

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4719
OFFERED BY MR. DEFAZIO OF OREGON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Funding Instruction
3 for Safety, Health, and Security Avoids Fishing Emer-
4 gencies Act” or the “FISH SAFE Act”.

**5 SEC. 2. AMENDMENT OF FEDERAL SHARE OF THE FISHING
6 SAFETY STANDARDS GRANTS.**

7 (a) AMENDMENT.—Section 4502 of title 46, United
8 States Code, is amended—

9 (1) in subsection (i)(3), by striking “50” and
10 inserting “75”; and

11 (2) in subsection (j)(3), by striking “50” and
12 inserting “75”.

13 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
14 ment made by subsection (a) takes effect on the day after
15 the date of enactment of the Frank LoBiondo Coast
16 Guard Authorization Act of 2018 (Public Law 115–282).

1 **SEC. 3. COST SHARE.**

2 The cap on the Federal share of the cost of any activ-
3 ity carried out with a grant under subsections (i) and (j)
4 of section 4502 of title 46, United States Code, as in effect
5 prior to the date of enactment of the Frank LoBiondo
6 Coast Guard Authorization Act of 2018 (Public Law 115–
7 282), shall apply to any funds appropriated under the
8 Consolidated Appropriations Act, 2017 (Public Law 115–
9 31) for the purpose of making such grants.

10 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS AMEND-**
11 **MENTS.**

12 Section 4502 of title 46, United States Code, is
13 amended—

14 (1) in subsection (i)(4), by striking “2019” and
15 inserting “2021”; and

16 (2) in subsection (j)(4), by striking “2019” and
17 inserting “2021”.

18 **SEC. 5. AIDS TO NAVIGATION.**

19 (a) Section 541 of title 14, United States Code, is
20 amended—

21 (1) by striking “In” and inserting “(a) In”; and

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

23 “(b) In the case of pierhead beacons, the Com-
24 mandant may—

1 “(1) acquire, by donation or purchase in behalf
2 of the United States, the right to use and occupy
3 sites for pierhead beacons; and

4 “(2) properly mark all pierheads belonging to
5 the United States situated on the northern and
6 northwestern lakes, whenever the Commandant is
7 duly notified by the department charged with the
8 construction or repair of pierheads that the con-
9 struction or repair of any such pierheads has been
10 completed.”.

11 (b) Subchapter III of chapter 5 of title 14, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 548. Prohibition against officers and employees**
15 **being interested in contracts for mate-**
16 **rials, etc.**

17 “*No officer, enlisted member, or civilian member of*
18 *the Coast Guard in any manner connected with the con-*
19 *struction, operation, or maintenance of lighthouses, shall*
20 *be interested, either directly or indirectly, in any contract*
21 *for labor, materials, or supplies for the construction, oper-*
22 *ation, or maintenance of lighthouses, or in any patent,*
23 *plan, or mode of construction or illumination, or in any*
24 *article of supply for the construction, operation, or mainte-*
25 *nance of lighthouses.*”

1 **“§ 549. Lighthouse and other sites; necessity and suf-**
2 **iciency of cession by State of jurisdiction**

3 “(a) No lighthouse, beacon, public pier, or landmark,
4 shall be built or erected on any site until cession of juris-
5 diction over the same has been made to the United States.

6 “(b) For the purposes of subsection (a), a cession by
7 a State of jurisdiction over a place selected as the site
8 of a lighthouse, or other structure or work referred to in
9 subsection (a), shall be deemed sufficient if the cession
10 contains a reservation that process issued under authority
11 of such State may continue to be served within such place.

12 “(c) If no reservation of service described in sub-
13 section (b) is contained in a cession, all process may be
14 served and executed within the place ceded, in the same
15 manner as if no cession had been made.

16 **“§ 550. Marking pierheads in certain lakes**

17 “The Commandant of the Coast Guard shall properly
18 mark all pierheads belonging to the United States situated
19 on the northern and northwestern lakes, whenever he is
20 duly notified by the department charged with the construc-
21 tion or repair of pierheads that the construction or repair
22 of any such pierhead has been completed.”.

23 **SEC. 6. TRANSFERS RELATED TO EMPLOYEES OF THE**
24 **LIGHTHOUSE SERVICE.**

25 (a) Section 6 of chapter 103 of the Act of June 20,
26 1918 (33 U.S.C. 763) is repealed.

1 (b) Subchapter II of chapter 25 of title 14, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 **“§ 2532. Retirement of employees**

5 “(a) OPTIONAL RETIREMENT.—Except as provided
6 in subsections (d) and (e), a covered employee may retire
7 from further performance of duty if such officer or em-
8 ployee—

9 “(1) has completed 30 years of active service in
10 the Government and is at least 55 years of age;

11 “(2) has completed 25 years of active service in
12 the Government and is at least 62 years of age; or

13 “(3) is involuntarily separated from further per-
14 formance of duty, except by removal for cause on
15 charges of misconduct or delinquency, after com-
16 pleting 25 years of active service in the Government,
17 or after completing 20 years of such service and if
18 such employee is at least 50 years of age.

19 “(b) COMPULSORY RETIREMENT.—A covered em-
20 ployee who becomes 70 years of age shall be compulsorily
21 retired from further performance of duty.

22 “(c) RETIREMENT FOR DISABILITY.—

23 “(1) IN GENERAL.—A covered employee who
24 has completed 15 years of active service in the Gov-
25 ernment and is found, after examination by a med-

1 ical officer of the United States, to be disabled for
2 useful and efficient service by reason of disease or
3 injury not due to vicious habits, intemperance, or
4 willful misconduct of such officer or employee, shall
5 be retired.

6 “(2) RESTORATION TO ACTIVE DUTY.—Any in-
7 dividual retired under paragraph (1) may, upon re-
8 covery, be restored to active duty, and shall from
9 time to time, before reaching the age at which such
10 individual may retire under subsection (a), be reex-
11 amined by a medical officer of the United States
12 upon the request of the Secretary of the department
13 in which the Coast Guard is operating.

14 “(d) ANNUAL COMPENSATION.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), The annual compensation of a person re-
17 tired under this section shall be a sum equal to one-
18 fortieth of the average annual pay received for the
19 last three years of service for each year of active
20 service in the Lighthouse Service, or in a depart-
21 ment or branch of the Government having a retire-
22 ment system, not to exceed thirty-fortieths of such
23 average annual pay received.

24 “(2) RETIREMENT BEFORE 55.—The retirement
25 pay computed under paragraph (1) for any officer or

1 employee retiring under this section shall be reduced
2 by one-sixth of 1 percent for each full month the of-
3 ficer or employee is under 55 years of age at the
4 date of retirement.

5 “(3) NO ALLOWANCE OR SUBSISTENCE.—Re-
6 tirement pay under this section shall not include any
7 amount on account of subsistence or other allow-
8 ance.

9 “(e) EXCEPTION.—The retirement and pay provision
10 in this section shall not apply to—

11 “(1) any person in the field service of the
12 Lighthouse Service whose duties do not require sub-
13 stantially all their time; or

14 “(2) persons of the Coast Guard.

15 “(f) WAIVER.—Any person entitled to retirement pay
16 under this section may decline to accept all or any part
17 of such retirement pay by a waiver signed and filed with
18 the Secretary of the Treasury. Such waiver may be re-
19 voked in writing at any time, but no payment of the retire-
20 ment pay waived shall be made covering the period during
21 which such waiver was in effect.

22 “(g) DEFINITION.—For the purposes of this section,
23 the term ‘covered employee’ means an officer or employee
24 engaged in the field service or on vessels of the Lighthouse

1 Service, except a person continuously employed in district
2 offices or shop.”.

3 **SEC. 7. TRANSFERS RELATED TO SURVIVING SPOUSES OF**
4 **LIGHTHOUSE SERVICE EMPLOYEES.**

5 (a) BENEFIT TO SURVIVING SPOUSES.—Subchapter
6 II of chapter 25 of title 14, United States Code, is amend-
7 ed by adding after section 2532 the following:

8 **“§ 2533. Surviving spouses**

9 “The Secretary of the department in which the Coast
10 Guard is operating shall pay \$100 per month to the sur-
11 viving spouse of a current or former employee of the
12 Lighthouse Service in accordance with section 2532 if
13 such employee dies—

14 “(1) at a time when such employee was receiv-
15 ing or was entitled to receive retirement pay under
16 this subchapter; or

17 “(2) from non-service-connected causes after
18 fifteen or more years of employment in such serv-
19 ice.”.

20 (b) TRANSFERS RELATED TO SURVIVING SPOUSES
21 OF LIGHTHOUSE SERVICE EMPLOYEES.—

22 (1) Subchapter II of chapter 25 of title 14,
23 United States Code, is amended by adding after sec-
24 tion 2533 the following:

1 **“§ 2534. Application for benefits”.**

2 (2)(A) Section 3 of chapter 761 of the Act of
3 August 19, 1950 (33 U.S.C. 773), is redesignated as
4 section 2534(a) of title 14, United States Code,
5 transferred to appear after section 2537 of that
6 title, and amended so that the enumerator, section
7 heading, typeface, and typestyle conform to those
8 appearing in other sections in title 14, United States
9 Code.

10 (B) Section 2534(a), as so redesignated, trans-
11 ferred, and amended is further amended by striking
12 “sections 771 to 775” and inserting “section 2533”.

13 (3)(A) Section 4 of chapter 761 of the Act of
14 August 19, 1950 (33 U.S.C. 774), is redesignated as
15 section 2534(b) of title 14, United States Code,
16 transferred to appear after section 2538(a) of that
17 title, and amended so that the enumerator, section
18 heading, typeface, and typestyle conform to those
19 appearing in other sections in title 14, United States
20 Code.

21 (B) Section 2534(b), as so redesignated, trans-
22 ferred, and amended is further amended by striking
23 “the provisions in sections 771 to 775” and insert-
24 ing “section 2533”.

25 (4)(A) The proviso under the heading “Pay-
26 ment to Civil Service Retirement and Disability

1 Fund” of title V of division C of Public Law 112–
2 74 (33 U.S.C. 776) is redesignated as section
3 2538(d) of title 14, United States Code, transferred
4 to appear after section 2538(c) of that title, and
5 amended so that the enumerator, section heading,
6 typeface, and typestyle conform to those appearing
7 in other sections in title 14, United States Code.

8 (B) Section 2538(b), as so redesignated, trans-
9 ferred, and amended is further amended by striking
10 “sections 771 to 775” and inserting “section 2533”.

11 **SEC. 8. REPEALS.**

12 (a) IN GENERAL.—The following provisions are re-
13 pealed:

14 (1) Section 4680 of the Revised Statutes of the
15 United States (33 U.S.C. 725).

16 (2) Section 4661 of the Revised Statutes of the
17 United States (33 U.S.C. 727).

18 (3) Section 4662 of the Revised Statutes of the
19 United States (33 U.S.C. 728).

20 (4) Section 1 of chapter 130 of the Act of May
21 3, 1875 (33 U.S.C. 730a).

22 (5) Section 11 of chapter 301 of the Act of
23 June 17, 1910 (33 U.S.C. 743).

24 (6) Section 3 of chapter 371 of the Act of May
25 26, 1926 (33 U.S.C. 745a).

1 (7) Section 1 of chapter 313 of the Act of Feb-
2 ruary 25, 1929 (33 U.S.C. 747b).

3 (8) Section 2 of chapter 103 of the Act of June
4 20, 1918 (33 U.S.C. 748a).

5 (9) Section 4 of chapter 371 of the Act of May
6 22, 1926 (33 U.S.C. 754a).

7 (10) Section 642 of the Act of August 10, 1939
8 (33 U.S.C. 763a-1).

9 (11) Chapter 788 of the Act of October 29,
10 1949 (33 U.S.C. 763-1).

11 (12) Chapter 524 of the Act of July 9, 1956
12 (33 U.S.C. 763-2).

13 (13) Section 1 of chapter 161 of the Act of
14 March 4, 1921 (formerly, 33 U.S.C. 764).

15 (14) Section 3 of chapter 215 of the Act of May
16 13, 1938 (33 U.S.C. 770).

17 (15) Sections 1 and 2 of chapter 761 of the Act
18 of August 19, 1950 (33 U.S.C. 771 and 772).

19 (b) SAVINGS.—

20 (1) Notwithstanding any repeals made by this
21 section, any individual beneficiary currently receiving
22 payments under the authority of any provisions re-
23 pealed in this section shall continue to receive such
24 benefits.

1 (2) Notwithstanding the repeals made under
2 paragraphs (10) and (11) of subsection (a), any pay
3 increases made under chapter 788 of the Act of Oc-
4 tober 29, 1949, and chapter 524 of the Act of July
5 9, 1956, as in effect prior to their repeal shall re-
6 main in effect.

