

Suspend the Rules and Pass the Bill, H.R. 6865, with an Amendment

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

.....
(Original Signature of Member)

117TH CONGRESS
2^D SESSION

H. R. 6865

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2022

Mr. DEFAZIO (for himself, Mr. GRAVES of Missouri, Mr. CARBAJAL, and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 “Don Young 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.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Shoreside infrastructure and facilities.
- Sec. 104. Availability of amounts for acquisition of additional cutters.

TITLE II—COAST GUARD

Subtitle A—Military Personnel Matters

- Sec. 201. Authorized strength.
- Sec. 202. Continuation of officers with certain critical skills on active duty.
- Sec. 203. Number and distribution of officers on active duty promotion list.
- Sec. 204. Coast Guard behavioral health policy.
- Sec. 205. Improving representation of women and of racial and ethnic minorities among Coast Guard active-duty members.

Subtitle B—Operational Matters

- Sec. 206. Pilot project for enhancing Coast Guard cutter readiness through condition-based maintenance.
- Sec. 207. Unmanned systems strategy.
- Sec. 208. Budgeting of Coast Guard relating to certain operations.
- Sec. 209. Report on San Diego maritime domain awareness.
- Sec. 210. Great Lakes winter shipping.
- Sec. 211. Center of expertise for Great Lakes oil spill search and response.
- Sec. 212. Study on laydown of Coast Guard cutters.

Subtitle C—Other Matters

- Sec. 213. Responses of Commandant of the Coast Guard to safety recommendations.
- Sec. 214. Conveyance of Coast Guard vessels for public purposes.
- Sec. 215. Acquisition life-cycle cost estimates.
- Sec. 216. National Coast Guard Museum funding plan.
- Sec. 217. Report on Coast Guard explosive ordnance disposal.
- Sec. 218. Pribilof Island transition completion actions.
- Sec. 219. Notification of communication outages.

TITLE III—MARITIME

Subtitle A—Shipping

- Sec. 301. Nonoperating individual.
- Sec. 302. Oceanographic research vessels.
- Sec. 303. Atlantic Coast port access routes briefing.

Subtitle B—Vessel Safety

- Sec. 304. Fishing vessel safety.
- Sec. 305. Requirements for DUKW-type amphibious passenger vessels.
- Sec. 306. Exoneration and limitation of liability for small passenger vessels.
- Sec. 307. Automatic identification system requirements.

Subtitle C—Shipbuilding Program

- Sec. 308. Qualified vessel.
- Sec. 309. Establishing a capital construction fund.

TITLE IV—FEDERAL MARITIME COMMISSION

- Sec. 401. Short title.
- Sec. 402. Purposes.
- Sec. 403. Service contracts.
- Sec. 404. Shipping exchange registry.
- Sec. 405. Data collection.
- Sec. 406. National shipper advisory committee.
- Sec. 407. Annual report and public disclosures.
- Sec. 408. General prohibitions.
- Sec. 409. Prohibition on unreasonably declining cargo.
- Sec. 410. Detention and demurrage.
- Sec. 411. Assessment of penalties.
- Sec. 412. Investigations.
- Sec. 413. Injunctive relief.
- Sec. 414. Technical amendments.
- Sec. 415. Authorization of appropriations.
- Sec. 416. NAS study on supply chain industry.
- Sec. 417. Temporary emergency authority.
- Sec. 418. Terms and vacancies.

TITLE V—MISCELLANEOUS

Subtitle A—Navigation

- Sec. 501. Restriction on changing salvors.
- Sec. 502. Providing requirements for vessels anchored in established anchorage grounds.
- Sec. 503. Aquatic Nuisance Species Task Force.
- Sec. 504. Limitation on recovery for certain injuries incurred in aquaculture activities.

Subtitle B—Other Matters

- Sec. 505. Information on type approval certificates.
- Sec. 506. Passenger vessel security and safety requirements.
- Sec. 507. Cargo waiting time reduction.
- Sec. 508. Limited indemnity provisions in standby oil spill response contracts.
- Sec. 509. Port Coordination Council for Point Spencer.
- Sec. 510. Western Alaska oil spill planning criteria.
- Sec. 511. Nonapplicability.
- Sec. 512. Report on enforcement of coastwise laws.
- Sec. 513. Land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 514. Center of Expertise for Marine Environmental Response.
- Sec. 515. Prohibition on entry and operation.
- Sec. 516. St. Lucie River railroad bridge.
- Sec. 517. Assistance related to marine mammals.
- Sec. 518. Manning and crewing requirements for certain vessels, vehicles, and structures.

TITLE VI—SEXUAL ASSAULT AND SEXUAL HARASSMENT
PREVENTION AND RESPONSE

- Sec. 601. Definitions.

- Sec. 602. Convicted sex offender as grounds for denial.
- Sec. 603. Sexual harassment or sexual assault as grounds for suspension or revocation.
- Sec. 604. Accommodation; notices.
- Sec. 605. Protection against discrimination.
- Sec. 606. Alcohol prohibition.
- 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.

TITLE VII—TECHNICAL AND CONFORMING PROVISIONS

- Sec. 701. Technical corrections.
- Sec. 702. Transportation worker identification credential technical amendments.
- Sec. 703. Reinstatement.
- Sec. 704. Determination of budgetary effects.

1 **TITLE I—AUTHORIZATION**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3 Section 4902 of title 14, United States Code, is
4 amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “years 2020 and 2021” and inserting
7 “years 2022 and 2023”;

8 (2) in paragraph (1)—

9 (A) in subparagraph (A)—

10 (i) by striking “\$8,151,620,850 for
11 fiscal year 2020” and inserting
12 “\$9,282,360,000 for fiscal year 2022”;
13 and

14 (ii) by striking “\$8,396,169,475 for
15 fiscal year 2021” and inserting
16 “\$10,210,596,000 for fiscal year 2023”;

1 (B) in subparagraph (B) by striking
2 “\$17,035,000” and inserting “\$17,723,520”;
3 and

4 (C) in subparagraph (C) by striking
5 “\$17,376,000” and inserting “\$18,077,990”;
6 (3) in paragraph (2)—

7 (A) in subparagraph (A)—

8 (i) by striking “\$2,794,745,000 for
9 fiscal year 2020” and inserting
10 “\$3,312,114,000 for fiscal year 2022”;
11 and

12 (ii) by striking “\$3,312,114,000 for
13 fiscal year 2021” and inserting
14 “\$3,477,600,000 for fiscal year 2023”;
15 and

16 (B) in subparagraph (B)—

17 (i) by striking “\$10,000,000 for fiscal
18 year 2020” and inserting “\$20,400,000 for
19 fiscal year 2022”; and

20 (ii) by striking “\$20,000,000 for fis-
21 cal year 2021” and inserting “\$20,808,000
22 for fiscal year 2023”;

23 (4) in paragraph (3)—

1 (A) by striking “\$13,834,000 for fiscal
2 year 2020” and inserting “\$14,393,220 for fis-
3 cal year 2022”; and

4 (B) by striking “\$14,111,000 for fiscal
5 year 2021” and inserting “\$14,681,084 for fis-
6 cal year 2023”; and

7 (5) in paragraph (4)—

8 (A) by striking “\$205,107,000 for fiscal
9 year 2020” and inserting “\$213,393,180 for
10 fiscal year 2022”; and

11 (B) by striking “\$209,209,000 for fiscal
12 year 2021” and inserting “\$217,661,044 for
13 fiscal year 2023”.

14 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
15 **AND TRAINING.**

16 Section 4904 of title 14, United States Code, is
17 amended—

18 (1) in subsection (a) by striking “fiscal years
19 2020 and 2021” and inserting “fiscal years 2022
20 and 2023”; and

21 (2) in subsection (b) by striking “fiscal years
22 2020 and 2021” and inserting “fiscal years 2022
23 and 2023”.

1 **SEC. 103. SHORESIDE INFRASTRUCTURE AND FACILITIES.**

2 (a) IN GENERAL.—Of the amounts authorized to be
3 appropriated under section 4902(2)(A) of title 14, United
4 States Code, for each of fiscal years 2022 and 2023, up
5 to \$585,000,000 shall be authorized for the Secretary of
6 the department in which the Coast Guard is operating to
7 fund the acquisition, construction, rebuilding, or improve-
8 ment of Coast Guard shoreside infrastructure and facili-
9 ties necessary to support Coast Guard operations and
10 readiness.

11 (b) BALTIMORE COAST GUARD YARD.—Of the
12 amounts set aside under subsection (a), up to
13 \$175,000,000 shall be authorized to improve facilities at
14 the Coast Guard Yard in Baltimore, Maryland, including
15 improvements to piers and wharves, dry dock, capital
16 equipment utilities, or dredging necessary to facilitate ac-
17 cess to such Yard.

18 (c) TRAINING CENTER CAPE MAY.—Of the amounts
19 set aside under subsection (a), up to \$60,000,000 shall
20 be authorized to fund Phase I, in fiscal year 2022, and
21 Phase II, in fiscal year 2023, for the recapitalization of
22 the barracks at the United States Coast Guard Training
23 Center Cape May in Cape May, New Jersey.

24 (d) MITIGATION OF HAZARD RISKS.—In carrying out
25 projects with funds authorized under this section, the
26 Coast Guard shall mitigate, to the greatest extent prac-

1 ticable, natural hazard risks identified in any Shore Infra-
2 structure Vulnerability Assessment for Phase I related to
3 such projects.

4 (e) FORT WADSWORTH, NEW YORK.—Of the
5 amounts set aside under subsection (a), up to \$1,200,000
6 shall be authorized to fund a construction project to—

7 (1) complete repairs to the United States Coast
8 Guard Station, New York, waterfront, including re-
9 pairs to the concrete pier; and

10 (2) replace floating piers Alpha and Bravo, the
11 South Breakwater and Ice Screen, the North Break-
12 water and Ice Screen, and the seawall.

13 **SEC. 104. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF**
14 **ADDITIONAL CUTTERS.**

15 (a) IN GENERAL.—Of the amounts authorized to be
16 appropriated under—

17 (1) section 4902(2)(A)(i) of title 14, United
18 States Code, as amended by section 101 of this title,
19 for fiscal year 2022;

20 (A) \$300,000,000 shall be authorized for
21 the acquisition of a twelfth National Security
22 Cutter; and

23 (B) \$210,000,000 shall be authorized for
24 the acquisition of 3 Fast Response Cutters; and

1 (2) section 4902(2)(A)(ii) of title 14, United
2 States Code, as amended by section 101 of this title,
3 for fiscal year 2023;

4 (A) \$300,000,000 shall be authorized for
5 the acquisition of a twelfth National Security
6 Cutter; and

7 (B) \$210,000,000 shall be authorized for
8 the acquisition of 3 Fast Response Cutters.

9 (b) TREATMENT OF ACQUIRED CUTTER.—Any cutter
10 acquired using amounts authorized under subsection (a)
11 shall be in addition to the National Security Cutters and
12 Fast Response Cutters approved under the existing acqui-
13 sition baseline in the program of record for the National
14 Security Cutter and Fast Response Cutter.

15 (c) GREAT LAKES ICEBREAKER ACQUISITION.—Of
16 the amounts authorized to be appropriated under section
17 4902(2)(A)(ii) of title 14, United States Code—

18 (1) for fiscal year 2022, \$350,000,000 shall be
19 authorized for the acquisition of a Great Lakes ice-
20 breaker at least as capable as Coast Guard Cutter
21 *Mackinaw* (WLBB-30); and

22 (2) for fiscal year 2023, \$20,000,000 shall be
23 authorized for the design and selection of
24 icebreaking cutters for operation in the Great Lakes,
25 the Northeastern United States, and the Arctic, as

1 appropriate, that are at least as capable as the
2 Coast Guard 140-foot icebreaking tugs.

3 (d) DRUG AND MIGRANT INTERDICTION.—Of the
4 Fast Response Cutters authorized for acquisition under
5 subsection (a), at least 1 shall be used for drug and mi-
6 grant interdiction in the Caribbean Basin (including the
7 Gulf of Mexico).

8 **TITLE II—COAST GUARD**
9 **Subtitle A—Military Personnel**
10 **Matters**

11 **SEC. 201. AUTHORIZED STRENGTH.**

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

14 “(c) The Secretary may vary the authorized end
15 strength of the Coast Guard Selected Reserves for a fiscal
16 year by a number equal to not more than 3 percent of
17 such end strength upon a determination by the Secretary
18 that varying such authorized end strength is in the na-
19 tional interest.

20 “(d) The Commandant may increase the authorized
21 end strength of the Coast Guard Selected Reserves by a
22 number equal to not more than 2 percent of such author-
23 ized end strength upon a determination by the Com-
24 mandant that such increase would enhance manning and

1 readiness in essential units or in critical specialties or rat-
2 ings.”.

3 **SEC. 202. CONTINUATION OF OFFICERS WITH CERTAIN**
4 **CRITICAL SKILLS ON ACTIVE DUTY.**

5 (a) IN GENERAL.—Chapter 21 of title 14, United
6 States Code, is amended by inserting after section 2165
7 the following:

8 **“§ 2166. Continuation on active duty; Coast Guard of-**
9 **ficers with certain critical skills**

10 “(a) IN GENERAL.—The Commandant may authorize
11 an officer in a grade above grade O–2 to remain on active
12 duty after the date otherwise provided for the retirement
13 of such officer in section 2154 of this title, if the officer
14 possesses a critical skill, or specialty, or is in a career field
15 designated pursuant to subsection (b).

16 “(b) CRITICAL SKILLS, SPECIALTY, OR CAREER
17 FIELD.—The Commandant shall designate any critical
18 skill, specialty, or career field eligible for continuation on
19 active duty as provided in subsection (a).

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

1 “(d) POLICY.—The Commandant shall carry out this
2 section by prescribing policy which shall specify the cri-
3 teria to be used in designating any critical skill, specialty,
4 or career field for purposes of subsection (b).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 21 of title 14, United States Code, is amended by in-
7 serting after the item relating to section 2165 the fol-
8 lowing:

“2166. Continuation on active duty; Coast Guard officers with certain critical
skills.”.

9 **SEC. 203. NUMBER AND DISTRIBUTION OF OFFICERS ON**
10 **ACTIVE DUTY PROMOTION LIST.**

11 (a) MAXIMUM NUMBER OF OFFICERS.—Section
12 2103(a) of title 14, United States Code, is amended to
13 read as follows:

14 “(a) MAXIMUM TOTAL NUMBER.—

15 “(1) IN GENERAL.—The total number of Coast
16 Guard commissioned officers on the active duty pro-
17 motion list, excluding warrant officers, shall not ex-
18 ceed—

19 “(A) 7,100 in fiscal year 2022;

20 “(B) 7,200 in fiscal year 2023;

21 “(C) 7,300 in fiscal year 2024; and

22 “(D) 7,400 in fiscal year 2025 and each
23 subsequent fiscal year.

1 “(2) TEMPORARY INCREASE.—Notwithstanding
2 paragraph (1), the Commandant may temporarily
3 increase the total number of commissioned officers
4 permitted under such paragraph by up to 2 percent
5 for no more than 60 days following the date of the
6 commissioning of a Coast Guard Academy class.

7 “(3) NOTIFICATION.—Not later than 30 days
8 after exceeding the total number of commissioned of-
9 ficers permitted under paragraph (1), and each 30
10 days thereafter until the total number of commis-
11 sioned officers no longer exceeds the number of such
12 officers permitted under paragraph (1), the Com-
13 mandant shall notify the Committee on Transpor-
14 tation and Infrastructure of the House of Represent-
15 atives and the Committee on Commerce, Science,
16 and Transportation of the Senate of the number of
17 officers on the active duty promotion list on the last
18 day of the preceding 30-day period.”.

19 (b) OFFICERS NOT ON ACTIVE DUTY PROMOTION
20 LIST.—

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

1 **“§ 5113. Officers not on active duty promotion list**

2 “Not later than 60 days after the date on which the
3 President submits to Congress a budget pursuant to sec-
4 tion 1105 of title 31, the Commandant shall submit to
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate the
8 number of Coast Guard officers serving at other Federal
9 entities on a reimbursable basis but not on the active duty
10 promotion list.”.

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

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

14 **SEC. 204. COAST GUARD BEHAVIORAL HEALTH POLICY.**

15 (a) INTERIM BEHAVIORAL HEALTH POLICY.—Not
16 later than 60 days after the date of enactment of this Act,
17 the Commandant of the Coast Guard shall establish an
18 interim behavioral health policy for members of the Coast
19 Guard equivalent to the policy described in section 5.28
20 (relating to behavioral health) of Department of Defense
21 Instruction 6130.03, volume 2, “Medical Standards for
22 Military Service: Retention”.

23 (b) TERMINATION.—The interim policy established
24 under subsection (a) shall remain in effect until the date
25 on which the Commandant issues a permanent behavior

1 health policy for members of the Coast Guard which is,
2 to the extent practicable, equivalent to such section 5.28.

3 **SEC. 205. IMPROVING REPRESENTATION OF WOMEN AND**
4 **OF RACIAL AND ETHNIC MINORITIES AMONG**
5 **COAST GUARD ACTIVE-DUTY MEMBERS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Commandant of the
8 Coast Guard shall—

9 (1) determine which recommendations in the
10 RAND representation report can practicably be im-
11 plemented to promote improved representation in the
12 Coast Guard of—

13 (A) women; and

14 (B) racial and ethnic minorities; and

15 (2) submit to the Committee on Transportation
16 and Infrastructure of the House of Representatives
17 and the Committee on Commerce, Science, and
18 Transportation of the Senate a report on the actions
19 the Commandant has taken, or plans to take, to im-
20 plement such recommendations.

21 (b) CURRICULUM AND TRAINING.—The Com-
22 mandant shall update, to reflect actions described under
23 subsection (a)(2), the curriculum and training materials
24 used at—

1 (1) officer accession points, including the Coast
2 Guard Academy and the Leadership Development
3 Center;

4 (2) enlisted member accession at the United
5 States Coast Guard Training Center Cape May in
6 Cape May, New Jersey; and

7 (3) the officer, enlisted member, and civilian
8 leadership courses managed by the Leadership De-
9 velopment Center.

10 (c) DEFINITION.—In this section, the term “RAND
11 representation report” means the report titled “Improving
12 the Representation of Women and Racial/Ethnic Minori-
13 ties Among U.S. Coast Guard Active-Duty Members”
14 issued by the Homeland Security Operational Analysis
15 Center of the RAND Corporation on August 11, 2021.

16 **Subtitle B—Operational Matters**

17 **SEC. 206. PILOT PROJECT FOR ENHANCING COAST GUARD**

18 **CUTTER READINESS THROUGH CONDITION-**

19 **BASED MAINTENANCE.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, the Commandant of the
22 Coast Guard shall conduct a pilot project to enhance cut-
23 ter readiness and reduce lost patrol days through the de-
24 ployment of commercially developed condition-based pro-

1 gram standards for cutter maintenance, in accordance
2 with the criteria set forth in subsection (b).

3 (b) CRITERIA FOR CONDITION-BASED MAINTENANCE
4 EVALUATION.—In conducting the pilot project under sub-
5 section (a), the Commandant shall—

6 (1) select at least 1 legacy cutter asset and 1
7 class of cutters under construction with respect to
8 which the application of the pilot project would en-
9 hance readiness;

10 (2) use commercially developed condition-based
11 program standards similar to those applicable to pri-
12 vately owned and operated vessels or vessels owned
13 or operated by other Federal agencies (such as those
14 currently operating under the direction of Military
15 Sealift Command);

16 (3) create and model a full ship digital twin for
17 the cutters selected under paragraph (1);

18 (4) install or modify instrumentation capable of
19 producing full hull, mechanical, and electrical data
20 necessary to analyze cutter operational conditions
21 with active maintenance alerts; and

22 (5) deploy artificial intelligence, prognostic-
23 based integrated maintenance planning modeled
24 after standards described in paragraph (2).

1 (c) REPORT TO CONGRESS.—The Commandant shall
2 submit to the Committee on Commerce, Science, and
3 Transportation of the Senate and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives—

6 (1) an interim report not later than 6 months
7 after the date of enactment of this Act on the
8 progress in carrying out the pilot project described
9 in subsection (a); and

10 (2) a final report not later than 2 years after
11 the date of enactment of this Act on the results of
12 the pilot project described in subsection (a) that in-
13 cludes—

14 (A) options to integrate commercially de-
15 veloped condition-based program standards for
16 cutter maintenance to Coast Guard cutters; and

17 (B) plans to deploy commercially developed
18 condition-based program standards for cutter
19 maintenance to Coast Guard cutters.

20 **SEC. 207. UNMANNED SYSTEMS STRATEGY.**

21 (a) SUBMISSION TO CONGRESS.—Not later than 180
22 days after the date of enactment of this Act, the Com-
23 mandant of the Coast Guard shall submit to the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a detailed de-
2 scription of the strategy of the Coast Guard to implement
3 unmanned systems across mission areas, including—

4 (1) the steps taken to implement actions rec-
5 ommended in the consensus study report of the Na-
6 tional Academies of Sciences, Engineering, and Med-
7 icine published on November 12, 2020, titled
8 “Leveraging Unmanned Systems for Coast Guard
9 Missions: A Strategic Imperative”;

10 (2) the strategic goals and acquisition strategies
11 for proposed uses and procurements of unmanned
12 systems;

13 (3) a strategy to sustain competition and inno-
14 vation for procurement of unmanned systems and
15 services for the Coast Guard, including defining op-
16 portunities for new and existing technologies; and

17 (4) an estimate of the timeline, costs, staff re-
18 sources, technology, or other resources necessary to
19 accomplish the strategy.

20 (b) PILOT PROJECT.—

21 (1) AUTONOMOUS CONTROL AND COMPUTER VI-
22 SION TECHNOLOGY.—The Commandant of the Coast
23 Guard, acting through the Blue Technology Center
24 of Expertise, shall conduct a pilot project to retrofit
25 an existing Coast Guard small boat with—

1 (A) commercially available autonomous
2 control and computer vision technology; and

3 (B) such sensors and methods of commu-
4 nication as are necessary to demonstrate the
5 ability of such control and technology to assist
6 in conducting search and rescue, surveillance,
7 and interdiction missions.

8 (2) COLLECTION OF DATA.—The pilot project
9 under paragraph (1) shall evaluate commercially
10 available products in the field and collect operational
11 data to inform future requirements.

12 (3) BRIEFING.—Not later than 6 months after
13 completing the pilot project required under para-
14 graph (1), the Commandant shall brief the Com-
15 mittee on Transportation and Infrastructure of the
16 House of Representatives and the Committee on
17 commerce, Science, and Transportation of the Sen-
18 ate on the evaluation of the data derived from the
19 project.

20 **SEC. 208. BUDGETING OF COAST GUARD RELATING TO CER-**
21 **TAIN OPERATIONS.**

22 (a) IN GENERAL.—Chapter 51 of title 14, United
23 States Code, is further amended by adding at the end the
24 following:

1 **“§ 5114. Expenses of performing and executing de-**
2 **fense readiness mission activities**

3 “The Commandant of the Coast Guard shall include
4 in the annual budget submission of the President under
5 section 1105(a) of title 31, a dedicated budget line item
6 that adequately represents a calculation of the annual
7 costs and expenditures of performing and executing all de-
8 fense readiness mission activities, including—

9 “(1) all expenses related to the Coast Guard’s
10 coordination, training, and execution of defense
11 readiness mission activities in the Coast Guard’s ca-
12 pacity as an Armed Force (as such term is defined
13 in section 101 of title 10) in support of Department
14 of Defense national security operations and activities
15 or for any other military department or defense
16 agency (as such terms are defined in such section);

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

20 “(3) any other expenses, costs, or matters the
21 Commandant determines appropriate or otherwise of
22 interest to Congress.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 51 of title 14, United States Code, is further amended
25 by adding at the end the following:

“5114. Expenses of performing and executing defense readiness mission activities.”.

1 **SEC. 209. REPORT ON SAN DIEGO MARITIME DOMAIN**
2 **AWARENESS.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Commandant of the Coast Guard shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report containing—

9 (1) an overview of the maritime domain aware-
10 ness in the area of responsibility of the Coast Guard
11 sector responsible for San Diego, California, includ-
12 ing—

13 (A) the average volume of known maritime
14 traffic that transited the area during fiscal
15 years 2020 through 2022;

16 (B) current sensor platforms deployed by
17 such sector to monitor illicit activity occurring
18 at sea in such area;

19 (C) the number of illicit activity incidents
20 at sea in such area that the sector responded to
21 during fiscal years 2020 through 2022;

22 (D) an estimate of the volume of traffic
23 engaged in illicit activity at sea in such area
24 and the type and description of any vessels used

1 to carry out illicit activities that such sector re-
2 sponded to during fiscal years 2020 through
3 2022; and

4 (E) the maritime domain awareness re-
5 quirements to effectively meet the mission of
6 such sector;

7 (2) a description of current actions taken by the
8 Coast Guard to partner with Federal, regional,
9 State, and local entities to meet the maritime do-
10 main awareness needs of such area;

11 (3) a description of any gaps in maritime do-
12 main awareness within the area of responsibility of
13 such sector resulting from an inability to meet the
14 enduring maritime domain awareness requirements
15 of the sector or adequately respond to maritime dis-
16 order;

17 (4) an identification of current technology and
18 assets the Coast Guard has to mitigate the gaps
19 identified in paragraph (3);

20 (5) an identification of capabilities needed to
21 mitigate such gaps, including any capabilities the
22 Coast Guard currently possesses that can be de-
23 ployed to the sector;

1 (6) an identification of technology and assets
2 the Coast Guard does not currently possess and are
3 needed to acquire in order to address such gaps; and

4 (7) an identification of any financial obstacles
5 that prevent the Coast Guard from deploying exist-
6 ing commercially available sensor technology to ad-
7 dress such gaps.

8 **SEC. 210. GREAT LAKES WINTER SHIPPING.**

9 (a) GREAT LAKES ICEBREAKING OPERATIONS.—

10 (1) GOVERNMENT ACCOUNTABILITY OFFICE RE-
11 PORT.—

12 (A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this Act, the
14 Comptroller General of the United States shall
15 submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and
17 the Committee on Transportation and Infra-
18 structure of the House of Representatives a re-
19 port on Coast Guard icebreaking in the Great
20 Lakes.

21 (B) ELEMENTS.—The report required
22 under subparagraph (A) shall—

23 (i) evaluate—

24 (I) the economic impact related
25 to vessel delays or cancellations asso-

1 ciated with ice coverage on the Great
2 Lakes;

3 (II) the impact the standards
4 proposed in paragraph (2) would have
5 on Coast Guard operations in the
6 Great Lakes if such standards were
7 adopted;

8 (III) the fleet mix of medium ice-
9 breakers and icebreaking tugs nec-
10 essary to meet the standards proposed
11 in paragraph (2); and

12 (IV) the resources necessary to
13 support the fleet described in sub-
14 clause (III), including billets for crew
15 and operating costs; and

16 (ii) make recommendations to the
17 Commandant for improvements to the
18 Great Lakes icebreaking program, includ-
19 ing with respect to facilitating shipping
20 and meeting all Coast Guard mission
21 needs.

22 (2) PROPOSED STANDARDS FOR ICEBREAKING
23 OPERATIONS.—The proposed standards, the impact
24 of the adoption of which is evaluated in subclauses

1 (II) and (III) of paragraph (1)(B)(i), are the fol-
2 lowing:

3 (A) Except as provided in subparagraph
4 (B), the ice-covered waterways in the Great
5 Lakes shall be open to navigation not less than
6 90 percent of the hours that vessels engaged in
7 commercial service and ferries attempt to tran-
8 sit such ice-covered waterways.

9 (B) In a year in which the Great Lakes
10 are not open to navigation, as described in sub-
11 paragraph (A), because of ice of a thickness
12 that occurs on average only once every 10
13 years, ice-covered waterways in the Great Lakes
14 shall be open to navigation at least 70 percent
15 of the hours that vessels engaged in commercial
16 service and ferries attempt to transit such ice-
17 covered waterways.

18 (3) REPORT BY COMMANDANT.—Not later than
19 90 days after the date on which the Comptroller
20 General submits the report under paragraph (1), the
21 Commandant shall submit to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and Infra-
24 structure of the House of Representatives a report
25 that includes the following:

1 (A) A plan for Coast Guard implementa-
2 tion of any recommendation made by the Comp-
3 troller General under paragraph (1)(B)(ii) with
4 which the Commandant concurs.

5 (B) With respect to any recommendation
6 made under paragraph (1)(B)(ii) with which
7 the Commandant does not concur, an expla-
8 nation of the reasons why the Commandant
9 does not concur.

10 (C) A review of, and a proposed implemen-
11 tation plan for, the results of the fleet mix anal-
12 ysis under paragraph (1)(B)(i)(III).

13 (D) Any proposed modifications to current
14 Coast Guard standards for icebreaking oper-
15 ations in the Great Lakes.

16 (4) PILOT PROGRAM.—During the 5 ice seasons
17 following the date of enactment of this Act, the
18 Coast Guard shall conduct a pilot program to deter-
19 mine the extent to which the current Coast Guard
20 Great Lakes icebreaking cutter fleet can meet the
21 proposed standards described in paragraph (2).

22 (b) DATA ON ICEBREAKING OPERATIONS IN THE
23 GREAT LAKES.—

24 (1) IN GENERAL.—The Commandant shall col-
25 lect, during ice season, archive, and disseminate data

1 on icebreaking operations and transits on ice-covered
2 waterways in the Great Lakes of vessels engaged in
3 commercial service and ferries.

4 (2) ELEMENTS.—Data collected, archived, and
5 disseminated under paragraph (1) shall include the
6 following:

7 (A) Voyages by vessels engaged in com-
8 mercial service and ferries to transit ice-covered
9 waterways in the Great Lakes that are delayed
10 or canceled because of the nonavailability of a
11 suitable icebreaking vessel.

12 (B) Voyages attempted by vessels engaged
13 in commercial service and ferries to transit ice-
14 covered waterways in the Great Lakes that do
15 not reach their intended destination because of
16 the nonavailability of a suitable icebreaking ves-
17 sel.

18 (C) The period of time that each vessel en-
19 gaged in commercial service or ferry was de-
20 layed in getting underway or during a transit of
21 ice-covered waterways in the Great Lakes due
22 to the nonavailability of a suitable icebreaking
23 vessel.

24 (D) The period of time elapsed between
25 each request for icebreaking assistance by a

1 vessel engaged in commercial service or ferry
2 and the arrival of a suitable icebreaking vessel
3 and whether such icebreaking vessel was a
4 Coast Guard or commercial asset.

5 (E) The percentage of hours that Great
6 Lakes ice-covered waterways were open to navi-
7 gation while vessels engaged in commercial
8 service and ferries attempted to transit such
9 waterways for each ice season after the date of
10 enactment of this Act.

11 (F) Relevant communications of each ves-
12 sel engaged in commercial service or ferry with
13 the Coast Guard or commercial icebreaking
14 service providers with respect to subparagraphs
15 (A) through (D).

16 (G) A description of any mitigating cir-
17 cumstance, such as Coast Guard Great Lakes
18 icebreaker diversions to higher priority mis-
19 sions, that may have contributed to the amount
20 of time described in subparagraphs (C) and (D)
21 or the percentage of time described in subpara-
22 graph (E).

23 (3) VOLUNTARY REPORTING.—Any reporting by
24 operators of commercial vessels engaged in commer-

1 cial service or ferries under this section shall be vol-
2 untary.

3 (4) PUBLIC AVAILABILITY.—The Commandant
4 shall make the data collected, archived, and dissemi-
5 nated under this subsection available to the public
6 on a publicly accessible internet website of the Coast
7 Guard.

8 (5) CONSULTATION WITH INDUSTRY.—With re-
9 spect to the Great Lakes icebreaking operations of
10 the Coast Guard and the development of the data
11 collected, archived, and disseminated under this sub-
12 section, the Commandant shall consult operators
13 of—

14 (A) vessels engaged in commercial service;

15 and

16 (B) ferries.

17 (c) REPORT ON COMMON HULL DESIGN.—Section
18 8105 of the William M. (Mac) Thornberry National De-
19 fense Authorization Act for Fiscal Year 2021 (Public Law
20 116–283) is amended by striking subsection (b) and in-
21 serting the following:

22 “(b) REPORT.—Not later than 90 days after the date
23 of enactment of this subsection, the Commandant shall
24 submit to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives a report on the operational benefits and limi-
3 tations of a common hull design for icebreaking cutters
4 for operation in the Great Lakes, the Northeastern United
5 States, and the Arctic, as appropriate, that are at least
6 as capable as the Coast Guard 140-foot icebreaking
7 tugs.”.

8 (d) DEFINITIONS.—In this section:

9 (1) COMMERCIAL SERVICE.—The term “com-
10 mercial service” has the meaning given such term in
11 section 2101 of title 46, United States Code.

12 (2) GREAT LAKES.—The term “Great
13 Lakes”—

14 (A) has the meaning given such term in
15 section 118 of the Federal Water Pollution
16 Control Act (33 U.S.C. 1268); and

17 (B) includes harbors adjacent to such
18 waters.

19 (3) ICE-COVERED WATERWAY.—The term “ice-
20 covered waterway” means any portion of the Great
21 Lakes in which vessels engaged in commercial serv-
22 ice or ferries operate that is 70 percent or greater
23 covered by ice, but does not include any waters adja-
24 cent to piers or docks for which commercial

1 icebreaking services are available and adequate for
2 the ice conditions.

3 (4) OPEN TO NAVIGATION.—The term “open to
4 navigation” means navigable to the extent necessary
5 to—

6 (A) meet the reasonable demands of ship-
7 ping;

8 (B) minimize delays to passenger ferries;

9 (C) extricate vessels and persons from dan-
10 ger;

11 (D) prevent damage due to flooding; and

12 (E) conduct other Coast Guard missions,
13 as required.

14 (5) REASONABLE DEMANDS OF SHIPPING.—The
15 term “reasonable demands of shipping” means the
16 safe movement of vessels engaged in commercial
17 service and ferries transiting ice-covered waterways
18 in the Great Lakes to their intended destination, re-
19 gardless of type of cargo.

20 **SEC. 211. CENTER OF EXPERTISE FOR GREAT LAKES OIL**
21 **SPILL SEARCH AND RESPONSE.**

22 Section 807(d) of the Frank LoBiondo Coast Guard
23 Authorization Act of 2018 (14 U.S.C. 313 note) is amend-
24 ed to read as follows:

1 “(d) DEFINITION.—In this section, the term ‘Great
2 Lakes’ means—

3 “(1) Lake Ontario;

4 “(2) Lake Erie;

5 “(3) Lake Huron (including Lake St. Clair);

6 “(4) Lake Michigan;

7 “(5) Lake Superior; and

8 “(6) the connecting channels (including the fol-
9 lowing rivers and tributaries of such rivers: Saint
10 Mary’s River, Saint Clair River, Detroit River, Niag-
11 ara River, Illinois River, Chicago River, Fox River,
12 Grand River, St. Joseph River, St. Louis River, Me-
13 nominee River, Muskegon River, Kalamazoo River,
14 and Saint Lawrence River to the Canadian bor-
15 der).”.

16 **SEC. 212. STUDY ON LAYDOWN OF COAST GUARD CUTTERS.**

17 Not later than 120 days after the date of enactment
18 of this Act, the Secretary of Homeland Security, in con-
19 sultation with the Secretary of Transportation, shall con-
20 duct a study on the laydown of Coast Guard Fast Re-
21 sponse Cutters to assess Coast Guard mission readiness
22 and to identify areas of need for asset coverage.

1 **Subtitle C—Other Matters**

2 **SEC. 213. RESPONSES OF COMMANDANT OF THE COAST**
3 **GUARD TO SAFETY RECOMMENDATIONS.**

4 (a) IN GENERAL.—Chapter 7 of title 14, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 721. Responses to safety recommendations**

8 “(a) IN GENERAL.—Not later than 90 days after the
9 submission to the Commandant of the Coast Guard of a
10 recommendation by the National Transportation Safety
11 Board relating to transportation safety, the Commandant
12 shall submit to the Board a written response to each rec-
13 ommendation, which shall include whether the Com-
14 mandant—

15 “(1) concurs with the recommendation;

16 “(2) partially concurs with the recommendation;

17 or

18 “(3) does not concur with the recommendation.

19 “(b) EXPLANATION OF CONCURRENCE.—A response
20 under subsection (a) shall include—

21 “(1) with respect to a recommendation to which
22 the Commandant concurs, an explanation of the ac-
23 tions the Commandant intends to take to implement
24 such recommendation;

1 281) is transferred to chapter 5 of title 14, United
2 States Code, inserted after section 508, redesignated
3 as section 509, and amended so that the enu-
4 merator, section heading, typeface, and typestyle
5 conform to those appearing in other sections in title
6 46, United States Code.

7 (2) CLERICAL AMENDMENTS.—

8 (A) COAST GUARD AUTHORIZATION ACT OF
9 2010.—The table of contents in section 1(b) of
10 the Coast Guard Authorization Act of 2010
11 (Public Law 111–281) is amended by striking
12 the item relating to section 914.

13 (B) TITLE 46.—The analysis for chapter 5
14 of title 14, United States Code, is amended by
15 inserting after the item relating to section 508
16 the following:

“509. Conveyance of Coast Guard vessels for public purposes.”.

17 (b) CONVEYANCE OF COAST GUARD VESSELS FOR
18 PUBLIC PURPOSES.—Section 509 of title 14, United
19 States Code (as transferred and redesignated under sub-
20 section (a)), is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) IN GENERAL.—At the request of the Com-
24 mandant, the Administrator of the General Services Ad-
25 ministration may transfer ownership of a Coast Guard

1 vessel or aircraft to an eligible entity for use for edu-
2 cational, cultural, historical, charitable, recreational, or
3 other public purposes if such transfer is authorized by
4 law.”; and

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by inserting “as if such a request
8 were being processed” after “vessels”; and

9 (ii) by inserting “, as in effect on the
10 date of enactment of the Don Young Coast
11 Guard Authorization Act of 2022” after
12 “Code of Federal Regulations”; and

13 (B) in paragraph (2) by inserting “, as in
14 effect on the date of enactment of the Don
15 Young Coast Guard Authorization Act of 2022”
16 after “such title”.

17 **SEC. 215. ACQUISITION LIFE-CYCLE COST ESTIMATES.**

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

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

1 “(A) such life-cycle cost estimates be up-
2 dated before—

3 “(i) each milestone decision is con-
4 cluded; and

5 “(ii) the project or program enters a
6 new acquisition phase; and

7 “(B) an independent cost estimate or inde-
8 pendent cost assessment, as appropriate, be de-
9 veloped to validate such life-cycle cost estimates
10 developed under paragraph (1).”.

11 **SEC. 216. NATIONAL COAST GUARD MUSEUM FUNDING**
12 **PLAN.**

13 Section 316(c)(4) of title 14, United States Code, is
14 amended by striking “the Inspector General of the depart-
15 ment in which the Coast Guard is operating” and insert-
16 ing “a third party entity qualified to undertake such a
17 certification process”.

18 **SEC. 217. REPORT ON COAST GUARD EXPLOSIVE ORD-**
19 **NANCE DISPOSAL.**

20 (a) **IN GENERAL.**—Not later than 1 year after the
21 date of enactment of this Act, the Commandant of the
22 Coast Guard shall submit to the Committee on Transpor-
23 tation and Infrastructure of the House of Representatives
24 and the Committee on Commerce, Science, and Transpor-
25 tation of the Senate a report on the viability of estab-

1 lishing an explosive ordnance disposal program (herein-
2 after referred to as the “Program”) in the Coast Guard.

3 (b) CONTENTS.—The report required under sub-
4 section (a) shall contain, at a minimum, an explanation
5 of the following with respect to such a Program:

6 (1) Where within the organizational structure
7 of the Coast Guard the Program would be located,
8 including a discussion of whether the Program
9 should reside in—

10 (A) Maritime Safety and Security Teams;

11 (B) Maritime Security Response Teams;

12 (C) a combination of the teams described
13 under subparagraphs (A) and (B); or

14 (D) elsewhere within the Coast Guard.

15 (3) The vehicles and dive craft that are Coast
16 Guard airframe and vessel transportable that would
17 be required for the transportation of explosive ord-
18 nance disposal elements.

19 (4) The Coast Guard stations at which—

20 (A) portable explosives storage magazines
21 would be available for explosive ordnance dis-
22 posal elements; and

23 (B) explosive ordnance disposal elements
24 equipment would be pre-positioned.

1 (5) How the Program would support other ele-
2 ments within the Department of Homeland Security,
3 the Department of Justice, and in wartime, the De-
4 partment of Defense to—

5 (A) counter improvised explosive devices;

6 (B) counter unexploded ordnance;

7 (C) combat weapons of destruction;

8 (D) provide service in support of the Presi-
9 dent; and

10 (E) support national security special
11 events.

12 (6) The career progression of Coast Guardsman
13 participating in the Program from—

14 (A) Seaman Recruit to Command Master
15 Chief Petty Officer;

16 (B) Chief Warrant Officer 2 to that of
17 Chief Warrant Officer 4; and

18 (C) Ensign to that of Rear Admiral.

19 (7) Initial and annual budget justification esti-
20 mates on a single program element of the Program
21 for—

22 (A) civilian and military pay with details
23 on military pay, including special and incentive
24 pays such as—

25 (i) officer responsibility pay;

- 1 (ii) officer SCUBA diving duty pay;
- 2 (iii) officer demolition hazardous duty
- 3 pay;
- 4 (iv) enlisted SCUBA diving duty pay;
- 5 (v) enlisted demolition hazardous duty
- 6 pay;
- 7 (vi) enlisted special duty assignment
- 8 pay at level special duty-5;
- 9 (vii) enlisted assignment incentive
- 10 pays;
- 11 (viii) enlistment and reenlistment bo-
- 12 nuses;
- 13 (ix) officer and enlisted full civilian
- 14 clothing allowances;
- 15 (x) an exception to the policy allowing
- 16 a third hazardous duty pay for explosive
- 17 ordnance disposal-qualified officers and en-
- 18 listed; and
- 19 (xi) parachutist hazardous duty pay;
- 20 (B) research, development, test, and eval-
- 21 uation;
- 22 (C) procurement;
- 23 (D) other transaction agreements;
- 24 (E) operations and support; and
- 25 (F) overseas contingency operations.

1 **SEC. 218. PRIBILOF ISLAND TRANSITION COMPLETION AC-**
2 **TIONS.**

3 (a) EXTENSIONS.—Section 524 of the Pribilof Island
4 Transition Completion Act of 2016 (Public Law 114–120)
5 is amended—

6 (1) in subsection (b)(5) by striking “5 years”
7 and inserting “6 years”; and

8 (2) in subsection (c)(3) by striking “60 days”
9 and inserting “120 days”.

10 (b) ACTUAL USE AND OCCUPANCY REPORTS.—Not
11 later than 90 days after enactment of this Act, and quar-
12 terly thereafter, the Secretary of the department in which
13 the Coast Guard is operating shall submit to the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report de-
17 scribing—

18 (1) the degree to which Coast Guard personnel
19 and equipment are deployed to St. Paul Island,
20 Alaska, in actual occupancy of the facilities, as re-
21 quired under section 524 of the Pribilof Island
22 Transition Completion Act of 2016 (Public Law
23 114–120); and

24 (2) the status of the activities described in sub-
25 sections (c) and (d) until such activities have been
26 completed.

1 (c) AIRCRAFT HANGER.—The Secretary may—

2 (1) enter into a lease for a hangar to house de-
3 ployed Coast Guard aircraft if such hangar was pre-
4 viously under lease by the Coast Guard for purposes
5 of housing such aircraft; and

6 (2) may enter into an agreement with the lessor
7 of such a hangar in which the Secretary may carry
8 out repairs necessary to support the deployment of
9 such aircraft and the cost such repairs may be offset
10 under the terms of the lease.

11 (d) FUEL TANK.—

12 (1) DETERMINATION.—Not later than 30 days
13 after the date of enactment of this Act, the Sec-
14 retary shall determine whether the fuel tank located
15 on St. Paul Island, Alaska, that is owned by the
16 Coast Guard is needed for Coast Guard operations.

17 (2) TRANSFER.—Subject to paragraph (3), if
18 the Secretary determines such tank is not needed for
19 operations, the Secretary shall, not later than 90
20 days after making such determination, transfer such
21 tank to the Alaska Native Village Corporation for
22 St. Paul Island, Alaska.

23 (3) FAIR MARKET VALUE EXCEPTION.—The
24 Secretary may only carry out a transfer under para-
25 graph (2) if the fair market value of such tank is

1 less than the aggregate value of any lease payments
2 for the property on which the tank is located that
3 the Coast Guard would have paid to the Alaska Na-
4 tive Village Corporation for St. Paul Island, Alaska,
5 had such lease been extended at the same rate.

6 (e) SAVINGS CLAUSE.—Nothing in this section shall
7 be construed to limit any rights of the Alaska Native Vil-
8 lage Corporation for St. Paul to receive conveyance of all
9 or part of the lands and improvements related to Tract
10 43 under the same terms and conditions as prescribed in
11 section 524 of the Pribilof Island Transition Completion
12 Act of 2016 (Public Law 114–120).

13 **SEC. 219. NOTIFICATION OF COMMUNICATION OUTAGES.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Commandant of the Coast Guard shall
16 submit to the Committee on Transportation and Infra-
17 structure of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate a report that—

20 (1) contains a plan for the Coast Guard to no-
21 tify mariners of radio outages for towers owned and
22 operated by the Coast Guard in District 17;

23 (2) address in such plan how the Coast Guard
24 in District 17 will—

1 (A) disseminate outage updates regarding
2 outages on social media at least every 48 hours;

3 (B) provide updates on a publicly acces-
4 sible website at least every 48 hours;

5 (C) develop methods for notifying mariners
6 where cellular connectivity does not exist;

7 (D) generate receipt confirmation and ac-
8 knowledgment of outages from mariners; and

9 (E) develop and advertise a web-based
10 communications update hub on AM/FM radio
11 for mariners; and

12 (3) identifies technology gaps necessary to im-
13 plement the plan and provide a budgetary assess-
14 ment necessary to implement the plan.

15 **TITLE III—MARITIME**

16 **Subtitle A—Shipping**

17 **SEC. 301. NONOPERATING INDIVIDUAL.**

18 Section 8313(b) of the William M. (Mac) Thornberry
19 National Defense Authorization Act for Fiscal Year 2021
20 (Public Law 116–283) is amended by striking “the date
21 that is 2 years after the date of the enactment of this
22 Act” and inserting “January 1, 2025”.

23 **SEC. 302. OCEANOGRAPHIC RESEARCH VESSELS.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of enactment of this Act, the Secretary of

1 Transportation, in consultation with the Secretary of the
2 department in which the Coast Guard is operating, shall
3 submit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report detailing the total number of vessels
7 known or estimated to operate or to have operated under
8 section 50503 of title 46, United States Code, during each
9 of the past 10 fiscal years.

10 (b) CONTENTS.—The report required by subsection
11 (a) shall include the following elements:

12 (1) The total number of foreign-flagged vessels
13 known or estimated to operate or to have operated
14 as oceanographic research vessels (as such term is
15 defined in section 2101 of title 46, United States
16 Code) during each of the past 10 fiscal years.

17 (2) The total number of United States-flagged
18 vessels known or estimated to operate or to have op-
19 erated as oceanographic research vessels (as such
20 term is defined section 2101 of title 46, United
21 States Code) during each of the past 10 fiscal years.

22 **SEC. 303. ATLANTIC COAST PORT ACCESS ROUTES BRIEF-**
23 **ING.**

24 Not later than 30 days after the date of enactment
25 of this Act, and every 30 days thereafter until the require-

1 ments of section 70003 of title 46, United States Code,
2 are fully executed with respect to the Atlantic Coast Port
3 Access Route, the Secretary of the department in which
4 the Coast Guard is operating shall brief the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate on any progress
8 made to execute such requirements.

9 **Subtitle B—Vessel Safety**

10 **SEC. 304. FISHING VESSEL SAFETY.**

11 (a) IN GENERAL.—Chapter 45 of title 46, United
12 States Code, is amended—

13 (1) in section 4502(f)(2) by striking “certain
14 vessels described in subsection (b) if requested by
15 the owner or operator; and” and inserting “vessels
16 described in subsection (b) if—

17 “(A) requested by an owner or operator; or

18 “(B) the vessel is—

19 “(i) at least 50 feet overall in length;

20 “(ii) built before July 1, 2013; and

21 “(iii) 25 years of age or older; and”;

22 (2) in section 4503(b) by striking “Except as
23 provided in section 4503a, subsection (a)” and in-
24 serting “Subsection (a)”; and

25 (3) by repealing section 4503a.

1 (b) ALTERNATIVE SAFETY COMPLIANCE AGREE-
2 MENTS.—Nothing in this section or the amendments made
3 by this section shall be construed to affect or apply to any
4 alternative compliance and safety agreement entered into
5 by the Coast Guard that is in effect on the date of enact-
6 ment of this Act.

7 (c) CONFORMING AMENDMENTS.—The table of sec-
8 tions in chapter 45 of title 46, United States Code, is
9 amended by striking the item relating to section 4503a.

10 **SEC. 305. REQUIREMENTS FOR DUKW-TYPE AMPHIBIOUS**
11 **PASSENGER VESSELS.**

12 (a) REGULATIONS REQUIRED.—Not later than 1 year
13 after the date of enactment of this Act, the Commandant
14 of the Coast Guard shall issue regulations for DUKW-type
15 amphibious passenger vessels operating in waters subject
16 to the jurisdiction of the United States, as defined in sec-
17 tion 2.38 of title 33, Code of Federal Regulations (as in
18 effect on the date of enactment of this Act).

19 (b) DEADLINE FOR COMPLIANCE.—The regulations
20 issued under subsection (a) shall take effect not later than
21 24 months after the date of enactment of this Act.

22 (c) REQUIREMENTS.—The regulations required
23 under subsection (a) shall include the following:

24 (1) A requirement that operators of DUKW-
25 type amphibious passenger vessels provide reserve

1 buoyancy for such vessels through passive means, in-
2 cluding watertight compartmentalization, built-in flo-
3 tation, or such other means as determined appro-
4 priate by the Commandant, in order to ensure that
5 such vessels remain afloat and upright in the event
6 of flooding, including when carrying a full com-
7 plement of passengers and crew.

8 (2) A requirement that an operator of a
9 DUKW-type amphibious passenger vessel—

10 (A) review and notate the forecast of the
11 National Weather Service of the National Oce-
12 anic and Atmospheric Administration in the
13 logbook of the vessel before getting underway
14 and periodically while underway;

15 (B) proceed to the nearest harbor or safe
16 refuge in any case in which a watch or warning
17 is issued for wind speeds exceeding the wind
18 speed equivalent used to certify the stability of
19 such DUKW-type amphibious passenger vessel;
20 and

21 (C) maintain and monitor a weather mon-
22 itor radio receiver at the operator station of the
23 vessel that is automatically activated by the
24 warning alarm device of the National Weather
25 Service.

1 (3) A requirement that—

2 (A) operators of DUKW-type amphibious
3 passenger vessels inform passengers that seat
4 belts may not be worn during waterborne oper-
5 ations;

6 (B) before the commencement of water-
7 borne operations, a crew member shall visually
8 check that the seatbelt of each passenger is un-
9 buckled; and

10 (C) operators or crew maintain a log re-
11 cording the actions described in subparagraphs
12 (A) and (B).

13 (4) A requirement for annual training for oper-
14 ators and crew of DUKW-type amphibious pas-
15 sengers vessels, including—

16 (A) training for personal flotation and seat
17 belt requirements, verifying the integrity of the
18 vessel at the onset of each waterborne depar-
19 ture, identification of weather hazards, and use
20 of National Weather Service resources prior to
21 operation; and

22 (B) training for crew to respond to emer-
23 gency situations, including flooding, engine
24 compartment fires, man-overboard situations,
25 and in water emergency egress procedures.

1 (d) CONSIDERATION.—In issuing the regulations re-
2 quired under subsection (a), the Commandant shall con-
3 sider whether personal flotation devices should be required
4 for the duration of the waterborne transit of a DUKW-
5 type amphibious passenger vessel.

6 (e) INTERIM REQUIREMENTS.—Beginning on the
7 date on which the regulations under subsection (a) are
8 issued, the Commandant shall require that operators of
9 DUKW-type amphibious passenger vessels that are not in
10 compliance with such regulations shall be subject to the
11 following requirements:

12 (1) Remove the canopies and any window cov-
13 erings of such vessels for waterborne operations, or
14 install in such vessels a canopy that does not restrict
15 horizontal or vertical escape by passengers in the
16 event of flooding or sinking.

17 (2) If a canopy and window coverings are re-
18 moved from any such vessel pursuant to paragraph
19 (1), require that all passengers wear a personal flo-
20 tation device approved by the Coast Guard before
21 the onset of waterborne operations of such vessel.

22 (3) Reengineer such vessels to permanently
23 close all unnecessary access plugs and reduce all
24 through-hull penetrations to the minimum number
25 and size necessary for operation.

1 (4) Install in such vessels independently pow-
2 ered electric bilge pumps that are capable of
3 dewatering such vessels at the volume of the largest
4 remaining penetration in order to supplement an op-
5 erable Higgins pump or a dewatering pump of equiv-
6 alent or greater capacity.

7 (5) Install in such vessels not fewer than 4
8 independently powered bilge alarms.

9 (6) Conduct an in-water inspection of any such
10 vessel after each time a through-hull penetration of
11 such vessel has been removed or uncovered.

12 (7) Verify through an in-water inspection the
13 watertight integrity of any such vessel at the outset
14 of each waterborne departure of such vessel.

15 (8) Install underwater LED lights that activate
16 automatically in an emergency.

17 (9) Otherwise comply with any other provisions
18 of relevant Coast Guard guidance or instructions in
19 the inspection, configuration, and operation of such
20 vessels.

21 **SEC. 306. EXONERATION AND LIMITATION OF LIABILITY**
22 **FOR SMALL PASSENGERS VESSELS.**

23 (a) RESTRUCTURING.—Chapter 305 of title 46,
24 United States Code, is amended—

1 (1) by inserting the following before section
2 30501 the following:

3 **“Subchapter I—General Provisions”;**

4 (2) by inserting the following before section
5 30503:

6 **“Subchapter II—Exoneration and Limitation
7 of Liability”;**

8 and

9 (3) by redesignating sections 30503 through
10 30512 as sections 30521 through 30530, respec-
11 tively.

12 (b) DEFINITIONS.—Section 30501 of title 46, United
13 States Code, is amended to read as follows:

14 **“§ 30501. Definitions**

15 “In this chapter:

16 “(1) COVERED SMALL PASSENGER VESSEL.—

17 The term ‘covered small passenger vessel’—

18 “(A) means a small passenger vessel, as
19 defined in section 2101 that is—

20 “(i) not a wing-in-ground craft; and

21 “(ii) carrying—

22 “(I) not more than 49 passengers
23 on an overnight domestic voyage; and

1 “(II) not more than 150 pas-
2 sengers on any voyage that is not an
3 overnight domestic voyage; and

4 “(B) includes any wooden vessel con-
5 structed prior to March 11, 1996, carrying at
6 least 1 passenger for hire.

7 “(2) OWNER.—The term ‘owner’ includes a
8 charterer that mans, supplies, and navigates a vessel
9 at the charterer’s own expense or by the charterer’s
10 own procurement.”.

11 (c) CLERICAL AMENDMENT.—The item relating to
12 section 30501 in the analysis for chapter 305 of title 46,
13 United States Code, is amended to read as follows:

 “30501. Definitions.”.

14 (d) APPLICABILITY.—Section 30502 of title 46,
15 United States Code, is amended by inserting “as to cov-
16 ered small passenger vessels, and” before “as otherwise
17 provided”.

18 (e) PROVISIONS REQUIRING NOTICE OF CLAIM OR
19 LIMITING TIME FOR BRINGING ACTION.—Section 30526
20 of title 46, United States Code, as redesignated by sub-
21 section (a), is amended—

22 (1) in subsection (a), by inserting “and covered
23 small passenger vessels” after “seagoing vessels”;

24 (2) in subsection (b)(1), by striking “6 months”
25 and inserting “2 years”; and

1 (3) in subsection (b)(2), by striking “one year”
2 and inserting “2 years”.

3 (f) TABLES OF SUBCHAPTERS AND TABLES OF SEC-
4 TIONS.—The table of sections for chapter 305 of title 46,
5 United States Code, is amended—

6 (1) by inserting before section 30501 the fol-
7 lowing:

“SUBCHAPTER I—GENERAL PROVISIONS”;

8 (2) by inserting after section 30502 the fol-
9 lowing:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

10 and

11 (3) by redesignating the items relating to sec-
12 tions 30503 through 30512 as items relating to sec-
13 tions 30521 through 30530, respectively.

14 (g) CONFORMING AMENDMENTS.—Title 46, United
15 States Code, is further amended—

16 (1) in section 14305(a)(5), by striking “section
17 30506” and inserting “section 30524”;

18 (2) in section 30523(a), as redesignated by sub-
19 section (a), by striking “section 30506” and insert-
20 ing “section 30524”;

21 (3) in section 30524(b), as redesignated by sub-
22 section (a), by striking “section 30505” and insert-
23 ing “section 30523”; and

1 (4) in section 30525, as redesignated by sub-
2 section (a)—

3 (A) in the matter preceding paragraph (1),
4 by striking “sections 30505 and 30506” and in-
5 serting “sections 30523 and 30524”;

6 (B) in paragraph (1) by striking “section
7 30505” and inserting “section 30523”; and

8 (C) in paragraph (2) by striking “section
9 30506(b)” and inserting “section 30524(b)”.

10 **SEC. 307. AUTOMATIC IDENTIFICATION SYSTEM REQUIRE-**
11 **MENTS.**

12 (a) REQUIREMENT FOR FISHING VESSELS TO HAVE
13 AUTOMATIC IDENTIFICATION SYSTEMS.—Section
14 70114(a)(1) of title 46, United States Code, is amended—

15 (1) by striking “, while operating on the navi-
16 gable waters of the United States,”;

17 (2) by redesignating subparagraphs (A) through
18 (D) as clauses (i) through (iv);

19 (3) by inserting before clauses (i) through (iv),
20 as redesignated by paragraph (2), the following:

21 “(A) While operating on the navigable waters of
22 the United States:”; and

23 (4) by adding at the end the following:

24 “(B) A vessel of the United States that is more
25 than 65 feet overall in length, while engaged in fish-

1 ing, fish processing, or fish tendering operations on
2 the navigable waters of the United States or in the
3 United States exclusive economic zone.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary of Com-
6 merce for fiscal year 2022, \$5,000,000, to remain avail-
7 able until expended, to purchase automatic identification
8 systems for fishing vessels, fish processing vessels, fish
9 tender vessels more than 50 feet in length, as described
10 under this section and the amendments made by this sec-
11 tion.

12 **Subtitle C—Shipbuilding Program**

13 **SEC. 308. QUALIFIED VESSEL.**

14 (a) ELIGIBLE VESSEL.—Section 53501(2) of title 46,
15 United States Code, is amended—

16 (1) in subparagraph (A)(iii) by striking “and”
17 at the end;

18 (2) in subparagraph (B)(v) by striking the pe-
19 riod at the end and inserting a semicolon; and

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

21 “(C) a ferry, as such term is defined in
22 section 2101; and

23 “(D) a passenger vessel or small passenger
24 vessel, as such terms are defined in section

1 2101, that has a passenger capacity of 50 pas-
2 sengers or greater.”.

3 (b) QUALIFIED VESSEL.—Section 53501(5) of title
4 46, United States Code, is amended—

5 (1) in subparagraph (A)(iii) by striking “and”
6 at the end;

7 (2) in subparagraph (B)(v) by striking the pe-
8 riod at the end and inserting a semicolon; and

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

10 “(C) a ferry, as such term is defined in
11 section 2101; and

12 “(D) a passenger vessel or small passenger
13 vessel, as such terms are defined in section
14 2101, that has a passenger capacity of 50 pas-
15 sengers or greater.”.

16 **SEC. 309. ESTABLISHING A CAPITAL CONSTRUCTION FUND.**

17 Section 53503(b) of title 46, United States Code, is
18 amended by inserting “(including transportation on a
19 ferry, passenger vessel, or small passenger vessel, as such
20 terms are defined in section 2101, that has a passenger
21 capacity of 50 passengers or greater)” after “short sea
22 transportation”.

1 **TITLE IV—FEDERAL MARITIME**
2 **COMMISSION**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Ocean Shipping Re-
5 form Act of 2022”.

6 **SEC. 402. PURPOSES.**

7 Section 40101 of title 46, United States Code, is
8 amended by striking paragraphs (2) through (4) and in-
9 serting the following:

10 “(2) ensure an efficient and competitive trans-
11 portation system for the common carriage of goods
12 by water in the foreign commerce of the United
13 States that is, as far as possible, in harmony with
14 fair and equitable international shipping practices;

15 “(3) encourage the development of a competi-
16 tive and efficient liner fleet of vessels of the United
17 States capable of meeting national security and com-
18 merce needs of the United States;

19 “(4) support the growth and development of
20 United States exports through a competitive and ef-
21 ficient system for the common carriage of goods by
22 water in the foreign commerce of the United States
23 and by placing a greater reliance on the market-
24 place; and

1 “(5) promote reciprocal trade in the common
2 carriage of goods by water in the foreign commerce
3 of the United States.”.

4 **SEC. 403. SERVICE CONTRACTS.**

5 Section 40502 of title 46, United States Code, is
6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (7) by striking “; and”
9 and inserting a semicolon;

10 (B) in paragraph (8) by striking the period
11 and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(9) any other essential terms or minimum con-
14 tract requirements that the Federal Maritime Com-
15 mission determines necessary or appropriate.”; and

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

17 “(g) **SERVICE CONTRACT REQUIREMENT.**—With re-
18 spect to service contracts entered into under this section,
19 a common carrier shall establish, observe, and enforce just
20 and reasonable regulations and practices relating to essen-
21 tial terms and minimum contract requirements the Com-
22 mission determines are necessary or appropriate under
23 subsection (c)(9).”.

1 **SEC. 404. SHIPPING EXCHANGE REGISTRY.**

2 (a) IN GENERAL.—Chapter 405 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 40504. Shipping exchange registry**

6 “(a) IN GENERAL.—No person may operate a ship-
7 ping exchange involving ocean transportation in the for-
8 eign commerce of the United States unless the shipping
9 exchange is registered as a national shipping exchange
10 under the terms and conditions provided in this section
11 and the regulations issued pursuant to this section.

12 “(b) REGISTRATION.—A person shall register a ship-
13 ping exchange by filing with the Federal Maritime Com-
14 mission an application for registration in such form as the
15 Commission, by rule, may prescribe containing the rules
16 of the exchange and such other information and docu-
17 ments as the Commission, by rule, may prescribe as nec-
18 essary or appropriate in the public interest.

19 “(c) EXEMPTION.—The Commission may exempt,
20 conditionally or unconditionally, a shipping exchange from
21 registration and licensing under this section if the Com-
22 mission finds that the shipping exchange is subject to com-
23 parable, comprehensive supervision and regulation by the
24 appropriate governmental authorities in the home country
25 of the shipping exchange.

1 “(d) REGULATIONS.—In issuing regulations pursu-
2 ant to subsection (a), the Commission shall set standards
3 necessary to carry out subtitle IV for registered national
4 shipping exchanges, including the minimum requirements
5 for service contracts established under section 40502, and
6 issue licenses for registered national shipping exchanges.

7 “(e) DEFINITION.—In this subsection, the term ‘ship-
8 ping exchange’ means a platform, digital, over-the-counter
9 or otherwise, which connects shippers with common car-
10 riers (both vessel-operating and non-vessel-operating) for
11 the purpose of entering into underlying agreements or con-
12 tracts for the transport of cargo, by vessel or other modes
13 of transportation.”.

14 (b) APPLICABILITY.—The registration requirement
15 under section 40504 of title 46, United States Code (as
16 added by this section), shall take effect on the date on
17 which the Federal Maritime Commission issues regula-
18 tions required under subsection (d) of such section.

19 (c) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 405 of title 46, United States Code, is amended by
21 adding at the end the following:

“40504. Shipping exchange registry.”.

22 **SEC. 405. DATA COLLECTION.**

23 (a) IN GENERAL.—Chapter 411 of title 46, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 41110. Data collection**

2 “(a) IN GENERAL.—Common carriers covered under
3 this chapter shall submit to the Federal Maritime Com-
4 mission a calendar quarterly report that describes the
5 total import and export tonnage and the total loaded and
6 empty 20-foot equivalent units per vessel (making port in
7 the United States, including any territory or possession
8 of the United States) operated by such common carrier.

9 “(b) PROHIBITION ON DUPLICATION.—Data required
10 to be reported under subsection (a) may not duplicate in-
11 formation—

12 “(1) submitted to the Corps of Engineers pur-
13 suant to section 11 of the Act entitled ‘An Act au-
14 thorizing the construction, repair, and preservation
15 of certain public works on rivers and harbors, and
16 for other purposes’, approved September 22, 1922
17 (33 U.S.C. 555), by an ocean common carrier acting
18 as a vessel operator; or

19 “(2) submitted pursuant to section 481 of the
20 Tariff Act of 1930 (19 U.S.C. 1481) to U.S. Cus-
21 toms and Border Protection by merchandise import-
22 ers.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 411 of title 46, United States Code, is amended by
25 adding at the end the following:

“41110. Data collection.”.

1 **SEC. 406. NATIONAL SHIPPER ADVISORY COMMITTEE.**

2 (a) NATIONAL SHIPPER ADVISORY COMMITTEE.—
3 Section 42502(c)(3) of title 46, United States Code, is
4 amended by inserting “, including customs brokers or
5 freight forwarders” after “ocean common carriers” each
6 place such term occurs.

7 (b) ANALYSIS.—The analysis for chapter 425 of title
8 46, United States Code, is amended by inserting before
9 the item relating to section 42501 the following:

“Sec.”.

10 **SEC. 407. ANNUAL REPORT AND PUBLIC DISCLOSURES.**

11 (a) REPORT ON FOREIGN LAWS AND PRACTICES.—
12 Section 46106(b) of title 46, United States Code, is
13 amended—

14 (1) in paragraph (5) by striking “and” at the
15 end;

16 (2) in paragraph (6)—

17 (A) by striking “under this part” and in-
18 serting “under chapter 403”; and

19 (B) by striking the period and inserting a
20 semicolon; and

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

22 “(7) an identification of any anticompetitive or
23 nonreciprocal trade practices by ocean common car-
24 riers;

1 “(8) an analysis of any trade imbalance result-
2 ing from the business practices of ocean common
3 carriers, including an analysis of the data collected
4 under section 41110; and

5 “(9) an identification of any otherwise con-
6 cerning practices by ocean common carriers, particu-
7 larly such carriers that are—

8 “(A) State-owned or State-controlled enter-
9 prises; or

10 “(B) owned or controlled by, is a sub-
11 sidiary of, or is otherwise related legally or fi-
12 nancially (other than a minority relationship or
13 investment) to a corporation based in a coun-
14 try—

15 “(i) identified as a nonmarket econ-
16 omy country (as defined in section 771(18)
17 of the Tariff Act of (U.S.C. 1677(18))) as
18 of the date of enactment of this paragraph;

19 “(ii) identified by the United States
20 Trade Representative in the most recent
21 report required by section 182 of the
22 Trade Act of 1974 (19 U.S.C. 2242) as a
23 priority foreign country under subsection
24 (a)(2) of that section; or

1 “(iii) subject to monitoring by the
2 Trade Representative under section 306 of
3 the Trade Act of 1974 (19 U.S.C. 2416).”.

4 (b) PUBLIC DISCLOSURE.—

5 (1) IN GENERAL.—Section 46106 of title 46,
6 United States Code, is amended by adding at the
7 end the following:

8 “(d) PUBLIC DISCLOSURES.—The Federal Maritime
9 Commission shall publish, and annually update, on the
10 website of the Commission—

11 “(1) all findings by the Commission of false
12 certifications by common carriers or marine terminal
13 operators under section 41104(a)(15); and

14 “(2) all penalties imposed or assessed against
15 common carriers or marine terminal operators, as
16 applicable, under sections 41107, 41108, and 41109,
17 listed by each common carrier or marine terminal
18 operator.”.

19 (2) CONFORMING AND CLERICAL AMEND-
20 MENTS.—

21 (A) CONFORMING AMENDMENT.—The
22 heading for section 46106 of title 46, United
23 States Code, is amended by inserting “**and**
24 **public disclosure**” after “**report**”.

1 (B) CLERICAL AMENDMENT.—The analysis
2 for chapter 461 of title 46, United States Code,
3 is amended by striking the item related to sec-
4 tion 46106 and inserting the following:

“46106. Annual report and public disclosure.”.

5 **SEC. 408. GENERAL PROHIBITIONS.**

6 Section 41102 of title 46, United States Code, is
7 amended by adding by adding at the end the following:

8 “(d) PROHIBITION ON RETALIATION.—A common
9 carrier, marine terminal operator, or ocean transportation
10 intermediary, either alone or in conjunction with any other
11 person, directly or indirectly, may not retaliate against a
12 shipper, a shipper’s agent, or a motor carrier by refusing,
13 or threatening to refuse, cargo space accommodations
14 when available, or resort to other unfair or unjustly dis-
15 criminatory methods because the shipper has patronized
16 another carrier, has filed a complaint, or for any other
17 reason.

18 “(e) CERTIFICATION.—A common carrier or marine
19 terminal operator shall not charge any other person de-
20 murrage or detention charges under a tariff, marine ter-
21 minal schedule, service contract, or any other contractual
22 obligation unless accompanied by an accurate certification
23 that such charges comply with all rules and regulations
24 concerning demurrage or detention issued by the Commis-
25 sion. The certification requirement only applies to the en-

1 tity that establishes the charge, and a common carrier or
2 marine terminal operator that collects a charge on behalf
3 of another common carrier or marine terminal operator
4 is not responsible for providing the certification, except
5 that an invoice from a common carrier or marine terminal
6 operator collecting a charge on behalf of another must in-
7 clude a certification from the party that established the
8 charge.”.

9 **SEC. 409. PROHIBITION ON UNREASONABLY DECLINING**
10 **CARGO.**

11 (a) UNREASONABLY DECLINING CARGO.—Section
12 41104 of title 46, United States Code, is amended in sub-
13 section (a)—

14 (1) by striking paragraph (3) and inserting the
15 following:

16 “(3) engage in practices that unreasonably re-
17 duce shipper accessibility to equipment necessary for
18 the loading or unloading of cargo;”;

19 (2) in paragraph (12) by striking “; or” and in-
20 serting a semicolon;

21 (3) in paragraph (13) by striking the period
22 and inserting a semicolon; and

23 (4) by adding at the end the following:

24 “(14) fail to furnish or cause a contractor to
25 fail to furnish containers or other facilities and in-

1 strumentalities needed to perform transportation
2 services, including allocation of vessel space accom-
3 modations, in consideration of reasonably foreseeable
4 import and export demands; or

5 “(15) unreasonably decline export cargo book-
6 ings if such cargo can be loaded safely and timely,
7 as determined by the Commandant of the Coast
8 Guard, and carried on a vessel scheduled for the im-
9 mediate destination of such cargo.”.

10 (b) RULEMAKING ON UNREASONABLY DECLINING
11 CARGO.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Commission
14 shall initiate a rulemaking proceeding to define the
15 term “unreasonably decline” for the purposes of
16 subsection (a)(15) of section 41104 of title 46,
17 United States Code (as added by subsection (a)).

18 (2) CONTENTS.—The rulemaking under para-
19 graph (1) shall address the unreasonableness of
20 ocean common carriers prioritizing the shipment of
21 empty containers while excluding, limiting, or other-
22 wise reducing the shipment of full, loaded containers
23 when such containers are readily available to be
24 shipped and the appurtenant vessel has the weight

1 and space capacity available to carry such containers
2 if loaded in a safe and timely manner.

3 **SEC. 410. DETENTION AND DEMURRAGE.**

4 (a) IN GENERAL.—Section 41104 of title 46, United
5 States Code, is further amended by adding at the end the
6 following:

7 “(d) CERTIFICATION.—Failure of a common carrier
8 to include a certification under section 41102(e) alongside
9 any demurrage or detention charge shall eliminate any ob-
10 ligation of the charged party to pay the applicable charge.

11 “(e) DEMURRAGE AND DETENTION PRACTICES AND
12 CHARGES.—Notwithstanding any other provision of law
13 and not later than 30 days of the date of enactment of
14 this subsection, a common carrier or marine terminal op-
15 erator, shall—

16 “(1) act in a manner consistent with any rules
17 or regulations concerning demurrage or detention
18 issued by the Commission;

19 “(2) maintain all records supporting the assess-
20 ment of any demurrage or detention charges for a
21 period of 5 years and provide such records to the
22 invoiced party or to the Commission on request; and

23 “(3) bear the burden of establishing the reason-
24 ableness of any demurrage or detention charges
25 which are the subject of any complaint proceeding

1 challenging a common carrier or marine terminal op-
2 erator demurrage or detention charges as unjust and
3 unreasonable.

4 “(f) PENALTIES FOR FALSE OR INACCURATE CER-
5 TIFIED DEMURRAGE OR DETENTION CHARGES.—In the
6 event of a finding that the certification under section
7 41102(e) was inaccurate, or false after submission under
8 section 41301, penalties under section 41107 shall be ap-
9 plied if the Commission determines, in a separate enforce-
10 ment proceeding, such certification was inaccurate or
11 false.”.

12 (b) RULEMAKING ON DETENTION AND DEMUR-
13 RAGE.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of enactment of this Act, the Federal
16 Maritime Commission shall initiate a rulemaking
17 proceeding to establish rules prohibiting common
18 carriers and marine terminal operators from adopt-
19 ing and applying unjust and unreasonable demur-
20 rage and detention rules and practices.

21 (2) CONTENTS.—The rulemaking under para-
22 graph (1) shall address the issues identified in the
23 final rule published on May 18, 2020, titled “Inter-
24 pretive Rule on Demurrage and Detention Under

1 the Shipping Act” (85 Fed. Reg. 29638), including
2 the following:

3 (A) Establishing clear and uniform defini-
4 tions for demurrage, detention, cargo avail-
5 ability for retrieval and associated free time,
6 and other terminology used in the rule, includ-
7 ing establishing a definition for cargo avail-
8 ability for retrieval that accounts for govern-
9 ment inspections.

10 (B) Establishing that demurrage and de-
11 tention rules are not independent revenue
12 sources but incentivize efficiencies in the ocean
13 transportation network, including the retrieval
14 of cargo and return of equipment.

15 (C) Prohibiting the consumption of free
16 time or collection of demurrage and detention
17 charges when obstacles to the cargo retrieval or
18 return of equipment are within the scope of re-
19 sponsibility of the carrier or their agent and be-
20 yond the control of the invoiced or contracting
21 party.

22 (D) Prohibiting the commencement or con-
23 tinuation of free time unless cargo is available
24 for retrieval and timely notice of cargo avail-
25 ability has been provided.

1 (E) Prohibiting the consumption of free
2 time or collection of demurrage charges when
3 marine terminal appointments are not available
4 during the free time period.

5 (F) Prohibiting the consumption of free
6 time or collection of detention charges on con-
7 tainers when the marine terminal required for
8 return is not open or available.

9 (G) Requiring common carriers to provide
10 timely notice of—

11 (i) cargo availability after vessel dis-
12 charge;

13 (ii) container return locations; and

14 (iii) advance notice for container early
15 return dates.

16 (H) Establishing minimum billing require-
17 ments, including timeliness and supporting in-
18 formation that shall be included in or with in-
19 voices for demurrage and detention charges
20 that will allow the invoiced party to validate the
21 charges.

22 (I) Requiring common carriers and marine
23 terminal operators to establish reasonable dis-
24 pute resolution policies and practices.

1 (J) Establishing the responsibilities of
2 shippers, receivers, and draymen with respect to
3 cargo retrieval and equipment return.

4 (K) Clarifying rules for the invoicing of
5 parties other than the shipper for any demur-
6 rage, detention, or other similar per container
7 charges, including determining whether such
8 parties should be billed at all.

9 (c) RULEMAKING ON MINIMUM SERVICE STAND-
10 ARDS.—Not later than 90 days after the date of enact-
11 ment of this Act, the Commission shall initiate a rule-
12 making proceeding to incorporate subsections (d) through
13 (f) of 41104 of title 46, United States Code, (as added
14 by section 410) which shall include the following:

15 (1) The obligation to adopt reasonable rules
16 and practices related to or connected with the fur-
17 nishing and allocation of adequate and suitable
18 equipment, vessel space accommodations, containers,
19 and other instrumentalities necessary for the receiv-
20 ing, loading, carriage, unloading and delivery of
21 cargo.

22 (2) The duty to perform the contract of car-
23 riage with reasonable dispatch.

24 (3) The requirement to carry United States ex-
25 port cargo if such cargo can be loaded safely and

1 timely, as determined by the Commandant of the
2 Coast Guard, and carried on a vessel scheduled for
3 such cargo's immediate destination.

4 (4) The requirement of ocean common carriers
5 to establish contingency service plans to address and
6 mitigate service disruptions and inefficiencies during
7 periods of port congestion and other market disrup-
8 tions.

9 **SEC. 411. ASSESSMENT OF PENALTIES.**

10 (a) ASSESSMENT OF PENALTIES.—Section 41109 of
11 title 46, United States Code, is amended—

12 (1) in subsection (a)—

13 (A) by inserting “or, in addition to or in
14 lieu of a civil penalty, order the refund of
15 money” after “this part”; and

16 (B) by inserting “or refund of money”
17 after “conditions, a civil penalty”;

18 (2) in subsection (c) by inserting “or refund of
19 money” after “civil penalty”;

20 (3) in subsection (e) by inserting “or order a
21 refund of money” after “civil penalty”; and

22 (4) in subsection (f) by inserting “or who is or-
23 dered to refund money” after “civil penalty is as-
24 sessed”.

1 (b) ADDITIONAL PENALTIES.—Section 41108(a) of
2 title 46, United States Code, is amended by striking “sec-
3 tion 41104(1), (2), or (7)” and inserting “subsections (d)
4 or (e) of section 41102 or paragraph (1), (2), (7), (14),
5 or (15) of section 41104(a)”.

6 (c) CONFORMING AMENDMENT.—Section 41309 of
7 title 46, United States Code, is amended—

8 (1) in subsection (a)—

9 (A) by inserting “or refund of money”
10 after “payment of reparation”; and

11 (B) by inserting “or to whom the refund of
12 money was ordered” after “award was made”;
13 and

14 (2) in subsection (b) by inserting “or refund of
15 money” after “award of reparation”.

16 (d) AWARD OF REPARATIONS.—Section 41305(c) of
17 title 46, United States Code, is amended—

18 (1) by inserting “or (c)” after “41102(b)”; and

19 (2) by inserting “, or if the Commission deter-
20 mines that a violation of section 41102(e) was made
21 willfully or knowingly” after “of this title”.

22 **SEC. 412. INVESTIGATIONS.**

23 Section 41302 of title 46, United States Code, is
24 amended by striking “or agreement” and inserting “,
25 agreement, fee, or charge”.

1 **SEC. 413. INJUNCTIVE RELIEF.**

2 Section 41307(b) to title 46, United States Code, is
3 amended—

4 (1) in paragraph (3)—

5 (A) in the heading by striking “AND THIRD
6 PARTIES”; and

7 (B) by striking the second sentence; and

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

9 “(5) THIRD PARTY INTERVENTION.—The court
10 may allow a third party to intervene in a civil action
11 brought under this section.”.

12 **SEC. 414. TECHNICAL AMENDMENTS.**

13 (a) FEDERAL MARITIME COMMISSION.—The analysis
14 for chapter 461 of title 46, United States Code, is amend-
15 ed by striking the first item relating to chapter 461.

16 (b) ASSESSMENT OF PENALTIES.—Section 41109(c)
17 of title 46, United States Code, is amended by striking
18 “section 41104(1) or (2)” and inserting “paragraph (1)
19 or (2) of section 41104(a)”.

20 (c) NATIONAL SHIPPER ADVISORY COMMITTEE.—
21 Section 42502(c)(3) of title 46, United States Code is
22 amended by striking “REPRESENTATION” and all that fol-
23 lows through “Members” and inserting “REPRESENTA-
24 TION.—Members”.

1 **SEC. 415. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 46108 of title 46, United States Code, is
3 amended by striking “\$29,086,888 for fiscal year 2020
4 and \$29,639,538 for fiscal year 2021” and inserting
5 “\$32,603,492 for fiscal year 2022 and \$35,863,842 for
6 fiscal year 2023”.

7 **SEC. 416. NAS STUDY ON SUPPLY CHAIN INDUSTRY.**

8 (a) IN GENERAL.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall seek to enter into an agreement with the Na-
11 tional Academy of Sciences under which the National
12 Academy shall conduct a study on the United States sup-
13 ply chain that examines data constraints that impede the
14 flow of maritime cargo and add to supply chain inefficien-
15 cies and that identifies data sharing systems that can be
16 employed to improve the functioning of the United States
17 supply chain.

18 (b) CONTENTS.—The study required under sub-
19 section (a) shall include—

20 (1) the identification of where bottlenecks or
21 chokepoints are most prominent within the United
22 States supply chain;

23 (2) the identification of what common shipping
24 data is created with each hand-off of a container
25 through the United States supply chain and how
26 such data is stored and shared;

1 (3) the identification of critical data elements
2 used by any entity covered by subsection (c), includ-
3 ing the key elements used for various supply chain
4 business processes;

5 (4) a review of the methodology used to store,
6 access, and disseminate shipping data across the
7 United States supply chain and evaluation of the in-
8 efficiencies in such methodology;

9 (5) an analysis of existing and potential impedi-
10 ments to the free flow of information among entities
11 covered by subsection (c), including—

12 (A) identification of barriers that prevent
13 carriers, terminals, and shippers from having
14 access to commercial data; and

15 (B) any inconsistencies in—

16 (i) terminology used across data ele-
17 ments connected to the shipment, arrival,
18 and unloading of a shipping container; and

19 (ii) the classification systems used
20 across the United States supply chain, in-
21 cluding inconsistencies in the names of en-
22 tities covered by subsection (c), geo-
23 graphical names, and terminology;

24 (6) the identification of information to be in-
25 cluded in an improved data sharing system designed

1 to plan, execute, and monitor the optimal loading
2 and unloading of maritime cargo; and

3 (7) the identification of existing software and
4 data sharing platforms available to facilitate propa-
5 gation of information to all agents involved in the
6 loading and unloading of maritime cargo and evalu-
7 ate the effectiveness of such software and platforms
8 if implemented.

9 (c) COLLECTION OF INFORMATION.—In conducting
10 the study required under subsection (a), the National
11 Academy of Sciences shall collect information from—

12 (1) vessel operating common carriers and non-
13 vessel operating common carriers;

14 (2) marine terminal operators;

15 (3) commercial motor vehicle operators;

16 (4) railroad carriers;

17 (5) chassis providers;

18 (6) ocean transportation intermediaries;

19 (7) custom brokers;

20 (8) freight forwarders;

21 (9) shippers and cargo owners;

22 (10) the National Shipper Advisory Committee;

23 (11) relevant government agencies, such as the
24 Federal Maritime Commission, the Surface Trans-

1 portation Board, and the United States Customs
2 and Border Protection;

3 (12) to the extent practicable, representatives of
4 foreign countries and maritime jurisdictions outside
5 of the United States; and

6 (13) any other entity involved in the transpor-
7 tation of ocean cargo and the unloading of cargo
8 upon arrival at a port.

9 (d) FACILITATION OF DATA SHARING.—In carrying
10 out the study under subsection (a), the National Academy
11 of Sciences may solicit information from any relevant
12 agency relating to the United States supply chain.

13 (e) REPORT.—Not later than 18 months after enter-
14 ing into an arrangement with the Secretary under sub-
15 section (a), the National Academy of Sciences shall submit
16 to the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee on
18 Commerce, Science, and Transportation of the Senate,
19 and make available on a publicly accessible website, a re-
20 port containing—

21 (1) the study required under subsection (a);

22 (2) the information collected under subsections
23 (b) and (c), excluding any personally identifiable in-
24 formation or sensitive business information; and

25 (3) any recommendations for—

1 (A) common data standards to be used in
2 the United States supply chain; and

3 (B) policies and protocols that would
4 streamline information sharing across the
5 United States supply chain.

6 **SEC. 417. TEMPORARY EMERGENCY AUTHORITY.**

7 (a) PUBLIC INPUT ON INFORMATION SHARING.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of enactment of this Act, the Federal Mari-
10 time Commission shall issue a request for informa-
11 tion seeking public comment regarding—

12 (A) whether congestion of the common car-
13 riage of goods has created an emergency situa-
14 tion of a magnitude such that there exists a
15 substantial adverse effect on the competitive-
16 ness and reliability of the international ocean
17 transportation supply system;

18 (B) whether an emergency order described
19 in subsection (b) would alleviate such an emer-
20 gency situation; and

21 (C) the appropriate scope of such an emer-
22 gency order, if applicable.

23 (2) CONSULTATION.—During the public com-
24 ment period under paragraph (1), the Commission

1 may consult, as the Commission determines to be
2 appropriate, with—

3 (A) other Federal departments and agen-
4 cies; and

5 (B) persons with expertise relating to mar-
6 itime and freight operations.

7 (b) **AUTHORITY TO ISSUE EMERGENCY ORDER RE-**
8 **QUIRING INFORMATION SHARING.**—On making a unani-
9 mous determination described in subsection (c), the Com-
10 mission may issue an emergency order requiring any com-
11 mon carrier or marine terminal operator to share directly
12 with relevant shippers, rail carriers, or motor carriers in-
13 formation relating to cargo throughput and availability, in
14 order to ensure the efficient transportation, loading, and
15 unloading of cargo to or from—

16 (1) any inland destination or point of origin;

17 (2) any vessel; or

18 (3) any point on a wharf or terminal.

19 (c) **DESCRIPTION OF DETERMINATION.**—

20 (1) **IN GENERAL.**—A determination referred to
21 in subsection (b) is a unanimous determination by
22 the Commission that congestion of common carriage
23 of goods has created an emergency situation of a
24 magnitude such that there exists a substantial ad-
25 verse effect on the competitiveness and reliability of

1 the international ocean transportation supply sys-
2 tem.

3 (2) FACTORS FOR CONSIDERATION.—In issuing
4 an emergency order under subsection (b), the Com-
5 mission shall ensure that such order includes param-
6 eters relating to temporal and geographic scope, tak-
7 ing into consideration the likely burdens on ocean
8 carriers and marine terminal operators and the like-
9 ly benefits on congestion relating to the purposes de-
10 scribed in section 40101 of title 46, United States
11 Code.

12 (d) PETITIONS FOR EXCEPTION.—

13 (1) IN GENERAL.—A common carrier or marine
14 terminal operator subject to an emergency order
15 issued under this section may submit to the Com-
16 mission a petition for exception from 1 or more re-
17 quirements of the emergency order, based on a
18 showing of undue hardship or other condition ren-
19 dering compliance with such a requirement imprac-
20 tical.

21 (2) DETERMINATION.—Not later than 21 days
22 after the date on which a petition for exception
23 under paragraph (1) is submitted, the Commission
24 shall determine whether to approve or deny such pe-
25 tition by majority vote.

1 (3) INAPPLICABILITY PENDING REVIEW.—The
2 requirements of an emergency order that is the sub-
3 ject of a petition for exception under this subsection
4 shall not apply to a petitioner during the period for
5 which the petition is pending.

6 (e) LIMITATIONS.—

7 (1) TERM.—An emergency order issued under
8 this section shall remain in effect for a period of not
9 longer than 60 days.

10 (2) RENEWAL.—The Commission may renew an
11 emergency order issued under this section for an ad-
12 ditional term by a unanimous determination by the
13 Commission.

14 (f) SUNSET.—The authority provided by this section
15 shall terminate on the date that is 2 years after the date
16 of enactment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) COMMON CARRIER.—The term “common
19 carrier” has the meaning given such term in section
20 40102 of title 46, United States Code.

21 (2) MOTOR CARRIER.—The term “motor car-
22 rier” has the meaning given such term in section
23 13102 of title 49, United States Code.

1 (3) RAIL CARRIER.—The term “rail carrier”
2 has the meaning given such term in section 10102
3 of title 49, United States Code.

4 (4) SHIPPER.—The term “shipper” has the
5 meaning given such term in section 40102 of title
6 46, United States Code.

7 **SEC. 418. TERMS AND VACANCIES.**

8 Section 46101(b) of title 46, United States Code, is
9 amended by—

10 (1) in paragraph (2)—

11 (A) by striking “one year” and inserting
12 “2 years”; and

13 (B) by striking “2 terms” and inserting “3
14 terms”; and

15 (2) in paragraph (3)—

16 (A) by striking “of the individual being
17 succeeded” and inserting “to which such indi-
18 vidual is appointed”;

19 (B) by striking “2 terms” and inserting “3
20 terms”; and

21 (C) by striking “the predecessor of that”
22 and inserting “such”.

1 **TITLE V—MISCELLANEOUS**

2 **Subtitle A—Navigation**

3 **SEC. 501. RESTRICTION ON CHANGING SALVORS.**

4 Section 311(c)(3) of the Federal Water Pollution
5 Control Act (33 U.S.C. 1321(c)(3)) is amended by adding
6 at the end the following:

7 “(C) An owner or operator may not change
8 salvors as part of a deviation under subparagraph
9 (B) in cases in which the original salvor satisfies the
10 Coast Guard requirements in accordance with the
11 National Contingency Plan and the applicable re-
12 sponse plan required under subsection (j).

13 “(D) In any case in which the Coast Guard au-
14 thorizes a deviation from the salvor as part of a de-
15 viation under subparagraph (B) from the applicable
16 response plan required under subsection (j), the
17 Commandant shall submit to the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report
21 describing the deviation and the reasons for such de-
22 viation.”.

1 **SEC. 502. PROVIDING REQUIREMENTS FOR VESSELS AN-**
2 **CHORED IN ESTABLISHED ANCHORAGE**
3 **GROUNDS.**

4 (a) IN GENERAL.—Section 70006 of title 46, United
5 States Code, is amended to read as follows:

6 **“§ 70006. Anchorage grounds**

7 “(a) ANCHORAGE GROUNDS.—

8 “(1) ESTABLISHMENT.—The Secretary of the
9 department in which the Coast Guard is operating
10 shall define and establish anchorage grounds in the
11 navigable waters of the United States for vessels op-
12 erating in such waters.

13 “(2) RELEVANT FACTORS FOR ESTABLISH-
14 MENT.—In carrying out paragraph (1), the Sec-
15 retary shall take into account all relevant factors
16 concerning navigational safety, protection of the ma-
17 rine environment, proximity to undersea pipelines
18 and cables, safe and efficient use of Marine Trans-
19 portation System, and national security.

20 “(b) VESSEL REQUIREMENTS.—Vessels, of certain
21 sizes or type determined by the Secretary, shall—

22 “(1) set and maintain an anchor alarm for the
23 duration of an anchorage;

24 “(2) comply with any directions or orders
25 issued by the Captain of the Port; and

1 “(3) comply with any applicable anchorage reg-
2 ulations.

3 “(c) PROHIBITIONS.—A vessel may not—

4 “(1) anchor in any Federal navigation channel
5 unless authorized or directed to by the Captain of
6 the Port;

7 “(2) anchor in near proximity, within distances
8 determined by the Coast Guard, to an undersea
9 pipeline or cable, unless authorized or directed to by
10 the Captain of the Port; and

11 “(3) anchor or remain anchored in an anchor-
12 age ground during any period in which the Captain
13 of the Port orders closure of the anchorage ground
14 due to inclement weather, navigational hazard, a
15 threat to the environment, or other safety or secu-
16 rity concern.

17 “(d) SAFETY EXCEPTION.—Nothing in this section
18 shall be construed to prevent a vessel from taking actions
19 necessary to maintain the safety of the vessel or to prevent
20 the loss of life or property.”.

21 (b) REGULATORY REVIEW.—

22 (1) REVIEW REQUIRED.—Not later than 1 year
23 after the date of enactment of this Act, the Sec-
24 retary of the department in which the Coast Guard
25 is operating shall complete a review of existing an-

1 chorage regulations and identify regulations that
2 may need modification—

3 (A) in the interest of marine safety, secu-
4 rity, and environmental concerns, taking into
5 account undersea pipelines, cables, or other in-
6 frastructure; and

7 (B) to implement the amendments made
8 by this section.

9 (2) BRIEFING.—Upon completion of the review
10 under paragraph (1), but not later than 2 years
11 after the date of enactment of this Act, the Sec-
12 retary shall provide a briefing to the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate and the Subcommittee on Coast Guard and Mar-
15 itime Transportation of the Committee on Transpor-
16 tation and Infrastructure of the House of Represent-
17 atives that summarizes the review.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for chapter 700 of title 46, United States Code, is amend-
20 ed by striking the item relating to section 70006 and in-
21 serting the following:

 “70006. Anchorage grounds.”.

22 (d) APPLICABILITY OF REGULATIONS.—The amend-
23 ments made by subsection (a) may not be construed to
24 alter any existing rules, regulations, or final agency ac-
25 tions issued under section 70006 of title 46, United States

1 Code, as in effect on the day before the date of enactment
2 of this Act until all regulations required under subsection
3 (b) take effect.

4 **SEC. 503. AQUATIC NUISANCE SPECIES TASK FORCE.**

5 (a) RECREATIONAL VESSEL DEFINED.—Section
6 1003 of the Nonindigenous Aquatic Nuisance Prevention
7 and Control Act of 1990 (16 U.S.C. 4702) is amended—

8 (1) by redesignating paragraphs (13) through
9 (17) as paragraphs (15) through (19), respectively;
10 and

11 (2) by inserting after paragraph (12) the fol-
12 lowing:

13 “(13) ‘State’ means each of the several States,
14 the District of Columbia, American Samoa, Guam,
15 Puerto Rico, the Northern Mariana Islands, and the
16 Virgin Islands of the United States;

17 “(14) ‘recreational vessel’ has the meaning
18 given that term in section 502 of the Federal Water
19 Pollution Control Act (33 U.S.C. 1362);”.

20 (b) OBSERVERS.—Section 1201 of the Nonindigenous
21 Aquatic Nuisance Prevention and Control Act of 1990 (16
22 U.S.C. 4721) is amended by adding at the end the fol-
23 lowing:

24 “(g) OBSERVERS.—The chairpersons designated
25 under subsection (d) may invite representatives of non-

1 governmental entities to participate as observers of the
2 Task Force.”.

3 (c) AQUATIC NUISANCE SPECIES TASK FORCE.—
4 Section 1201(b) of the Nonindigenous Aquatic Nuisance
5 Prevention and Control Act of 1990 (16 U.S.C. 4721(b))
6 is amended—

7 (1) in paragraph (6), by striking “and” at the
8 end;

9 (2) by redesignating paragraph (7) as para-
10 graph (10); and

11 (3) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) the Director of the National Park Service;

14 “(8) the Director of the Bureau of Land Man-
15 agement;

16 “(9) the Commissioner of Reclamation; and”.

17 (d) AQUATIC NUISANCE SPECIES PROGRAM.—Sec-
18 tion 1202 of the Nonindigenous Aquatic Nuisance Preven-
19 tion and Control Act of 1990 (16 U.S.C. 4722) is amend-
20 ed—

21 (1) in subsection (e) by adding at the end the
22 following:

23 “(4) TECHNICAL ASSISTANCE AND REC-
24 OMMENDATIONS.—The Task Force may provide
25 technical assistance and recommendations for best

1 practices to an agency or entity engaged in vessel in-
2 spections or decontaminations for the purpose of—

3 “(A) effectively managing and controlling
4 the movement of aquatic nuisance species into,
5 within, or out of water of the United States;
6 and

7 “(B) inspecting recreational vessels in a
8 manner that minimizes disruptions to public ac-
9 cess for boating and recreation in non-contami-
10 nated vessels.

11 “(5) CONSULTATION.—In carrying out para-
12 graph (4), including the development of rec-
13 ommendations, the Task Force may consult with—

14 “(A) State fish and wildlife management
15 agencies;

16 “(B) other State agencies that manage
17 fishery resources of the State or sustain fishery
18 habitat; and

19 “(C) relevant nongovernmental entities.”;
20 and

21 (2) in subsection (k) by adding at the end the
22 following:

23 “(3) Not later than 90 days after the date of
24 enactment of the Don Young Coast Guard Author-
25 ization Act of 2022, the Task Force shall submit a

1 report to Congress recommending legislative, pro-
2 grammatic, or regulatory changes to eliminate re-
3 maining gaps in authorities between members of the
4 Task Force to effectively manage and control the
5 movement of aquatic nuisance species.”.

6 (e) TECHNICAL CORRECTIONS AND CONFORMING
7 AMENDMENTS.—The Nonindigenous Aquatic Nuisance
8 Prevention and Control Act of 1990 (16 U.S.C. 4701 et
9 seq.) is further amended—

10 (1) in section 1002(b)(2), by inserting a comma
11 after “funded”;

12 (2) in section 1003, in paragraph (7), by strik-
13 ing “Canandian” and inserting “Canadian”;

14 (3) in section 1203(a)—

15 (A) in paragraph (1)(F), by inserting
16 “and” after “research,”; and

17 (B) in paragraph (3), by striking “encour-
18 age” and inserting “encouraged”;

19 (4) in section 1204(b)(4), in the paragraph
20 heading, by striking “ADMINISRATIVE” and inserting
21 “ADMINISTRATIVE”; and

22 (5) in section 1209, by striking “subsection
23 (a)” and inserting “section 1202(a)”.

1 **SEC. 504. LIMITATION ON RECOVERY FOR CERTAIN INJU-**
2 **RIES INCURRED IN AQUACULTURE ACTIVI-**
3 **TIES.**

4 (a) IN GENERAL.—Section 30104 of title 46, United
5 States Code, is amended—

6 (1) by inserting “(a) IN GENERAL.—” before
7 the first sentence; and

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

9 “(b) LIMITATION ON RECOVERY BY AQUACULTURE
10 WORKERS.—

11 “(1) IN GENERAL.—For purposes of subsection
12 (a), the term ‘seaman’ does not include an individual
13 who—

14 “(A) is an aquaculture worker if State
15 workers’ compensation is available to such indi-
16 vidual; and

17 “(B) was, at the time of injury, engaged in
18 aquaculture in a place where such individual
19 had lawful access.

20 “(2) AQUACULTURE WORKER DEFINED.—In
21 this subsection, the term ‘aquaculture worker’ means
22 an individual who—

23 “(A) is employed by a commercial enter-
24 prise that is involved in the controlled cultiva-
25 tion and harvest of aquatic plants and animals,
26 including—

1 “(i) the cleaning, processing, or can-
2 ning of fish and fish products;

3 “(ii) the cultivation and harvesting of
4 shellfish; and

5 “(iii) the controlled growing and har-
6 vesting of other aquatic species;

7 “(B) does not hold a license issued under
8 section 7101(e); and

9 “(C) is not required to hold a merchant
10 mariner credential under part F of subtitle II.”.

11 (b) **APPLICABILITY.**—The amendments made by this
12 section shall apply to an injury incurred on or after the
13 date of enactment of this Act.

14 **Subtitle B—Other Matters**

15 **SEC. 505. INFORMATION ON TYPE APPROVAL CERTIFI-** 16 **CATES.**

17 (a) **IN GENERAL.**—Title IX of the Frank LoBiondo
18 Coast Guard Authorization Act of 2018 (Public Law 115–
19 282) is amended by adding at the end the following:

20 **“SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFI-** 21 **CATES.**

22 “The Commandant of the Coast Guard shall, upon
23 request by any State, the District of Columbia, or territory
24 of the United States, provide all data possessed by the
25 Coast Guard pertaining to challenge water quality charac-

1 teristics, challenge water biological organism concentra-
2 tions, post-treatment water quality characteristics, and
3 post-treatment biological organism concentrations data for
4 a ballast water management system with a type approval
5 certificate approved by the Coast Guard pursuant to sub-
6 part 162.060 of title 46, Code of Federal Regulations.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 for the Frank LoBiondo Coast Guard Authorization Act
9 of 2018 (Public Law 115–282) is amended by inserting
10 after the item relating to section 903 the following:

“904. Information on type approval certificates.”.

11 **SEC. 506. PASSENGER VESSEL SECURITY AND SAFETY RE-**
12 **QUIREMENTS.**

13 Section 3507(k)(1) of title 46, United States Code,
14 is amended—

15 (1) in subparagraph (A) by striking “at least
16 250” and inserting “250 or more”; and

17 (2) by striking subparagraph (B) and inserting
18 the following:

19 “(B) has overnight accommodations for
20 250 or more passengers; and”.

21 **SEC. 507. CARGO WAITING TIME REDUCTION.**

22 (a) INTERAGENCY TASK FORCE.—The President
23 shall, acting through the Supply Chain Disruptions Task
24 Force established under Executive Order 14017 (relating
25 to supply chains) of February 24, 2021 (86 Fed. Reg.

1 11849) (hereinafter referred to as the “Task Force”),
2 carry out the duties described in subsection (c).

3 (b) DUTIES.—In carrying out this section, the Task
4 Force shall—

5 (1) evaluate and quantify the economic and en-
6 vironmental impact of cargo backlogs;

7 (2) evaluate and quantify the costs incurred by
8 each Federal agency represented on the Task Force,
9 and by State and local governments, due to such
10 cargo backlogs;

11 (3) evaluate the responses of each such Federal
12 agency to such cargo backlogs; and

13 (4) not later than 90 days after the date of en-
14 actment of this Act—

15 (A) develop a plan to—

16 (i) significantly reduce or eliminate
17 such cargo backlog; and

18 (ii) reduce nationwide cargo proc-
19 essing delays, including the Port of Los
20 Angeles and the Port of Long Beach; and

21 (B) submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a re-

1 port containing the plan developed under sub-
2 paragraph (A).

3 (c) REPORT OF THE COMMANDANT.—No later than
4 90 days after the date of enactment of this Act, the Com-
5 mandant of the Coast Guard shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report on
9 cargo backlogs that includes—

10 (1) an explanation of the extent to which ves-
11 sels carrying cargo are complying with the require-
12 ments of chapter 700 of title 46, United States
13 Code;

14 (2) the status of the investigation on the cause
15 of the oil spill that occurred in October 2021 on the
16 waters over the San Pedro Shelf related to an an-
17 chor strike, including the expected date on which the
18 Marine Casualty Investigation Report with respect
19 to such spill will be released; and

20 (3) with respect to such vessels, a summary of
21 actions taken or planned to be taken by the Com-
22 mandant to—

23 (A) provide additional protections against
24 oil spills caused by anchor strikes; and

1 (B) address other safety concerns and en-
2 vironmental impacts.

3 **SEC. 508. LIMITED INDEMNITY PROVISIONS IN STANDBY**
4 **OIL SPILL RESPONSE CONTRACTS.**

5 (a) IN GENERAL.—Subject to subsections (b) and (c),
6 a contract for the containment or removal of a discharge
7 entered into by the President under section 311(c) of the
8 Federal Water Pollution Control Act (33 U.S.C. 1321(c))
9 shall contain a provision to indemnify a contractor for li-
10 abilities and expenses incidental to the containment or re-
11 moval arising out of the performance of the contract that
12 is substantially identical to the terms contained in sub-
13 sections (d) through (h) of section H.4 (except for para-
14 graph (1) of subsection (d)) of the contract offered by the
15 Coast Guard in the solicitation numbered DTG89–98–
16 A–68F953, dated November 17, 1998.

17 (b) REQUIREMENTS.—

18 (1) SOURCE OF FUNDS.—The provision re-
19 quired under subsection (a) shall include a provision
20 that the obligation to indemnify is limited to funds
21 available in the Oil Spill Liability Trust Fund estab-
22 lished by section 9509(a) of the Internal Revenue
23 Code of 1986 at the time the claim for indemnity is
24 made.

1 (2) UNCOMPENSATED REMOVAL.—A claim for
2 indemnity under a contract described in subsection
3 (a) shall be made as a claim for uncompensated re-
4 moval costs under section 1012(a)(4) of the Oil Pol-
5 lution Act of 1990 (33 U.S.C. 2712(a)(4)).

6 (3) LIMITATION.—The total indemnity for a
7 claim under a contract described in subsection (a)
8 may not be more than \$50,000 per incident.

9 (c) APPLICABILITY OF EXEMPTIONS.—Notwith-
10 standing subsection (a), the United States shall not be ob-
11 ligated to indemnify a contractor for any act or omission
12 of the contractor carried out pursuant to a contract en-
13 tered into under this section where such act or omission
14 is grossly negligent or which constitutes willful mis-
15 conduct.

16 **SEC. 509. PORT COORDINATION COUNCIL FOR POINT SPEN-**
17 **CER.**

18 Section 541 of the Coast Guard Authorization Act
19 of 2016 (Public Law 114–120) is amended—

20 (1) in subsection (b) by striking paragraphs (1)
21 and (2) and inserting the following:

22 “(1) BSNC (to serve as Council Chair).

23 “(2) The Secretary of Homeland Security.

24 “(3) An Oil Spill Response Organization that
25 serves the area in which such Port is located.

- 1 “(4) The State.”;
- 2 (2) in subsection (c)(1)—
- 3 (A) in subparagraph (B) by adding “and”
- 4 at the end; and
- 5 (B) by striking subparagraphs (C) and (D)
- 6 and inserting the following:
- 7 “(C) land use planning and development at
- 8 Point Spencer in support of the following activi-
- 9 ties within the Bearing Sea, the Chukchi Sea,
- 10 and the Arctic Ocean:
- 11 (i) Search and rescue.
- 12 (ii) Shipping safety.
- 13 (iii) Economic development.
- 14 (iv) Oil spill prevention and re-
- 15 sponse.
- 16 (v) National security.
- 17 (vi) Major marine casualties.
- 18 (vii) Protection of Alaska Native ar-
- 19 chaeological and cultural resources.
- 20 (viii) Port of refuge, arctic research,
- 21 and maritime law enforcement.”;
- 22 (3) by amending subsection (c)(3) to read as
- 23 follows:
- 24 “(3) Facilitate coordination among members of
- 25 the Council on the development and use of the land

1 and coastline of Point Spencer, as such development
2 and use relate to activities of the Council at the Port
3 of Point Spencer.”; and

4 (4) in subsection (e)—

5 (A) by striking “Operations and manage-
6 ment costs” and inserting the following:

7 “(1) DETERMINATION OF COSTS.—Operations
8 and management costs”; and

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

10 “(2) FUNDING.—To facilitate the mooring buoy
11 system in Port Clarence and to assist the Council in
12 the development of other oil spill prevention and re-
13 sponse infrastructure, including reactivating the air-
14 strip at Point Spencer with appropriate technology
15 and safety equipment in support of response oper-
16 ations, there is authorized to be made available
17 \$5,000,000 for each of fiscal years 2023 through
18 2025 from the interest generated from the Oil Spill
19 Liability Trust Fund.”.

20 **SEC. 510. WESTERN ALASKA OIL SPILL PLANNING CRI-**
21 **TERIA.**

22 (a) WESTERN ALASKA OIL SPILL PLANNING CRI-
23 TERIA.—Section 311(j)(5) of the Federal Water Pollution
24 Control Act (33 U.S.C. 1321(j)(5)) is amended by adding
25 at the end the following:

1 “(J)(i) Except as provided in clause (iv)
2 (including with respect to Cook Inlet), in any
3 case in which the Secretary has determined that
4 the national planning criteria established pursu-
5 ant to this subsection are inappropriate for a
6 vessel operating in the area of responsibility of
7 the Western Alaska Captain of the Port Zone,
8 a response plan required under this paragraph
9 with respect to a discharge of oil for the vessel
10 shall comply with the planning criteria estab-
11 lished under clause (ii), which planning criteria
12 shall, with respect to a discharge of oil from the
13 vessel, apply in lieu of any alternative planning
14 criteria approved for vessels operating in such
15 area.

16 “(ii) The President shall establish planning
17 criteria for a worst case discharge of oil, and a
18 substantial threat of such a discharge, within
19 the area of responsibility of Western Alaska
20 Captain of the Port Zone, including planning
21 criteria for the following:

22 “(I) Oil spill response resources that
23 are required to be located within such
24 area.

1 “(II) Response times for mobilization
2 of oil spill response resources and arrival
3 on the scene of a worst case discharge of
4 oil, or substantial threat of such a dis-
5 charge, occurring within such area.

6 “(III) Pre-identified vessels for oil
7 spill response that are capable of operating
8 in the ocean environment and required to
9 be located within such area.

10 “(IV) Real-time continuous vessel
11 tracking, monitoring, and engagement pro-
12 tocols that detect and address vessel oper-
13 ation anomalies.

14 “(V) Vessel routing measures con-
15 sistent with international routing measure
16 deviation protocols.

17 “(VI) Ensuring the availability of at
18 least one oil spill removal organization that
19 is classified by the Coast Guard and
20 that—

21 “(aa) is capable of responding in
22 all operating environments in such
23 area;

24 “(bb) controls oil spill response
25 resources of dedicated and nondedi-

1 cated resources within such area,
2 through ownership, contracts, agree-
3 ments, or other means approved by
4 the President, sufficient to mobilize
5 and sustain a response to a worst case
6 discharge of oil and to contain, re-
7 cover, and temporarily store dis-
8 charged oil; and

9 “(cc) has pre-positioned oil spill
10 response resources in strategic loca-
11 tions throughout such area in a man-
12 ner that ensures the ability to support
13 response personnel, marine oper-
14 ations, air cargo, or other related lo-
15 gistics infrastructure.

16 “(VII) Temporary storage capability
17 using both dedicated and non-dedicated as-
18 sets located within such area.

19 “(VIII) Non-mechanical oil spill re-
20 sponse resources, to be available under
21 contracts, agreements, or other means ap-
22 proved by the President, capable of re-
23 sponding to both a discharge of persistent
24 oil and a discharge of non-persistent oil,

1 whether the discharged oil was carried by
2 a vessel as fuel or cargo.

3 “(IX) With respect to tank barges
4 carrying non-persistent oil in bulk as
5 cargo, oil spill response resources that are
6 required to be carried on board.

7 “(X) Ensuring that oil spill response
8 resources required to comply with this sub-
9 paragraph are separate from and in addi-
10 tion to resources otherwise required to be
11 included in a response plan for purposes of
12 compliance with salvage and marine fire-
13 fighting planning requirements under this
14 subsection.

15 “(XI) Specifying a minimum length of
16 time that approval of a response plan
17 under this subparagraph is valid.

18 “(XII) Ensuring compliance with re-
19 quirements for the preparation and sub-
20 mission of vessel response plans established
21 by regulations pursuant to this paragraph.

22 “(iii) The President may approve a re-
23 sponse plan for a vessel under this subpara-
24 graph only if the owner or operator of the ves-
25 sel demonstrates the availability of the oil spill

1 response resources required to be included in
2 the response plan under the planning criteria
3 established under clause (ii).

4 “(iv) Nothing in this subparagraph af-
5 fects—

6 “(I) the requirements under this sub-
7 section applicable to vessel response plans
8 for vessels operating within the area of re-
9 sponsibility of the Western Alaska Captain
10 of the Port Zone within Cook Inlet, Alas-
11 ka;

12 “(II) the requirements applicable to
13 tank vessels operating within Prince Wil-
14 liam Sound Captain of the Port Zone that
15 are subject to section 5005 of the Oil Pol-
16 lution Act of 1990 (33 U.S.C. 2735); or

17 “(III) the authority of a Federal On-
18 Scene Coordinator to use any available re-
19 sources when responding to an oil spill.

20 “(v) The Secretary shall review any deter-
21 mination that the national planning criteria are
22 inappropriate for a vessel operating in the area
23 of responsibility of Western Alaska Captain of
24 the Port Zone not less frequently than once
25 every five years.

1 “(vi) For purposes of this subparagraph,
2 the term ‘Western Alaska Captain of the Port
3 Zone’ means the area described in section 3.85–
4 15 of title 33, Code of Federal Regulations, as
5 in effect on the date of enactment of this sub-
6 paragraph.”.

7 (b) ESTABLISHMENT OF ALASKA OIL SPILL PLAN-
8 NING CRITERIA.—

9 (1) DEADLINE.—Not later than 2 years after
10 the date of enactment of this Act, the President
11 shall establish the planning criteria required to be
12 established under subparagraph (J) of section
13 311(j)(5) of the Federal Water Pollution Control
14 Act of (33 U.S.C. 1321(j)(5)), as added by this sec-
15 tion.

16 (2) CONSULTATION.—In establishing such plan-
17 ning criteria, the President shall consult with the
18 State of Alaska, owners and operators of vessels
19 subject to such planning criteria, oil spill removal or-
20 ganizations, Alaska Native organizations, and envi-
21 ronmental nongovernmental organizations located
22 within the State of Alaska.

23 (3) VESSELS IN COOK INLET.—Unless other-
24 wise authorized by the Secretary of the department
25 in which the Coast Guard, a vessel may only operate

1 in Cook Inlet, Alaska, under a vessel response plan
2 that meets the requirements of the national planning
3 criteria established pursuant to section 311(j)(5) of
4 the Federal Water Pollution Control Act (33 U.S.C.
5 1321(j)(5)).

6 (c) CONGRESSIONAL REPORT.—Not later than one
7 year after the date of enactment of this Act, the Secretary
8 of the department in which the Coast Guard is operating
9 shall submit to Congress a report regarding the status of
10 implementing the requirements of subparagraph (J) of
11 section 311(j)(5) of the Federal Water Pollution Control
12 Act (33 U.S.C. 1321(j)(5)), as added by this section.

13 **SEC. 511. NONAPPLICABILITY.**

14 Requirements under sections 3507(d), 3507(e), 3508,
15 and 3509 of title 46, United States Code, shall not apply
16 to the passenger vessel *American Queen* (U.S. Coast
17 Guard Official Number 1030765) or any other passenger
18 vessel—

19 (1) on which construction identifiable with the
20 specific vessel begins prior to the date of enactment
21 of this Act; and

22 (2) to which sections 3507 and 3508 would oth-
23 erwise apply when such vessels are operating inside
24 the boundary line.

1 **SEC. 512. REPORT ON ENFORCEMENT OF COASTWISE LAWS.**

2 The Commandant of the Coast Guard shall submit
3 to Congress a report describing any changes to the en-
4 forcement of chapters 121 and 551 of title 46, United
5 States Code, as a result of the amendments to section
6 4(a)(1) of the Outer Continental Shelf Lands Act (43
7 U.S.C. 1333(a)(1)) made by section 9503 of the William
8 M. (Mac) Thornberry National Defense Authorization Act
9 for Fiscal Year 2021 (Public Law 116–283).

10 **SEC. 513. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
11 **LATHROP, CALIFORNIA.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Administrator of the Maritime Administra-
14 tion shall complete the land conveyance required under
15 section 2833 of the William M. (Mac) Thornberry Na-
16 tional Defense Authorization Act for Fiscal Year 2021
17 (Public Law 116–283).

18 **SEC. 514. CENTER OF EXPERTISE FOR MARINE ENVIRON-**
19 **MENTAL RESPONSE.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Commandant of the
22 Coast Guard, in consultation with the Administrator of
23 the National Oceanic and Atmospheric Administration,
24 shall establish a Center of Expertise for Marine Environ-
25 mental Response (referred to in this section as the “Cen-

1 ter of Expertise”) in accordance with section 313 of title
2 14, United States Code.

3 (b) LOCATION.—The Center of Expertise shall be lo-
4 cated in close proximity to—

5 (1) an area of the country with quick access to
6 State, Federal, and international waters, port and
7 marine environments, coastal and estuary environ-
8 ments, and the intercoastal waterway;

9 (2) multiple Coast Guard sea and air stations;

10 (3) multiple Federal agencies that are engaged
11 in coastal and fisheries management;

12 (4) one or more designated national estuaries;

13 (5) State coastal and wildlife management
14 agencies; and

15 (6) an institution of higher education with ade-
16 quate marine science search laboratory facilities and
17 capabilities and expertise in coastal marine ecology,
18 ecosystems, environmental chemistry, fish and wild-
19 life management, coastal mapping, water resources,
20 and marine technology development.

21 (c) FUNCTIONS.—The Center of Expertise shall—

22 (1) monitor and assess, on an ongoing basis,
23 the state of knowledge regarding training, education,
24 and technology development for marine environ-
25 mental response protocols in State, Federal, and

1 international waters, port and marine environments,
2 coastal and estuary environments, and the inter-
3 coastal waterway;

4 (2) identify any significant gaps in research re-
5 lated to marine environmental response protocols, in-
6 cluding an assessment of major scientific or techno-
7 logical deficiencies in responses to past incidents in
8 these waterways that are interconnected, and seek to
9 fill such gaps;

10 (3) conduct research, development, testing, and
11 evaluation for marine environmental response equip-
12 ment, technologies, and techniques to mitigate and
13 respond to environmental incidents in these water-
14 ways;

15 (4) educate and train Federal, State, and local
16 first responders in—

17 (A) the incident command system struc-
18 ture;

19 (B) marine environmental response tech-
20 niques and strategies; and

21 (C) public affairs; and

22 (5) work with academic and private sector re-
23 sponse training centers to develop and standardize
24 marine environmental response training and tech-
25 niques.

1 (d) MARINE ENVIRONMENTAL RESPONSE DE-
2 FINED.—In this section, the term “marine environmental
3 response” means any response to incidents that—

4 (1) impacts—

5 (A) the marine environment of State, Fed-
6 eral or international waterways;

7 (B) port and marine environments;

8 (C) coastal and estuary environments; or

9 (D) the intercoastal waterway; and

10 (2) promotes—

11 (A) the protection and conservation of the
12 marine environment;

13 (B) the health of fish, animal populations,
14 and endangered species; and

15 (C) the resilience of coastal ecosystems and
16 infrastructure.

17 **SEC. 515. PROHIBITION ON ENTRY AND OPERATION.**

18 (a) PROHIBITION.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this section, during the period in which Ex-
21 ecutive Order 14065 (87 Fed. Reg. 10293, relating
22 to blocking certain Russian property or trans-
23 actions), or any successor Executive Order is in ef-
24 fect, no vessel described in subsection (b) may enter
25 or operate in the navigable waters of the United

1 States or transfer cargo in any port or place under
2 the jurisdiction of the United States.

3 (2) LIMITATIONS ON APPLICATION.—

4 (A) IN GENERAL.—The prohibition under
5 paragraph (1) shall not apply with respect to
6 vessel described in subsection (b) if the Sec-
7 retary of State determines that—

8 (i) the vessel is owned or operated by
9 a Russian national or operated by the gov-
10 ernment of the Russian Federation; and

11 (ii) it is in the national security inter-
12 est not to apply the prohibition to such
13 vessel.

14 (B) NOTICE.—Not later than 15 days
15 after making a determination under subpara-
16 graph (A), the Secretary of State shall submit
17 to the Committee on Foreign Affairs and the
18 Committee on Transportation and Infrastruc-
19 ture of the House of Representatives and the
20 Committee on Foreign Relations and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate written notice of the deter-
23 mination and the basis upon which the deter-
24 mination was made.

1 (C) PUBLICATION.—The Secretary of
2 State shall publish a notice in the Federal Reg-
3 ister of each determination made under sub-
4 paragraph (A).

5 (b) VESSELS DESCRIBED.—A vessel referred to in
6 subsection (a) is a vessel owned or operated by a Russian
7 national or operated by the government of the Russian
8 Federation.

9 (c) INFORMATION AND PUBLICATION.—The Sec-
10 retary of the department in which the Coast Guard is op-
11 erating, with the concurrence of the Secretary of State,
12 shall—

13 (1) maintain timely information on the registra-
14 tions of all foreign vessels owned or operated by or
15 on behalf of the Government of the Russian Federa-
16 tion, a Russian national, or a entity organized under
17 the laws of the Russian Federation or any jurisdic-
18 tion within the Russian Federation; and

19 (2) periodically publish in the Federal Register
20 a list of the vessels described in paragraph (1).

21 (d) NOTIFICATION OF GOVERNMENTS.—

22 (1) IN GENERAL.—The Secretary of State shall
23 notify each government, the agents or instrumental-
24 ities of which are maintaining a registration of a for-
25 eign vessel that is included on a list published under

1 subsection (c)(2), not later than 30 days after such
2 publication, that all vessels registered under such
3 government's authority are subject to subsection (a).

4 (2) ADDITIONAL NOTIFICATION.—In the case of
5 a government that continues to maintain a registra-
6 tion for a vessel that is included on such list after
7 receiving an initial notification under paragraph (1),
8 the Secretary shall issue an additional notification to
9 such government not later than 120 days after the
10 publication of a list under subsection (c)(2).

11 (e) NOTIFICATION OF VESSELS.—Upon receiving a
12 notice of arrival under section 70001(a)(5) of title 46,
13 United States Code, from a vessel described in subsection
14 (b), the Secretary of the department in which the Coast
15 Guard is operating shall notify the master of such vessel
16 that the vessel may not enter or operate in the navigable
17 waters of the United States or transfer cargo in any port
18 or place under the jurisdiction of the United States, un-
19 less—

20 (1) the Secretary of State has made a deter-
21 mination under subsection (a)(2); or

22 (2) the Secretary of the department in which
23 the Coast Guard is operating allows provisional
24 entry of the vessel, or transfer of cargo from the ves-
25 sel, under subsection (f).

1 (f) PROVISIONAL ENTRY OR CARGO TRANSFER.—
2 Notwithstanding any other provision of this section, the
3 Secretary of the department in which the Coast Guard is
4 operating may allow provisional entry of, or transfer of
5 cargo from, a vessel, if such entry or transfer is necessary
6 for the safety of the vessel or persons aboard.

7 **SEC. 516. ST. LUCIE RIVER RAILROAD BRIDGE.**

8 The Commandant of the Coast Guard shall take such
9 actions as are necessary to implement any recommenda-
10 tions for the St. Lucie River railroad bridge made by the
11 Coast Guard in the document titled “Waterways Analysis
12 and Management System for Intracoastal Waterway Miles
13 925-1005 (WAMS #07301)” published by Coast Guard
14 Sector Miami in 2018.

15 **SEC. 517. ASSISTANCE RELATED TO MARINE MAMMALS.**

16 (a) MARITIME ENVIRONMENTAL AND TECHNICAL
17 ASSISTANCE PROGRAM.—Section 50307(b) of title 46,
18 United States Code, is amended—

19 (1) in paragraph (1)(D) by striking “and” at
20 the end;

21 (2) in paragraph (2) by striking the period and
22 insert “; and”; and

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

24 “(3) technologies that quantifiably reduce un-
25 derwater noise from marine vessels, including noise

1 produced incidental to the propulsion of marine ves-
2 sels.”.

3 (b) ASSISTANCE TO REDUCE IMPACTS OF VESSEL
4 STRIKES AND NOISE ON MARINE MAMMALS.—

5 (1) IN GENERAL.—Chapter 541 of title 46,
6 United States Code, is amended by adding at the
7 end the following:

8 **“§ 54102. Assistance to reduce impacts of vessel**
9 **strikes and noise on marine mammals**

10 “(a) IN GENERAL.—The Administrator of the Mari-
11 time Administration, in coordination with the Secretary
12 of the department in which the Coast Guard is operating,
13 may make grants to, or enter into contracts or cooperative
14 agreements with, academic, public, private, and non-
15 governmental entities to develop and implement mitigation
16 measures that will lead to a quantifiable reduction in—

17 “(1) impacts to marine mammals from vessels;
18 and

19 “(2) underwater noise from vessels, including
20 noise produced incidental to the propulsion of ves-
21 sels.

22 “(b) ELIGIBLE USE.—Assistance under this section
23 may be used to develop, assess, and carry out activities
24 that reduce threats to marine mammals by—

25 “(1) reducing—

1 “(A) stressors related to vessel traffic; and

2 “(B) vessel strike mortality, and serious

3 injury; or

4 “(2) monitoring—

5 “(A) sound; and

6 “(B) vessel interactions with marine mam-

7 mals.

8 “(c) PRIORITY.—The Administrator shall prioritize

9 assistance under this section for projects that—

10 “(1) is based on the best available science on

11 methods to reduce threats related to vessels traffic;

12 “(2) collect data on the reduction of such

13 threats;

14 “(3) reduce—

15 “(A) disturbances from vessel presence;

16 “(B) mortality risk; or

17 “(C) serious injury from vessel strikes; or

18 “(4) conduct risk assessments, or tracks

19 progress toward threat reduction.

20 “(d) BRIEFING.—The Administrator shall provide to

21 the Committee on Transportation and Infrastructure of

22 the House of Representatives, and the Committee on Com-

23 merce, Science, and Transportation of the Senate, an an-

24 nual briefing that includes the following:

1 **“§ 50701. Near real-time monitoring and mitigation**
2 **program for large whales**

3 “(a) ESTABLISHMENT.—The Administrator of the
4 Maritime Administration, in consultation with the Com-
5 mandant of the Coast Guard, shall design and deploy a
6 near real-time large whale monitoring and mitigation pro-
7 gram (in this section referred to as the Program) informed
8 by the technologies, monitoring methods, and mitigation
9 protocols developed pursuant to the pilot program required
10 under section 50702.

11 “(b) PURPOSE.—The purpose of the Program will be
12 to reduce the risk to large whales of vessel collisions and
13 to minimize other impacts.

14 “(c) REQUIREMENTS.—In designing and deploying
15 the Program, the Administrator shall—

16 “(1) prioritize species of large whales for which
17 vessel collision impacts are of particular concern;

18 “(2) prioritize areas where such vessel impacts
19 are of particular concern;

20 “(3) develop technologies capable of detecting
21 and alerting individuals and enforcement agencies of
22 the probable location of large whales on a near real-
23 time basis, to include real time data whenever pos-
24 sible;

25 “(4) inform sector-specific mitigation protocols
26 to effectively reduce takes of large whales; and

1 “(5) integrate technology improvements as such
2 improvements become available.

3 “(d) **AUTHORITY.**—The Administrator may make
4 grants or enter into and contracts, leases, or cooperative
5 agreements as may be necessary to carry out the purposes
6 of this section on such terms as the Administrator con-
7 siders appropriate, consistent with Federal acquisition
8 regulations.

9 **“§ 50702. Pilot project**

10 “(a) **ESTABLISHMENT.**—The Administrator of the
11 Maritime Administration shall carry out a pilot monitoring
12 and mitigation project for North Atlantic right whales (in
13 this section referred to as the ‘Pilot Program’) for pur-
14 poses of informing a cost-effective, efficient, and results-
15 oriented near real-time monitoring and mitigation pro-
16 gram for large whales under 50701.

17 “(b) **PILOT PROJECT REQUIREMENTS.**—In carrying
18 out the pilot program, the Administrator, in coordination
19 with the Commandant of the Coast Guard, using best
20 available scientific information, shall identify and ensure
21 coverage of—

22 “(1) core foraging habitats of North Atlantic
23 right whales, including—

24 “(A) the South of the Islands core foraging
25 habitat;

1 “(B) the Cape Cod Bay Area core foraging
2 habitat;

3 “(C) the Great South Channel core for-
4 aging habitat; and

5 “(D) the Gulf of Maine; and

6 “(2) important feeding, breeding, calving,
7 rearing, or migratory habitats of North Atlantic
8 right whales that co-occur with areas of high risk of
9 mortality, serious injury, or other impacts to such
10 whales, including from vessels or vessel strikes.

11 “(c) PILOT PROJECT COMPONENTS.—

12 “(1) IN GENERAL.—Not later than 3 years
13 after the date of enactment of the Don Young Coast
14 Guard Authorization Act of 2022, the Adminis-
15 trator, in consultation with the Commandant, Tribal
16 governments, and with input from affected stake-
17 holders, shall design and deploy a near real-time
18 monitoring system for North Atlantic right whales
19 that—

20 “(A) comprises the best available detection
21 and survey technologies to detect North Atlan-
22 tic right whales within core foraging habitats;

23 “(B) uses dynamic habitat suitability mod-
24 els to inform the likelihood of North Atlantic

1 right whale occurrence in core foraging habitat
2 at any given time;

3 “(C) coordinates with the Integrated
4 Ocean Observing System and Coast Guard ves-
5 sel traffic service centers, and may coordinate
6 with Regional Ocean Partnerships to leverage
7 monitoring assets;

8 “(D) integrates historical data;

9 “(E) integrates new near real-time moni-
10 toring methods and technologies as they become
11 available;

12 “(F) accurately verifies and rapidly com-
13 municates detection data;

14 “(G) creates standards for allowing ocean
15 users to contribute data to the monitoring sys-
16 tem using comparable near real-time monitoring
17 methods and technologies; and

18 “(H) communicates the risks of injury to
19 large whales to ocean users in a way that is
20 most likely to result in informed decision mak-
21 ing regarding the mitigation of those risks.

22 “(2) NATIONAL SECURITY CONSIDERATIONS.—
23 All monitoring methods, technologies, and protocols
24 under this section shall be consistent with national
25 security considerations and interests.

1 “(3) ACCESS TO DATA.—The Administrator
2 shall provide access to data generated by the moni-
3 toring system deployed under paragraph (1) for pur-
4 poses of scientific research and evaluation, and pub-
5 lic awareness and education, including through the
6 NOAA Right Whale Sighting Advisory System and
7 WhaleMap or other successive public web portals,
8 subject to review for national security consider-
9 ations.

10 “(d) MITIGATION PROTOCOLS.—The Administrator,
11 in consultation with the Commandant, and with input
12 from affected stakeholders, develop and deploy mitigation
13 protocols that make use of the near real-time monitoring
14 system deployed under subsection (c) to direct sector-spe-
15 cific mitigation measures that avoid and significantly re-
16 duce risk of serious injury and mortality to North Atlantic
17 right whales.

18 “(e) REPORTING.—

19 “(1) PRELIMINARY REPORT.—Not later than 2
20 years after the date of the enactment of the Don
21 Young Coast Guard Authorization Act of 2022, the
22 Administrator, in consultation with the Com-
23 mandant, shall submit to the appropriate Congres-
24 sional Committees and make available to the public
25 a preliminary report which shall include—

1 “(A) a description of the monitoring meth-
2 ods and technology in use or planned for de-
3 ployment;

4 “(B) analyses of the efficacy of the meth-
5 ods and technology in use or planned for de-
6 ployment for detecting North Atlantic right
7 whales;

8 “(C) how the monitoring system is directly
9 informing and improving North American right
10 whale management, health, and survival;

11 “(D) a prioritized identification of tech-
12 nology or research gaps;

13 “(E) a plan to communicate the risks of
14 injury to large whales to ocean users in a way
15 that is most likely to result in informed decision
16 making regarding the mitigation of those risks;
17 and

18 “(F) additional information, as appro-
19 priate.

20 “(2) FINAL REPORT.—Not later than 6 years
21 after the date of the enactment of the Don Young
22 Coast Guard Authorization Act of 2022, the Admin-
23 istrator, in consultation with the Commandant, shall
24 submit to the appropriate congressional committees
25 and make available to the public a final report, ad-

1 dressing the components in subparagraph (A) and
2 including—

3 “(A) an assessment of the benefits and ef-
4 ficacy of the near real-time monitoring and
5 mitigation program;

6 “(B) a strategic plan to expand the pilot
7 program to provide near real-time monitoring
8 and mitigation measures;

9 “(i) to additional large whale species
10 of concern for which such measures would
11 reduce risk of serious injury or death; and

12 “(ii) in important feeding, breeding,
13 calving, rearing, or migratory habitats of
14 whales that co-occur with areas of high
15 risk of mortality or serious injury of such
16 whales from vessel strikes or disturbance;

17 “(C) a prioritized plan for acquisition, de-
18 ployment, and maintenance of monitoring tech-
19 nologies;

20 “(D) the locations or species for which the
21 plan would apply; and

22 “(E) a budget and description of funds
23 necessary to carry out the strategic plan.

24 “(f) ADDITIONAL AUTHORITY.—The Administrator
25 may make grants enter into contracts, leases, or coopera-

1 tive agreements as may be necessary to carry out the pur-
2 poses of this section on such terms as the Administrator
3 considers appropriate, consistent with Federal acquisition
4 regulations.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Administrator to
7 carry out this section \$17,000,000 for each of fiscal years
8 2022 through 2026.

9 “(h) DEFINITIONS.—In this section and section
10 50701:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means the Committee Transportation and
14 Infrastructure of the House of Representatives and
15 the Committee on Commerce, Science, and Trans-
16 portation of the Senate.

17 “(2) CORE FORAGING HABITATS.—The term
18 ‘core foraging habitats’ means areas with biological
19 and physical oceanographic features that aggregate
20 *Calanus finmarchicus* and where North Atlantic
21 right whales foraging aggregations have been well
22 documented.

23 “(3) NEAR REAL-TIME.—The term ‘near real-
24 time’ means detected activity that is visual, acoustic,
25 or in any other form, of North Atlantic right whales

1 that are transmitted and reported as soon as tech-
2 nically feasible after such detected activity has oc-
3 curred.

4 “(4) LARGE WHALE.—The term ‘large whale’
5 means all Mysticeti species and species within the
6 genera *Physeter* and *Orcinus*.”.

7 (2) CLERICAL AMENDMENT.—The table of
8 chapters for subtitle V of title 46, United States
9 Code is amended by adding after the item related to
10 chapter 505 the following:

“507. **Monitoring and Mitigation**50701”.

11 **SEC. 518. MANNING AND CREWING REQUIREMENTS FOR**
12 **CERTAIN VESSELS, VEHICLES, AND STRUC-**
13 **TURES.**

14 (a) AUTHORIZATION OF LIMITED EXEMPTIONS
15 FROM MANNING AND CREW REQUIREMENT.—Chapter 81
16 of title 46, United States Code, is amended by adding at
17 the end the following:

18 “§ 8108. **Exemptions from manning and crew require-**
19 **ments**

20 “(a) IN GENERAL.—The Secretary may provide an
21 exemption described in subsection (b) to the owner or op-
22 erator of a covered facility if each individual who is man-
23 ning or crewing the covered facility is—

24 “(1) a citizen of the United States;

1 “(2) an alien lawfully admitted to the United
2 States for permanent residence; or

3 “(3) a citizen of the nation under the laws of
4 which the vessel is documented.

5 “(b) REQUIREMENTS FOR ELIGIBILITY FOR EXEMP-
6 TION.—An exemption under this subsection is an exemp-
7 tion from the regulations established pursuant to section
8 30(a)(3) of the Outer Continental Shelf Lands Act (43
9 U.S.C. 1356(a)(3)).

10 “(c) LIMITATIONS.—An exemption under this sec-
11 tion—

12 “(1) shall provide that the number of individ-
13 uals manning or crewing the covered facility who are
14 described in paragraphs (2) and (3) of subsection
15 (a) may not exceed two and one- half times the
16 number of individuals required to man or crew the
17 covered facility under the laws of the nation under
18 the laws of which the covered facility is documented;
19 and

20 “(2) shall be effective for not more than 12
21 months, but may be renewed by application to and
22 approval by the Secretary.

23 “(d) APPLICATION.—To be eligible for an exemption
24 or a renewal of an exemption under this section, the owner
25 or operator of a covered facility shall apply to the Sec-

1 retary with an application that includes a sworn statement
2 by the applicant of all information required for the
3 issuance of the exemption.

4 “(e) REVOCATION.—

5 “(1) IN GENERAL.—The Secretary—

6 “(A) may revoke an exemption for a cov-
7 ered facility under this section if the Secretary
8 determines that information provided in the ap-
9 plication for the exemption was false or incom-
10 plete, or is no longer true or complete; and

11 “(B) shall immediately revoke such an ex-
12 emption if the Secretary determines that the
13 covered facility, in the effective period of the ex-
14 emption, was manned or crewed in a manner
15 not authorized by the exemption.

16 “(2) NOTICE REQUIRED.—The Secretary shall
17 provides notice of a determination under subpara-
18 graph (A) or (B) of paragraph (1) to the owner or
19 operator of the covered facility.

20 “(f) REVIEW OF COMPLIANCE.—The Secretary shall
21 periodically, but not less than once annually, inspect each
22 covered facility that operates under an exemption under
23 this section to verify the owner or operator of the covered
24 facility’s compliance with the exemption. During an in-
25 spection under this subsection, the Secretary shall require

1 all crew members serving under the exemption to hold a
2 valid transportation security card issued under section
3 70105.

4 “(g) PENALTY.—In addition to revocation under sub-
5 section (e), the Secretary may impose on the owner or op-
6 erator of a covered facility a civil penalty of \$10,000 per
7 day for each day the covered facility—

8 “(1) is manned or crewed in violation of an ex-
9 emption under this subsection; or

10 “(2) operated under an exemption under this
11 subsection that the Secretary determines was not
12 validly obtained.

13 “(h) NOTIFICATION OF SECRETARY OF STATE.—The
14 Secretary shall notify the Secretary of State of each ex-
15 emption issued under this section, including the effective
16 period of the exemption.

17 “(i) DEFINITIONS.—In this section:

18 “(1) COVERED FACILITY.—The term ‘covered
19 facility’ means any vessel, rig, platform, or other ve-
20 hicle or structure, over 50 percent of which is owned
21 by citizens of a foreign nation or with respect to
22 which the citizens of a foreign nation have the right
23 effectively to control, except to the extent and to the
24 degree that the President determines that the gov-
25 ernment of such foreign nation or any of its political

1 subdivisions has implemented, by statute, regulation,
2 policy, or practice, a national manning requirement
3 for equipment engaged in the exploring for, devel-
4 oping, or producing resources, including non-mineral
5 energy resources in its offshore areas.

6 “(2) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of the department in which the Coast
8 Guard is operating.”

9 (b) ANNUAL REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, and annually
12 thereafter, the Secretary shall submit to Congress a
13 report containing information on each letter of non-
14 applicability of section 8109 of title 46, United
15 States Code, with respect to a covered facility that
16 was issued by the Secretary during the preceding
17 year.

18 (2) CONTENTS.—The report under paragraph
19 (1) shall include, for each covered facility—

20 (A) the name and International Maritime
21 Organization number;

22 (B) the nation in which the covered facility
23 is documented;

24 (C) the nationality of owner or owners; and

1 (D) for any covered facility that was pre-
2 viously issued a letter of nonapplicability in a
3 prior year, any changes in the information de-
4 scribed in subparagraphs (A) through (C).

5 (c) REGULATIONS.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary shall pro-
7 mulgate regulations that specify the documentary and
8 other requirements for the issuance of an exemption under
9 the amendment made by this section.

10 (d) EXISTING EXEMPTIONS.—

11 (1) EFFECT OF AMENDMENTS; TERMI-
12 NATION.—Each exemption under section 30(c)(2) of
13 the Outer Continental Shelf Lands Act (43 U.S.C.
14 1356(c)(2)) issued before the date of the enactment
15 of this Act—

16 (A) shall not be affected by the amend-
17 ments made by this section during the 120-day
18 period beginning on the date of the enactment
19 of this Act; and

20 (B) shall not be effective after such period.

21 (2) NOTIFICATION OF HOLDERS.—Not later
22 than 60 days after the date of the enactment of this
23 Act, the Secretary shall notify all persons that hold
24 such an exemption that it will expire as provided in
25 paragraph (1).

1 (e) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 81 of the title 46, United States Code, is amended
3 by adding at the end the following:

“8108. Exemptions from manning and crew requirements.”.

4 **TITLE VI—SEXUAL ASSAULT AND**
5 **SEXUAL HARASSMENT PRE-**
6 **VENTION AND RESPONSE**

7 **SEC. 601. DEFINITIONS.**

8 (a) IN GENERAL.—Section 2101 of title 46, United
9 States Code, is amended—

10 (1) by redesignating paragraphs (45) through
11 (54) as paragraphs (47) through (56), respectively;
12 and

13 (2) by inserting after paragraph (44) the fol-
14 lowing:

15 “(45) ‘sexual assault’ means any form of abuse
16 or contact as defined in chapter 109A of title 18, or
17 a substantially similar State, local, or Tribal offense.

18 “(46) ‘sexual harassment’ means—

19 “(A) conduct that—

20 “(i) involves unwelcome sexual ad-
21 vances, requests for sexual favors, or delib-
22 erate or repeated offensive comments or
23 gestures of a sexual nature if any—

24 “(I) submission to such conduct
25 is made either explicitly or implicitly a

1 term or condition of employment, pay,
2 career, benefits, or entitlements of the
3 individual;

4 “(II) submission to, or rejection,
5 of such conduct by an individual is
6 used as a basis for decisions affecting
7 that individual’s job, pay, career, ben-
8 efits, or entitlements;

9 “(III) such conduct has the pur-
10 pose or effect of unreasonably inter-
11 fering with an individual’s work per-
12 formance or creates an intimidating,
13 hostile, or offensive work environment;
14 or

15 “(IV) conduct may have been by
16 an individual’s supervisor, a super-
17 visor in another area, a co-worker, or
18 another credentialed mariner; and

19 “(ii) is so severe or pervasive that a
20 reasonable person would perceive, and the
21 victim does perceive, the environment as
22 hostile or offensive;

23 “(B) any use or condonation associated
24 with first-hand or personal knowledge, by any
25 individual in a supervisory or command posi-

1 of the suspension and revocation proceedings, is the sub-
2 ject of an official finding of sexual harassment, then the
3 license, certificate of registry, or merchant mariner's docu-
4 ment may be suspended or revoked.

5 “(b) SEXUAL ASSAULT.—If it is shown at a hearing
6 under this chapter that a holder of a license, certificate
7 of registry, or merchant mariner's document issued under
8 this part, within 10 years before the beginning of the sus-
9 pension and revocation proceedings, is the subject of an
10 official finding of sexual assault, then the license, certifi-
11 cate of registry, or merchant mariner's document shall be
12 revoked.

13 “(c) OFFICIAL FINDING.—

14 “(1) IN GENERAL.—In this section, the term
15 ‘official finding’ means—

16 “(A) a legal proceeding or agency finding
17 or decision that determines the individual com-
18 mitted sexual harassment or sexual assault in
19 violation of any Federal, State, local, or Tribal
20 law or regulation; or

21 “(B) a determination after an investigation
22 by the Coast Guard that, by a preponderance of
23 the evidence, the individual committed sexual
24 harassment or sexual assault if the investiga-

1 tion affords appropriate due process rights to
2 the subject of the investigation.

3 “(2) INVESTIGATION BY THE COAST GUARD.—

4 An investigation by the Coast Guard under para-
5 graph (1)(B) shall include, at a minimum, evalua-
6 tion of the following materials that, upon request,
7 shall be provided to the Coast Guard:

8 “(A) Any inquiry or determination made
9 by the employer or former employer of the indi-
10 vidual as to whether the individual committed
11 sexual harassment or sexual assault.

12 “(B) Any investigative materials, docu-
13 ments, records, or files in the possession of an
14 employer or former employer of the individual
15 that are related to the claim of sexual harass-
16 ment or sexual assault by the individual.

17 “(3) ADMINISTRATIVE LAW JUDGE REVIEW.—

18 “(A) COAST GUARD INVESTIGATION.—A
19 determination under paragraph (1)(B) shall be
20 reviewed and affirmed by an administrative law
21 judge within the same proceeding as any sus-
22 pension or revocation of a license, certificate of
23 registry, or merchant mariner’s document under
24 subsection (a) or (b).

1 “(B) **LEGAL PROCEEDING.**—A determina-
2 tion under paragraph (1)(A) that an individual
3 committed sexual harassment or sexual assault
4 is conclusive in suspension and revocation pro-
5 ceedings.”.

6 (b) **CLERICAL AMENDMENT.**—The chapter analysis
7 of chapter 77 of title 46, United States Code, is amended
8 by inserting after the item relating to section 7704 the
9 following:

 “7704a. Sexual harassment or sexual assault as grounds for suspension or rev-
 ocation.”.

10 **SEC. 604. ACCOMMODATION; NOTICES.**

11 Section 11101 of title 46, United States Code, is
12 amended—

13 (1) in subsection (a)(3), by striking “and” at
14 the end;

15 (2) in subsection (a)(4), by striking the period
16 at the end and inserting “; and”;

17 (3) in subsection (a), by adding at the end the
18 following:

19 “(5) each crew berthing area shall be equipped
20 with information regarding—

21 “(A) vessel owner or company policies pro-
22 hibiting sexual assault and sexual harassment,
23 retaliation, and drug and alcohol usage; and

1 “(B) procedures and resources to report
2 crimes, including sexual assault and sexual har-
3 assment, including information—

4 “(i) on the contact information,
5 website address, and mobile application to
6 the Coast Guard Investigative Services for
7 reporting of crimes and the Coast Guard
8 National Command Center;

9 “(ii) on vessel owner or company pro-
10 cedures to report violations of company
11 policy and access resources;

12 “(iii) on resources provided by outside
13 organizations such as sexual assault hot-
14 lines and counseling;

15 “(iv) on the retention period for sur-
16 veillance video recording after an incident
17 of sexual harassment or sexual assault is
18 reported; and

19 “(v) additional items specified in reg-
20 ulations issued by, and at the discretion of,
21 the Secretary of the department in which
22 the Coast Guard is operating.”; and

23 (4) in subsection (d), by adding at the end the
24 following: “In each washing space in a visible loca-
25 tion there shall be information regarding procedures

1 and resources to report crimes upon the vessel, in-
2 cluding sexual assault and sexual harassment, and
3 vessel owner or company policies prohibiting sexual
4 assault and sexual harassment, retaliation, and drug
5 and alcohol usage.”.

6 **SEC. 605. PROTECTION AGAINST DISCRIMINATION.**

7 Section 2114(a)(1) of title 46, United States Code,
8 is amended—

9 (1) by redesignating subparagraphs (B)
10 through (G) as subparagraphs (C) through (H), re-
11 spectively; and

12 (2) by inserting after subparagraph (A) the fol-
13 lowing:

14 “(B) the seaman in good faith has reported or
15 is about to report to the vessel owner, Coast Guard
16 or other appropriate Federal agency or department
17 sexual harassment or sexual assault against the sea-
18 man or knowledge of sexual harassment or sexual
19 assault against another seaman;”.

20 **SEC. 606. ALCOHOL PROHIBITION.**

21 (a) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary of
24 the department in which the Coast Guard is oper-
25 ating shall, taking into account the safety and secu-

1 rity of every individual on documented vessels, issue
2 such regulations as are necessary relating to alcohol
3 consumption on documented vessels, according to
4 the following requirements:

5 (A) The Secretary shall determine safe lev-
6 els of alcohol consumption by crewmembers
7 aboard documented vessels engaged in commer-
8 cial service.

9 (B) If the Secretary determines there is no
10 alcohol policy that can be implemented to en-
11 sure a safe environment for crew and pas-
12 sengers, the Secretary shall implement a prohi-
13 bition on possession and consumption of alcohol
14 by crewmembers while aboard a vessel, except
15 when possession is associated with the commer-
16 cial sale or gift to non-crew members aboard
17 the vessel.

18 (C) To the extent a policy establishes safe
19 levels of alcohol consumption in accordance with
20 subparagraph (A), such policy shall not super-
21 sede a vessel owner's discretion to further limit
22 or prohibit alcohol on its vessels.

23 (2) IMMUNITY FROM CIVIL LIABILITY.—Any
24 crewmember who reports an incident of sexual as-
25 sault or sexual harassment that is directly related to

1 a violation of the regulations issued under paragraph
2 (1) is immune from civil liability for any related vio-
3 lation of such regulations.

4 **SEC. 607. SURVEILLANCE REQUIREMENTS.**

5 (a) IN GENERAL.—Part B of subtitle II of title 46,
6 United States Code, is amended by adding at the end the
7 following:

8 **“CHAPTER 49—OCEANGOING NON-**
9 **PASSENGER COMMERCIAL VESSELS**

“Sec.
“4901. Surveillance requirements.

10 **“§ 4901. Surveillance requirements**

11 “(a) IN GENERAL.—A vessel engaged in commercial
12 service that does not carry passengers, shall maintain a
13 video surveillance system.

14 “(b) APPLICABILITY.—The requirements in this sec-
15 tion shall apply to—

16 “(1) documented vessels with overnight accom-
17 modations for at least 10 persons on board—

18 “(A) is on a voyage of at least 600 miles
19 and crosses seaward of the Boundary Line; or

20 “(B) is at least 24 meters (79 feet) in
21 overall length and required to have a load line
22 under chapter 51;

23 “(2) documented vessels of at least 500 gross
24 tons as measured under section 14502, or an alter-

1 nate tonnage measured under section 14302 as pre-
2 scribed by the Secretary under section 14104 on an
3 international voyage; and

4 “(3) vessels with overnight accommodations for
5 at least 10 persons on board that are operating for
6 no less than 72 hours on waters superjacent to the
7 Outer Continental Shelf.

8 “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-
9 LANCE EQUIPMENT.—

10 “(1) IN GENERAL.—The owner of a vessel to
11 which this section applies shall install video and
12 audio surveillance equipment aboard the vessel not
13 later than 2 years after enactment of the Don
14 Young Coast Guard Authorization Act of 2022, or
15 during the next scheduled drydock, whichever is
16 later.

17 “(2) LOCATIONS.—Video and audio surveillance
18 equipment shall be placed in passageways on to
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) the request is in conjunction with a
21 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 paragraph 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 150 days
11 after the footage is obtained. Any video and audio surveil-
12 lance found to be associated with an alleged incident
13 should be preserved for not less than 4 years from the
14 date of the alleged incident. The Federal Bureau of Inves-
15 tigation and the Coast Guard are authorized access to all
16 records of video and audio surveillance relevant to an in-
17 vestigation into criminal conduct.

18 “(g) DEFINITION.—In this section, the term ‘owner’
19 means the owner, charterer, managing operator, master,
20 or other individual in charge of a vessel.

21 “(h) EXEMPTION.—Fishing vessels, fish processing
22 vessels, and fish tender vessels are exempt from this sec-
23 tion.”.

24 (b) CLERICAL AMENDMENT.—The table of chapters
25 for subtitle II of title 46, United States Code, is amended

1 by adding after the item related to chapter 47 the fol-
2 lowing:

“49. **Oceangoing Non-Passenger Commercial Vessels** 4901”.

3 **SEC. 608. MASTER KEY CONTROL.**

4 (a) **IN GENERAL.**—Chapter 31 of title 46, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “§ 3106. **Master key control system**

8 “(a) **IN GENERAL.**—The owner of a vessel subject to
9 inspection under section 3301 shall—

10 “(1) ensure that such vessel is equipped with a
11 vessel master key control system, manual or elec-
12 tronic, which provides controlled access to all copies
13 of the vessel’s master key of which access shall only
14 be available to the individuals described in para-
15 graph (2);

16 “(2) establish a list of all crew, identified by po-
17 sition, allowed to access and use the master key and
18 maintain such list upon the vessel, within owner
19 records and included in the vessel safety manage-
20 ment system;

21 “(3) record in a log book information on all ac-
22 cess and use of the vessel’s master key, including—

23 “(A) dates and times of access;

24 “(B) the room or location accessed; and

1 “(C) the name and rank of the crew mem-
2 ber that used the master key; and

3 “(4) make the list under paragraph (2) and the
4 log book under paragraph (3) available upon request
5 to any agent of the Federal Bureau of Investigation,
6 any member of the Coast Guard, and any law en-
7 forcement officer performing official duties in the
8 course and scope of an investigation.

9 “(b) PROHIBITED USE.—Crew not included on the
10 list described in subsection (a)(2) shall not have access
11 to or use the master key unless in an emergency and shall
12 immediately notify the master and owner of the vessel fol-
13 lowing use of such key.

14 “(c) REQUIREMENTS FOR LOG BOOK.—The log book
15 described in subsection (a)(3) and required to be included
16 in a safety management system under section
17 3203(a)(6)—

18 “(1) may be electronic; and

19 “(2) shall be located in a centralized location
20 that is readily accessible to law enforcement per-
21 sonnel.

22 “(d) PENALTY.—Any crew member who uses the
23 master key without having been granted access pursuant
24 to subsection (a)(2) shall be liable to the United States
25 Government for a civil penalty of not more than \$1,000

1 and may be subject to suspension or revocation under sec-
2 tion 7703.

3 “(e) EXEMPTION.—This section shall not apply to
4 vessels subject to section 3507(f).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 31 of title 46, United States Code, is amended by add-
7 ing at the end the following:

“3106. Master key control system.”.

8 **SEC. 609. SAFETY MANAGEMENT SYSTEMS.**

9 Section 3203 of title 46, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) by redesignating paragraphs (5) and
13 (6) as paragraphs (7) and (8); and

14 (B) by inserting after paragraph (4) the
15 following:

16 “(5) with respect to sexual harassment and sexual
17 assault, procedures for, and annual training re-
18 quirements for all shipboard personnel on—

19 “(A) prevention;

20 “(B) bystander intervention;

21 “(C) reporting;

22 “(D) response; and

23 “(E) investigation;

24 “(6) the log book required under section
25 3106;”;

1 (2) by redesignating subsections (b) and (c) as
2 subsections (c) and (d), respectively; and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) PROCEDURES AND TRAINING REQUIRE-
6 MENTS.—In prescribing regulations for the procedures
7 and training requirements described in subsection (a)(5),
8 such procedures and requirements shall be consistent with
9 the requirements to report sexual harassment or sexual
10 assault under section 10104.”.

11 **SEC. 610. REQUIREMENT TO REPORT SEXUAL ASSAULT**
12 **AND HARASSMENT.**

13 Section 10104 of title 46, United States Code, is
14 amended by striking subsections (a) and (b) and inserting
15 the following:

16 “(a) MANDATORY REPORTING BY CREW MEMBER.—

17 “(1) IN GENERAL.—A crew member of a docu-
18 mented vessel shall report to the Secretary any com-
19 plaint or incident of sexual harassment or sexual as-
20 sault of which the crewmember has first-hand or
21 personal knowledge.

22 “(2) PENALTY.—A crew member with first-
23 hand or personal knowledge of a sexual assault or
24 sexual harassment incident on a documented vessel
25 who knowingly fails to report in compliance with

1 paragraph (a)(1) is liable to the United States Gov-
2 ernment for a civil penalty of not more than \$5,000.

3 “(3) AMNESTY.—A crew member who fails to
4 make the required reporting under paragraph (1)
5 shall not be subject to the penalty described in para-
6 graph (2) if—

7 “(A) the crew member is the victim of such
8 sexual assault or sexual harassment incident;

9 “(B) the complaint is shared in confidence
10 with the crew member directly from the victim;
11 or

12 “(C) the crew member is a victim advocate
13 as defined in section 40002(a) of the Violent
14 Crime Control and Law Enforcement Act of
15 1994 (34 U.S.C. 12291(a)).

16 “(b) MANDATORY REPORTING BY VESSEL OWNER.—

17 “(1) IN GENERAL.—A vessel owner or man-
18 aging operator of a documented vessel or the em-
19 ployer of a seafarer on that vessel shall report to the
20 Secretary any complaint or incident of harassment,
21 sexual harassment, or sexual assault in violation of
22 employer policy or law, of which such vessel owner
23 or managing operator of a vessel engaged in com-
24 mercial service, or the employer of the seafarer is
25 made aware. Such reporting shall include results of

1 any investigation into the incident, if applicable, and
2 any action taken against the offending crewmember.

3 “(2) PENALTY.—A vessel owner or managing
4 operator of a vessel engaged in commercial service,
5 or the employer of a seafarer on that vessel who
6 knowingly fails to report in compliance with para-
7 graph (1) is liable to the United States Government
8 for a civil penalty of not more than \$25,000.

9 “(c) REPORTING PROCEDURES.—

10 “(1) CREW MEMBER REPORTING.—A report re-
11 quired under subsection (a)—

12 “(A) with respect to a crew member, shall
13 be made as soon as practicable, but no later
14 than 10 days after the crew member develops
15 first-hand or personal knowledge of the sexual
16 assault or sexual harassment incident to the
17 Coast Guard National Command Center by the
18 fastest telecommunication channel available;
19 and

20 “(B) with respect to a master, shall be
21 made immediately after the master develops
22 first-hand or personal knowledge of a sexual as-
23 sult incident to the Coast Guard National
24 Command Center by the fastest telecommuni-
25 cation channel available.

1 “(2) VESSEL OWNER REPORTING.—A report re-
2 quired under subsection (b) shall be made imme-
3 diately after the vessel owner, managing operator, or
4 employer of the seafarer gains knowledge of a sexual
5 assault or sexual harassment incident by the fastest
6 telecommunication channel available, and such re-
7 port shall be made to the Coast Guard National
8 Command Center and to—

9 “(A) the nearest Coast Guard Captain of
10 the Port; or

11 “(B) the appropriate officer or agency of
12 the government of the country in whose waters
13 the incident occurs.

14 “(3) CONTENTS.—A report required under sub-
15 sections (a) and (b) shall include, to the best of the
16 reporter’s knowledge—

17 “(A) the name, official position or role in
18 relation to the vessel, and contact information
19 of the individual making the report;

20 “(B) the name and official number of the
21 documented vessel;

22 “(C) the time and date of the incident;

23 “(D) the geographic position or location of
24 the vessel when the incident occurred; and

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 shall
10 be brought not more than 5 years after the cause of action
11 for a claim of sexual harassment or sexual assault arose.”.

12 (c) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 301 of title 46, United States Code, is amended by
14 striking the item related to section 30106 and inserting
15 the following:

“30106. Time limit on bringing maritime action.”.

16 **SEC. 612. ADMINISTRATION OF SEXUAL ASSAULT FORENSIC**
17 **EXAMINATION KITS.**

18 (a) IN GENERAL.—Chapter 5 of title 14, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “§ 564. Administration of sexual assault forensic ex-
22 **amination kits**

23 “(a) REQUIREMENT.—A Coast Guard vessel that em-
24 barks on a covered voyage shall be—

1 “(1) equipped with no less than 2 sexual as-
2 sault and forensic examination kits; and

3 “(2) staffed with at least 1 medical professional
4 qualified and trained to administer such kits.

5 “(b) COVERED VOYAGE DEFINED.—In this section,
6 the term ‘covered voyage’ means a prescheduled voyage
7 of a Coast Guard vessel that, at any point during such
8 voyage—

9 “(1) would require the vessel to travel 5 con-
10 secutive days or longer at 20 knots per hour to
11 reach a land-based or afloat medical facility; and

12 “(2) aeromedical evacuation will be unavailable
13 during the travel period referenced in paragraph
14 (1).”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 5 of title 14, United States Code, is amended
17 by adding at the end the following:

 “564. Administration of sexual assault forensic examination kits.”.

18 **TITLE VII—TECHNICAL AND**
19 **CONFORMING PROVISIONS**

20 **SEC. 701. TECHNICAL CORRECTIONS.**

21 (a) Section 319(b) of title 14, United States Code,
22 is amended by striking “section 331 of the FAA Mod-
23 ernization and Reform Act of 2012 (49 U.S.C. 40101
24 note)” and inserting “section 44801 of title 49”.

1 (b) Section 1156(c) of title 14, United States Code,
2 is amended by striking “section 331 of the FAA Mod-
3 ernization and Reform Act of 2012 (49 U.S.C. 40101
4 note)” and inserting “section 44801 of title 49”.

5 **SEC. 702. TRANSPORTATION WORKER IDENTIFICATION**
6 **CREDENTIAL TECHNICAL AMENDMENTS.**

7 (a) IN GENERAL.—Section 70105 of title 46, United
8 States Code, is amended—

9 (1) in the section heading by striking “**secu-**
10 **riety cards**” and inserting “**worker identifica-**
11 **tion credentials**”;

12 (2) by striking “transportation security card”
13 each place it appears and inserting “transportation
14 worker identification credential”;

15 (3) by striking “transportation security cards”
16 each place it appears and inserting “transportation
17 worker identification credentials”;

18 (4) by striking “card” each place it appears
19 and inserting “credential”

20 (5) in the heading for subsection (b) by striking
21 “CARDS” and inserting “CREDENTIALS”;

22 (6) in subsection (g), by striking “Assistant
23 Secretary of Homeland Security for” and inserting
24 “Administrator of”;

1 (7) by striking subsection (i) and redesignating
2 subsections (j) and (k) as subsections (i) and (j), re-
3 spectively;

4 (8) by striking subsection (l) and redesignating
5 subsections (m) through (q) as subsections (k)
6 through (o), respectively;

7 (9) in subsection (j), as so redesignated—

8 (A) in the subsection heading by striking
9 “SECURITY CARD” and inserting “WORKER
10 IDENTIFICATION CREDENTIAL”; and

11 (B) in the heading for paragraph (2) by
12 striking “SECURITY CARDS” and inserting
13 “WORKER IDENTIFICATION CREDENTIAL”;

14 (10) in subsection (k)(1), as so redesignated, by
15 striking “subsection (k)(3)” and inserting “sub-
16 section (j)(3)”; and

17 (11) in subsection (o), as so redesignated—

18 (A) in the subsection heading by striking
19 “SECURITY CARD” and inserting “WORKER
20 IDENTIFICATION CREDENTIAL”;

21 (B) in paragraph (1)—

22 (i) by striking “subsection (k)(3)” and
23 inserting “subsection (j)(3)”; and

1 (ii) by striking “This plan shall” and
2 inserting “Such receipt and activation
3 shall”; and

4 (C) in paragraph (2) by striking “on-site
5 activation capability” and inserting “on-site re-
6 ceipt and activation of transportation worker
7 identification credentials”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 701 of title 46, United States Code, is amended by
10 striking the item related to section 70105 and inserting
11 the following:

“70105. Transportation worker identification credentials.”.

12 **SEC. 703. REINSTATEMENT.**

13 (a) REINSTATEMENT.—The text of section 12(a) of
14 the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly
15 known as the Truman-Hobbs Act, is—

16 (1) reinstated as it appeared on the day before
17 the date of enactment of section 8507(b) of the Wil-
18 liam M. (Mac) Thornberry National Defense Author-
19 ization Act for Fiscal Year 2021 (Public Law 116–
20 283); and

21 (2) redesignated as the sole text of section 12
22 of the Act of June 21, 1940 (33 U.S.C. 522).

23 (b) EFFECTIVE DATE.—The provision reinstated by
24 subsection (a) shall be treated as if such section 8507(b)
25 had never taken effect.

1 (c) CONFORMING AMENDMENT.—The provision rein-
2 stated under subsection (a) is amended by striking “, ex-
3 cept to the extent provided in this section”.

4 **SEC. 704. DETERMINATION OF BUDGETARY EFFECTS.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation for this
9 Act”, submitted for printing in the Congressional Record
10 by the Chairman of the House Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.