

S 1611

Coast Guard Authorization Act of 2015

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Sponsor

Name: Sen. Thune, John [R-SD]

Party: Republican • **State:** SD • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Booker, Cory A. [D-NJ]	D · NJ		Jun 18, 2015
Sen. Nelson, Bill [D-FL]	D · FL		Jun 18, 2015
Sen. Rubio, Marco [R-FL]	R · FL		Jun 18, 2015
Sen. Sullivan, Dan [R-AK]	R · AK		Jun 18, 2015
Sen. Wicker, Roger F. [R-MS]	R · MS		Jun 23, 2015

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Nov 30, 2015

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
114 HR 4188	Related bill	Feb 8, 2016: Became Public Law No: 114-120.
114 HR 2284	Related bill	Jun 4, 2015: Referred to the Subcommittee on Indian, Insular and Alaska Native Affairs.
114 HR 1987	Related bill	May 19, 2015: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 S 1316	Related bill	May 13, 2015: Read twice and referred to the Committee on Energy and Natural Resources.
114 S 1191	Related bill	May 5, 2015: Read twice and referred to the Committee on Commerce, Science, and Transportation.
114 HR 2038	Related bill	Apr 28, 2015: Referred to the Subcommittee on Coast Guard and Maritime Transportation.
114 HR 1402	Related bill	Mar 18, 2015: Referred to the Subcommittee on Coast Guard and Maritime Transportation.

Coast Guard Authorization Act of 2015

TITLE I--AUTHORIZATIONS

(Sec. 101) This bill authorizes appropriations for the Coast Guard for FY2016-FY2017 as well as an end-of-year strength for active duty personnel of 43,000 for each of them.

Prior authorization of appropriations shall be required for the Coast Guard Reserve program.

Additional appropriations are authorized for FY2016-FY2017 for preacquisition activities for a new polar icebreaker, including initial specification development and feasibility studies.

TITLE II--COAST GUARD

(Sec. 201) The grade of the Vice Commandant of the Coast Guard shall be increased from vice admiral to admiral, and the Chief of Staff of the Coast Guard shall be a vice admiral.

(Sec. 202) The President may designate within the Executive branch, outside the Coast Guard, positions of importance and responsibility held by officers with the grade of vice admiral.

(Sec. 203) The Coast Guard shall develop and implement a plan to conduct every two years a multirater assessment for each Coast Guard: (1) flag officer, (2) member of the Senior Executive Staff, and (3) officer nominated for promotion to the grade of captain.

A multirater assessment is a review that seeks opinion from members senior to the reviewee as well as the reviewee's peers and subordinates.

The Coast Guard shall report to Congress on the feasibility of including a multirater assessment as part of its personnel development programs.

The Coast Guard shall also develop an annual training course for all Coast Guard flag officers newly appointed or assigned to billets in the National Capital Region, and all Coast Guard senior executive service personnel employed in the National Capital Region, to educate them on the workings of Congress.

(Sec. 204) The bill repeals certain requirements and Enlisted Personnel Board procedures for the involuntary retirement of enlisted Coast Guard members with 20 or more years of active military service.

(Sec. 205) The Coast Guard shall: (1) report to Congress on alternative methods for notifying members of the Coast Guard of their monthly earnings, and (2) audit annually the pay and allowances for the members transferred to new units during the year.

(Sec. 206) The Coast Guard may recall and order to active duty, without the member's consent, a retired Coast Guard member subject to the Uniform Code of Military Justice (UCMJ) for the purpose of a preliminary hearing under the UCMJ, trial by court-martial, and nonjudicial punishment.

(Sec. 207) The Department of Homeland Security (DHS) shall, in lieu of reimbursement, transfer, from amounts appropriated for the operating expenses of the Coast Guard, an amount, determined by the Department of Defense (DOD) Board of Actuaries, that represents the value of care that the DOD or a military department, during the fiscal year

in which funds are made available, provides to a member or former member of the Coast Guard (or a dependent).

(Sec. 208) DHS may have remitted or cancelled any part of a person's indebtedness to the United States or any instrumentality of the United States if:

- the indebtedness was incurred while the person served on active duty as a member of the Coast Guard; and
- DHS determines that remitting or cancelling the indebtedness is in the best interest of the United States.

(Sec. 209) The bill reduces from 90 to 30 days the deadline for the Coast Guard to notify Congress before approving a community as Coast Guard City, USA.

(Sec. 210) The Coast Guard shall report quarterly to Congress a current assessment of the risks associated with all current major acquisition programs.

(Sec. 211) The Coast Guard shall assess for Congress the effect of any new major acquisition on its stated Program of Record and Capital Investment Plan.

(Sec. 212) A Polar Icebreaker shall be exempt from the requirement that it be classed by the American Bureau of Shipping before final acceptance by the Coast Guard. On the other hand the Coast Guard shall cause the design and construction of each Polar Icebreaker to be assessed by an independent third party with expertise in vessel design and construction certification.

The Coast Guard may contract for the acquisition of Polar Icebreakers and associated equipment using incremental funding. The Department in which the Coast Guard is operating (the Department, unless otherwise indicated) shall:

- complete a materiel condition assessment with respect to the U.S. Coast Guard Cutter Polar Sea, and
- determine whether it is cost effective to reactivate the Polar Sea when compared with other options to provide icebreaking services as part of a strategy to maintain polar icebreaking services.

The Coast Guard may also decommission the Polar Sea if reactivation is not cost effective.

(Sec. 213) The Coast Guard may enter into a contract or cooperative agreement on a sole source basis, or into a lease or license, with a tax-exempt nonprofit organization that the Coast Guard Academy Alumni Association may establish in order to apply for and administer federal, state, or other educational research grants on behalf of the Coast Guard Academy.

For the support of such research the Coast Guard may also:

- allow that organization to use, at no cost, personal property of the Coast Guard;
- accept, retain, and use funds, supplies, and services from the organization

(Sec. 214) The Magnuson-Stevens Fishery Conservation and Management Act is amended, with respect to enforcement of national fishery management program requirements, to specify the U.S. District Court for the District of Hawaii as the appropriate court for Hawaii (as under current law) or any U.S. possession in the Pacific Ocean, and the U.S. District Court for the District of Guam as the appropriate court for Wake Island.

(Sec. 215) The bill repeals the prohibition against (and so shall allow) expending appropriated federal funds for the engineering, design, or construction of a National Coast Guard Museum.

(Sec. 216) The DHS Inspector General shall consult with the DOD Inspector General anytime a report of allegations of misconduct are made against senior officials (flag officers and Senior Executive Service). Investigations of misconduct must be consistent with DOD policies.

(Sec. 217) DHS shall issue guidance and procedures for Coast Guard boards and personnel necessary to ensure that, in determining whether the disability of a Coast Guard member is combat-related and so eligible for combat-related special compensation, those boards and personnel consider DOD criteria in the same manner as boards and personnel of the military departments consider such criteria in making similar determinations.

Such a disability shall include one incurred in the performance of combat-related eligible duties while permanently or temporarily assigned to a combatant command or other DOD unit or while executing a mission or training in support of DOD.

Such a disability shall also include one incurred by a member of the Coast Guard when it was not operating as a service in the Navy:

- while engaged in hazardous service, including aviation duty, diving duty, rescue swimmer or similar duty, and hazardous service duty onboard a small vessel (such as surfman duty)
- in the performance of duties for which certain special or incentive pay was paid;
- in the performance of a homeland security mission or of a search and rescue mission; or
- while engaged in a training exercise for the performance of such a mission or duty.

(Sec. 218) Within a year after DOD or the Navy promulgates a new rule, policy, or memorandum regarding maternity leave, the Department shall promulgate a similar rule, policy, or memorandum, consistent with whichever maternity leave policy is greater in terms of both duration and compensation.

TITLE III--SHIPPING AND NAVIGATION

(Sec. 301) Whistleblower protections for seamen reporting possible violations of a maritime safety or environmental protection law or regulation shall extend to reports to a vessel owner, a vessel operator, or the seaman's employer.

(Sec. 302) The bill prescribes criminal penalties for destruction of evidence and other property subject to forfeiture during maritime counter-drug operations.

Practices commonly recognized as smuggling tactics, including specified indicia, may provide *prima facie* evidence of intent to use a vessel to commit, or to facilitate the commission of, an controlled substances offense, even in the absence of controlled substances aboard the vessel.

The bill prescribes criminal penalties also for knowing concealment of over \$100,000 in currency or other monetary instruments in the course of maritime bulk cash smuggling.

(Sec. 303) Requirements and prohibitions for the carriage of liquid bulk dangerous cargoes shall apply to fishing or fish tender vessels of 500 gross tons or less if they are carrying flammable or combustible liquid cargoes in bulk.

(Sec. 304) The Department and the Department of Transportation (DOT) shall establish policies and practices to ensure that the authorities relating to maritime transportation of hazardous materials are enforced in the same manner and to the same extent, and the civil and criminal penalties are assessed or recommended in the same manner and to the same extent.

(Sec. 305) The Department may develop and propose a model for a national recreational vessel training curriculum and education standards for operators of recreational vessels equipped with propulsion machinery of any kind.

(Sec. 306) Freedom of Information requirements for federal agencies shall not apply to a question from any examination for a merchant seamen license, certificate, or document, let alone the answer.

The Secretary shall develop a sample merchant mariner exam and outline of merchant mariner exam topics on an annual basis.

(Sec. 307) The Coast Guard Authorization Act of 2010 is revised with regard to the application to Cape Flattery, Washington, of certain requirements for tank vessel response plans for oil, response plan requirements for vessels carrying animal fats and vegetable oils as a primary cargo, and response plan requirements for vessels carrying other non-petroleum oils as a primary cargo. The application of these requirements to the higher volume port area for the Strait of Juan de Fuca at Port Angeles, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound, shall be deemed also to apply, in the same manner, and to the same extent, to the Strait of Juan de Fuca at Cape Flattery, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound.

(Sec. 308) The Department may treat as one of its own any assessment of the effectiveness of a foreign port's antiterrorism measures conducted by a foreign government (including an entity of or operating under the auspices of the European Union) or by an international organization if certain requirements are met.

The Department may enter into an agreement with a foreign government (including one under European Union auspices) or an international organization for the conduct of such assessments and the sharing of information.

(Sec. 309) In establishing a model year for recreational vessels and associated equipment, the Department shall begin it on June 1 of one year and end it on July 31 of the following year, which shall also be the year designated.

(Sec. 310) The Department shall amend regulations relating to weights (pounds) of outboard motor and related equipment for various boat horsepower ratings to reflect Standard 30-Outboard Engine and Related Equipment Weights published by the American Boat and Yacht Council.

(Sec. 311) The Secretary shall make a minimum of \$59 million of direct loan obligations available each fiscal year for repairs or replacements of fishing vessels according to historic uses.

The Fisheries Financing Act is amended to declare that the prohibition against federal direct loans or loan guarantees for the construction or rebuilding of fishing vessels exceeding specified dimensions shall not apply to vessels in fisheries under the jurisdiction of the North Pacific Fishery Management Council, and managed under a fishery management plan issued under the Magnuson-Stevens Fishery Conservation and Management Act, or in the Pacific whiting fishery under the jurisdiction of the Pacific Fishery Management Council and managed under a fishery management plan issued under that Act.

Any fishing vessel operated in fisheries under such jurisdictions and managed under such plans, and that is replaced by a vessel constructed or rebuilt with a federal loan or loan guarantee, may not be used to harvest fish in any fishery under the jurisdiction of any regional fishery management council but the North Pacific Fishery Management Council or the Pacific Fishery Management Council.

(Sec. 312) Certain fishing or fish tender vessels of between 50 and 190 feet in length, which are built after January 1,

2016, which meet other specified criteria shall be exempted from American Bureau of Shipping certification requirements.

Any modification or substantial change to such a vessel must meet specified requirements, including review and approval by a registered professional engineer before the modification or change is begun.

TITLE IV--FEDERAL MARITIME COMMISSION

(Sec. 401) The Federal Maritime Commission (FMC) is reauthorized for FY2016-FY2017.

(Sec. 402) All appointments by the FMC Chairman of the heads of major organizational units, and all requests to the President and Congress for appropriations, must be approved by the entire FMC.

TITLE V--SPORTFISH RESTORATION AND RECREATIONAL BOATING SAFETY REAUTHORIZATION

Sport Fish Restoration and Recreational Boating Safety Act

(Sec. 502) The Dingell-Johnson Sport Fish Restoration Act is amended to:

- revise a formula to increase from 57% to 57.42% of certain appropriations the supplemental amount of unexpended or unobligated funds available to be apportioned among the states;
- increase percentages in the division of appropriations for coastal wetlands, boating safety, and boating infrastructure, among other things; and
- require a special set-aside to the Department in which the Coast Guard is operating for recreational boating safety.

(Sec. 504) The Internal Revenue Code is amended to extend through FY2023 the exception to the limit on transfers to the Sport Fish Restoration and Boating Trust Fund for expenditures to pay certain contracts.

(Sec. 505) This bill repeals:

- the 5% limitation on fiscal year allocations for national boating safety activities of national nonprofit public service organizations; and
- the 2% limitation on available fiscal year amounts for state recreational boating safety programs to pay specified administrative and investigative costs.

(Sec. 506) Funds are made available for the National Boating Safety Advisory Council and to ensure compliance with federal recreational boating safety requirements, including the Coast Guard Manufacturing Compliance Program.

(Sec. 507) The National Boating Safety Advisory Council is reauthorized through FY2023.

(Sec. 508) The Coastal Wetlands Planning, Protection and Restoration Act is amended to require the triennial report of the Louisiana Coastal Wetlands Conservation and Restoration Task Force on the effectiveness of the coastal wetlands restoration projects to evaluate any improvements made to the quality of fish and wildlife habitat conditions.

(Sec. 509) The U.S. Fish and Wildlife Service shall report annually to the states and the sportfishing community on its administrative services for the Sport Fish Restoration and Boating Trust Fund.

TITLE VI--CONVEYANCE OF COAST GUARD PROPERTY

Subtitle A--Conveyance of Coast Guard Property in Point Spencer, Alaska

(Sec. 603) The Department of the Interior shall convey the surface and subsurface estates of Tracts 1, 2, 3, 4, and 5 as

identified on the map titled "Point Spencer Land Retention and Conveyance Map," dated January 2015, to the Bering Straits Native Corporation and tract 6 surface and subsurface estates to Alaska in accordance with specified terms.

(Sec. 604) The bill establishes the Port Coordination Advisory Council for the Port of Point Spencer.

Subtitle B--Other Conveyance of Coast Guard Property

(Sec. 611) The Coast Guard may convey:

- 32 acres of federal land (including all buildings, structures, utilities, and facilities on the land) known as CAMSPAC Housing in Point Reyes Station to Marin County, California, to be used for affordable housing or to provide a public benefit approved by the County, and
- 3.25 acres of real property under Coast Guard administrative control (including all improvements located on the property) in Tok, Alaska, upon payment to the United States of the property's fair market value.

TITLE VII--MISCELLANEOUS

(Sec. 701) The Oil Pollution Act of 1990 is amended to name the U.S. Arctic Research Commission as a member of the Interagency Coordinating Committee on Oil Pollution Research.

Representatives of the National Oceanic and Atmospheric Administration, the Bureau of Safety and Environmental Enforcement, and of the Environmental Protection Agency (EPA) shall serve, on a rotating basis, as vice chairperson of the Committee.

(Sec. 702) The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 is amended to repeal the requirement that the National Response Center, after receiving from owners and operators of pipeline facilities any revisions to an initial telephonic or electronic notification of a pipeline facility accident or incident, update the initial report instead of generating a new report.

(Sec. 703) The bill makes technical corrections to the Rivers and Harbors Appropriation Act of 1899 with respect to the Coast Guard to specify the Department in which the Coast Guard is operating instead of the DOT.

(Sec. 704) The Coast Guard Authorization Act of 2010 is amended with respect to international port and facility inspection coordination to shift assessment authority from the Secretary to DHS and require DHS to develop a process by which the assessments are coordinated between the Coast Guard and Customs and Border Protection.

(Sec. 705) The Coast Guard and Maritime Transportation Act of 2006 is amended to:

- change to July 1 of each year the deadline for annual reports of the Coast Guard and the National Marine Fisheries Service on the distant water tuna fleet, and
- replace the requirement for an annual update to a certain report on limits to liability with one for an update only after an oil discharge from a vessel or nonvessel source that results or is likely to result in removal costs and damages exceeding liability limits under the Oil Pollution Act of 1990.

(Sec. 706) The Howard Coble Coast Guard and Maritime Transportation Act of 2014 is amended to revise the declaration that bars the Department and the EPA from prohibiting a vessel operating within the Thunder Bay National Marine Sanctuary and Underwater Preserve from taking up or discharging ballast water to allow for safe and efficient vessel operation if the uptake or discharge meets all federal and state ballast water management requirements that would apply

if the area were not a marine sanctuary.

The bar on such a prohibition shall extend to any national marine sanctuary that preserves shipwrecks or maritime heritage in the Great Lakes, unless the sanctuary designation documents do not allow taking up or discharging ballast water in the sanctuary.

(Sec. 707) The Department may issue a certificate of documentation with a coastwise endorsement for the F/V RONDYS.

(Sec. 708) The Coast Guard shall report to Congress on current operations to perform the International Ice Patrol mission as well as alternatives for carrying out that mission, including satellite surveillance technology.

(Sec. 709) The Department of Commerce shall convey all right, title, and interest in specified property in Alaska to the native Village Corporation for St. Paul Island.

The Department in which the Coast Guard is operating may operate, maintain, keep, locate, inspect, repair, and replace any federal aid to navigation located on the property as long as the aid is needed for navigational purposes.

The Department of Commerce and the presiding officer of the Alaska Native Village Corporation for St. Paul Island shall enter into an agreement to exchange of certain other property on St. Paul Island.

A procedure is prescribed for transfer to the Village Corporation of any other property not specified in a certain document.

(Sec. 710) The Howard Coble Coast Guard and Maritime Transportation Act of 2014 is amended with respect to the allowance of parking spaces at the DHS St. Elizabeths Campus to Coast Guard members or employees to require that parking be at no cost to the Coast Guard, its members, or employees.

(Sec. 711) The Coast Guard shall:

- assess the effectiveness of oil spill response activities specific to the Great Lakes, and
- report to Congress on the status of technology for immediately detecting cruise ship passengers who have fallen overboard

TITLE VIII--VESSEL INCIDENTAL DISCHARGE ACT

Vessel Incidental Discharge Act

(Sec. 804) The Coast Guard shall establish and implement enforceable uniform national standards for the regulation of discharges into navigable waters incidental to the normal operation of a vessel.

(Sec. 805) The Coast Guard's 2012 rule for ballast water discharges incidental to the normal operation of a vessel are adopted until those performance standards are revised or a more stringent state standard is adopted. Ballast water is water taken aboard a vessel to control stability or during the operation of a vessel's ballast water treatment technology.

Within two years, the Coast Guard must establish best management practices for discharges other than ballast water which are also incidental to the normal operation of a vessel.

By January 1, 2020, the Coast Guard must complete a feasibility review to determine whether revising ballast water performance standards will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species. By January 1, 2022, the Coast Guard must establish a revised standard

based on the ballast water treatment technology available. Further revisions to the performance standards shall be considered every 10 years.

(Sec. 806) This bill establishes a certification requirement for ballast water treatment technology. The Department in which the Coast Guard is operating may not approve a technology if it uses a biocide or generates a biocide that is a pesticide.

(Sec. 807) The bill permanently exempts certain vessels from permit requirements for those discharges, including fishing vessels, recreational vessels, or vessels that are less than 79 feet and engaged in commercial service.

(Sec. 808) The Department may establish one or more compliance programs as an alternative to ballast water management regulations issued under this Act for a vessel that:

- has a maximum ballast water capacity of less than 8 cubic meters,
- is less than 3 years from the end of the useful life of the vessel, or
- discharges ballast water into a facility for the reception of ballast water that meets certain standards.

(Sec. 809) Interested persons may petition within 120 days for review of a final regulation promulgated under this title in the U.S. Court of Appeals for the District of Columbia Circuit.

(Sec. 810) This bill also establishes a petition process for a state seeking to enforce a state or local statute or regulation related to ballast water discharges more stringent than federal performance standards.

(Sec. 811) This title is declared the exclusive statutory authority for federal regulation of discharges incidental to the normal operation of a vessel to which this title applies.

Actions Timeline

- **Nov 30, 2015:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. With written report No. 114-168.
- **Nov 30, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 302.
- **Jun 25, 2015:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 18, 2015:** Introduced in Senate
- **Jun 18, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.