

The Frank LoBiondo

COAST GUARD

AUTHORIZATION ACT OF 2018 (S. 140)



SECTION BY SECTION:

S. 140

Frank LoBiondo Coast Guard Authorization Act

Section 1. Short Title and Table of Contents

- (a) Short Title – cites the short title as “Frank LoBiondo Coast Guard Authorization Act of 2018”
- (b) Table of Contents – lists the sections of the bill.

Title I – Reorganization of Title 14, United States Code

Section 101. Initial Matter.

This section amends title 14 by striking the title designation, the title heading, and the table of parts and inserting new subtitle designations.

Section 102. Subtitle I.

This section amends Part I of title 14, United States Code, by striking the part designation, the part heading, and the table of chapters and replacing it with a new subtitle I.

Section 103. Chapter 1.

This section reorganizes Chapter 1 of title 14, United States Code.

Section 104. Chapter 3.

This section reorganizes Chapter 3 of title 14, United States Code. It also amends Coast Guard Environmental Compliance and Restoration authorities to allow funds collected for recovered and response actions to be deposited into an appropriate Coast Guard account, as determined by the Commandant.

Section 105. Chapter 5.

This section reorganizes Chapter 5 of title 14, United States Code.

Section 106. Chapter 7.

This section reorganizes Chapter 7 of title 14, United States Code.



Section 107. Chapter 9.

This section reorganizes Chapter 9 of title 14, United States Code.

Section 108. Chapter 11.

This section reorganizes Chapter 11 of title 14, United States Code.

Section 109. Subtitle II.

This section further reorganizes title 14, United States Code, by adding after chapter 11 a Subtitle II and a table of contents.

Section 110. Chapter 19.

This section reorganizes Chapter 19 of title 14, United States Code.

Section 111. Part II.

This section reorganizes Part II provisions.

Section 112. Chapter 21.

This section reorganizes Chapter 21 of title 14, United States Code.

Section 113. Chapter 23.

This section reorganizes Chapter 23 of title 14, United States Code.

Section 114. Chapter 25.

This section reorganizes Chapter 25 of title 14, United States Code.

Section 115. Part III.

This section amends Part III of title 14, United States Code, by striking the part designation, the part heading, and the table of chapters.

Section 116. Chapter 27.

This section reorganizes Chapter 27 of title 14, United States Code.

Section 117. Chapter 29.

This section reorganizes Chapter 29 of title 14, United States Code.

Section 118. Subtitle III and Chapter 37.

This section reorganizes amends title 14, United States Code.

Section 119. Chapter 39.

This section further reorganizes title 14, United States Code, by moving existing sections into a new Chapter 39.

Section 120. Chapter 41.

This section further reorganizes title 14, United States Code, by moving existing sections into a new Chapter 41.



Section 121. Subtitle IV and Chapter 49.

This section further reorganizes title 14, United States Code, by moving existing sections into a new Chapter 49.

Section 122. Chapter 51.

This section further reorganizes title 14, United States Code, by moving existing sections into a new Chapter 51.

Section 123. References.

This sections makes technical and conforming changes to title 14, United States Code.

Section 124. Rule of Construction.

This section explains that this title, including any amendments, is intended to reorganize title 14, United States Code. It should not be construed as altering: the effect of provisions in title 14, United States Code, or any authorities or requirements in such title; a department or agency interpretation with respect to such title; or, any judicial interpretation with respect to such title.

Title II – Authorizations

Section 201. Amendments to title 14, United States Code, as amended by title I of this Act.

This section clarifies that amendments made by this title are amendments to title 14, United States Code, as amended by title I of this Act.

Section 202. Authorization of appropriations

This section authorizes funding levels for the Coast Guard for fiscal years 2018 and 2019.

Section 203. Authorized levels of military strength and training

This section amends section 4904 of title 14, United States Code, to authorize the levels of military strength and training for fiscal years 2018 and 2019.

Section 204. Authorization of amounts for Fast Response Cutters

This section authorizes \$165 million, within the levels authorized in the bill, for the acquisition of six Fast Response Cutters in addition to the 58 currently included in the acquisition baseline.

Section 205. Authorization of amounts for Shoreside infrastructure

This section authorizes authorization of \$165 million per year, within the levels authorized in the bill, for un-met shore-side infrastructure needs which are now estimated to cost over \$1.6 billion.

Section 206. Authorization of amounts for Aircraft improvements

This section authorizes authorization of \$3.5 million per year, within the levels authorized in the bill, to fund analysis and program development for improvements to or the replacement of rotary-wing aircraft.



Title III – Coast Guard

Section 301. Amendments to title 14, United States Code, as amended by title I of this Act.

This section clarifies that amendments made by this title are amendments to title 14, United States Code, as amended by title I of this Act.

Section 302. Primary Duties.

This section clarifies the Coast Guard's state of everyday readiness as an Armed Service, and its readiness in times of war as part of the Navy.

Section 303. National Coast Guard Museum

This section clarifies the prohibition on the use of funds appropriated to the Coast Guard for construction of the museum and states the Secretary shall fund the museum with nonappropriated and nonfederal funds to the maximum extent practicable. It does allow the Secretary to expend funds appropriated on the engineering and design for the museum.

Section 304. Unmanned aircraft system

This section requires the Secretary to establish a land-based unmanned aircraft system program that would be under the control of the Commandant of the Coast Guard. The section limits the type of system the Commandant can acquire during any fiscal year when funds are appropriated for Offshore Patrol Cutter design or construction.

Section 305. Coast Guard health-care professionals; licensure portability

This section allows a health-care professional assigned to the Coast Guard to practice in the health profession or professions of a health-care professional in any location in any state, the District of Columbia, or a Commonwealth, territory or possession of the United States, regardless of where the health-care professional or patient are located, as long as the practice is within the scope of the authorized federal duties of such health-care professional. This section also authorizes the Commandant of the Coast Guard to procure an electronic health record system.

Section 306. Training; emergency response providers

This section authorizes the Commandant to allow, on a reimbursable or non-reimbursable basis, non-Coast Guard emergency response providers to participate in training when a member of the Coast Guard is unavailable.

Section 307. Incentive contracts for Coast Guard yard and industrial establishments

This section allows the parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment to enter into an order or a cost-plus-incentive-fee order.

Section 308. Confidential investigative expenses

This section amends section 944 of title 14, United States Code, to strike "\$45,000" and insert "\$250,000".



Section 309. Regular captains; retirement

This section amends section 2149(a) of title 14, United States Code, to ensure that high-performing Coast Guard officers who are promoted at an accelerated rate are not penalized by being forced to retire earlier than other officers.

Section 310. Conversion, alteration, and repair projects

This section requires that Coast Guard vessel conversion, alteration, and repair projects be based on economic and military considerations and prohibits restriction to a particular type of shipyard or geographical area.

Section 311. Contracting for major acquisition programs

This section amends section 501(d) of title 14, to insert "aircraft, and systems" after "vessels". It also creates a new section 1137 to provide the Commandant of the Coast Guard with contracting authority for major acquisition programs. Contracting authorities include block buy, incremental funding, combined purchases, and multiyear contracts.

Section 312. Officer promotion zones

This section adjusts the number of officers in a promotion zone pool to account for current levels of attrition.

Section 313. Cross reference

This section amends section 2129(a) of title 14, United States Code, to insert "designated under section 2317" after "cadet".

Section 314. Commissioned service retirement

This section allows the President to reduce the retirement requirement of at least 10 years of active service as a commissioned officer to eight years, for Coast Guard officers who retire in fiscal year 2017 or 2018.

Section 315. Leave for birth or adoption of child

This section amends section 2512 of title 14, United States Code, to authorize Coast Guard members leave associated with the birth or adoption of a child during 1-year period immediately following such birth or adoption.

Section 316. Clothing at time of discharge

This section repeals section 2705 of title 14, United States Code. The Coast Guard does not use the authority for the issuance of clothing at the time of discharge.

Section 317. Unfunded priorities list

This section amends 5102 of title 14, United States Code, and adds a new section 5108 to more explicitly address the requirement for an annual unfunded priorities list to be submitted not later than 60 days after the date of the President's budget submission. This section does not limit unfunded priorities to only acquisition needs.



Section 318. Safety of vessels of the Armed Forces

This section amends section 527 of title 14, United States Code, to authorize the Coast Guard to take action to protect vessels of the Armed Forces, not just naval vessels.

Section 319. Air Facilities.

This section amends section 912(a) of title 14, United States Code, to require public notice and comment, public meetings and submissions to Congress regarding the closing any Air Facility.

Title IV – Ports and Waterways Safety Act

Section 401. Codification of Ports and Waterways Safety Act

This section creates a new chapter 700, Port Safety, in title 46, United States Code. These provisions were previously included in the Ports and Waterways Safety Act.

Section 402. Conforming amendments

This section transfers a section of the Ports and Waterways Safety Act (33 U.S.C. 1223a) to section 3105 of title 46, United States Code. The section also states that except pursuant to an international treaty, convention, or agreement to which the United States is a party, this section shall not apply to any foreign vessel not destined for, or departing from, a port or place subject to the United States. This allows the foreign vessel innocent passage through the territorial sea of the United States or transit through U.S. navigable waters that form a part of an international strait.

Section 403. Transitional and savings provisions

This section provides for the treatment of the Ports and Waterways Safety Act provisions recodified in title 46, United States Code, pursuant to this title.

Section 404. Rule of construction

This section explains that this title, including any amendments, is intended to transfer provisions from the Ports and Waterways Safety Act. It should not be construed as altering: the effect of provisions in the Ports and Waterways Safety Act, or any authorities or requirements in such Act; a department or agency interpretation with respect to such Act; or any judicial interpretation with respect to such Act.

Section 405. Advisory committee; repeal

This section repeals section 18 of the Coast Guard Authorization Act of 1991.

Section 406. Regattas and marine parades

This section transfers a section from title 33, United States Code, to title 14, United States Code.

Section 407. Regulation of vessels in territorial waters of the United States

This section transfers a provision from title 50, United States Code, to title 14, United States Code.

Section 408. Port, harbor, and coastal facility security

This section transfers provisions of the Ports and Waterways Safety Act in title 33, United States Code,



to Chapter 701 of title 46, United States Code.

Title V – Maritime Transportation Safety

Section 501. Consistency in marine inspections

This section amends section 3305 of title 46, United States Code, to ensure that Coast Guard Officers in Charge, Marine Inspections consistently interpret regulations and standards under subtitle II and chapter 700 of title 46 to avoid disruption and undue expense to the maritime industry.

Section 502. Uninspected passenger vessels in St. Louis County, Minnesota

This section provides regulatory relief for certain passenger vessels on Crane Lake in St. Louis County, Minnesota.

Section 503. Engine cut-off switch requirements

This section requires the Coast Guard to issue regulations requiring the installation of engine cut-off switches, in compliance with the American Boat and Yacht Standard A-33, on recreational vessels less than 26 feet in overall length. The section also allows the Coast Guard, through the National Boating Safety Advisory Council, to initiate a boating safety education program on the use and benefit of cut-off switches for recreational vessels.

Section 504. Exception from survival craft requirements

This section amends section 4502(b) of title 46, United States Code, to except fishing vessels equipped with an auxiliary craft from the requirement to have an additional survival craft onboard.

Section 505. Safety standards

This section amends section 4502(f) of title 46, United States Code, to allow an owner or operator to request a dockside exam every 2 years.

Section 506. Fishing safety grants

This section amends section 4502 of title 46, United States Code, to transfer each the grant program from the Coast Guard to the Secretary of Health and Human Services, with grant criteria established in consultation with the Coast Guard. Authorized funding for each grant programs is \$3 million which matches the FY 2017 appropriated levels and the level at which the program was previously authorized. The cost share for each grant program is reduced from 75 percent to 50 percent.

Section 507. Fishing, fish tender, and fish processing vessel certification

This section amends section 4503(c)(2)(A) of title 46, United States Code, to clarify the definition of "built" in section 4503(f) of title 46, United States Code, by stating when a keel is deemed to be laid. The section also increases the length of a vessel from 79' to 180' for vessels participating in the alternate safety compliance program.

Section 508. Deadline for compliance with alternative safety compliance program

This section amends section 4503(d) of title 46, United States Code, to become a new section 4503a



and redesignates the other subsections. The alternate safety compliance program would apply to any category of fishing vessels, fish processing vessels, or fish tender vessels that are at least 50 feet in overall length, built before July 1, 2013, and 25 years of age or older.

Vessels that would want to comply with the alternate safety compliance program would have a three-year period beginning on the date on which the Secretary prescribes the program to get into compliance with the prescribed requirements. In the case of a vessel that undergoes a major conversion completed after July 1, 2013, or the date the Secretary establishes standards for the alternate safety compliance program, upon the completion of the conversion.

Section 509. Termination of unsafe operations; technical correction

This section makes technical corrections to section 4505(2) of title 46, United States Code, to ensure the proper citations are referenced.

Section 510. Technical Corrections: licenses, certifications of registry, and merchant mariner documents

This section clarifies certain terms used in title 46, United States Code.

Section 511. Clarification of logbook entries

This section amends section 11304 of title 46, United States Code, to require the logbook to include each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.

Section 512. Certificates of documentation for recreational vessels

This section amends section 12105 of title 46, United States Code, to make the provision allowing recreational endorsements for a vessel to be effective for five years. The section also authorizes the collection of a fee for issuance of recreational vessel certificates of documentation.

Section 513. Numbering for undocumented barges

This section amends section 12301(b) of title 46 United States Code, to strike "shall" and insert "may" thus making the authority discretionary.

Section 514. Backup national timing system

This section requires the Secretary of Transportation to establish a reliable, land-based, resilient alternative timing system. The system would provide a compliment to, or backup for, the timing component of the Global Positioning System. It would ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event the global system signals are corrupted, degraded, unreliable, or otherwise unavailable.

Section 515. Scientific personnel

This section amends section 2101(41) of title 46, United States Code, to clarify that the term "scientific personnel" does not include any age restrictions.



Section 516. Transparency

This section requires the Commandant of the Coast Guard to publish any letter of determination issued by the Coast Guard National Vessel Documentation Center.

Title VI – Advisory Committees

Section 601. National Maritime Transportation Advisory Committees.

This section amends title 46, United States Code, to consolidate, reauthorize, make uniform, and provide conforming changes to existing Coast Guard advisory committees.

Section 602. Maritime Security Advisory Committees.

This section makes conforming changes to section 70112 of title 46, United States Code, so that the statutory language for the Maritime Security Advisory Committee conforms to the rest of the advisory committee language found in title 46, United States Code, as amended by section 601 of this bill.

Title VII – Federal Maritime Commission

Section 701. Short Title

This Section cites the short title as the “Federal Maritime Commission Authorization Act of 2017.”

Section 702. Authorization

This section amends section 308 of title 46, United States Code, to authorize funding levels for the Federal Maritime Commission of \$28,012,310 for fiscal year 2018 and \$28,554,543 for fiscal year 2019.

Section 703. Reporting on Impact of Alliances on Competition

This section amends section 306 of title 46, United States Code, to add a new paragraph (6) to require an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean carriers pursuant to an agreement made under this part.

Section 704. Definition of Certain Covered Services

This section amends section 40102 of title 46, United States Code, to include a new paragraph (5) to define the term “certain covered services.” The term is defined as: the berthing or bunkering of the vessel; the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal; the positioning, removal, or replacement of buoys related to the movement of the vessel; and with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.

Section 705. Reports Filed with the Commission

This section amends section 40104 of title 46, United States Code, to include a “marine terminal operator” as an entity that needs to file reports with the Commission.

Section 706. Public Participation

This section amends section 40304(a) of title 46, United States Code, to require the Commission when it transmits a notice of filing in the Federal Register for publication to also request interested persons to submit



relevant information and documents regarding the filing.

A savings clause is included in the section to clarify that the changes in the section do not prevent the Commission from requesting information or documents from a person. The Commission maintains its authorities to gather additional information to best evaluate conditions in affected markets and factors affecting competition among carriers and U.S. port service providers. The Commission can set a deadline for the submission of information and documents.

Section 707. Ocean Transportation Intermediaries

This section amends the license requirement section, section 40901(a) of title 46, and the financial responsibility section, section 40902(a) of title 46, to insert “advertise, hold oneself out, or” after “may not”.

Section 40901 is also amended to include a new subsection (c) Applicability. This new subsection states that 40901(a) and 40902 requirements do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.

Section 708. Common Carriers

This section amends section 41104 of title 46, United States Code, to amend paragraph (11) to add a prohibition regarding a common carrier knowing or willfully accepting cargo or the transport of cargo for the account of a non-vessel-operating common carrier that does not have a tariff as required by section 40501 of this title.

This section also adds a new paragraph (13) that would prohibit a common carrier from continuing to participate simultaneously in a rate discussion agreement and an agreement to share vessels, in the same trade, if the interplay and the authorities exercised by the specified agreements is likely, by a reduction in competition, to produce an unreasonable reduction in transportation or an unreasonable increase in transportation costs. If the Commission finds an agreement violates paragraph (13), participants in the agreement have 90 days from the date of the Commission finding, to withdraw from the agreement.

Section 709. Negotiations

This section amends section 41105 of title 46, United States Code, to insert new paragraphs (5) and (6). Paragraph (5) would prohibit a conference or group of two or more common carriers from negotiating with a tug or towing vessel service provider. Paragraph (6) would prohibit negotiations with respect to a vessel operated by an ocean common carrier within the United States, unless the negotiations and resulting agreements are not in violation of the antitrust laws and are consistent with the requirements of this part. Paragraph (6) does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of common carriers.

This section also creates a new section 41105a titled “Authority” in title 46, United States Code. This new section states that nothing section 41105, as amended by the Federal Maritime Authorization Act of 2017 shall be construed to limit the authority of the Department of Justice regarding antitrust matters.

Section 710. Injunctive Relief Sought by the Commission



This section amends section 41307(b) of title 46, United States Code, which deals with injunctive relief regarding a reduction in competition, to include the Commission looking at an unreasonable increase in transportation costs that would substantially lessen competition in the purchasing of covered services.

This section also adds a new paragraph (4) titled "Competition Factors", that would allow the Commission to consider any relevant competition factors in affected markets, including, the competitive effect of agreements other than the one under review when determining if an agreement is likely to substantially lessen competition in the purchasing of certain covered services.

Section 711. Discussions

This section amends section 303 of title 46, United States Code, to allow the Commission to have discussions outside of its formal meeting process. In holding these discussions, the Commission may close the discussions to the public. The Commission may not hold a formal or informal vote or undertake any official action during the discussions. The Commission is required to make available to the public information on the individuals present and a summary of matters discussed.

Section 712. Transparency

This section requires the Commission to submit biannual reports to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation regarding unfinished regulatory proceedings.

Section 713. Study of Bankruptcy Preparation and Response

This section requires the Comptroller General of the United States to review the impacts of a major carrier bankruptcy on the supply chain and report to Congress on its findings.

Section 714. Agreements Affected

This section states that nothing in this Act can be construed to limit or amend the definition of "agreement" in section 40102(l) of title 46, United States Code, with respect to the exclusion of maritime labor agreements or apply to a maritime agreement, as it is defined in section 40102(15) of title 46, United States Code.

Title VIII – Miscellaneous

Section 801. Repeal of obsolete reporting requirement

This section repeals subsection (h) of section 888 of the Homeland Security Act of 2002.

Section 802. Corrections to provisions enacted by Coast Guard Authorization Acts

This section amends section 604(b) of the Howard Coble Coast Guard and Maritime Authorization Act of 2014 to insert "and fishery endorsement" after "endorsement".

Section 803. Officer evaluation report

This section requires the Commandant to reduce lieutenant junior grade evaluation reports to the same length as that of an ensign or place lieutenant junior grade reports on an annual schedule. The section also requires the Commandant to conduct surveys to determine the effectiveness of existing evaluation reports and



to make necessary revisions to the reports.

Section 804. Extension of Authority

This section extends the authority given to the Commandant to designate shortage category positions and use the authorities in section 3304 of title 5, United States Code, to recruit and appoint highly qualified people to the positions. The authority is extended for two years, fiscal years 2018 and 2019.

Section 805. Coast Guard ROTC Program

This section requires the Commandant to submit a report on the costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program.

Section 806. Currency detection canine team program

This section requires the establishment of a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement.

Section 807. Center of expertise for Great Lakes oil spill search and response

This section requires the Commandant to establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response. The Center of Expertise must be located in close proximity to critical crude oil transportation infrastructure on and connecting the Great Lakes and an institution of higher education with adequate aquatic research laboratory facilities and capabilities.

Section 808. Public safety answering points and maritime search and rescue coordination

This section requires the Secretary to review Coast Guard policy and procedures for public safety answering points and search and rescue coordination with State and local law enforcement entities.

Section 809. Ship Shoal Lighthouse transfer; Repeal

This section puts a sunset date of January 1, 2021, in section 27 of the Coast Guard Authorization Act of 1999. Section 27 authorized the transfer of Ship Shoal Lighthouse by the Secretary to the city of Berwick, Louisiana. The city of Berwick does not intend to take over ownership of the lighthouse, allowing the Coast Guard to move, remove, and/or dispose of the lighthouse as the Service sees fit.

Section 810. Land exchange, Ayakulik Island, Alaska

This section authorizes a land exchange between the owner of the Ayakulik Island and the Secretary of the Interior. The Secretary of the Interior would receive Ayakulik Island, a bird rookery, for the transfer of a tract of submerged lands in Womens Bay, Alaska. The Coast Guard will be given the opportunity to apply operational restrictions on the tract of submerged lands to ensure they can effectively continue Service operations in Womens Bay.

Section 811. Use of tract 43

This section amends the requirement for a monthly notice detailing the number of Coast Guard personnel who carried out Coast Guard missions on tract 43 during the previous month by making it a semi-annual requirement.



Section 812. Coast Guard maritime domain awareness

This section requires the Coast Guard to enter into an arrangement with the National Academy of Sciences, under which the Academy will prepare an assessment on existing and emerging unmanned technologies that can be used by the Coast Guard in the maritime domain for a number of Coast Guard purposes.

Section 813. Monitoring

This section requires a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities, including illegal, unreported, and unregulated fishing, in the Western Pacific region.

Section 814. Reimbursements for non-federal construction costs of certain private aids-to-navigation

This section allows the Commandant, subject to appropriations, to reimburse a non-federal entity for costs incurred by the entity to construct and establish an aid to navigation authorized in title I of P.L. 110-114 that facilitates safe and efficient marine transportation on a federally authorized navigation channel.

Section 815. Towing safety management system fees

This section requires the Commandant to review and compare the costs of inspections performed by the Service and by a third party and based on such review and comparison whether the costs by the third party are different from those of the Coast Guard. If the Commandant determines there is a difference in the fee costs, the Commandant is required to revise the fee structure to conform to the requirements under section 9701 of title 31, United States Code, that the costs of the fees accurately reflect the costs of administering the inspections.

Section 816. Oil spill disbursements auditing and report

This section modifies an existing Oil Spill Liability Trust Fund audit requirement conducted by the Government Accountability Office and moves the requirement to the Coast Guard to be reported through an existing report.

Section 817. Fleet requirements assessment and strategy

This section requires a report to Congress including an assessment of Coast Guard at-sea operational fleet requirements to support its statutory missions and a strategic plan for meeting those requirements.

Section 818. National Security Cutter

This section requires the Commandant, before certifying an eighth National Security Cutter as Ready for Operation, to provide a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such cutter is a way from its homeport for maintenance or repair, and a report analyzing cost and performance for different approaches to achieving varied levels of operational tempos to Congress.

Section 819. Acquisition plan for inland waterways and river tenders and Bay-class icebreakers

This section requires the Commandant to submit a plan to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.



Section 820. Great Lakes Icebreaker acquisition

This section authorizes the use of Acquisition, Construction, and Improvements funds authorized for fiscal years 2018 and 2019 for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter MACKINAW to enhance icebreaking capacity on the Great Lakes.

Section 821. Polar icebreakers

This section requires the Commandant of the Coast Guard to conduct an enhanced maintenance program on Coast Guard Cutter POLAR STAR to extend its service life until at least December 31, 2025, and authorizes the expenditure of Acquisition, Construction, and Improvement funding for such purpose.

In addition, the section amends section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213) to account for actions which have been completed, including the submission of reports and the determination that reactivation of the Coast Guard Cutter POLAR SEA is not cost-effective.

Section 822. Strategic assets in the Arctic

This section requires, within one year, the submission of a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

Section 823. Arctic planning criteria

This section allows the Commandant to approve a vessel response plan for vessels operating in the Alaska Captain of the Port zone that includes the Arctic, if certain verifications can be made.

Section 824. Vessel response plan audit

This section requires the Government Accountability Office to audit the processes the Coast Guard uses to approve vessel response plans, verify compliance with those vessel response plans, and approve alternate planning criteria to be used in lieu of National Planning Criteria for purposes of approving those vessel response plans.

Section 825. Waters deemed not navigable waters of the United States for certain purposes

This section provides regulatory relief for the mule-powered vessel Volunteer (Hull Number CCA4108) on the Illinois and Michigan Canal.

Section 826. Documentation of recreational vessels

This section would allow Coast Guard personnel performing non-recreational vessel documentation functions to perform recreational vessel documentation functions in any fiscal year where there is a backlog of applications for recreational vessel documentation, when operating expenses funds may not be used for expenses incurred for recreational vessel documentation, and when fees collected from owners of yachts and credited to such use are insufficient to pay the expenses of recreational vessel documentation.

Section 827. Equipment requirements; exemption from throwable personal flotation devices

This section directs the Secretary to prescribe regulations treat a marine throw bag, as commonly used in the commercial whitewater rafting industry, as a type of lifesaving equipment. The section also directs the Secretary to revise existing regulations to exempt rafts that are 16 feet or more overall in length from the



requirement to carry an additional throwable personal flotation device when such a marine throw bag is onboard and accessible.

Section 828. Visual distress signals and alternative use

This section requires the Secretary to develop a performance standard for the alternative use and possession of visual distress signals for recreational boats and to revise existing regulations to allow for carriage of such alternative signal devices.

Section 829. Radar refresher training

This section removes the requirement for radar observer refresher training.

Section 830. Commercial fishing vessel safety national communication plan

This section requires the Secretary to develop and implement a commercial fishing vessel safety national communications plan aimed at facilitating an increase in dialogue between the Coast Guard and industry.

Section 831. Atlantic Coast Port Access Route Study recommendations

This section requires, not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard to notify Congress of action taken to carry out the recommendation contained in the final report Atlantic Coast Port Access Route Study published March 14, 2016.

Section 832. Drawbridges

This section amends the Act of August 18, 1894 (33 U.S.C. 499) to create an exemption for a change in schedule that governs the opening of a drawbridge that will be in effect for less than six months to not be subject to the rule making requirements of section 533 of title 5, United States Code.

Section 833. Waiver

This section exempts the chain ferry DIANE from the requirements of section 8902 of title 46, United States Code, when it is operating on the Kalamazoo River in Saugatuck, Michigan.

Section 834. Fire-retardant materials.

This section creates a fire retardant materials exemption from the Coast Guard Certificate of Inspection regulations for domestic passenger vessels that accommodate more than 50 passengers constructed before 1968.

Section 835. Vessel Waiver

This section allows the Coast Guard to issue a certificate of documentation (COD) with a coastwise and a fishery endorsement to the fishing vessel AMERICA'S FINEST (United States official number 1276760). The vessel, with COD, will be an Amendment 80 replacement vessel. The Secretary is required to conduct a review and determine if the shipyard or purchaser of the vessel knew that components procured or installed would violate sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code. If the Secretary determines the shipyard or purchaser of the vessel had knowledge of the violation, the Secretary is required to immediately revoke the COD.



Section 836. Temporary limitations

This section establishes harvesting and processing limitations for the fishing vessels AMERICA'S FINEST, US INTREPID (United States official number 604439), and AMERICAN NO.1 (United States official number 610654), as well as their replacement vessels. The limitation would apply to the harvest and processing of certain groundfish species in the Bering Sea, Aleutian Islands, and the Gulf of Alaska for a period of 6 years after the enactment of this Act or an earlier date, if the Secretary of Commerce issues a final rule based on recommendations by the North Pacific Fishery Management Council.

Section 837. Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound Wildlife Refuge

This section transfers Coast Guard property on Jupiter Island, Florida to the Secretary of the Interior for inclusion in the Hobe Sound National Wildlife Refuge.

Section 838. Emergency response

This section requires the Commandant to request the Comptroller General of the United States to examine the regulations related to disaster response assistance by small passenger vessels, crewboats, and offshore supply vessels to determine if an unnecessary regulatory burdens exist.

Section 839. Drawbridges consultation

This section requires the Commandant to consult with owners and operators of rail lines used for Amtrak passenger service between New Orleans, Louisiana and Orlando, Florida, as well as affected waterways users on changes to drawbridge operating schedules necessary to facilitate On Time Performance of passenger trains.

Title IX – Vessel Incidental Discharge Act

Section 901. Short title.

This section cites the short title as the "Vessel Incidental Discharge Act of 2018"

Section 902. Purposes; Findings.

This section includes the purpose and findings of the title.

Section 903. Standards for discharges incidental to normal operations of vessels.

This section amends section 312 of the Federal Water Pollution Control Act to add a new subsection (p) Uniform National Standards for Discharges Incidental to Normal Operations of Vessels.

The new subsection (p) has 25 definitions including aquatic nuisance species, ballast water, ballast water discharge standard, ballast water exchange, ballast water management system, best available technology economically achievable, best conventional pollutant control technology, best management practice, best practicable control technology currently available, empty ballast tank, Great Lakes Commission, Great Lakes System, organism, pacific coast region, saltwater flush, small vessel or fishing vessel, and vessel general permit.



The ballast water standard applies to any discharge incidental to the normal operation of a vessel and any discharge incidental to the normal operation of a vessel (such as graywater) that is comingled with sewage. It doesn't prevent a state from regulating sewage discharges.

The section provides an exclusion for vessels of the Armed Forces, recreational vessels subject to subsection (o), small vessel or fishing vessel (except it shall apply for discharge of ballast water from such vessels), and a permanently moored floating craft. In addition, the exclusion includes vessels: that continuously takes on water and discharges ballast water in a flow-through system; in the National Defense Reserve Fleet that is scheduled for disposal or are without an operable ballast water system; that take on water from a public or commercial source that meet certain requirements; that carry ballast water in sealed tanks; that only discharge into a reception facility.

The existing standards in the Vessel General Permit and the Nonindigenous Aquatic Nuisance Prevention and Control Act Regulations shall remain in effect until the Administrator, in concurrence with the Secretary, establishes standards and promulgates regulations. The section requires the Administrator to establish the new standards and regulations no later than 2 years after enactment of the Act. As soon as possible after the Administrator promulgates a standard, the Secretary is required to promulgate regulations to allow for enforcement. The Small Vessel General Permit is repealed at date of enactment of the Act.

The section requires the Secretary to promulgate regulations that allow for state enforcement of the requirements established by the section. The regulations are to be developed in coordination with the Governors of the States on the manner in which states may enforce federal standards and requirements in the subsection, and include a mechanism for states to access to Automated Identification System arrival data. Governors may petition the Administrator or the Secretary to review the standard of performance, regulation or policy promulgated, if new information exists that could result in change to the standard.

The section requires the Secretary to review, not less frequently than once every 5 years, the regulations in effect and if necessary, revise the regulations. In addition, the section outlines prohibitions and effects on other laws.

Title X – Hydrographic Services And Other Matters

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

This section reauthorizes section 306 of the Hydrographic Services Improvement Act of 1998 for each of the fiscal years 2019 through 2023.

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

This section requires the Secretary of Commerce to develop and implement a system to track and report the full cost of hydrographic data collection, including vessel acquisition, vessel repair, and administration of contracts and report to Congress.



Section 1003. Homeport of certain research vessels.

This section allows the Secretary of Commerce to accept non-federal funds for the purpose of constructing a new port facility to facilitate the homeporting of the R/V FAIRWEATHER. The Secretary is required to submit a strategic plan to Congress on how it will implement subsection (a).constructing a new port facility to facilitate the homeporting of the R/V FAIRWEATHER. The Secretary is required to submit a strategic plan to Congress on how it will implement subsection (a).

