



# THE COAST GUARD AUTHORIZATION ACT OF 2017



HOUSE TRANSPORTATION & INFRASTRUCTURE COMMITTEE



## Strengthening Our Coast Guard & Supporting Our Maritime Transportation System

The Coast Guard Authorization Act of 2017 supports and strengthens the United States Coast Guard, one of our Nation's five armed services, in its critical missions to save lives, safeguard our shores, protect living marine resources, and facilitate a modern 21st century maritime transportation system. These missions include search and rescue, marine safety, maritime law enforcement, drug and migrant interdiction, maintaining aids-to-navigation, icebreaking, marine environmental protection, oil spill prevention and response, defense readiness, and ports, waterway, and coastal security.

The Coast Guard consists of approximately 40,000 active duty military personnel, 6,400 reservists, and 8,400 civilian employees. This unique and adaptable military force falls under the Department of Homeland Security during peace time but may become a specialized force within the Navy during times of war.

Every year, the men and women of the Coast Guard conduct tens of thousands of operations to help ensure the safety of Americans and those traveling by sea. In Fiscal Year 2015, the Coast Guard responded to over 16,000 search and rescue cases saving over 3,500 lives. Additionally, the Coast Guard conducted nearly 8,600 security boardings of vessels entering U.S. ports, screened



over 131,000 commercial vessels entering U.S. ports for potential security threats, maintained over 47,000 aids to navigation, and detained 503 smugglers carrying 107 metric tons of cocaine.

The Coast Guard Authorization Act of 2017 authorizes the Coast Guard for two years to support the Service's missions, help replace and modernize the Coast Guard's aging assets in a cost effective and efficient manner, enhance oversight, and reduce inefficiencies to save taxpayer dollars.

The legislation also addresses our maritime transportation system, an essential component of our economy and instrumental to our national security. The U.S. maritime industry sustains more than 250,000 jobs providing nearly \$4.5 trillion of economic activity annually. There are more than 40,000 commercial vessels currently flying the American flag. The vast majority of these vessels are engaged in domestic commerce, moving over 106 million passengers and over one billion tons of cargo worth more than \$400 billion between ports in the U.S. on an annual basis. Each year, the U.S. maritime industry accounts for over \$100 billion in economic output.



# The Coast Guard Authorization Act of 2017

## Supporting and Strengthening the Coast Guard

**Authorizes Appropriations for the Coast Guard for Fiscal Year 2018 and 2019:** Ensures the Service has the resources it needs to successfully conduct its critical missions.

**Supports Coast Guard Servicemembers:** Supporting our men and women serving in the Coast Guard is a top priority. Supports Coast Guard recommended military strength and training levels.

**Helps to Keep the Modernization of Aging Coast Guard Assets on Schedule:** It is essential to ensure the Coast Guard has the tools to carry out its important missions. This legislation authorizes funding at a level that will keep critically needed aircraft updates, new vessels, and related technology on schedule and on budget.

## Improving Mission Effectiveness

**Improves Training Competencies:** Allows the Commandant to include other federal and non-federal public safety personnel to participate in Coast Guard training to further the goal of interoperability among first responder agencies.

**Promotes Use of Unmanned Technology:** The Commandant is required to establish a land-based unmanned aircraft system program to support and assist Coast Guard assets and personnel.

**Seeks Independent Recommendations:** Requires the National Academy of Sciences to review existing and emerging unmanned, autonomous, or remotely controlled maritime domain awareness technologies and make recommendations on how these technologies can assist the Coast Guard in its mission performance and in more effectively and efficiently allocating its vessels, aircraft and personnel.

## Enhancing Oversight, Increasing Efficiency, and Saving Taxpayer Dollars

**Enhances Accountability in Acquisitions:** Provides the Commandant with a number of contracting authorities for major acquisition programs to reduce costs, promote efficiencies, and improve the quality of assets delivered.

Eliminates the need for “official” logbooks at a savings to taxpayers and provides regulatory flexibility for vessel operators.

## Reducing Regulatory Burdens to Create Jobs and Encourage Economic Growth

**Promotes Transit Lane safety:** Authorizes funding to continue Coast Guard marine debris activities and requires the implementation of Atlantic Coast Port Access Study report recommendations to ensure safe and secure transit lanes for maritime transportation.

Eliminates redundant training requirements and allows for updates in technology used for distress signals.

**Promotes Common Sense Regulations:** Updates public notice requirements for bridge work; requires the Commandant to review certain inspection fees to ensure the fee matches government costs; and makes technical corrections to certain references for merchant mariner documents and licenses, certifications of registry.

**Promotes Vessel Safety and Reduction in Burdensome Regulations:** Requires sufficient notice to the fishing industry when the Secretary prescribes alternative safety compliance measures for certain fishing and associated vessels to promote safety on older vessels without causing economic harm. Removes red tape and promotes improved maritime commerce by allowing payment for construction of certain aids-to-navigation constructed by non-federal entities.



## **H.R. 2518 Coast Guard Authorization Act of 2017**

# **Section-by Section**

### **Section 1. Short Title and Table of Contents**

- (a) Short Title – cites the short title as “Coast Guard Authorization Act of 2017”.
- (b) Table of Contents – lists the sections of the bill.

### **Title I – Authorizations**

#### **Section 101. Authorization of appropriations**

This section amends section 2702 of title 14, United States Code, to authorize funding levels for the Coast Guard for fiscal years 2018 and 2019.

#### **Section 102. Authorized levels of military strength and training**

This section amends section 2704 of title 14, United States Code, to authorize the levels of military strength and training for fiscal years 2018 and 2019.

### **Title II – Coast Guard**

#### **Section 201. Training; public safety personnel**

This section amends Chapter 7 of title 14, United States Code, to add a new section 155 which will authorize the Commandant to allow, on a reimbursable or non-reimbursable basis, non-Coast Guard public safety personnel to participate in training when a member of the Coast Guard is unavailable. Public safety personnel is defined as any federal, state (or political subdivision thereof), territorial, or tribal law enforcement officer, firefighter, or emergency response provider.

#### **Section 202. Commissioned service retirement**

This section allows the President to reduce the requirement of at least 10 years of active service as a commissioned officer to 8 years, for Coast Guard officers who retire in fiscal year 2017 or 2018.

#### **Section 203. Officer promotion zones**

This section amends section 256(a) of title 14, United States Code, to adjust the number of officers in a promotion zone pool to account for current levels of attrition.



### **Section 204. Cross reference**

This section amends section 373(a) of title 14, United States Code, to insert “designated under section 371” after “cadet”.

### **Section 205.Repeal**

This section repeals section 482 of title 14, United States Code. The Coast Guard does not use the authority.

### **Section 206.Unmanned aircraft system**

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

### **Section 207. Coast Guard health-care professionals; licensure portability**

This section amends Chapter 5 of title 14, United States Code, to include a new section 104. Section 104 allows a health-care professional to practice in the health profession or professions of a health-care professional in any location in any State, the District of Columbia, or a Commonwealth, territory or possession of the United States, regardless of where the health-care professional or patent are located, as long as the practice is within the scope of the authorized federal duties of such health-care professional. A qualified health-care professional is a member or civilian employee of the Coast Guard, a member of the Public Health Service assigned to the Coast Guard, a personal services contractor under section 1091 of title 10, United States Code, any other health-care professional credentialed and privileged at a federal health care institution or location specially designated by the Secretary. The health-care professionals must have a current license to practice medicine, osteopathic medicine, dentistry, or another health profession and be performing authorized duties for the Coast Guard.

### **Section 208.Incentive contracts for Coast Guard yard and industrial establishments**

This section amends section 648 of title 14, United States Code, by creating a new subsection (a) within the existing text.

It also amends section 648 to insert a new subsection (b) which would allow the parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment to enter into an order or a cost-plus-incentive-fee order. If the parties agree to one of the project order options, an agreed upon amount of any adjustment, as described in subsection (a), may be distributed as an incentive to the wage-grade industrial employees who complete the order.

Before entering into such order or cost-plus-incentive-fee order, the parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order.

If the workforce of the Coast Guard Yard or the industrial establishment satisfies the performance target established in a chosen order the adjustment pursuant to the agreement shall be reduced by the agreed upon amount and distributed to the wage-grade industrial employees and the remainder of the adjustment credited to the appropriations for the order.

### **Section 209. Maintaining cutters in class**

This section amends section 573(c)(3)(A) of title 14, United States Code, to include “and shall maintain such cutter in class”.

### **Section 210. Congressional Affairs; Director**

This section requires the Commandant to appoint a Director of Congressional Affairs from officers who are in a grade above captain.

### **Section 211. Contracting for major acquisition programs**

This section provides the Commandant of the Coast Guard with contracting authority for major acquisition programs. Contracting authorities include block buy, incremental funding, combined purchases, and multiyear contracts.

This section repeals section 223 of P.L. 113-281 (14 United States Code 577 note), section 221(a) of P.L. 113-281 (14 United States Code 573 note), and section 207 of P.L. 114-120 (14 United States Code 87 note).

### **Section 212. National Security Cutter**

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

This section repeals section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 and 204(c)(1) of the Coast Guard Authorization Act of 2015.

### **Section 213. Radar refresher training**

This section removes the requirement for radar observer refresher training. The authority of section 11.480(f) of title 46 Code of Federal Regulations as it was in effect before the day of enactment of this Act, would no longer have any force or effect.



## **Section 214. Repeal**

This section amends section 676a(a) of title 14, United States Code, to delete paragraph (2) removing the sunset date and reconfiguring paragraph (1).

## **Title III - Ports and Waterways Safety Act**

### **Section 301. Codification of Ports and Waterways Safety Act**

This section creates a new chapter 700 in title 46, United States Code, by moving sections 1222, 1223, 1225, 1227, 1228, 1229, 1230, 1231, 1232, 1232a, and 1232b from title 33, United States Code.

### **Section 302. Conforming amendments**

This section redesignates section 1223a as section 3105 and transfers it so it is placed after section 3104 of title 46, United States Code. The section also replaces subsection (b) of the redesignated section with new text to state that except pursuant to an international treaty, convention, or agreement to which the United States is a party, this section shall not apply to any foreign vessel not destined for, or departing from a port or place subject to the jurisdiction of the United States. This allows the foreign vessel innocent passage through the territorial sea of the United States or transit through U.S. navigable waters that form a part of an international strait.

### **Section 303. Transitional and savings provisions**

This section defines “source provision” and “Title 46 provision”. It also outlines that the title 46 provisions are deemed to have been enacted on the date of enactment of the source provision it replaces. References to the source provisions are deemed to refer to the corresponding title 46 provision; any regulation referencing or implementing a source provision are deemed to refer to or implement the corresponding title 46 provision; and any action taken or offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

### **Section 304. Rule of construction**

This section explains that this title, including any amendments, is intended to move provisions from title 33, United States Code. It should not be construed as altering: the effect of provisions in title 33, United States Code, or any authorities or requirements in such title; a department or agency interpretation with respect to such title; or any judicial interpretation with respect to such title.

### **Section 305. Advisory committee: repeal**

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

## **Title IV – Maritime Transportation Safety**

### **Section 401. Clarification of logbook entries**

This section amends section 11304 of title 46, United States Code, to strike “an official logbook, which” and inserts “a logbook”. It also amends subsection (b) to include a new paragraph (3) which requires the logbook to include each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.

### **Section 402. Technical corrections: licenses, certifications of registry, and merchant mariner documents**

This section amends the following sections of title 46 - 7106(b) to strike “merchant mariner’s document” and insert “license”; section 7107(b) to strike “merchant mariner’s document” to insert “certificate of registry”; section 7507(b)(1) to strike “licenses and certificates of registry” and insert “merchant mariner’s documents”; and section 7507(b)(2) to strike “merchant mariner’s document” to insert “license or certificate or registry.”

### **Section 403. Numbering for undocumented barges**

This section amends section 12301(b) of title 46 United States Code, to strike “shall” and insert “may”.

### **Section 404. Drawbridge deviation exemption**

This section amends section 5 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499) to add a new subsection (d). The new subsection (d) creates an exemption for a change in schedule that governs the opening of a drawbridge that will be in effect for less than 6 months to not be subject to the rule making requirements of section 533 of title 5, United States Code. Instead alternative requirements are created to require the Coast Guard to notify each 6 month or less schedule change through a notice to local mariners, broadcasts, or another method of notice the Secretary considers appropriate. It also requires the owner of the drawbridge to provide notice of such schedule changes to the general public through a newspaper of general circulation, the public office with jurisdiction over the roadway that abuts the approach to the bridge, and the law enforcement organization with authority over the roadway.

### **Section 405. Deadline for compliance with alternate safety compliance programs**

This section amends section 4503(d)(1) of title 46, United States Code, to strike paragraphs (1) and (2) and insert new text. The new paragraph (1) would allow the Secretary, in cooperation with the commercial fishing industry, to prescribe an alternate safety compliance program that shall apply in lieu of requirements under section 4502(b). The alternate safety compliance program would apply to any category of fishing vessels, fish processing vessels, or fish tender vessels that are at least 50 feet in overall length, built before July 1, 2013, and 25 years of age or older.

The new paragraph (2) requires the alternate safety compliance program to apply to a vessel, except as provided in subparagraph (B) of the section, after the later of January 1, 2020, or the end of the 3-year period beginning on the date on which the Secretary prescribes the program. In the case of a vessel that undergoes a major conversion completed after July 1, 2013, or the date the Secretary establishes standards for the alternate safety compliance program, upon the completion of the conversion.

A conforming amendment is made to 4502(b) of title 46, United States Code, by inserting “and subject to section 4503(d),” after “In addition to the requirements of subsection (a) of this section,”.

#### **Section 406. Authorization for marine debris program**

This section authorizes funding for Coast Guard marine debris functions at \$2 million and limits administrative costs to 10 percent.

#### **Section 407. Alternative distress signals**

This section requires the Secretary of the Department in which the Coast Guard is operating, not later than one year after the date of enactment of this Act, to issue a rule that establishes a performance standard for distress signals. Not later than 180 days after issuing such rule, the Secretary is required to update the Code of Federal Regulations to authorize the use of distress signals.

#### **Section 408. Atlantic Coast Port Access Route Study recommendations**

This section requires, not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard to notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendation contained in the final report Atlantic Coast Port Access Route Study published March 14, 2016.

#### **Section 409. Documentation of recreational vessels**

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

#### **Section 410. Certificates of documentation for recreational vessels**

This section amends section 12114 of title 46, United States Code, to make the provision allowing recreational endorsements for a vessel to be effective for 5 years. The section would have the endorsement terminate after a 30 day period, if the owner does not notify the Coast Guard of changes in information required for the endorsement within the 30 day window. It also includes language



that this section does not limit the authority of a state or local authority to take action to address abandoned and derelict vessels.

### **Section 411. Backup Global Positioning System**

This section requires the Secretary of the Department in which the Coast Guard is operating, in consultation with the Secretary of Transportation, to provide for the establishment, sustainment and operation of a reliable land-based enhanced LORAN, or eLORAN, positioning, navigation, and timing system. The system would provide a compliment to, or backup for the Global Positioning System to ensure the availability of uncorrupted and nondegraded positioning, navigation, and timing signals for military and civilian users in the event the global system signals are corrupted, degraded, unreliable, or otherwise unavailable.

### **Section 412. Waters deemed not navigable waters of the United States for certain purposes**

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

### **Section 413. Uninspected passenger vessels in St. Louis County, Minnesota**

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

### **Section 414. Engine cut-off switch requirements**

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

### **Section 415. Analysis of commercial fishing vessel classification requirements**

This section requires the Coast Guard to analyze the implementation of section 4503 of title 46, United States Code, to determine the average costs on vessel owners to comply with section 4503 and the impact the requirements of section 4503 are having on commercial fishing safety.

## **Title V – Miscellaneous**

### **Section 501. Repeal**

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

### **Section 502. Reimbursements for non-federal construction of certain private aids-to-navigation costs**

This section would allow the Commandant, subject to appropriations, to reimburse a non-federal entity for costs incurred by the entity to construct and establish an aid to navigation authorized in title I of P.L. 110-114 that facilitates safe and efficient marine transportation on a federally authorized navigation channel. The section provides specific conditions under which the Commandant can reimburse an entity, it limits reimbursements for a single project at \$5,000,000, and the authority expires four years after the date of enactment of the bill.

### **Section 503. Corrections to provisions enacted by Coast Guard Authorization Acts**

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

### **Section 504. Ship Shoal Lighthouse transfer; Repeal**

This section puts a sunset date of January 1, 2021, in section 27 of the Coast Guard Authorization Act of 1991.

### **Section 505. Coast Guard maritime domain awareness**

This section requires the Coast Guard to enter into an arrangement with the National Academy of Sciences, under which the Academy will prepare an assessment on existing and emerging unmanned technologies that can be used by the Coast Guard in the maritime domain for a number of Coast Guard purposes. The Academy must also analyze how the use of new and emerging maritime domain awareness technologies can assist the Coast Guard to carry out its missions at lower costs, expand the scope and range of Service’s maritime domain awareness, and use its personnel and assets more efficiently, and identify adjustments in any Coast Guard policies, procedures, and protocols to incorporate these technologies.

### **Section 506. Towing safety management system fees**

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