

Suspend the Rules and Pass the Bill, H.R. 4719, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 4719

To amend the Federal share of the fishing safety standards grants.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2019

Mr. GOLDEN (for himself and Mr. YOUNG) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal share of the fishing safety standards grants.

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.**

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

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

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

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

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

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

13 **SEC. 3. COST SHARE.**

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

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS AMEND-**
23 **MENTS.**

24 Section 4502 of title 46, United States Code, is
25 amended—

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

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

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

6 (a) Section 541 of title 14, United States Code, is
7 amended—

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

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

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

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

15 “(2) properly mark all pierheads belonging to
16 the United States situated on the northern and
17 northwestern lakes, whenever the Commandant is
18 duly notified by the department charged with the
19 construction or repair of pierheads that the con-
20 struction or repair of any such pierheads has been
21 completed.”.

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

1 **“§ 548. Prohibition against officers and employees**
2 **being interested in contracts for mate-**
3 **rials, etc.**

4 “No officer, enlisted member, or civilian member of
5 the Coast Guard in any manner connected with the con-
6 struction, operation, or maintenance of lighthouses, shall
7 be interested, either directly or indirectly, in any contract
8 for labor, materials, or supplies for the construction, oper-
9 ation, or maintenance of lighthouses, or in any patent,
10 plan, or mode of construction or illumination, or in any
11 article of supply for the construction, operation, or mainte-
12 nance of lighthouses.

13 **“§ 549. Lighthouse and other sites; necessity and suf-**
14 **ficiency of cession by State of jurisdiction**

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

18 “(b) For the purposes of subsection (a), a cession by
19 a State of jurisdiction over a place selected as the site
20 of a lighthouse, or other structure or work referred to in
21 subsection (a), shall be deemed sufficient if the cession
22 contains a reservation that process issued under authority
23 of such State may continue to be served within such place.

24 “(c) If no reservation of service described in sub-
25 section (b) is contained in a cession, all process may be

1 served and executed within the place ceded, in the same
2 manner as if no cession had been made.

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

4 “The Commandant of the Coast Guard shall properly
5 mark all pierheads belonging to the United States situated
6 on the northern and northwestern lakes, whenever he is
7 duly notified by the department charged with the construc-
8 tion or repair of pierheads that the construction or repair
9 of any such pierhead has been completed.”.

10 (c) CONFORMING AMENDMENT.—The table of sec-
11 tions for chapter 5 of title 14, United States Code, is
12 amended by inserting after the item relating to section
13 547 the following:

“548. Prohibition against officers and employees being interest in contracts for
materials, etc.

“549. Lighthouse and other sites; necessity and sufficiency of cession by State
of jurisdiction.

“550. Marking pierheads in certain lakes.”.

14 **SEC. 6. TRANSFERS RELATED TO EMPLOYEES OF THE**
15 **LIGHTHOUSE SERVICE.**

16 (a) Section 6 of chapter 103 of the Act of June 20,
17 1918 (33 U.S.C. 763) is repealed.

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

21 **“§ 2532. Retirement of employees**

22 “(a) OPTIONAL RETIREMENT.—Except as provided
23 in subsections (d) and (e), a covered employee may retire

1 from further performance of duty if such officer or em-
2 ployee—

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

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

7 “(3) is involuntarily separated from further per-
8 formance of duty, except by removal for cause on
9 charges of misconduct or delinquency, after com-
10 pleting 25 years of active service in the Government,
11 or after completing 20 years of such service and if
12 such employee is at least 50 years of age.

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

16 “(c) RETIREMENT FOR DISABILITY.—

17 “(1) IN GENERAL.—A covered employee who
18 has completed 15 years of active service in the Gov-
19 ernment and is found, after examination by a med-
20 ical officer of the United States, to be disabled for
21 useful and efficient service by reason of disease or
22 injury not due to vicious habits, intemperance, or
23 willful misconduct of such officer or employee, shall
24 be retired.

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

9 “(d) ANNUAL COMPENSATION.—

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

19 “(2) RETIREMENT BEFORE 55.—The retirement
20 pay computed under paragraph (1) for any officer or
21 employee retiring under this section shall be reduced
22 by one-sixth of 1 percent for each full month the of-
23 ficer or employee is under 55 years of age at the
24 date of retirement.

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

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

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

10 “(2) persons of the Coast Guard.

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

18 “(g) DEFINITION.—For the purposes of this section,
19 the term ‘covered employee’ means an officer or employee
20 engaged in the field service or on vessels of the Lighthouse
21 Service, except a person continuously employed in district
22 offices or shop.”.

23 “(c) CONFORMING AMENDMENT.—The table of sec-
24 tions for chapter 25 of title 14, United States Code, is

1 amended by inserting after the item relating to section
2 2531 the following:

“2532. Retirement of employees.”.

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 the heading of section
6 2534 of that title, and amended so that the enu-
7 merator, section heading, typeface, and typestyle
8 conform to those appearing in other sections in title
9 14, United States Code.

10 (B) Section 2534(a), as so redesignated, trans-
11 ferred, and amended is further amended by striking
12 “this Act” 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 2534(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 of this Act” and inserting “section
24 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 2534(c) of title 14, United States Code, transferred
4 to appear after section 2534(b) 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 2534(c), as so redesignated, trans-
9 ferred, and amended is further amended by striking
10 “the Act of May 29, 1944, and the Act of August
11 19, 1950 (33 U.S.C. 771-775),” and inserting “sec-
12 tion 2533”.

13 (c) CONFORMING AMENDMENT.—The table of sec-
14 tions for chapter 25 of title 14, United States Code, is
15 further amended by inserting after the item relating to
16 section 2532 the following:

“2533. Surviving spouses.
“2534. Application for benefits.”.

17 **SEC. 8. REPEALS.**

18 (a) IN GENERAL.—The following provisions are re-
19 pealed:

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

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

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

3 (4) The final paragraph in the account “For
4 Life-Saving and Life-Boat Stations” under the head-
5 ing Treasury Department in the first section of
6 chapter 130 of the Act of March 3, 1875 (33 U.S.C.
7 730a).

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

10 (6) Section 3 of chapter 371 of the Act of May
11 22, 1926 (33 U.S.C. 747a).

12 (7) The first section of chapter 313 of the Act
13 of February 25, 1929 (33 U.S.C. 747b).

14 (8) Section 2 of chapter 103 of the Act of June
15 20, 1918 (33 U.S.C. 748).

16 (9) Section 4 of chapter 371 of the Act of May
17 22, 1926 (33 U.S.C. 754a).

18 (10) Chapter 642 of the Act of August 10,
19 1939 (33 U.S.C. 763a–1).

20 (11) Chapter 788 of the Act of October 29,
21 1949 (33 U.S.C. 763–1).

22 (12) Chapter 524 of the Act of July 9, 1956
23 (33 U.S.C. 763–2).

24 (13) The last two provisos under the heading
25 Lighthouse Service, under the heading Department

1 of Commerce, in the first section of chapter 161 of
2 the Act of March 4, 1921 (41 Stat. 1417, formerly
3 33 U.S.C. 764).

4 (14) Section 3 of chapter 215 of the Act of May
5 13, 1938 (33 U.S.C. 770).

6 (15) The first section and section 2 of chapter
7 761 of the Act of August 19, 1950 (33 U.S.C. 771
8 and 772).

9 (b) SAVINGS.—

10 (1) Notwithstanding any repeals made by this
11 section, any individual beneficiary currently receiving
12 payments under the authority of any provisions re-
13 pealed in this section shall continue to receive such
14 benefits.

15 (2) Notwithstanding the repeals made under
16 paragraphs (10) and (11) of subsection (a), any pay
17 increases made under chapter 788 of the Act of Oc-
18 tober 29, 1949, and chapter 524 of the Act of July
19 9, 1956, as in effect prior to their repeal shall re-
20 main in effect.