be placed in a duty status that  
17 allows the member the opportunity to attend nec-  
18 essary medical appointments and other activities re-  
19 lating to the Physical Disability Evaluation System,  
20 including completion of any application of the De-  
21 partment of Veterans Affairs and career transition  
22 planning.

23 (2) In the case of a Medical Evaluation Board  
24 report that is not completed within 120 days after  
25 the date on which an evaluation by the Medical

1 Evaluation Board was initiated, the option for such  
2 a member to enter permissive duty status.

3 (3) A requirement that the date of initiation of  
4 an evaluation by a Medical Evaluation Board shall  
5 include the date on which any verbal or written af-  
6 firmation is made to the member, command, or med-  
7 ical staff that the evaluation by the Medical Evalua-  
8 tion Board has been initiated.

9 (4) An option for such member to seek an in-  
10 ternship under the SkillBridge program established  
11 under section 1143(e) of title 10, United States  
12 Code, and outside employment aimed at improving  
13 the transition of the member to civilian life, only if  
14 such an internship or employment does not interfere  
15 with necessary medical appointments required for  
16 the member's physical disability evaluation.

17 (5) A requirement that not less than 21 days  
18 notice shall be provided to such a member for any  
19 such medical appointment, to the maximum extent  
20 practicable, to ensure that the appointment timeline  
21 is in the best interests of the immediate health of  
22 the member.

23 (6) A requirement that the Coast Guard shall  
24 provide such a member with a written separation  
25 date upon the completion of a Medical Evaluation



1 Board report that finds the member unfit to con-  
2 tinue active duty.

3 (7) To provide certainty to such a member with  
4 respect to a separation date, a policy that ensures—

5 (A) that accountability measures are in  
6 place with respect to Coast Guard delays  
7 throughout the Physical Disability Evaluation  
8 System, including—

9 (i) placement of the member in an ex-  
10 cess leave status after 270 days have  
11 elapsed since the date of initiation of an  
12 evaluation by a Medical Evaluation Board  
13 by any competent authority; and

14 (ii) a calculation of the costs to retain  
15 the member on active duty, including the  
16 pay, allowances, and other associated bene-  
17 fits of the member, for the period begin-  
18 ning on the date that is 90 days after date  
19 of initiation of an evaluation by a Medical  
20 Evaluation Board by any competent au-  
21 thority and ending on the date on which  
22 the member is separated from the Coast  
23 Guard; and

24 (B) the availability of administrative solu-  
25 tions to any such delay.

1           (8) With respect to a member of the Coast  
2           Guard on temporary limited duty status, an option  
3           to remain in the member's current billet, to the max-  
4           imum extent practicable, or to be transferred to a  
5           different active-duty billet, so as to minimize any  
6           negative impact on the member's career trajectory.

7           (9) A requirement that each respective com-  
8           mand shall report to the Coast Guard Personnel  
9           Service Center any delay of more than 21 days be-  
10          tween each stage of the Physical Disability Evalua-  
11          tion System for any such member, including between  
12          stages of the processes, the Medical Evaluation  
13          Board, the Informal Physical Evaluation Board, and  
14          the Formal Physical Evaluation Board.

15          (10) A requirement that, not later than 7 days  
16          after receipt of a report of a delay described in para-  
17          graph (9), the Personnel Service Center shall take  
18          corrective action, which shall ensure that the Coast  
19          Guard exercises maximum discretion to continue the  
20          Physical Disability Evaluation System of such a  
21          member in a timely manner, unless such delay is  
22          caused by the member.

23          (11) A requirement that—

24                  (A) a member of the Coast Guard shall be  
25                  allowed to make a request for a reasonable

1 delay in the Physical Disability Evaluation Sys-  
2 tem to obtain additional input and consultation  
3 from a medical or legal professional; and

4 (B) any such request for delay shall be ap-  
5 proved by the Commandant based on a showing  
6 of good cause by the member.

7 (c) REPORT ON TEMPORARY POLICY.—Not later  
8 than 60 days after the date of the enactment of this Act,  
9 the Commandant shall submit to the Committee on Com-  
10 merce, Science, and Transportation of the Senate and the  
11 Committee on Transportation and Infrastructure of the  
12 House of Representatives a copy of the policy developed  
13 under subsection (a).

14 (d) PERMANENT POLICY.—Not later than 180 days  
15 after the date of the enactment of this Act, the Com-  
16 mandant shall publish a Commandant Instruction making  
17 the policy developed under subsection (a) a permanent pol-  
18 icy of the Coast Guard.

19 (e) BRIEFING.—Not later than 1 year after the date  
20 of the enactment of this Act, the Commandant shall pro-  
21 vide the Committee on Commerce, Science, and Transpor-  
22 tation of the Senate and the Committee on Transportation  
23 and Infrastructure of the House of Representatives a  
24 briefing on, and a copy of, the permanent policy.

25 (f) ANNUAL REPORT ON COSTS.—

1           (1) IN GENERAL.—Not less frequently than an-  
2 nually, the Commandant shall submit to the Com-  
3 mittee on Commerce, Science, and Transportation of  
4 the Senate and the Committee on Transportation  
5 and Infrastructure of the House of Representatives  
6 a report that, for the preceding fiscal year—

7           (A) details the total aggregate service-wide  
8 costs described in subsection (b)(7)(A)(ii) for  
9 members of the Coast Guard whose Physical  
10 Disability Evaluation System process has ex-  
11 ceeded 90 days; and

12           (B) includes for each such member—

13           (i) an accounting of such costs; and

14           (ii) the number of days that elapsed  
15 between the initiation and completion of  
16 the Physical Disability Evaluation System  
17 process.

18           (2) PERSONALLY IDENTIFIABLE INFORMA-  
19 TION.—A report under paragraph (1) shall not in-  
20 clude the personally identifiable information of any  
21 member of the Coast Guard.

22 **SEC. 427. EXPANSION OF ACCESS TO COUNSELING.**

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

1 hire, train, and deploy not fewer than an additional 5 be-  
2 havioral health specialists.

3 (b) REQUIREMENT.—Through the hiring process re-  
4 quired by subsection (a), the Commandant shall ensure  
5 that at least 35 percent of behavioral health specialists  
6 employed by the Coast Guard have experience in behav-  
7 ioral healthcare for the purpose of supporting members  
8 of the Coast Guard with fertility, infertility, pregnancy,  
9 miscarriage, child loss, postpartum depression, and related  
10 counseling needs.

11 (c) ACCESSIBILITY.—The support provided by the be-  
12 havioral health specialists described in subsection (a)—

13 (1) may include care delivered via telemedicine;  
14 and

15 (2) shall be made widely available to members  
16 of the Coast Guard.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the  
18 amounts authorized to be appropriated under section  
19 4902(1)(A) of title 14, United States Code, as amended  
20 by section 101 of this Act, \$2,000,000 shall be made avail-  
21 able to the Commandant for each of fiscal years 2023 and  
22 2024 to carry out this section.

1 **SEC. 428. EXPANSION OF POSTGRADUATE OPPORTUNITIES**  
2 **FOR MEMBERS OF THE COAST GUARD IN**  
3 **MEDICAL AND RELATED FIELDS.**

4 (a) IN GENERAL.—The Commandant shall expand  
5 opportunities for members of the Coast Guard to secure  
6 postgraduate degrees in medical and related professional  
7 disciplines for the purpose of supporting Coast Guard clin-  
8 ics and operations.

9 (b) MILITARY TRAINING STUDENT LOADS.—Section  
10 4904(b)(3) of title 14, United States Code, is amended  
11 by striking “350” and inserting “385”.

12 **SEC. 429. STUDY ON COAST GUARD TELEMEDICINE PRO-**  
13 **GRAM.**

14 (a) IN GENERAL.—Not later than 180 days after the  
15 date of the enactment of this Act, the Comptroller General  
16 of the United States shall commence a study on the Coast  
17 Guard telemedicine program.

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

20 (1) An assessment of—

21 (A) the current capabilities and limitations  
22 of the Coast Guard telemedicine program;

23 (B) the degree of integration of such pro-  
24 gram with existing electronic health records;

25 (C) the capability and accessibility of such  
26 program, as compared to the capability and ac-

1           cessibility of the telemedicine programs of the  
2           Department of Defense and commercial medical  
3           providers;

4                   (D) the manner in which the Coast Guard  
5           telemedicine program may be expanded to pro-  
6           vide better clinical and behavioral medical serv-  
7           ices to members of the Coast Guard, including  
8           such members stationed at remote units or on-  
9           board Coast Guard cutters at sea; and

10                   (E) the costs savings associated with the  
11           provision of—

12                           (i) care through telemedicine; and

13                           (ii) preventative care.

14                   (2) An identification of barriers to full use or  
15           expansion of such program.

16                   (3) A description of the resources necessary to  
17           expand such program to its full capability.

18           (c) REPORT.—Not later than 1 year after com-  
19           mencing the study required by subsection (a), the Comp-  
20           troller General shall submit to the Committee on Com-  
21           merce, Science, and Transportation of the Senate and the  
22           Committee on Transportation and Infrastructure of the  
23           House of Representatives a report on the findings of the  
24           study.

1 **SEC. 430. STUDY ON COAST GUARD MEDICAL FACILITIES**  
2 **NEEDS.**

3 (a) **IN GENERAL.**—Not later than 270 days after the  
4 date of the enactment of this Act, the Comptroller General  
5 of the United States shall commence a study on Coast  
6 Guard medical facilities needs.

7 (b) **ELEMENTS.**—The study required by subsection  
8 (a) shall include the following:

9 (1) A current list of Coast Guard medical facili-  
10 ties, including clinics, sickbays, and shipboard facili-  
11 ties.

12 (2) A summary of capital needs for Coast  
13 Guard medical facilities, including construction and  
14 repair.

15 (3) A summary of equipment upgrade backlogs  
16 of Coast Guard medical facilities.

17 (4) An assessment of improvements to Coast  
18 Guard medical facilities, including improvements to  
19 IT infrastructure, required to enable the Coast  
20 Guard to fully use telemedicine and implement other  
21 modernization initiatives.

22 (5) An evaluation of the process used by the  
23 Coast Guard to identify, monitor, and construct  
24 Coast Guard medical facilities.



1 (6) A description of the resources necessary to  
2 fully address all Coast Guard medical facilities  
3 needs.

4 (c) REPORT.—Not later than 1 year after com-  
5 mencing the study required by subsection (a), the Comp-  
6 troller General shall submit to the Committee on Com-  
7 merce, Science, and Transportation of the Senate and the  
8 Committee on Transportation and Infrastructure of the  
9 House of Representatives a report on the findings of the  
10 study.

## 11 **Subtitle C—Housing**

### 12 **SEC. 441. STRATEGY TO IMPROVE QUALITY OF LIFE AT RE-** 13 **MOTE UNITS.**

14 (a) IN GENERAL.—Not more than 180 days after the  
15 date of the enactment of this Act, the Commandant shall  
16 develop a strategy to improve the quality of life for mem-  
17 bers of the Coast Guard and their dependents who are  
18 stationed in remote units.

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

21 (1) Methods to improve the availability or af-  
22 fordability of housing options for members of the  
23 Coast Guard and their dependents through—

24 (A) Coast Guard-owned housing;

25 (B) Coast Guard-facilitated housing; or

1           (C) basic allowance for housing adjust-  
2           ments to rates that are more competitive for  
3           members of the Coast Guard seeking privately  
4           owned or privately rented housing.

5           (2) Methods to improve access by members of  
6           the Coast Guard and their dependents to—

7                   (A) medical, dental, and pediatric care;

8                   (B) healthcare specific to women; and

9                   (C) behavioral healthcare.

10          (3) Methods to increase access to child care  
11          services, including recommendations for increasing  
12          child care capacity and opportunities for care within  
13          the Coast Guard and in the private sector.

14          (4) Methods to improve non-Coast Guard net-  
15          work internet access at remote units—

16                   (A) to improve communications between  
17                   families and members of the Coast Guard on  
18                   active duty; and

19                   (B) for other purposes such as education  
20                   and training.

21          (5) Methods to support spouses and dependents  
22          who face challenges specific to remote locations.

23          (6) Any other matter the Commandant con-  
24          siders appropriate.

1       (c) BRIEFING.—Not later than 180 days after the  
2 strategy required by subsection (a) is completed, the Com-  
3 mandant shall provide to the Committee on Commerce,  
4 Science, and Transportation of the Senate and the Com-  
5 mittee on Transportation and Infrastructure of the House  
6 of Representatives a briefing on the strategy.

7       (d) REMOTE UNIT DEFINED.—In this section, the  
8 term “remote unit” means a unit located in an area in  
9 which members of the Coast Guard and their dependents  
10 are eligible for TRICARE Prime Remote.

11 **SEC. 442. STUDY ON COAST GUARD HOUSING ACCESS,**  
12 **COST, AND CHALLENGES.**

13       (a) IN GENERAL.—Not later than 90 days after the  
14 date of the enactment of this Act, the Comptroller General  
15 of the United States shall commence a study on housing  
16 access, cost, and associated challenges facing members of  
17 the Coast Guard.

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

20               (1) An assessment of—

21                       (A) the extent to which—

22                               (i) the Commandant has evaluated the  
23 sufficiency, availability, and affordability of  
24 housing options for members of the Coast  
25 Guard and their dependents; and

1                   (ii) the Coast Guard owns and leases  
2                   housing for members of the Coast Guard  
3                   and their dependents;

4                   (B) the methods used by the Commandant  
5                   to manage housing data, and the manner in  
6                   which the Commandant uses such data—

7                   (i) to inform Coast Guard housing  
8                   policy; and

9                   (ii) to guide investments in Coast  
10                  Guard-owned housing capacity and other  
11                  investments in housing, such as long-term  
12                  leases and other options; and

13                  (C) the process used by the Commandant  
14                  to gather and provide information used to cal-  
15                  culate housing allowances for members of the  
16                  Coast Guard and their dependents, including  
17                  whether the Commandant has established best  
18                  practices to manage low-data areas.

19                  (2) An assessment as to whether it is advan-  
20                  tageous for the Coast Guard to continue to use the  
21                  Department of Defense basic allowance for housing  
22                  system.

23                  (3) Recommendations for actions the Com-  
24                  mandant should take to improve the availability and

1       affordability of housing for members of the Coast  
2       Guard and their dependents who are stationed in—

3               (A) remote units located in areas in which  
4               members of the Coast Guard and their depend-  
5               ents are eligible for TRICARE Prime Remote;  
6               or

7               (B) units located in areas with a high  
8               number of vacation rental properties.

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

16       (d) STRATEGY.—Not later than 180 days after the  
17       submission of the report required by subsection (c), the  
18       Commandant shall publish a Coast Guard housing strat-  
19       egy that addresses the findings set forth in the report,  
20       which shall, at a minimum—

21               (1) address housing inventory shortages and af-  
22               fordability; and

23               (2) include a Coast Guard-owned housing infra-  
24               structure investment prioritization plan.

## 1           **Subtitle D—Other Matters**

### 2   **SEC. 451. REPORT ON AVAILABILITY OF EMERGENCY SUP-** 3           **PLIES FOR COAST GUARD PERSONNEL.**

4           (a) **IN GENERAL.**—Not later than 180 days after the  
5 date of the enactment of this Act, the Comptroller General  
6 of the United States shall submit to the Committee on  
7 Commerce, Science, and Transportation of the Senate and  
8 the Committee on Transportation and Infrastructure of  
9 the House of Representatives a report on the availability  
10 of appropriate emergency supplies at Coast Guard units.

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

13           (1) An assessment of the extent to which—

14           (A) the Commandant ensures that Coast  
15           Guard units assess risks and plan accordingly  
16           to obtain and maintain appropriate emergency  
17           supplies; and

18           (B) Coast Guard units have emergency  
19           food and water supplies available according to  
20           local emergency preparedness needs.

21           (2) A description of any challenge the Com-  
22           mandant faces in planning for and maintaining ade-  
23           quate emergency supplies for Coast Guard per-  
24           sonnel.

1 (c) PUBLICATION.—Not later than 90 days after the  
 2 date of submission of the report required by subsection  
 3 (a), the Commandant shall publish a strategy and rec-  
 4 ommendations in response to the report that includes—

5 (1) a plan for improving emergency prepared-  
 6 ness and emergency supplies for Coast Guard units;  
 7 and

8 (2) a process for periodic review and engage-  
 9 ment with Coast Guard units to ensure emerging  
 10 emergency response supply needs are achieved and  
 11 maintained.

## 12 **TITLE V—MARITIME**

### 13 **Subtitle A—Vessel Safety**

#### 14 **SEC. 501. ABANDONED SEAFARER FUND AMENDMENTS.**

15 Section 11113 of title 46, United States Code, is  
 16 amended—

17 (1) in the matter preceding subparagraph (A)  
 18 of subsection (a)(2), by striking “may be appro-  
 19 priated” and inserting “shall be available without  
 20 further appropriations, and shall remain available  
 21 until expended,”; and

22 (2) in subsection (c)—

23 (A) in the matter preceding subparagraph

24 (A) of paragraph (1), by inserting “plus a sur-

1 charge of 25 percent of such total amount”,  
2 after “seafarer”; and

3 (B) by striking paragraph (4).

4 **SEC. 502. RECEIPTS; INTERNATIONAL AGREEMENTS FOR**  
5 **ICE PATROL SERVICES.**

6 Section 80301(c) of title 46, United States Code, is  
7 amended by striking the period at the end and inserting  
8 “and shall be available until expended for the purpose of  
9 the Coast Guard international ice patrol program.”.

10 **SEC. 503. PASSENGER VESSEL SECURITY AND SAFETY RE-**  
11 **QUIREMENTS.**

12 Notwithstanding any other provision of law, require-  
13 ments authorized under sections 3509 of title 46, United  
14 States Code, shall not apply to any passenger vessel, as  
15 defined in section 2101 of such title, that—

16 (1) carries in excess of 250 passengers; and

17 (2) is, or was, in operation in the internal  
18 waters of the United States on voyages inside the  
19 Boundary Line, as defined in section 103 of such  
20 title, on or before July 27, 2030.

21 **SEC. 504. AT-SEA RECOVERY OPERATIONS PILOT PRO-**  
22 **GRAM.**

23 (a) IN GENERAL.—The Secretary shall conduct a  
24 pilot program to evaluate the potential use of remotely



1 controlled or autonomous operation and monitoring of cer-  
2 tain vessels for the purposes of—

3 (1) better understanding the complexities of  
4 such at-sea operations and potential risks to naviga-  
5 tion safety, vessel security, maritime workers, the  
6 public, and the environment;

7 (2) gathering observational and performance  
8 data from monitoring the use of remotely controlled  
9 or autonomous vessels; and

10 (3) assessing and evaluating regulatory require-  
11 ments necessary to guide the development of future  
12 occurrences of such operations and activities.

13 (b) DURATION AND EFFECTIVE DATE.—The dura-  
14 tion of the pilot program established under this section  
15 shall be not more than 5 years beginning on the date on  
16 which the pilot program is established, which shall be not  
17 later than 180 days after the date of enactment of this  
18 Act.

19 (c) AUTHORIZED ACTIVITIES.—The activities author-  
20 ized under this section include—

21 (1) remote over-the-horizon monitoring oper-  
22 ations related to the active at-sea recovery of  
23 spaceflight components on an unmanned vessel or  
24 platform;

1           (2) procedures for the unaccompanied operation  
2           and monitoring of an unmanned spaceflight recovery  
3           vessel or platform; and

4           (3) unmanned vessel transits and testing oper-  
5           ations without a physical tow line related to space  
6           launch and recovery operations, except within 12  
7           nautical miles of a port.

8           (d) INTERIM AUTHORITY.—In recognition of poten-  
9           tial risks to navigation safety, vessel security, maritime  
10          workers, the public, and the environment, and the unique  
11          circumstances requiring the use of remotely operated or  
12          autonomous vessels, the Secretary, in the pilot program  
13          established under subsection (a), may—

14           (1) allow remotely controlled or autonomous  
15          vessel operations to proceed consistent to the extent  
16          practicable under titles 33 and 46 of the United  
17          States Code, including navigation and manning laws  
18          and regulations;

19           (2) modify or waive applicable regulations and  
20          guidance as the Secretary considers appropriate to—

21           (A) allow remote and autonomous vessel  
22          at-sea operations and activities to occur while  
23          ensuring navigation safety; and

1 (B) ensure the reliable, safe, and secure  
2 operation of remotely controlled or autonomous  
3 vessels; and

4 (3) require each remotely operated or auto-  
5 nous vessel to be at all times under the supervision  
6 of 1 or more individuals—

7 (A) holding a merchant mariner credential  
8 which is suitable to the satisfaction of the Coast  
9 Guard; and

10 (B) who shall practice due regard for the  
11 safety of navigation of the autonomous vessel,  
12 to include collision avoidance.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion shall be construed to authorize the Secretary to—

15 (1) permit foreign vessels to participate in the  
16 pilot program established under subsection (a);

17 (2) waive or modify applicable laws and regula-  
18 tions under titles 33 and 46 of the United States  
19 Code, except to the extent authorized under sub-  
20 section (d)(2); or

21 (3) waive or modify any regulations arising  
22 under international conventions.

23 (f) SAVINGS PROVISION.—Nothing in this section  
24 may be construed to authorize the employment in the  
25 coastwise trade of a vessel or platform that does not meet

1 the requirements of sections 12112, 55102, 55103, and  
2 55111 of title 46, United States Code.

3 (g) BRIEFINGS.—The Secretary or the designee of  
4 the Secretary shall brief the Committee on Commerce,  
5 Science, and Transportation of the Senate and the Com-  
6 mittee on Transportation and Infrastructure of the House  
7 of Representatives on the program established under sub-  
8 section (a) on a quarterly basis.

9 (h) REPORT.—Not later than 180 days after the expi-  
10 ration of the pilot program established under subsection  
11 (a), the Secretary shall submit to the Committee on Com-  
12 merce, Science, and Transportation of the Senate and the  
13 Committee on Transportation and Infrastructure of the  
14 House of Representatives a final report regarding an as-  
15 sessment of the execution of the pilot program and impli-  
16 cations for maintaining navigation safety, the safety of  
17 maritime workers, and the preservation of the environ-  
18 ment.

19 (i) GAO REPORT.—

20 (1) IN GENERAL.—Not later than 18 months  
21 after the date of enactment of this section, the  
22 Comptroller General of the United States shall sub-  
23 mit to the Committee on Commerce, Science, and  
24 Transportation of the Senate and the Committee on  
25 Transportation and Infrastructure of the House of

1 Representatives a report on the state of autonomous  
2 and remote technologies in the operation of ship-  
3 board equipment and the safe and secure navigation  
4 of vessels in Federal waters of the United States.

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

7 (A) An assessment of commercially avail-  
8 able autonomous and remote technologies in the  
9 operation of shipboard equipment and the safe  
10 and secure navigation of vessels during the 10  
11 years immediately preceding the date of the re-  
12 port.

13 (B) An analysis of the safety, physical se-  
14 curity, cybersecurity, and collision avoidance  
15 risks and benefits associated with autonomous  
16 and remote technologies in the operation of  
17 shipboard equipment and the safe and secure  
18 navigation of vessels, including environmental  
19 considerations.

20 (C) An assessment of the impact of such  
21 autonomous and remote technologies, and all  
22 associated technologies, on labor, including—

23 (i) roles for credentialed and  
24 noncredentialed workers regarding such

1 autonomous, remote, and associated tech-  
2 nologies; and

3 (ii) training and workforce develop-  
4 ment needs associated with such tech-  
5 nologies.

6 (D) An assessment and evaluation of regu-  
7 latory requirements necessary to guide the de-  
8 velopment of future autonomous, remote, and  
9 associated technologies in the operation of ship-  
10 board equipment and safe and secure naviga-  
11 tion of vessels.

12 (E) An assessment of the extent to which  
13 such technologies are being used in other coun-  
14 tries and how such countries have regulated  
15 such technologies.

16 (F) Recommendations regarding authoriza-  
17 tion, infrastructure, and other requirements  
18 necessary for the implementation of such tech-  
19 nologies in the United States.

20 (3) CONSULTATION.—The report required  
21 under paragraph (1) shall include, at a minimum,  
22 consultation with the maritime industry including—

23 (A) vessel operators, including commercial  
24 carriers, entities engaged in exploring for, de-  
25 veloping, or producing resources, including non-

1 mineral energy resources in its offshore areas,  
2 and supporting entities in the maritime indus-  
3 try;

4 (B) shipboard personnel impacted by any  
5 change to autonomous vessel operations, in  
6 order to assess the various benefits and risks  
7 associated with the implementation of autono-  
8 mous, remote, and associated technologies in  
9 the operation of shipboard equipment and safe  
10 and secure navigation of vessels and the impact  
11 such technologies would have on maritime jobs  
12 and maritime manpower; and

13 (C) relevant federally funded research in-  
14 stitutions, non-governmental organizations, and  
15 academia.

16 (j) DEFINITIONS.—In this section:

17 (1) MERCHANT MARINER CREDENTIAL.—The  
18 term “merchant mariner credential” means a mer-  
19 chant mariner license, certificate, or document that  
20 the Secretary is authorized to issue pursuant to title  
21 46, United States Code.

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

1 **SEC. 505. EXONERATION AND LIMITATION OF LIABILITY**  
2 **FOR SMALL PASSENGER VESSELS.**

3 (a) RESTRUCTURING.—Chapter 305 of title 46,  
4 United States Code, is amended—

5 (1) by inserting before section 30501 the fol-  
6 lowing:

7 **“Subchapter I—General Provisions”;**

8 (2) by inserting before section 30503 the fol-  
9 lowing:

10 **“Subchapter II—Exoneration and Limitation**  
11 **of Liability”;**

12 and

13 (3) by redesignating sections 30503 through  
14 30512 as sections 30521 through 30530, respec-  
15 tively.

16 (b) DEFINITIONS.—Section 30501 of title 46, United  
17 States Code, is amended to read as follows:

18 **“§ 30501. Definitions**

19 “In this chapter:

20 “(1) COVERED SMALL PASSENGER VESSEL.—

21 The term ‘covered small passenger vessel’—

22 “(A) means a small passenger vessel, as  
23 defined in section 2101, that is—

24 “(i) not a wing-in-ground craft; and

25 “(ii) carrying—



1                   “(I) not more than 49 passengers  
2                   on an overnight domestic voyage; and

3                   “(II) not more than 150 pas-  
4                   sengers on any voyage that is not an  
5                   overnight domestic voyage; and

6                   “(B) includes any wooden vessel con-  
7                   structed prior to March 11, 1996, carrying at  
8                   least 1 passenger for hire.

9                   “(2) OWNER.—The term ‘owner’ includes a  
10                  charterer that mans, supplies, and navigates a vessel  
11                  at the charterer’s own expense or by the charterer’s  
12                  own procurement.”.

13                  (c) APPLICABILITY.—Section 30502 of title 46,  
14                  United States Code, is amended—

15                   (1) by striking “Except as otherwise provided”  
16                   and inserting the following: “(a) IN GENERAL.—Ex-  
17                   cept as to covered small passenger vessels and as  
18                   otherwise provided”;

19                   (2) by striking “section 30503” and inserting  
20                   “section 30521”; and

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

22                   “(b) APPLICATION.—Notwithstanding subsection (a),  
23                  the requirements of section 30526 of this title shall apply  
24                  to covered small passenger vessels.”.

1 (d) PROVISIONS REQUIRING NOTICE OF CLAIM OR  
2 LIMITING TIME FOR BRINGING ACTION.—Section 30526  
3 of title 46, United States Code, as redesignated by sub-  
4 section (a), is amended—

5 (1) in subsection (a), by inserting “and covered  
6 small passenger vessels” after “seagoing vessels”;  
7 and

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “6  
10 months” and inserting “2 years”; and

11 (B) in paragraph (2), by striking “one  
12 year” and inserting “2 years”.

13 (e) CHAPTER ANALYSIS.—The analysis for chapter  
14 305 of title 46, United States Code, is amended—

15 (1) by inserting before the item relating to sec-  
16 tion 30501 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

17 (2) by inserting after the item relating to sec-  
18 tion 30502 the following:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

19 (3) by striking the item relating to section  
20 30501 and inserting the following:

“30501. Definitions.”;

21 and

1           (4) by redesignating the items relating to sec-  
2           tions 30503 through 30512 as items relating to sec-  
3           tions 30521 through 30530, respectively.

4           (f) CONFORMING AMENDMENTS.—Title 46, United  
5 States Code, is further amended—

6           (1) in section 14305(a)(5), by striking “section  
7           30506” and inserting “section 30524”;

8           (2) in section 30523(a), as redesignated by sub-  
9           section (a), by striking “section 30506” and insert-  
10          ing “section 30524”;

11          (3) in section 30524(b), as redesignated by sub-  
12          section (a), by striking “section 30505” and insert-  
13          ing “section 30523”; and

14          (4) in section 30525, as redesignated by sub-  
15          section (a)—

16                (A) in the matter preceding paragraph (1),  
17                by striking “sections 30505 and 30506” and in-  
18                serting “sections 30523 and 30524”;

19                (B) in paragraph (1), by striking “section  
20                30505” and inserting “section 30523”; and

21                (C) in paragraph (2), by striking “section  
22                30506(b)” and inserting “section 30524(b)”.

1 **SEC. 506. MORATORIUM ON TOWING VESSEL INSPECTION**  
2 **USER FEES.**

3 Notwithstanding section 9701 of title 31, United  
4 States Code, and section 2110 of title 46 of such Code,  
5 the Secretary of the department in which the Coast Guard  
6 is operating may not charge an inspection fee for a towing  
7 vessel that has a certificate of inspection issued under sub-  
8 chapter M of chapter I of title 46, Code of Federal Regula-  
9 tions (or any successor regulation), and that uses the Tow-  
10 ing Safety Management System option for compliance  
11 with such subchapter, until—

12 (1) the completion of the review required under  
13 section 815 of the Frank LoBiondo Coast Guard  
14 Authorization Act of 2018 (14 U.S.C. 946 note;  
15 Public Law 115–282); and

16 (2) the promulgation of regulations to establish  
17 specific inspection fees for such vessels.

18 **SEC. 507. CERTAIN HISTORIC PASSENGER VESSELS.**

19 (a) **REPORT ON COVERED HISTORIC VESSELS.—**

20 (1) **IN GENERAL.—**Not later than 1 year after  
21 the date of enactment of this Act, the Comptroller  
22 General of the United States shall submit to the  
23 Committee on Commerce, Science, and Transpor-  
24 tation of the Senate and the Committee on Trans-  
25 portation and Infrastructure of the House of Rep-  
26 resentatives a report evaluating the practicability of

1 the application of section 3306(n)(3)(v) of title 46,  
2 United States Code, to covered historic vessels.

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

5 (A) An assessment of the compliance, as of  
6 the date on which the report is submitted in ac-  
7 cordance with paragraph (1), of covered historic  
8 vessels with section 3306(n)(3)(v) of title 46,  
9 United States Code.

10 (B) An assessment of the safety record of  
11 covered historic vessels.

12 (C) An assessment of the risk, if any, that  
13 modifying the requirements under section  
14 3306(n)(3)(v) of title 46, United States Code,  
15 would have on the safety of passengers and  
16 crew of covered historic vessels.

17 (D) An evaluation of the economic prac-  
18 ticability of the compliance of covered historic  
19 vessels with such section 3306(n)(3)(v) and  
20 whether that compliance would meaningfully  
21 improve safety of passengers and crew in a  
22 manner that is both feasible and economically  
23 practicable.

1           (E) Any recommendations to improve safe-  
2           ty in addition to, or in lieu of, such section  
3           3306(n)(3)(v).

4           (F) Any other recommendations as the  
5           Comptroller General determines are appropriate  
6           with respect to the applicability of such section  
7           3306(n)(3)(v) to covered historic vessels.

8           (G) An assessment to determine if covered  
9           historic vessels could be provided an exemption  
10          to such section 3306(n)(3)(v) and what changes  
11          to legislative or rulemaking requirements, in-  
12          cluding modifications to section 177.500(q) of  
13          title 46, Code of Federal Regulations (as in ef-  
14          fect on the date of enactment of this Act), are  
15          necessary to provide the Commandant the au-  
16          thority to make such exemption or to otherwise  
17          provide for such exemption.

18          (b) CONSULTATION.—In completing the report re-  
19          quired under subsection (a)(1), the Comptroller General  
20          may consult with—

21               (1) the National Transportation Safety Board;

22               (2) the Coast Guard; and

23               (3) the maritime industry, including relevant  
24          federally funded research institutions, nongovern-  
25          mental organizations, and academia.

1 (c) EXTENSION FOR COVERED HISTORIC VESSELS.—

2 The captain of a port may waive the requirements of sec-  
3 tion 3306(n)(3)(v) of title 46, United States Code, with  
4 respect to covered historic vessels for not more than 2  
5 years after the date of submission of the report required  
6 by subsection (a) to Congress in accordance with such sub-  
7 section.

8 (d) SAVINGS CLAUSE.—Nothing in this section shall  
9 limit any authority available, as of the date of enactment  
10 of this Act, to the captain of a port with respect to safety  
11 measures or any other authority as necessary for the safe-  
12 ty of covered historic vessels.

13 (e) NOTICE TO PASSENGERS.—A covered historic  
14 vessel that receives a waiver under subsection (c) shall,  
15 beginning on the date on which the requirements under  
16 section 3306(n)(3)(v) of title 46, United States Code, take  
17 effect, provide a prominently displayed notice on its  
18 website, ticket counter, and each ticket for passengers that  
19 the vessel is exempt from meeting the Coast Guard safety  
20 compliance standards concerning egress as provided for  
21 under such section 3306(n)(3)(v).

22 (f) DEFINITION OF COVERED HISTORIC VESSELS.—

23 In this section, the term “covered historic vessels” means  
24 the following:

25 (1) American Eagle (Official Number 229913).

- 1 (2) Angelique (Official Number 623562).
- 2 (3) Heritage (Official Number 649561).
- 3 (4) J & E Riggin (Official Number 226422).
- 4 (5) Ladona (Official Number 222228).
- 5 (6) Lewis R. French (Official Number 015801).
- 6 (7) Mary Day (Official Number 288714).
- 7 (8) Stephen Taber (Official Number 115409).
- 8 (9) Victory Chimes (Official Number 136784).
- 9 (10) Grace Bailey (Official Number 085754).
- 10 (11) Mercantile (Official Number 214388).
- 11 (12) Mistress (Official Number 509004).

12 **SEC. 508. COAST GUARD DIGITAL REGISTRATION.**

13 Section 12304(a) of title 46, United States Code, is  
14 amended—

- 15 (1) by striking “shall be pocket-sized,”; and
- 16 (2) by striking “, and may be valid” and insert-  
17 ing “and may be in hard copy or digital form. The  
18 certificate shall be valid”.

19 **SEC. 509. RESPONSES TO SAFETY RECOMMENDATIONS.**

20 (a) IN GENERAL.—Chapter 7 of title 14, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing:

23 **“§ 721. Responses to safety recommendations**

24 “(a) IN GENERAL.—Not later than 90 days after the  
25 submission to the Commandant of a recommendation and



1 supporting justification by the National Transportation  
2 Safety Board relating to transportation safety, the Com-  
3 mandant shall submit to the National Transportation  
4 Safety Board a written response to the recommendation,  
5 which shall include whether the Commandant—

6           “(1) concurs with the recommendation;

7           “(2) partially concurs with the recommendation;

8           or

9           “(3) does not concur with the recommendation.

10          “(b) EXPLANATION OF CONCURRENCE.—A response  
11 under subsection (a) shall include—

12           “(1) with respect to a recommendation with  
13 which the Commandant concurs, an explanation of  
14 the actions the Commandant intends to take to im-  
15 plement such recommendation;

16           “(2) with respect to a recommendation with  
17 which the Commandant partially concurs, an expla-  
18 nation of the actions the Commandant intends to  
19 take to implement the portion of such recommenda-  
20 tion with which the Commandant partially concurs;  
21 and

22           “(3) with respect to a recommendation with  
23 which the Commandant does not concur, the reasons  
24 the Commandant does not concur.

1       “(c) FAILURE TO RESPOND.—If the National Trans-  
 2 portation Safety Board has not received the written re-  
 3 sponse required under subsection (a) by the end of the  
 4 time period described in that subsection, the National  
 5 Transportation Safety Board shall notify the Committee  
 6 on Commerce, Science, and Transportation of the Senate  
 7 and the Committee on Transportation and Infrastructure  
 8 of the House of Representatives that such response has  
 9 not been received.”.

10       (b) CLERICAL AMENDMENT.—The analysis for chap-  
 11 ter 7 of title 14, United States Code, is amended by add-  
 12 ing at the end the following:

“721. Responses to safety recommendations.”.

13 **SEC. 510. COMPTROLLER GENERAL OF THE UNITED**  
 14 **STATES STUDY AND REPORT ON THE COAST**  
 15 **GUARD’S OVERSIGHT OF THIRD-PARTY ORGA-**  
 16 **NIZATIONS.**

17       (a) IN GENERAL.—The Comptroller General of the  
 18 United States shall initiate a review, not later than 1 year  
 19 after the date of enactment of this Act that assesses the  
 20 Coast Guard’s oversight of third-party organizations.

21       (b) ELEMENTS.—The study required under sub-  
 22 section (a) shall analyze the following:

23           (1) Coast Guard utilization of third-party orga-  
 24 nizations in its prevention mission, and the extent  
 25 the Coast Guard plans to increase such use to en-

1       hance prevention mission performance, including re-  
2       source utilization and specialized expertise.

3           (2) The extent the Coast Guard has assessed  
4       the potential risks and benefits of using third-party  
5       organizations to support prevention mission activi-  
6       ties.

7           (3) The extent the Coast Guard provides over-  
8       sight of third-party organizations authorized to sup-  
9       port prevention mission activities.

10       (c) REPORT.—The Comptroller General shall submit  
11       the results from this study not later than 1 year after initi-  
12       ating the review to the Committee on Commerce, Science,  
13       and Transportation of the Senate and the Committee on  
14       Transportation and Infrastructure of the House of Rep-  
15       resentatives.

## 16                   **Subtitle B—Other Matters**

### 17       **SEC. 521. DEFINITION OF A STATELESS VESSEL.**

18       Section 70502(d)(1) of title 46, United States Code,  
19       is amended—

20           (1) in subparagraph (B), by striking “and”  
21       after the semicolon;

22           (2) in subparagraph (C), by striking the period  
23       at the end and inserting “; and”; and

24           (3) by adding at the end the following new sub-  
25       paragraph:

1           “(D) a vessel aboard which no individual,  
2           on request of an officer of the United States  
3           authorized to enforce applicable provisions of  
4           United States law, claims to be the master or  
5           is identified as the individual in charge and that  
6           has no other claim of nationality or registry  
7           under paragraph (1) or (2) of subsection (e).”.

8 **SEC. 522. REPORT ON ENFORCEMENT OF COASTWISE LAWS.**

9           Not later than 1 year of the date of enactment of  
10 this Act, the Commandant shall submit to Congress a re-  
11 port describing any changes to the enforcement of chap-  
12 ters 121 and 551 of title 46, United States Code, as a  
13 result of the amendments to section 4(a)(1) of the Outer  
14 Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) made  
15 by section 9503 of the William M. (Mac) Thornberry Na-  
16 tional Defense Authorization Act for Fiscal Year 2021  
17 (Public Law 116–283).

18 **SEC. 523. STUDY ON MULTI-LEVEL SUPPLY CHAIN SECU-**  
19 **RITY STRATEGY OF THE DEPARTMENT OF**  
20 **HOMELAND SECURITY.**

21           (a) IN GENERAL.—Not later than 1 year after the  
22 date of enactment of this Act, the Comptroller General  
23 of the United States shall initiate a study that assesses  
24 the efforts of the Department of Homeland Security with  
25 respect to securing vessels and maritime cargo bound for

1 the United States from national security related risks and  
2 threats.

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

5 (1) Programs that comprise the maritime strat-  
6 egy of the Department of Homeland Security for se-  
7 curing vessels and maritime cargo bound for the  
8 United States, and the extent that such programs  
9 cover the critical components of the global supply  
10 chain.

11 (2) The extent to which the components of the  
12 Department of Homeland Security responsible for  
13 maritime security issues have implemented leading  
14 practices in collaboration.

15 (3) The extent to which the Department of  
16 Homeland Security has assessed the effectiveness of  
17 its maritime security strategy.

18 (c) REPORT.—Not later than 1 year after initiating  
19 the study under subsection (a), the Comptroller General  
20 of the United States shall submit the results from the  
21 study to the Committee on Commerce, Science, and  
22 Transportation of the Senate and the Committee on  
23 Transportation and Infrastructure of the House of Rep-  
24 resentatives.

1 **SEC. 524. STUDY TO MODERNIZE THE MERCHANT MARINER**  
2 **LICENSING AND DOCUMENTATION SYSTEM.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Commandant shall sub-  
5 mit to the Committee on Commerce, Science, and Trans-  
6 portation and the Committee on Appropriations of the  
7 Senate, and the Committee on Transportation and Infra-  
8 structure and the Committee on Appropriations of the  
9 House of Representatives, a report on the financial,  
10 human, and information technology infrastructure re-  
11 sources needed to establish an electronic merchant mar-  
12 iner licensing and documentation system.

13 (b) LEGISLATIVE AND REGULATORY SUGGES-  
14 TIONS.—The report described in paragraph (1) shall in-  
15 clude recommendations for such legislative or administra-  
16 tive actions as the Commandant determines necessary to  
17 establish the electronic merchant mariner licensing and  
18 documentation system described in subsection (a) as soon  
19 as possible.

20 **SEC. 525. STUDY AND REPORT ON DEVELOPMENT AND**  
21 **MAINTENANCE OF MARINER RECORDS DATA-**  
22 **BASE.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Secretary, in coordina-  
25 tion with the Commandant and the Administrator of  
26 the Maritime Administration and the Commander of

1 the United States Transportation Command, shall  
2 conduct a study on the potential benefits and feasi-  
3 bility of developing and maintaining a Coast Guard  
4 database that—

5 (A) contains records with respect to each  
6 credentialed mariner, including credential valid-  
7 ity, drug and alcohol testing results, and infor-  
8 mation on any final adjudicated agency action  
9 involving a credentialed mariner or regarding  
10 any involvement in a marine casualty; and

11 (B) maintains such records in a manner  
12 such that data can be readily accessed by the  
13 Federal Government for the purpose of assess-  
14 ing workforce needs and for the purpose of the  
15 economic and national security of the United  
16 States.

17 (2) ELEMENTS.—The study required under  
18 paragraph (1) shall—

19 (A) include an assessment of the resources,  
20 including information technology, and authori-  
21 ties necessary to develop and maintain the data-  
22 base described in such paragraph; and

23 (B) specifically address the protection of  
24 the privacy interests of any individuals whose  
25 information may be contained within the data-

1           base, which shall include limiting access to the  
2           database or having access to the database be  
3           monitored by, or accessed through, a member of  
4           the Coast Guard.

5           (b) REPORT.—Not later than 180 days after the date  
6 of the enactment of this Act, the Secretary shall submit  
7 to the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate and the Committee on Transportation  
9 and Infrastructure of the House of Representatives a re-  
10 port on the results of the study under subsection (a), in-  
11 cluding findings, conclusions, and recommendations.

12          (c) DEFINITIONS.—In this section:

13           (1) CREDENTIALLED MARINER.—The term  
14           “credentialed mariner” means an individual with a  
15           merchant mariner license, certificate, or document  
16           that the Secretary is authorized to issue pursuant to  
17           title 46, United States Code.

18           (2) SECRETARY.—The term “Secretary” means  
19           the Secretary of the Department in which the Coast  
20           Guard is operating.



1 **TITLE VI—SEXUAL ASSAULT AND**  
2 **SEXUAL HARASSMENT PRE-**  
3 **VENTION AND RESPONSE**

4 **SEC. 601. DEFINITIONS.**

5 (a) IN GENERAL.—Section 2101 of title 46, United  
6 States Code, is amended—

7 (1) by redesignating paragraphs (45) through  
8 (54) as paragraphs (47) through (56), respectively;  
9 and

10 (2) by inserting after paragraph (44) the fol-  
11 lowing:

12 “(45) ‘sexual assault’ means any form of abuse  
13 or contact as defined in chapter 109A of title 18, or  
14 a substantially similar offense under a State, local,  
15 or Tribal law.

16 “(46) ‘sexual harassment’ means any of the fol-  
17 lowing:

18 “(A) Conduct towards an individual (which  
19 may have been by the individual’s supervisor, a  
20 supervisor in another area, a coworker, or an-  
21 other credentialed mariner) that—

22 “(i) involves unwelcome sexual ad-  
23 vances, requests for sexual favors, or delib-  
24 erate or repeated offensive comments or  
25 gestures of a sexual nature, when—

1           “(I) submission to such conduct  
2           is made either explicitly or implicitly a  
3           term or condition of employment, pay,  
4           career, benefits, or entitlements of the  
5           individual;

6           “(II) any submission to, or rejection of, such conduct by the individual  
7           is used as a basis for decisions affecting the individual’s job, pay, career,  
8           benefits, or entitlements; or  
9           benefits, or entitlements; or  
10          benefits, or entitlements; or

11          “(III) such conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creates an intimidating,  
12          hostile, or offensive working environment; and  
13          hostile, or offensive working environment; and  
14          hostile, or offensive working environment; and  
15          hostile, or offensive working environment; and  
16          hostile, or offensive working environment; and

17          “(ii) is so severe or pervasive that a  
18          reasonable person would perceive, and the  
19          individual does perceive, the environment  
20          as hostile or offensive.

21          “(B) Any use or condonation by any person in a supervisory or command position of  
22          any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual who is a subordinate to the person.  
23          any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual who is a subordinate to the person.  
24          any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual who is a subordinate to the person.  
25          any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual who is a subordinate to the person.

1           “(C) Any intentional or repeated unwel-  
2           come verbal comment or gesture of a sexual na-  
3           ture towards or about an individual by the indi-  
4           vidual’s supervisor, a supervisor in another  
5           area, a coworker, or another credentialed mar-  
6           iner.”.

7           (b) REPORT.—The Commandant shall submit to the  
8           Committee on Transportation and Infrastructure of the  
9           House of Representatives and the Committee on Com-  
10          merce, Science, and Transportation of the Senate a report  
11          describing any changes the Commandant may propose to  
12          the definitions added by the amendments in subsection  
13          (a).

14          (c) CONFORMING AMENDMENTS.—

15                 (1) Section 2113(3) of title 46, United States  
16                 Code, is amended by striking “section 2101(51)(A)”  
17                 and inserting “section 2101(53)(A)”.

18                 (2) Section 4105 of title 46, United States  
19                 Code, is amended—

20                         (A) in subsections (b)(1) and (c), by strik-  
21                         ing “section 2101(51)” each place it appears  
22                         and inserting “section 2101(53)”; and

23                         (B) in subsection (d), by striking “section  
24                         2101(51)(A)” and inserting “section  
25                         2101(53)(A)”.

1           (3) Section 1131(a)(1)(E) of title 49, United  
2           States Code, is amended by striking “section  
3           2101(46)” and inserting “116”.

4 **SEC. 602. CONVICTED SEX OFFENDER AS GROUNDS FOR**  
5 **DENIAL.**

6           (a) IN GENERAL.—Chapter 75 of title 46, United  
7           States Code, is amended by adding at the end the fol-  
8           lowing:

9 **“§ 7511. Convicted sex offender as grounds for denial**

10          “(a) SEXUAL ABUSE.—A license, certificate of reg-  
11          istry, or merchant mariner’s document authorized to be  
12          issued under this part shall be denied to an individual who  
13          has been convicted of a sexual offense prohibited under  
14          chapter 109A of title 18, except for subsection (b) of sec-  
15          tion 2244 of title 18, or a substantially similar offense  
16          under a State, local, or Tribal law.

17          “(b) ABUSIVE SEXUAL CONTACT.—A license, certifi-  
18          cate of registry, or merchant mariner’s document author-  
19          ized to be issued under this part may be denied to an indi-  
20          vidual who within 5 years before applying for the license,  
21          certificate, or document, has been convicted of a sexual  
22          offense prohibited under subsection (b) of section 2244 of  
23          title 18, or a substantially similar offense under a State,  
24          local, or Tribal law.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 2 ter 75 of title 46, United States Code, is amended by add-  
 3 ing at the end the following:

“7511. Convicted sex offender as grounds for denial.”.

4 **SEC. 603. ACCOMMODATION; NOTICES.**

5 Section 11101 of title 46, United States Code, is  
 6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (3), by striking “; and”  
 9 and inserting a semicolon;

10 (B) in paragraph (4), by striking the pe-  
 11 riod at the end and inserting “; and”; and

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

13 “(5) each crew berthing area shall be equipped  
 14 with information regarding—

15 “(A) vessel owner or company policies pro-  
 16 hibiting sexual assault, sexual harassment, re-  
 17 taliation, and drug and alcohol use; and

18 “(B) procedures and resources to report  
 19 allegations of sexual assault and sexual harass-  
 20 ment, including information—

21 “(i) on the contact information,  
 22 website address, and mobile application of  
 23 the Coast Guard Investigative Services and  
 24 the Coast Guard National Command Cen-

1           ter, in order to report allegations of sexual  
2           assault or sexual harassment;

3           “(ii) on vessel owner or company pro-  
4           cedures to report violations of company  
5           policy and access resources;

6           “(iii) on resources provided by outside  
7           organizations such as sexual assault hot-  
8           lines and counseling;

9           “(iv) on the retention period for sur-  
10          veillance video recording after an incident  
11          of sexual harassment or sexual assault is  
12          reported; and

13          “(v) on additional items specified in  
14          regulations issued by, and at the discretion  
15          of, the Secretary.”; and

16          (2) in subsection (d), by adding at the end the  
17          following: “In each washing place in a visible loca-  
18          tion, there shall be information regarding procedures  
19          and resources to report alleged sexual assault and  
20          sexual harassment upon the vessel, and vessel owner  
21          or company policies prohibiting sexual assault and  
22          sexual harassment, retaliation, and drug and alcohol  
23          use.”.

1 **SEC. 604. PROTECTION AGAINST DISCRIMINATION.**

2 Section 2114(a) of title 46, United States Code, is  
3 amended—

4 (1) in paragraph (1)—

5 (A) by redesignating subparagraphs (B)  
6 through (G) as subparagraphs (C) through (H),  
7 respectively; and

8 (B) by inserting after subparagraph (A)  
9 the following:

10 “(B) the seaman in good faith has re-  
11 ported or is about to report to the vessel owner,  
12 Coast Guard, or other appropriate Federal  
13 agency or department sexual harassment or  
14 sexual assault against the seaman or knowledge  
15 of sexual harassment or sexual assault against  
16 another seaman;” and

17 (2) in paragraphs (2) and (3), by striking  
18 “paragraph (1)(B)” each place it appears and in-  
19 serting “paragraph (1)(C)”.

20 **SEC. 605. ALCOHOL AT SEA.**

21 (a) IN GENERAL.—The Commandant shall seek to  
22 enter into an agreement with the National Academy of  
23 Sciences not later than 1 year after the date of the enact-  
24 ment of this Act under which the National Academy of  
25 Sciences shall prepare an assessment to determine safe  
26 levels of alcohol consumption and possession by crew mem-

1 bers aboard vessels of the United States engaged in com-  
2 mercial service, except when such possession is associated  
3 with the commercial sale to individuals aboard the vessel  
4 who are not crew members.

5 (b) ASSESSMENT.—The assessment under this sec-  
6 tion shall—

7 (1) take into account the safety and security of  
8 every individual on the vessel;

9 (2) take into account reported incidences of sex-  
10 ual harassment or sexual assault, as defined in sec-  
11 tion 2101 of title 46, United States Code; and

12 (3) provide any appropriate recommendations  
13 for any changes to laws, including regulations, or  
14 employer policies.

15 (c) SUBMISSION.—Upon completion of the assess-  
16 ment under this section, the National Academy of Sciences  
17 shall submit the assessment to the Committee on Com-  
18 merce, Science, and Transportation of the Senate, the  
19 Committee on Transportation and Infrastructure of the  
20 House of Representatives, the Commandant, and the Sec-  
21 retary of the department in which the Coast Guard is op-  
22 erating.

23 (d) REGULATIONS.—

24 (1) The Commandant—





1 **“§ 7704a. Sexual harassment or sexual assault as**  
2 **grounds for suspension and revocation**

3 “(a) SEXUAL HARASSMENT.—If it is shown at a  
4 hearing under this chapter that a holder of a license, cer-  
5 tificate of registry, or merchant mariner’s document  
6 issued under this part, within 10 years before the begin-  
7 ning of the suspension and revocation proceedings, is the  
8 subject of a substantiated claim of sexual harassment,  
9 then the license, certificate of registry, or merchant mari-  
10 ner’s document shall be suspended or revoked.

11 “(b) SEXUAL ASSAULT.—If it is shown at a hearing  
12 under this chapter that a holder of a license, certificate  
13 of registry, or merchant mariner’s document issued under  
14 this part, within 20 years before the beginning of the sus-  
15 pension and revocation proceedings, is the subject of a  
16 substantiated claim of sexual assault, then the license, cer-  
17 tificate of registry, or merchant mariner’s document shall  
18 be revoked.

19 “(c) SUBSTANTIATED CLAIM.—

20 “(1) IN GENERAL.—In this section, the term  
21 ‘substantiated claim’ means—

22 “(A) a legal proceeding or agency action in  
23 any administrative proceeding that determines  
24 the individual committed sexual harassment or  
25 sexual assault in violation of any Federal,  
26 State, local, or Tribal law or regulation and for

1           which all appeals have been exhausted, as appli-  
2           cable; or

3           “(B) a determination after an investigation  
4           by the Coast Guard that it is more likely than  
5           not that the individual committed sexual har-  
6           assment or sexual assault as defined in section  
7           2101, if the determination affords appropriate  
8           due process rights to the subject of the inves-  
9           tigation.

10          “(2) INVESTIGATION BY THE COAST GUARD.—  
11          An investigation by the Coast Guard under para-  
12          graph (1)(B) shall include evaluation of the fol-  
13          lowing materials that shall be provided to the Coast  
14          Guard:

15                 “(A) Any inquiry or determination made  
16                 by the employer of the individual as to whether  
17                 the individual committed sexual harassment or  
18                 sexual assault.

19                 “(B) Upon request from the Coast Guard,  
20                 any investigative materials, documents, records,  
21                 or files in the possession of an employer or  
22                 former employer of the individual that are re-  
23                 lated to the claim of sexual harassment or sex-  
24                 ual assault by the individual.

1           “(3) **ADDITIONAL REVIEW.**—A license, certifi-  
 2           cate of registry, or merchant mariner’s document  
 3           shall not be suspended or revoked under subsection  
 4           (a) or (b), unless the substantiated claim is reviewed  
 5           and affirmed, in accordance with the applicable defi-  
 6           nition in section 2101, by an administrative law  
 7           judge at the same suspension or revocation hearing  
 8           under this chapter described in subsection (a) or (b),  
 9           as applicable.”.

10          (b) **CLERICAL AMENDMENT.**—The analysis for chap-  
 11         ter 77 of title 46, United States Code, is amended by in-  
 12         serting after the item relating to section 7704 the fol-  
 13         lowing:

              “7704a. Sexual harassment or sexual assault as grounds for suspension or rev-  
               ocation.”.

14         **SEC. 607. SURVEILLANCE REQUIREMENTS.**

15           (a) **IN GENERAL.**—Part B of subtitle II of title 46,  
 16         United States Code, is amended by adding at the end the  
 17         following:

18                         **“CHAPTER 49—OCEANGOING**  
 19         **NONPASSENGER COMMERCIAL VESSELS**

20         **“§ 4901. Surveillance requirements**

21           “(a) **APPLICABILITY.**—

22                         “(1) **IN GENERAL.**—The requirements in this  
 23         section shall apply to vessels engaged in commercial

1 service that do not carry passengers and are any of  
2 the following:

3 “(A) A documented vessel with overnight  
4 accommodations for at least 10 persons on  
5 board that—

6 “(i) is on a voyage of at least 600  
7 miles and crosses seaward of the boundary  
8 line; or

9 “(ii) is at least 24 meters (79 feet) in  
10 overall length and required to have a load  
11 line under chapter 51.

12 “(B) A documented vessel on an inter-  
13 national voyage that is of—

14 “(i) at least 500 gross tons as meas-  
15 ured under section 14502; or

16 “(ii) an alternate tonnage measured  
17 under section 14302 as prescribed by the  
18 Secretary under section 14104.

19 “(C) A vessel with overnight accommoda-  
20 tions for at least 10 persons on board that are  
21 operating for no less than 72 hours on waters  
22 superjacent to the outer Continental Shelf (as  
23 defined in section 2(a) of the Outer Continental  
24 Shelf Lands Act (43 U.S.C. 1331(a)).

1           “(2) EXCEPTION.—Notwithstanding paragraph  
2           (1), the requirements in this section shall not apply  
3           to any fishing vessel, fish processing vessel, or fish  
4           tender vessel.

5           “(b) REQUIREMENT FOR MAINTENANCE OF VIDEO  
6 SURVEILLANCE SYSTEM.—Each vessel to which this sec-  
7 tion applies shall maintain a video surveillance system in  
8 accordance with this section.

9           “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-  
10 LANCE EQUIPMENT.—

11           “(1) IN GENERAL.—The owner of a vessel to  
12 which this section applies shall install video and  
13 audio surveillance equipment aboard the vessel not  
14 later than 2 years after the date of enactment of the  
15 Coast Guard Authorization Act of 2022, or during  
16 the next scheduled drydock, whichever is later.

17           “(2) LOCATIONS.—Video and audio surveillance  
18 equipment shall be placed in passageways onto  
19 which doors from staterooms open. Such equipment  
20 shall be placed in a manner ensuring the visibility of  
21 every door in each such passageway.

22           “(d) NOTICE OF VIDEO AND AUDIO SURVEIL-  
23 LANCE.—The owner of a vessel to which this section ap-  
24 plies shall provide clear and conspicuous signs on board

1 the vessel notifying the crew of the presence of video and  
2 audio surveillance equipment.

3 “(e) ACCESS TO VIDEO AND AUDIO RECORDS.—

4 “(1) IN GENERAL.—The owner of a vessel to  
5 which this section applies shall provide to any Fed-  
6 eral, State, or other law enforcement official per-  
7 forming official duties in the course and scope of a  
8 criminal or marine safety investigation, upon re-  
9 quest, a copy of all records of video and audio sur-  
10 veillance that the official believes is relevant to the  
11 investigation.

12 “(2) CIVIL ACTIONS.—Except as proscribed by  
13 law enforcement authorities or court order, the  
14 owner of a vessel to which this section applies shall,  
15 upon written request, provide to any individual or  
16 the individual’s legal representative a copy of all  
17 records of video and audio surveillance—

18 “(A) in which the individual is a subject of  
19 the video and audio surveillance;

20 “(B) if the request is in conjunction with  
21 a legal proceeding or investigation; and

22 “(C) that may provide evidence of any sex-  
23 ual harassment or sexual assault incident in a  
24 civil action.

1           “(3) LIMITED ACCESS.—The owner of a vessel  
2           to which this section applies shall ensure that access  
3           to records of video and audio surveillance is limited  
4           to the purposes described in this section and not  
5           used as part of a labor action against a crew mem-  
6           ber or employment dispute unless used in a criminal  
7           or civil action.

8           “(f) RETENTION REQUIREMENTS.—The owner of a  
9           vessel to which this section applies shall retain all records  
10          of audio and video surveillance for not less than 4 years  
11          after the footage is obtained. Any video and audio surveil-  
12          lance found to be associated with an alleged incident of  
13          sexual harassment or sexual assault shall be retained by  
14          such owner for not less than 10 years from the date of  
15          the alleged incident. The Federal Bureau of Investigation  
16          and the Coast Guard are authorized access to all records  
17          of video and audio surveillance relevant to an investigation  
18          into criminal conduct.

19          “(g) PERSONNEL TRAINING.—A vessel owner, man-  
20          aging operator, or employer of a seafarer (in this sub-  
21          section referred to as the ‘company’) shall provide training  
22          for all individuals employed by the company for the pur-  
23          pose of responding to incidents of sexual assault or sexual  
24          harassment, including—

25                 “(1) such training to ensure the individuals—



1           “(A) retain audio and visual records and  
2           other evidence objectively; and

3           “(B) act impartially without influence from  
4           the company or others; and

5           “(2) training on applicable Federal, State, Trib-  
6           al, and local laws and regulations regarding sexual  
7           assault and sexual harassment investigations and re-  
8           porting requirements.

9           “(h) DEFINITION OF OWNER.—In this section, the  
10          term ‘owner’ means the owner, charterer, managing oper-  
11          ator, master, or other individual in charge of a vessel.”.

12          (b) CLERICAL AMENDMENT.—The analysis of sub-  
13          title II at the beginning of title 46, United States Code,  
14          is amended by adding after the item relating to chapter  
15          47 the following:

          “CHAPTER 49—OCEANGOING NONPASSENGER COMMERCIAL VESSELS”.

16       **SEC. 608. MASTER KEY CONTROL.**

17          (a) IN GENERAL.—Chapter 31 of title 46, United  
18          States Code, is amended by adding at the end the fol-  
19          lowing:

20       **“§ 3106. Master key control system**

21          “(a) IN GENERAL.—The owner of a vessel subject to  
22          inspection under section 3301 shall—

23               “(1) ensure that such vessel is equipped with a  
24               vessel master key control system, manual or elec-  
25               tronic, which provides controlled access to all copies

1 of the vessel's master key of which access shall only  
2 be available to the individuals described in para-  
3 graph (2);

4 “(2)(A) establish a list of all crew members,  
5 identified by position, allowed to access and use the  
6 master key; and

7 “(B) maintain such list upon the vessel within  
8 owner records and include such list in the vessel  
9 safety management system under section  
10 3203(a)(6);

11 “(3) record in a log book, which may be elec-  
12 tronic and shall be included in the safety manage-  
13 ment system under section 3203(a)(6), information  
14 on all access and use of the vessel's master key, in-  
15 cluding—

16 “(A) dates and times of access;

17 “(B) the room or location accessed; and

18 “(C) the name and rank of the crew mem-  
19 ber that used the master key; and

20 “(4) make the list under paragraph (2) and the  
21 log book under paragraph (3) available upon request  
22 to any agent of the Federal Bureau of Investigation,  
23 any member of the Coast Guard, and any law en-  
24 forcement officer performing official duties in the  
25 course and scope of an investigation.

1       “(b) PROHIBITED USE.—A crew member not in-  
 2 cluded on the list described in subsection (a)(2) shall not  
 3 have access to or use the master key unless in an emer-  
 4 gency and shall immediately notify the master and owner  
 5 of the vessel following access to or use of such key.

6       “(c) PENALTY.—Any crew member who violates sub-  
 7 section (b) shall be liable to the United States Government  
 8 for a civil penalty of not more than \$1,000, and may be  
 9 subject to suspension or revocation under section 7703.”.

10       (b) CLERICAL AMENDMENT.—The analysis for chap-  
 11 ter 31 of title 46, United States Code, is amended by add-  
 12 ing at the end the following:

“3106. Master key control system.”.

13 **SEC. 609. SAFETY MANAGEMENT SYSTEMS.**

14       Section 3203 of title 46, United States Code, is  
 15 amended—

16           (1) in subsection (a)—

17                   (A) by redesignating paragraphs (5) and

18                   (6) as paragraphs (7) and (8), respectively; and

19                   (B) by inserting after paragraph (4) the

20           following:

21                   “(5) with respect to sexual harassment and sex-

22                   ual assault, procedures and annual training require-

23                   ments for all responsible persons and vessels to

24                   which this chapter applies on—

25                           “(A) prevention;

1 “(B) bystander intervention;

2 “(C) reporting;

3 “(D) response; and

4 “(E) investigation;

5 “(6) the list required under section 3106(a)(2)

6 and the log book required under section

7 3106(a)(3);”;

8 (2) by redesignating subsections (b) and (c) as

9 subsections (d) and (e), respectively; and

10 (3) by inserting after subsection (a) the fol-

11 lowing:

12 “(b) PROCEDURES AND TRAINING REQUIRE-

13 MENTS.—In prescribing regulations for the procedures

14 and training requirements described in subsection (a)(5),

15 such procedures and requirements shall be consistent with

16 the requirements to report sexual harassment or sexual

17 assault under section 10104.

18 “(c) AUDITS.—

19 “(1) IN GENERAL.—Upon discovery of a failure

20 of a responsible person or vessel to comply with a re-

21 quirement under section 10104 during an audit of a

22 safety management system or from other sources of

23 information acquired by the Coast Guard (including

24 an audit or systematic review under section

25 10104(g)), the Secretary shall audit the safety man-

1       agement system of a vessel under this section to de-  
2       termine if there is a failure to comply with any other  
3       requirement under section 10104.

4               “(2) CERTIFICATES.—

5               “(A) SUSPENSION.—During an audit of a  
6       safety management system of a vessel required  
7       under paragraph (1), the Secretary may sus-  
8       pend the Safety Management Certificate issued  
9       for the vessel under section 3205 and issue a  
10      separate Safety Management Certificate for the  
11      vessel to be in effect for a 3-month period be-  
12      ginning on the date of the issuance of such sep-  
13      arate certificate.

14              “(B) REVOCATION.—At the conclusion of  
15      an audit of a safety management system re-  
16      quired under paragraph (1), the Secretary shall  
17      revoke the Safety Management Certificate  
18      issued for the vessel under section 3205 if the  
19      Secretary determines—

20              “(i) that the holder of the Safety  
21      Management Certificate knowingly, or re-  
22      peatedly, failed to comply with section  
23      10104; or

1           “(ii) other failure of the safety man-  
2           agement system resulted in the failure to  
3           comply with such section.

4           “(3) DOCUMENTS OF COMPLIANCE.—

5           “(A) IN GENERAL.—Following an audit of  
6           the safety management system of a vessel re-  
7           quired under paragraph (1), the Secretary may  
8           audit the safety management system of the re-  
9           sponsible person for the vessel.

10          “(B) SUSPENSION.—During an audit  
11          under subparagraph (A), the Secretary may  
12          suspend the Document of Compliance issued to  
13          the responsible person under section 3205 and  
14          issue a separate Document of Compliance to  
15          such person to be in effect for a 3-month period  
16          beginning on the date of the issuance of such  
17          separate document.

18          “(C) REVOCATION.—At the conclusion of  
19          an assessment or an audit of a safety manage-  
20          ment system under subparagraph (A), the Sec-  
21          retary shall revoke the Document of Compliance  
22          issued to the responsible person if the Secretary  
23          determines—

1                   “(i) that the holder of the Document  
2                   of Compliance knowingly, or repeatedly,  
3                   failed to comply with section 10104; or

4                   “(ii) that other failure of the safety  
5                   management system resulted in the failure  
6                   to comply with such section.”.

7 **SEC. 610. REQUIREMENT TO REPORT SEXUAL ASSAULT**  
8 **AND HARASSMENT.**

9           Section 10104 of title 46, United States Code, is  
10 amended by striking subsections (a) and (b) and inserting  
11 the following:

12           “(a) **MANDATORY REPORTING BY CREW MEM-**  
13 **BERS.—**

14                   “(1) **IN GENERAL.—**A crew member of a docu-  
15 mented vessel shall report to the Commandant in ac-  
16 cordance with subsection (c) any complaint or inci-  
17 dent of sexual harassment or sexual assault of which  
18 the crew member has firsthand or personal knowl-  
19 edge.

20                   “(2) **PENALTY.—**Except as provided in para-  
21 graph (3), a crew member with firsthand or personal  
22 knowledge of a sexual assault or sexual harassment  
23 incident on a documented vessel who knowingly fails  
24 to report in compliance with paragraph (1) is liable

1 to the United States Government for a civil penalty  
2 of not more than \$25,000.

3 “(3) AMNESTY.—A crew member who know-  
4 ingly fails to make the required reporting under  
5 paragraph (1) shall not be subject to the penalty de-  
6 scribed in paragraph (2) if the complaint is shared  
7 in confidence with the crew member directly from  
8 the individual who experienced the sexual harass-  
9 ment or sexual assault or the crew member is a vic-  
10 tim advocate as defined in section 40002(a) of the  
11 Violence Against Women Act of 1994 (34 U.S.C.  
12 12291(a)).

13 “(b) MANDATORY REPORTING BY VESSEL OWNER,  
14 MASTER, MANAGING OPERATOR, OR EMPLOYER.—

15 “(1) IN GENERAL.—A vessel owner, master, or  
16 managing operator of a documented vessel or the  
17 employer of a seafarer on that vessel shall report to  
18 the Commandant in accordance with subsection (c)  
19 any complaint or incident of sexual harassment or  
20 sexual assault involving a crew member in violation  
21 of employer policy or law of which such vessel owner  
22 or managing operator is made aware. Such reporting  
23 shall include results of any investigation into the in-  
24 cident, if applicable, and any action taken against  
25 the offending crew member.



1           “(2) PENALTY.—A vessel owner, master, or  
2 managing operator of a documented vessel or the  
3 employer of a seafarer on that vessel who knowingly  
4 fails to report in compliance with paragraph (1) is  
5 liable to the United States Government for a civil  
6 penalty of not more than \$50,000.

7           “(c) REPORTING PROCEDURES.—

8           “(1) TIMING.—

9           “(A) REPORTS BY CREW MEMBERS.—A re-  
10 port required under subsection (a) shall be  
11 made as soon as practicable, but not later than  
12 10 days after the individual develops firsthand  
13 or personal knowledge of the sexual assault or  
14 sexual harassment incident, to the Commandant  
15 by the fastest telecommunications channel avail-  
16 able.

17           “(B) REPORTS BY VESSEL OWNERS, MAS-  
18 TERS, MANAGING OPERATORS, OR EMPLOY-  
19 ERS.—A report required under subsection (b)  
20 shall be made immediately after the vessel  
21 owner, master, managing operator, or employer  
22 of the seafarer gains knowledge of a sexual as-  
23 sault or sexual harassment incident by the fast-  
24 est telecommunications channel available. Such  
25 report shall be made to the Commandant and

1 the appropriate officer or agency of the govern-  
2 ment of the country in whose waters the inci-  
3 dent occurs.

4 “(2) CONTENTS.—A report required under sub-  
5 section (a) or (b) shall include, to the best of the  
6 knowledge of the individual making the report—

7 “(A) the name, official position or role in  
8 relation to the vessel, and contact information  
9 of the individual making the report;

10 “(B) the name and official number of the  
11 documented vessel;

12 “(C) the time and date of the incident;

13 “(D) the geographic position or location of  
14 the vessel when the incident occurred; and

15 “(E) a brief description of the alleged sex-  
16 ual harassment or sexual assault being re-  
17 ported.

18 “(3) RECEIVING REPORTS AND COLLECTION OF  
19 INFORMATION.—

20 “(A) RECEIVING REPORTS.—With respect  
21 to reports submitted under this subsection to  
22 the Coast Guard, the Commandant—

23 “(i) may establish additional reporting  
24 procedures, including procedures for re-  
25 ceiving reports through—

1                   “(I) a telephone number that is  
2                   continuously manned at all times; and

3                   “(II) an email address that is  
4                   continuously monitored; and

5                   “(ii) shall use procedures that include  
6                   preserving evidence in such reports and  
7                   providing emergency service referrals.

8                   “(B) COLLECTION OF INFORMATION.—

9                   After receiving a report under this subsection,  
10                  the Commandant shall collect information re-  
11                  lated to the identity of each alleged victim, al-  
12                  leged perpetrator, and witness identified in the  
13                  report through a means designed to protect, to  
14                  the extent practicable, the personal identifiable  
15                  information of such individuals.

16                  “(d) SUBPOENA AUTHORITY.—

17                  “(1) IN GENERAL.—The Commandant may  
18                  compel the testimony of witnesses and the produc-  
19                  tion of any evidence by subpoena to determine com-  
20                  pliance with this section.

21                  “(2) JURISDICTIONAL LIMITS.—The jurisdic-  
22                  tional limits of a subpoena issued under this section  
23                  are the same as, and are enforceable in the same  
24                  manner as, subpoenas issued under chapter 63 of  
25                  this title.

1       “(e) COMPANY AFTER-ACTION SUMMARY.—A vessel  
2 owner, master, managing operator, or employer of a sea-  
3 farer that makes a report under subsection (b), or becomes  
4 aware of a report made under subsection (a) that involves  
5 an individual employed by the owner, master, operator, or  
6 employer at the time of the sexual assault or sexual har-  
7 assment incident, shall—

8           “(1) submit to the Commandant a document  
9 with detailed information to describe the actions  
10 taken by the vessel owner, master, managing oper-  
11 ator, or employer of a seafarer after it became aware  
12 of the sexual assault or sexual harassment incident;  
13 and

14           “(2) make such submission not later than 10  
15 days after the vessel owner, master, managing oper-  
16 ator, or employer of a seafarer made the report  
17 under subsection (b), or became aware of a report  
18 made under subsection (a) that involves an indi-  
19 vidual employed by the owner, master, operator, or  
20 employer at the time of the sexual assault or sexual  
21 harassment incident.

22       “(f) REQUIRED COMPANY RECORDS.—A vessel  
23 owner, master, managing operator, or employer of a sea-  
24 farer shall—

1           “(1) submit to the Commandant copies of all  
2 records, including documents, files, recordings, state-  
3 ments, reports, investigatory materials, findings, and  
4 any other materials requested by the Commandant  
5 related to the claim of sexual assault or sexual har-  
6 assment; and

7           “(2) make such submission not later than 14  
8 days after—

9           “(A) the vessel owner, master, managing  
10 operator, or employer of a seafarer submitted a  
11 report under subsection (b); or

12           “(B) the vessel owner, master, managing  
13 operator, or employer of a seafarer acquired  
14 knowledge of a report made under subsection  
15 (a) that involved individuals employed by the  
16 vessel owner, master, managing operator, or  
17 employer of a seafarer.

18           “(g) INVESTIGATORY AUDIT.—The Commandant  
19 shall periodically perform an audit or other systematic re-  
20 view of the submissions made under this section to deter-  
21 mine if there were any failures to comply with the require-  
22 ments of this section.

23           “(h) CIVIL PENALTY.—A vessel owner, master, man-  
24 aging operator, or employer of a seafarer that fails to com-  
25 ply with subsection (e) or (f) is liable to the United States

1 Government for a civil penalty of \$50,000 for each day  
2 a failure continues.

3 “(i) **APPLICABILITY; REGULATIONS.**—

4 “(1) **EFFECTIVE DATE.**—The requirements of  
5 this section take effect on the date of enactment of  
6 the Coast Guard Authorization Act of 2022.

7 “(2) **REGULATIONS.**—The Commandant may  
8 issue regulations to implement the requirements of  
9 this section.

10 “(3) **REPORTS.**—Any report required to be  
11 made to the Commandant under this section shall be  
12 made to the Coast Guard National Command Cen-  
13 ter, until regulations establishing other reporting  
14 procedures are issued.”.

15 **SEC. 611. CIVIL ACTIONS FOR PERSONAL INJURY OR**  
16 **DEATH OF SEAMEN.**

17 (a) **PERSONAL INJURY TO OR DEATH OF SEAMEN.**—  
18 Section 30104 of title 46, United States Code, is amended  
19 by inserting “, including an injury resulting from sexual  
20 assault or sexual harassment (as such terms are defined  
21 in section 2101),” after “in the course of employment”.

22 (b) **TIME LIMIT ON BRINGING MARITIME ACTION.**—  
23 Section 30106 of title 46, United States Code, is amend-  
24 ed—

1 (1) in the section heading, by striking “**for**  
2 **personal injury or death**”;

3 (2) by striking “Except as otherwise” and in-  
4 sserting the following:

5 “(a) IN GENERAL.—Except as otherwise”; and

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

7 “(b) EXTENSION FOR SEXUAL OFFENSE.—A civil ac-  
8 tion under subsection (a) arising out of a maritime tort  
9 for a claim of sexual harassment or sexual assault, as such  
10 terms are defined in section 2101, shall be brought not  
11 later than 5 years after the cause of action for a claim  
12 of sexual harassment or sexual assault arose.”.

13 (c) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 301 of title 46, United States Code, is amended by  
15 striking the item relating to section 30106 and inserting  
16 the following:

“30106. Time limit on bringing maritime action.”.

17 **SEC. 612. ADMINISTRATION OF SEXUAL ASSAULT FORENSIC**  
18 **EXAMINATION KITS.**

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

22 “§ 564. **Administration of sexual assault forensic ex-**  
23 **amination kits**

24 “(a) SEXUAL ASSAULT FORENSIC EXAM PROCE-  
25 DURE.—

1           “(1) IN GENERAL.—Before embarking on any  
2 prescheduled voyage, a Coast Guard vessel shall  
3 have in place a written operating procedure that en-  
4 sures that an embarked victim of sexual assault  
5 shall have access to a sexual assault forensic exam-  
6 ination—

7           “(A) as soon as possible after the victim  
8 requests an examination; and

9           “(B) that is treated with the same level of  
10 urgency as emergency medical care.

11           “(2) REQUIREMENTS.—The written operating  
12 procedure required by paragraph (1), shall, at a  
13 minimum, account for—

14           “(A) the health, safety, and privacy of a  
15 victim of sexual assault;

16           “(B) the proximity of ashore or afloat  
17 medical facilities, including coordination as nec-  
18 essary with the Department of Defense, includ-  
19 ing other military departments (as defined in  
20 section 101 of title 10, United States Code);

21           “(C) the availability of aeromedical evacu-  
22 ation;

23           “(D) the operational capabilities of the  
24 vessel concerned;



1           “(E) the qualifications of medical per-  
2           sonnel onboard;

3           “(F) coordination with law enforcement  
4           and the preservation of evidence;

5           “(G) the means of accessing a sexual as-  
6           sault forensic examination and medical care  
7           with a restricted report of sexual assault;

8           “(H) the availability of nonprescription  
9           pregnancy prophylactics; and

10           “(I) other unique military considerations.”.

11           (b) STUDY.—

12           (1) IN GENERAL.—Not later than 1 year after  
13           the date of the enactment of this Act, the Secretary  
14           of the department in which the Coast Guard is oper-  
15           ating shall seek to enter into an agreement with the  
16           National Academy of Sciences under which the Na-  
17           tional Academy of Sciences shall conduct a study to  
18           assess the feasibility of the development of a self-ad-  
19           ministered sexual assault forensic examination for  
20           use by victims of sexual assault onboard a vessel at  
21           sea.

22           (2) ELEMENTS.—The study under paragraph  
23           (1) shall—

24           (A) take into account—

1 (i) the safety and security of the al-  
2 leged victim of sexual assault;

3 (ii) the ability to properly identify,  
4 document, and preserve any evidence rel-  
5 evant to the allegation of sexual assault;  
6 and

7 (iii) the applicable criminal procedural  
8 laws relating to authenticity, relevance,  
9 preservation of evidence, chain of custody,  
10 and any other matter relating to evi-  
11 dentiary admissibility; and

12 (B) provide any appropriate recommenda-  
13 tion for changes to existing laws, regulations, or  
14 employer policies.

15 (3) REPORT.—Upon completion of the study  
16 under paragraph (1), the National Academy of  
17 Sciences shall submit to the Committee on Com-  
18 merce, Science, and Transportation of the Senate,  
19 the Committee on Transportation and Infrastructure  
20 of the House of Representatives, and the Secretary  
21 of the department in which the Coast Guard is oper-  
22 ating a report on the findings of the study.

23 (c) CLERICAL AMENDMENT.—The analysis for sub-  
24 chapter IV of chapter 5 of title 14, United States Code,  
25 is amended by adding at the end the following:

“564. Administration of sexual assault forensic examination kits.”

1 **SEC. 613. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Chapter 101 of title 46, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 10105. Reports to Congress**

6 “Not later than 1 year after the date of enactment  
7 of the Coast Guard Authorization Act of 2022, and on  
8 an annual basis thereafter, the Commandant shall submit  
9 to the Committee on Commerce, Science, and Transpor-  
10 tation of the Senate and the Committee on Transportation  
11 and Infrastructure of the House of Representatives a re-  
12 port to include—

13 “(1) the number of reports received under sec-  
14 tion 10104;

15 “(2) the number of penalties issued under such  
16 section;

17 “(3) the number of open investigations under  
18 such section, completed investigations under such  
19 section, and the outcomes of such open or completed  
20 investigations;

21 “(4) the number of assessments or audits con-  
22 ducted under section 3203 and the outcome of those  
23 assessments or audits;

24 “(5) a statistical analysis of compliance with  
25 the safety management system criteria under section  
26 3203;

1           “(6) the number of credentials denied or re-  
2           voked due to sexual harassment, sexual assault, or  
3           related offenses; and

4           “(7) recommendations to support efforts of the  
5           Coast Guard to improve investigations and oversight  
6           of sexual harassment and sexual assault in the mari-  
7           time sector, including funding requirements and leg-  
8           islative change proposals necessary to ensure compli-  
9           ance with title VI of the Coast Guard Authorization  
10          Act of 2022 and the amendments made by such  
11          title.”.

12          (b) CLERICAL AMENDMENT.—The analysis for chap-  
13          ter 101 of title 46, United States Code, is amended by  
14          adding at the end the following:

          “10105. Reports to Congress.”.

15       **SEC. 614. POLICY ON REQUESTS FOR PERMANENT**  
16                       **CHANGES OF STATION OR UNIT TRANSFERS**  
17                       **BY PERSONS WHO REPORT BEING THE VIC-**  
18                       **TIM OF SEXUAL ASSAULT.**

19          Not later than 30 days after the date of the enact-  
20          ment of this Act, the Commandant, in consultation with  
21          the Director of the Health, Safety, and Work Life Direc-  
22          torate, shall issue an interim update to Coast Guard policy  
23          guidance to allow a member of the Coast Guard who has  
24          reported being the victim of a sexual assault or any other  
25          offense covered by section 920, 920c, or 930 of title 10,

1 United States Code (article 120, 120c, or 130 of the Uni-  
2 form Code of Military Justice) to request an immediate  
3 change of station or a unit transfer. The final policy shall  
4 be updated not later than 1 year after the date of the  
5 enactment of this Act.

6 **SEC. 615. SEX OFFENSES AND PERSONNEL RECORDS.**

7 Not later than 180 days after the date of the enact-  
8 ment of this Act, the Commandant shall issue final regula-  
9 tions or policy guidance required to fully implement sec-  
10 tion 1745 of the National Defense Authorization Act for  
11 Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1561  
12 note).

13 **SEC. 616. STUDY ON COAST GUARD OVERSIGHT AND INVES-**  
14 **TIGATIONS.**

15 (a) IN GENERAL.—Not later than 180 days after the  
16 date of the enactment of this Act, the Comptroller General  
17 of the United States shall commence a study to assess the  
18 oversight over Coast Guard activities, including investiga-  
19 tions, personnel management, whistleblower protection,  
20 and other activities carried out by the Department of  
21 Homeland Security Office of Inspector General.

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

24 (1) An analysis of the ability of the Department  
25 of Homeland Security Office of Inspector General to

1 ensure timely, thorough, complete, and appropriate  
2 oversight over the Coast Guard, including oversight  
3 over both civilian and military activities.

4 (2) An assessment of—

5 (A) the best practices with respect to such  
6 oversight; and

7 (B) the ability of the Department of  
8 Homeland Security Office of Inspector General  
9 and the Commandant to identify and achieve  
10 such best practices.

11 (3) An analysis of the methods, standards, and  
12 processes employed by the Department of Defense  
13 Office of Inspector General and the Inspectors Gen-  
14 eral of the Armed Forces (as defined in section 101  
15 of title 10, United States Code), other than the  
16 Coast Guard, to conduct oversight and investigation  
17 activities.

18 (4) An analysis of the methods, standards, and  
19 processes of the Department of Homeland Security  
20 Office of Inspector General with respect to oversight  
21 over the civilian and military activities of the Coast  
22 Guard, as compared to the methods, standards, and  
23 processes described in paragraph (3).

24 (5) An assessment of the extent to which the  
25 Coast Guard Investigative Service completes inves-

1 investigations or other disciplinary measures after refer-  
 2 ral of complaints from the Department of Homeland  
 3 Security Office of Inspector General.

4 (6) A description of the staffing, expertise,  
 5 training, and other resources of the Department of  
 6 Homeland Security Office of Inspector General, and  
 7 an assessment as to whether such staffing, expertise,  
 8 training, and other resources meet the requirements  
 9 necessary for meaningful, timely, and effective over-  
 10 sight over the activities of the Coast Guard.

11 (c) REPORT.—Not later than 1 year after com-  
 12 mencing the study required by subsection (a), the Comp-  
 13 troller General shall submit to the Committee on Com-  
 14 merce, Science, and Transportation of the Senate and the  
 15 Committee on Transportation and Infrastructure of the  
 16 House of Representatives a report on the findings of the  
 17 study, including recommendations with respect to over-  
 18 sight over Coast Guard activities.

19 **SEC. 617. STUDY ON SPECIAL VICTIMS' COUNSEL PRO-**  
 20 **GRAM.**

21 (a) IN GENERAL.—Not later than 30 days after the  
 22 date of the enactment of this Act, the Secretary of the  
 23 department in which the Coast Guard is operating shall  
 24 enter into an agreement with a federally funded research  
 25 and development center for the conduct of a study on—

1           (1) the Special Victims' Counsel program of the  
2 Coast Guard;

3           (2) Coast Guard investigations of sexual assault  
4 offenses for cases in which the subject of the inves-  
5 tigation is no longer under jeopardy for the alleged  
6 misconduct for reasons including the death of the  
7 accused, a lapse in the statute of limitations for the  
8 alleged offense, and a fully adjudicated criminal trial  
9 of the alleged offense in which all appeals have been  
10 exhausted; and

11           (3) legal support and representation provided to  
12 members of the Coast Guard who are victims of sex-  
13 ual assault, including in instances in which the ac-  
14 cused is a member of the Army, Navy, Air Force,  
15 Marine Corps, or Space Force.

16           (b) ELEMENTS.—The study required by subsection  
17 (a) shall assess the following:

18           (1) The Special Victims' Counsel program of  
19 the Coast Guard, including training, effectiveness,  
20 capacity to handle the number of cases referred, and  
21 experience with cases involving members of the  
22 Coast Guard and members of another Armed Force  
23 (as defined in section 101 of title 10, United States  
24 Code).



1           (2) The experience of Special Victims' Counsels  
2           in representing members of the Coast Guard during  
3           a court-martial.

4           (3) Policies concerning the availability and de-  
5           tailing of Special Victims' Counsels for sexual as-  
6           sault allegations, in particular such allegations in  
7           which the accused is a member of another Armed  
8           Force (as defined in section 101 of title 10, United  
9           States Code), and the impact that the cross-service  
10          relationship had on—

11                   (A) the competence and sufficiency of serv-  
12                   ices provided to the alleged victim; and

13                   (B) the interaction between—

14                           (i) the investigating agency and the  
15                           Special Victims' Counsels; and

16                           (ii) the prosecuting entity and the  
17                           Special Victims' Counsels.

18          (4) Training provided to, or made available for,  
19          Special Victims' Counsels and paralegals with re-  
20          spect to Department of Defense processes for con-  
21          ducting sexual assault investigations and Special  
22          Victims' Counsel representation of sexual assault  
23          victims.

24          (5) The ability of Special Victims' Counsels to  
25          operate independently without undue influence from

1 third parties, including the command of the accused,  
2 the command of the victim, the Judge Advocate  
3 General of the Coast Guard, and the Deputy Judge  
4 Advocate General of the Coast Guard.

5 (6) The skill level and experience of Special Vic-  
6 tims' Counsels, as compared to special victims' coun-  
7 sels available to members of the Army, Navy, Air  
8 Force, Marine Corps, and Space Force.

9 (7) Policies regarding access to an alternate  
10 Special Victims' Counsel, if requested by the mem-  
11 ber of the Coast Guard concerned, and potential im-  
12 provements for such policies.

13 (c) REPORT.—Not later than 180 days after entering  
14 into an agreement under subsection (a), the federally  
15 funded research and development center shall submit to  
16 the Committee on Commerce, Science, and Transportation  
17 of the Senate and the Committee on Transportation and  
18 Infrastructure of the House of Representatives a report  
19 that includes—

20 (1) the findings of the study required by that  
21 subsection;

22 (2) recommendations to improve the coordina-  
23 tion, training, and experience of Special Victims'  
24 Counsels of the Coast Guard so as to improve out-

1 comes for members of the Coast Guard who have re-  
2 ported sexual assault; and

3 (3) any other recommendation the federally  
4 funded research and development center considers  
5 appropriate.

6 **TITLE VII—NATIONAL OCEANIC**  
7 **AND ATMOSPHERIC ADMINIS-**  
8 **TRATION**

9 **Subtitle A—National Oceanic and**  
10 **Atmospheric Administration**  
11 **Commissioned Officer Corps**

12 **SEC. 701. DEFINITIONS.**

13 Section 212(b) of the National Oceanic and Atmos-  
14 pheric Administration Commissioned Officer Corps Act of  
15 2002 (33 U.S.C. 3002(b)) is amended by adding at the  
16 end the following:

17 “(8) UNDER SECRETARY.—The term ‘Under  
18 Secretary’ means the Under Secretary of Commerce  
19 for Oceans and Atmosphere.”.

20 **SEC. 702. REQUIREMENT FOR APPOINTMENTS.**

21 Section 221(c) of the National Oceanic and Atmos-  
22 pheric Administration Commissioned Officer Corps Act of  
23 2002 (33 U.S.C. 3021(c)) is amended by striking “may  
24 not be given” and inserting the following: “may—

1           “(1) be given only to an individual who is a cit-  
2           izen of the United States; and

3           “(2) not be given”.

4 **SEC. 703. REPEAL OF REQUIREMENT TO PROMOTE EN-**  
5 **SIGNS AFTER 3 YEARS OF SERVICE.**

6           (a) IN GENERAL.—Section 223 of the National Oce-  
7           anic and Atmospheric Administration Commissioned Offi-  
8           cer Corps Act of 2002 (33 U.S.C. 3023) is amended to  
9           read as follows:

10 **“SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY**  
11 **QUALIFIED.**

12           “If an officer in the permanent grade of ensign is  
13           at any time found not fully qualified, the officer’s commis-  
14           sion shall be revoked and the officer shall be separated  
15           from the commissioned service.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
17           in section 1 of the Act entitled “An Act to reauthorize  
18           the Hydrographic Services Improvement Act of 1998, and  
19           for other purposes” (Public Law 107–372) is amended by  
20           striking the item relating to section 223 and inserting the  
21           following:

          “Sec. 223. Separation of ensigns found not fully qualified.”.

22 **SEC. 704. AUTHORITY TO PROVIDE AWARDS AND DECORA-**  
23 **TIONS.**

24           (a) IN GENERAL.—Subtitle A of the National Oce-  
25           anic and Atmospheric Administration Commissioned Offi-

1 cer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amend-  
2 ed by adding at the end the following:

3 **“SEC. 220. AWARDS AND DECORATIONS.**

4 “The Under Secretary may provide ribbons, medals,  
5 badges, trophies, and similar devices to members of the  
6 commissioned officer corps of the Administration and to  
7 members of other uniformed services for service and  
8 achievement in support of the missions of the Administra-  
9 tion.”.

10 (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 1 of the Act entitled “An Act to reauthorize  
12 the Hydrographic Services Improvement Act of 1998, and  
13 for other purposes” (Public Law 107–372) is amended by  
14 inserting after the item relating to section 219 the fol-  
15 lowing:

“Sec. 220. Awards and decorations.”.

16 **SEC. 705. RETIREMENT AND SEPARATION.**

17 (a) INVOLUNTARY RETIREMENT OR SEPARATION.—  
18 Section 241(a)(1) of the National Oceanic and Atmos-  
19 pheric Administration Commissioned Officer Corps Act of  
20 2002 (33 U.S.C. 3041(a)(1)) is amended to read as fol-  
21 lows:

22 “(1) an officer in the permanent grade of cap-  
23 tain or commander may—

24 “(A) except as provided by subparagraph  
25 (B), be transferred to the retired list; or

1           “(B) if the officer is not qualified for re-  
2           tirement, be separated from service; and”.

3           (b) RETIREMENT FOR AGE.—Section 243(a) of that  
4 Act (33 U.S.C. 3043(a)) is amended by striking “be re-  
5 tired” and inserting “be retired or separated (as specified  
6 in section 1251(e) of title 10, United States Code)”.

7           (c) RETIREMENT OR SEPARATION BASED ON YEARS  
8 OF CREDITABLE SERVICE.—Section 261(a) of that Act  
9 (33 U.S.C. 3071(a)) is amended—

10           (1) by redesignating paragraphs (17) through  
11           (26) as paragraphs (18) through (27), respectively;  
12           and

13           (2) by inserting after paragraph (16) the fol-  
14           lowing:

15           “(17) Section 1251(e), relating to retirement or  
16           separation based on years of creditable service.”.

17 **SEC. 706. LICENSURE OF HEALTH-CARE PROFESSIONALS.**

18           Section 263 of the National Oceanic and Atmospheric  
19 Administration Commissioned Officer Corps Act of 2002  
20 (33 U.S.C. 3073) is amended—

21           (1) by striking “The Secretary” and inserting  
22           “(a) IN GENERAL.—The Secretary”; and

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

24           “(b) LICENSURE OF HEALTH-CARE PROFES-  
25           SIONALS.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law regarding the licensure of health-  
3           care providers, a health-care professional described  
4           in paragraph (2) may practice the health profession  
5           or professions of the health-care professional at any  
6           location in any State, the District of Columbia, or  
7           a Commonwealth, territory, or possession of the  
8           United States, or in any other area within or beyond  
9           the jurisdiction of the United States, regardless of  
10          where the health-care professional or the patient of  
11          the health-care professional is located, if the practice  
12          is within the scope of the authorized Federal duties  
13          of the health-care professional.

14           “(2) HEALTH-CARE PROFESSIONAL DE-  
15          SCRIBED.—A health-care professional described in  
16          this paragraph is a health-care professional—

17                   “(A) who is—

18                           “(i) a member of the commissioned  
19                           officer corps of the Administration;

20                           “(ii) a civilian employee of the Admin-  
21                           istration;

22                           “(iii) an officer or employee of the  
23                           Public Health Service who is assigned or  
24                           detailed to the Administration; or

1           “(iv) any other health-care profes-  
 2           sional credentialed and privileged at a Fed-  
 3           eral health-care institution or location spe-  
 4           cially designated by the Secretary; and

5           “(B) who—

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

9           “(ii) is performing authorized duties  
 10          for the Administration.

11          “(3) DEFINITIONS.—In this subsection:

12          “(A) HEALTH-CARE PROFESSIONAL.—The  
 13          term ‘health-care professional’ has the meaning  
 14          given that term in section 1094(e) of title 10,  
 15          United States Code, except that such section  
 16          shall be applied and administered by sub-  
 17          stituting ‘Secretary of Commerce’ for ‘Secretary  
 18          of Defense’ each place it appears.

19          “(B) LICENSE.—The term ‘license’ has the  
 20          meaning given that term in such section.”.

21          **SEC. 707. IMPROVING PROFESSIONAL MARINER STAFFING.**

22          (a) IN GENERAL.—Subtitle E of the National Oce-  
 23          anic and Atmospheric Administration Commissioned Offi-  
 24          cer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amend-  
 25          ed by adding at the end the following:



1 **“SEC. 269B. SHORE LEAVE FOR PROFESSIONAL MARINERS.**

2       “(a) IN GENERAL.—The Under Secretary may pre-  
3 scribe regulations relating to shore leave for professional  
4 mariners without regard to the requirements of section  
5 6305 of title 5, United States Code.

6       “(b) REQUIREMENTS.—The regulations prescribed  
7 under subsection (a) shall—

8               “(1) require that a professional mariner serving  
9 aboard an ocean-going vessel be granted a leave of  
10 absence of four days per pay period; and

11               “(2) provide that a professional mariner serving  
12 in a temporary promotion position aboard a vessel  
13 may be paid the difference between the mariner’s  
14 temporary and permanent rates of pay for leave ac-  
15 crued while serving in the temporary promotion posi-  
16 tion.

17       “(c) PROFESSIONAL MARINER DEFINED.—In this  
18 section, the term ‘professional mariner’ means an indi-  
19 vidual employed on a vessel of the Administration who has  
20 the necessary expertise to serve in the engineering, deck,  
21 steward, electronic technician, or survey department.”.

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

1 inserting after the item relating to section 269A the fol-  
 2 lowing:

“Sec. 269B. Shore leave for professional mariners.”.

3 **SEC. 708. LEGAL ASSISTANCE.**

4 Section 1044(a)(3) of title 10, United States Code,  
 5 is amended by inserting “or the commissioned officer  
 6 corps of the National Oceanic and Atmospheric Adminis-  
 7 tration” after “Public Health Service”.

8 **SEC. 709. ACQUISITION OF AIRCRAFT FOR EXTREME**  
 9 **WEATHER RECONNAISSANCE.**

10 (a) INCREASED FLEET CAPACITY.—

11 (1) IN GENERAL.—The Under Secretary of  
 12 Commerce for Oceans and Atmosphere shall acquire  
 13 adequate aircraft platforms with the necessary ob-  
 14 servation and modification requirements—

15 (A) to meet agency-wide air reconnaissance  
 16 and research mission requirements, particularly  
 17 with respect to hurricanes and tropical cyclones,  
 18 and also for atmospheric chemistry, climate, air  
 19 quality for public health, full-season fire weath-  
 20 er research and operations, full-season atmos-  
 21 pheric river air reconnaissance observations,  
 22 and other mission areas; and

23 (B) to ensure data and information col-  
 24 lected by the aircraft are made available to all  
 25 users for research and operations purposes.

1           (2) CONTRACTS.—In carrying out paragraph  
2 (1), the Under Secretary shall negotiate and enter  
3 into 1 or more contracts or other agreements, to the  
4 extent practicable and necessary, with 1 or more  
5 governmental, commercial, or nongovernmental enti-  
6 ties.

7           (3) DERIVATION OF FUNDS.—For each of fiscal  
8 years 2023 through 2026, amounts to support the  
9 implementation of paragraphs (1) and (2) shall be  
10 derived—

11           (A) from amounts appropriated to the Of-  
12 fice of Marine and Aviation Operations of the  
13 National Oceanic and Atmospheric Administra-  
14 tion and available for the purpose of atmos-  
15 pheric river reconnaissance; and

16           (B) if amounts described in subparagraph  
17 (A) are insufficient to support the implementa-  
18 tion of paragraphs (1) and (2), from amounts  
19 appropriated to that Office and available for  
20 purposes other than atmospheric river recon-  
21 naissance.

22           (b) ACQUISITION OF AIRCRAFT TO REPLACE THE  
23 WP-3D AIRCRAFT.—

24           (1) IN GENERAL.—Not later than September  
25 30, 2023, the Under Secretary shall enter into a

1 contract for the acquisition of 6 aircraft to replace  
2 the WP-3D aircraft that provides for—

3 (A) the first newly acquired aircraft to be  
4 fully operational before the retirement of the  
5 last WP-3D aircraft operated by the National  
6 Oceanic and Atmospheric Administration; and

7 (B) the second newly acquired aircraft to  
8 be fully operational not later than 1 year after  
9 the first such aircraft is required to be fully  
10 operational under subparagraph (A).

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to the Under  
13 Secretary \$1,800,000,000, without fiscal year limita-  
14 tion, for the acquisition of the aircraft under para-  
15 graph (1).

16 **SEC. 710. REPORT ON PROFESSIONAL MARINER STAFFING**  
17 **MODELS.**

18 (a) IN GENERAL.—Not later than 18 months after  
19 the date of the enactment of this Act, the Comptroller  
20 General of the United States shall submit to the commit-  
21 tees specified in subsection (c) a report on staffing issues  
22 relating to professional mariners within the Office of Ma-  
23 rine and Aviation Operations of the National Oceanic and  
24 Atmospheric Administration.

1 (b) ELEMENTS.—The report required by subsection  
2 (a) shall include consideration of—

3 (1) the challenges the Office of Marine and  
4 Aviation Operations faces in recruiting and retaining  
5 qualified professional mariners;

6 (2) workforce planning efforts to address those  
7 challenges; and

8 (3) other models or approaches that exist, or  
9 are under consideration, to provide incentives for the  
10 retention of qualified professional mariners.

11 (c) COMMITTEES SPECIFIED.—The committees speci-  
12 fied in this subsection are—

13 (1) the Committee on Commerce, Science, and  
14 Transportation of the Senate; and

15 (2) the Committee on Transportation and In-  
16 frastructure and the Committee on Natural Re-  
17 sources of the House of Representatives.

18 (d) PROFESSIONAL MARINER DEFINED.—In this sec-  
19 tion, the term “professional mariner” means an individual  
20 employed on a vessel of the National Oceanic and Atmos-  
21 pheric Administration who has the necessary expertise to  
22 serve in the engineering, deck, steward, or survey depart-  
23 ment.

## 1                   **Subtitle B—Other Matters**

### 2   **SEC. 711. CONVEYANCE OF CERTAIN PROPERTY OF THE** 3                   **NATIONAL OCEANIC AND ATMOSPHERIC AD-** 4                   **MINISTRATION IN JUNEAU, ALASKA.**

5           (a) DEFINITIONS.—In this section:

6               (1) CITY.—The term “City” means the City  
7               and Borough of Juneau, Alaska.

8               (2) MASTER PLAN.—The term “Master Plan”  
9               means the Juneau Small Cruise Ship Infrastructure  
10              Master Plan released by the Docks and Harbors  
11              Board and Port of Juneau for the City and dated  
12              March 2021.

13              (3) PROPERTY.—The term “Property” means  
14              the parcel of real property consisting of approxi-  
15              mately 2.4 acres, including tidelands, owned by the  
16              United States and under administrative custody and  
17              control of the National Oceanic and Atmospheric  
18              Administration and located at 250 Egan Drive, Ju-  
19              neau, Alaska, including any improvements thereon  
20              that are not authorized or required by another provi-  
21              sion of law to be conveyed to a specific individual or  
22              entity.

23              (4) SECRETARY.—The term “Secretary” means  
24              the Secretary of Commerce, acting through the  
25              Under Secretary of Commerce for Oceans and At-

1       mosphere and the Administrator of the National  
2       Oceanic and Atmospheric Administration.

3       (b) CONVEYANCE AUTHORIZED.—

4             (1) IN GENERAL.—The Secretary may convey,  
5       at fair market value, all right, title, and interest of  
6       the United States in and to the Property, subject to  
7       subsection (c) and the requirements of this section.

8             (2) TERMINATION OF AUTHORITY.—The au-  
9       thority provided by paragraph (1) shall terminate on  
10      the date that is 3 years after the date of the enact-  
11      ment of this Act.

12      (c) RIGHT OF FIRST REFUSAL.—The City shall have  
13      the right of first refusal with respect to the purchase, at  
14      fair market value, of the Property.

15      (d) SURVEY.—The exact acreage and legal descrip-  
16      tion of the Property shall be determined by a survey satis-  
17      factory to the Secretary.

18      (e) CONDITION; QUITCLAIM DEED.—If the Property  
19      is conveyed under this section, the Property shall be con-  
20      veyed—

21             (1) in an “as is, where is” condition; and

22             (2) via a quitclaim deed.

23      (f) FAIR MARKET VALUE.—

24             (1) IN GENERAL.—The fair market value of the  
25      Property shall be—

- 1 (A) determined by an appraisal that—  
2 (i) is conducted by an independent ap-  
3 praiser selected by the Secretary; and  
4 (ii) meets the requirements of para-  
5 graph (2); and  
6 (B) adjusted, at the Secretary's discretion,  
7 based on the factors described in paragraph (3).

8 (2) APPRAISAL REQUIREMENTS.—An appraisal  
9 conducted under paragraph (1)(A) shall be con-  
10 ducted in accordance with nationally recognized ap-  
11 praisal standards, including—

12 (A) the Uniform Appraisal Standards for  
13 Federal Land Acquisitions; and

14 (B) the Uniform Standards of Professional  
15 Appraisal Practice.

16 (3) FACTORS.—The factors described in this  
17 paragraph are—

18 (A) matters of equity and fairness;

19 (B) actions taken by the City regarding  
20 the Property, if the City exercises its right of  
21 first refusal under subsection (c), including—

22 (i) comprehensive waterfront plan-  
23 ning, site development, and other redev-  
24 opment activities supported by the City in



1 proximity to the Property in furtherance of  
2 the Master Plan;

3 (ii) in-kind contributions made to fa-  
4 cilitate and support use of the Property by  
5 governmental agencies; and

6 (iii) any maintenance expenses, capital  
7 improvement, or emergency expenditures  
8 made necessary to ensure public safety and  
9 access to and from the Property; and

10 (C) such other factors as the Secretary  
11 considers appropriate.

12 (g) COSTS OF CONVEYANCE.—If the City exercises  
13 its right of first refusal under subsection (c), all reason-  
14 able and necessary costs, including real estate transaction  
15 and environmental documentation costs, associated with  
16 the conveyance of the Property to the City under this sec-  
17 tion may be shared equitably by the Secretary and the  
18 City, as determined by the Secretary, including with the  
19 City providing in-kind contributions for any or all of such  
20 costs.

21 (h) PROCEEDS.—Notwithstanding section 3302 of  
22 title 31, United States Code, or any other provision of law,  
23 any proceeds from a conveyance of the Property under this  
24 section shall—

1           (1) be deposited in an account or accounts of  
2           the National Oceanic and Atmospheric Administra-  
3           tion that exists as of the date of the enactment of  
4           this Act;

5           (2) used to cover costs associated with the con-  
6           veyance, related relocation efforts, and other facility  
7           and infrastructure projects in Alaska; and

8           (3) remain available until expended, without  
9           further appropriation.

10          (i) MEMORANDUM OF AGREEMENT.—If the City ex-  
11          ercises its right of first refusal under subsection (c), before  
12          finalizing a conveyance to the City under this section, the  
13          Secretary and the City shall enter into a memorandum  
14          of agreement to establish the terms under which the Sec-  
15          retary shall have future access to, and use of, the Property  
16          to accommodate the reasonable expectations of the Sec-  
17          retary for future operational and logistical needs in south-  
18          east Alaska.

19          (j) RESERVATION OR EASEMENT FOR ACCESS AND  
20          USE.—The conveyance authorized under this section shall  
21          be subject to a reservation providing, or an easement  
22          granting, the Secretary, at no cost to the United States,  
23          a right to access and use the Property that—

24                 (1) is compatible with the Master Plan; and

1           (2) authorizes future operational access and use  
2           by other Federal, State, and local government agen-  
3           cies that have customarily used the Property.

4           (k) LIABILITY.—

5           (1) AFTER CONVEYANCE.—An individual or en-  
6           tity to which a conveyance is made under this sec-  
7           tion shall hold the United States harmless from any  
8           liability with respect to activities carried out on or  
9           after the date and time of the conveyance of the  
10          Property.

11          (2) BEFORE CONVEYANCE.—The United States  
12          shall remain responsible for any liability the United  
13          States incurred with respect to activities the United  
14          States carried out on the Property before the date  
15          and time of the conveyance of the Property.

16          (l) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
17          retary may require such additional terms and conditions  
18          in connection with a conveyance under this section as the  
19          Secretary considers appropriate and reasonable to protect  
20          the interests of the United States.

21          (m) ENVIRONMENTAL COMPLIANCE.—Nothing in  
22          this section may be construed to affect or limit the applica-  
23          tion of or obligation to comply with any applicable environ-  
24          mental law, including—

1 (1) the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.); or

3 (2) section 120(h) of the Comprehensive Envi-  
4 ronmental Response, Compensation, and Liability  
5 Act of 1980 (42 U.S.C. 9620(h)).

6 (n) CONVEYANCE NOT A MAJOR FEDERAL AC-  
7 TION.—A conveyance under this section shall not be con-  
8 sidered a major Federal action for purposes of section  
9 102(2) of the National Environmental Policy Act of 1969  
10 (42 U.S.C. 4332(2)).

11 **TITLE VIII—TECHNICAL, CON-**  
12 **FORMING, AND CLARIFYING**  
13 **AMENDMENTS**

14 **SEC. 801. TECHNICAL CORRECTIONS.**

15 (a) Section 319(b) of title 14, United States Code,  
16 is amended by striking “section 331 of the FAA Mod-  
17 ernization and Reform Act of 2012 (49 U.S.C. 40101  
18 note)” and inserting “section 44801 of title 49”.

19 (b) Section 1156(c) of title 14, United States Code,  
20 is amended by striking “section 331 of the FAA Mod-  
21 ernization and Reform Act of 2012 (49 U.S.C. 40101  
22 note)” and inserting “section 44801 of title 49”.

1 **SEC. 802. REINSTATEMENT.**

2 (a) REINSTATEMENT.—The text of section 12(a) of  
3 the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly  
4 known as the Truman-Hobbs Act, is—

5 (1) reinstated as it appeared on the day before  
6 the date of the enactment of section 8507(b) of the  
7 William M. (Mac) Thornberry National Defense Au-  
8 thorization Act for Fiscal Year 2021 (Public Law  
9 116–283; 134 Stat. 4754); and

10 (2) redesignated as the sole text of section 12  
11 of the Act of June 21, 1940 (33 U.S.C. 522).

12 (b) EFFECTIVE DATE.—The provision reinstated by  
13 subsection (a) shall be treated as if such section 8507(b)  
14 had never taken effect.

15 (c) CONFORMING AMENDMENT.—The provision rein-  
16 stated under subsection (a) is amended by striking “, ex-  
17 cept to the extent provided in this section”.

18 **SEC. 803. TERMS AND VACANCIES.**

19 Section 46101(b) of title 46, United States Code, is  
20 amended—

21 (1) in paragraph (2)—

22 (A) by striking “one year” and inserting  
23 “2 years”; and

24 (B) by striking “2 terms” and inserting “3  
25 terms”; and

26 (2) in paragraph (3)—

1           (A) by striking “of the individual being  
2           succeeded” and inserting “to which such indi-  
3           vidual is appointed”;

4           (B) by striking “2 terms” and inserting “3  
5           terms”; and

6           (C) by striking “the predecessor of that”  
7           and inserting “such”.

○