

Coast Guard Authorization Act of 2022

Section-by-Section

Section 1. Short Title; Table of Contents.

This section provides that the act may be cited as the “Coast Guard Authorization Act of 2022.”

Title I—Authorizations

Section 101. Authorizations of appropriations.

This section amends Section 4902 of title 14, United States Code, to authorize appropriations of \$12.8 billion for fiscal year 2022 and \$13.9 billion for fiscal year 2023 for the Coast Guard.

Section 102. Authorized levels of military strength and training.

This section amends Section 4904 of title 14, United States Code, to reauthorize the same levels of military strength and training of 44,500 for fiscal years 2022 and 2023.

Section 103. Shoreside infrastructure and facilities.

Of the amounts authorized under section 101, this section authorizes \$585 million to the Coast Guard for both fiscal year 2022 and 2023 to fund the acquisition, construction, rebuilding, or improvement of Coast Guard shoreside infrastructure facilities, including \$175 million to improve facilities at the Coast Guard Yard in Baltimore, Maryland, and \$60 million for the recapitalization of the barracks at the United States Coast Guard Training Center Cape May in Cape May, New Jersey.

Section 104. Availability of amounts for acquisition of additional cutters.

Of the amounts authorized under section 101, this section authorizes \$300 million to the Coast Guard for both fiscal year 2022 and 2023 for the acquisition of a 12th National Security Cutter and \$210 million for the acquisition of three Fast Response Cutters. This section also authorizes \$350 million for fiscal year 2022 for the acquisition of a Great Lakes cutter, and an additional \$20 million for fiscal year 2023 for icebreaking cutters for operation in the Northeast, Arctic, and Great Lakes.

Title II—Coast Guard

Subtitle A—Military Personnel Matters

Section 201. Authorized strength.

This section amends Section 3702 of title 14, United States Code, to allow the Secretary to increase the authorized end strength of the Coast Guard Selected Reserves to not more than three percent of the current end strength per fiscal year. This section also allows the Commandant to increase the end strength of the Reserves to not more than two percent of the authorized end

strength upon finding that the increase is necessary to enhance manning and readiness in essential units, critical specialties, or ratings.

Section 202. Continuation of officers with certain critical skills on active duty.

This section amends Chapter 21 of title 14, United States Code, to allow the Commandant to designate any officer above grade O-2 to remain on active duty (after date of retirement) if the officer possesses a critical skill or specialty for the service.

Section 203. Number and distribution of officers on active-duty promotion list.

This section gradually increases the number of commissioned officers on the active-duty promotion list to 7,400 by fiscal year 2025 and institutes a reporting requirement if the number allotted is exceeded. This section also institutes a reporting requirement for the number of officers serving at other federal entities on a reimbursable basis that are not included on the active-duty promotion list.

Section 204. Coast Guard behavioral health policy.

This section directs the Coast Guard to implement a behavioral health policy that is in parity with the Department of Defense.

Section 205. Improving representation of women and of racial and ethnic minorities among Coast Guard active-duty members.

This section directs the Coast Guard to identify recommendations in the Coast Guard-commissioned RAND report entitled “Improving the Representation of Women and Racial/Ethnic Minorities Among U.S. Coast Guard Active-Duty Members” and submit a report to Congress on actions taken to implement such recommendations. This section also requires the Coast Guard to update its curriculum and training materials to reflect the implementation of such recommendations.

Subtitle B—Operational Matters

Section 206. Pilot project for enhancing Coast Guard vessel readiness through condition-based maintenance.

This section directs the Coast Guard to conduct a pilot project to enhance vessel readiness using commercially developed condition-based program standards (e.g., install instrumentation that produces active maintenance alerts, deploy artificial intelligence) and submit an interim report on the progress of the pilot project within six months of enactment of this Act.

Section 207. Unmanned systems strategy.

This section directs the Coast Guard to submit a report to Congress detailing its strategy on implementing unmanned systems across the Service. This section also directs the Coast Guard’s Blue Technology Center of Expertise to conduct a pilot project on retrofitting an existing Coast Guard small boat with commercially available autonomous control and computer vision technology.

Section 208. Budgeting of Coast Guard relating to certain operations.

This section amends Chapter 51 of title 14, United States Code, to mandate the inclusion of a description of all expenses incurred during the performance and execution of Department of Defense readiness mission activities in the Coast Guard's annual budget submission.

Section 209. Report on San Diego maritime domain awareness.

This section directs the Coast Guard to submit a report to Congress giving an overview of the maritime domain awareness in the Coast Guard sector responsible for San Diego, California, with the aim of estimating the volume of traffic engaged in illicit maritime activity during fiscal years 2020-2022 to assess the needs of Coast Guard Sector San Diego.

Section 210. Great Lakes winter shipping.

This section mandates a two-stage report analyzing the current capabilities of the Great Lakes icebreaking program, including recommendations and an implementation plan to improve operations. The section provides for a pilot program to include data collected on commercial voyages, failed voyages due to lack of icebreaking, time periods of icebreaking assistance, and the percentage of hours that Great Lakes ice-covered waterways are accessible.

Section 211. Center of expertise for Great Lakes oil spill search and response.

This section amends Section 807 of the Coast Guard Authorization Act of 2018 (14 U.S.C. 313) to include the St. Lawrence River and other river systems in the scope of the functions of the Center of Expertise for Great Lakes Oil Spill Preparedness and Response.

Subtitle C—Other Matters

Section 212. Responses of Commandant of the Coast Guard to safety recommendations.

This section requires the Coast Guard to respond, in writing, to each National Transportation Safety Board (NTSB) recommendation with one of three potential answers: concur, partially concur, or does not concur.

Section 213. Conveyance of Coast Guard vessels for public purposes.

This section codifies Section 914 of the Coast Guard Authorization Act of 2010 regarding the conveyance of Coast Guard vessels and amends the section to authorize the Administrator of the General Services Administration to facilitate the transfer of assets directly from the Coast Guard to an eligible entity for public purposes upon the Commandant's request.

Section 214. Acquisition life-cycle cost estimates.

This section amends Section 1132 of title 14, United States Code, to modify the process of conducting life-cycle acquisition project or program cost estimates and assessments.

Section 215. National Coast Guard Museum funding plan.

This section amends section 316 of title 14, United States Code, to remove the Department of Homeland Security Inspector General from conducting the certification of the National Coast Guard Museum funding plan and allow a third party to undertake the review.

Section 216. Report on Coast Guard explosive ordnance disposal.

This section requires the Coast Guard to submit a report to Congress on the viability of establishing an explosive ordnance disposal program in the Coast Guard, considering where such a program would fit within the organizational structure of the Coast Guard, what vehicles and dive craft would be required for the transportation of explosive ordnance disposal elements, how the program would support the Department of Homeland Security, Department of Justice, and Department of Defense, and initial and annual budget justification estimates.

Section 217. Pribilof Island transition completion actions.

This section extends the timeline specified under section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120), and requires the Secretary of the department in which the Coast Guard is operating to submit a report to Congress detailing the personnel and equipment deployed to St. Paul Island, Alaska, as required by section 524 of the Act, the status of an aircraft hangar leasing agreement and associated costs of repairing the hangar to support a Coast Guard aircraft, and plans for the fuel tank currently located on St. Paul Island, Alaska.

Section 218. Notification of communication outages.

This section requires the Coast Guard to submit a report to Congress detailing a plan to notify mariners of radio outages for towers owned and operated by the Coast Guard in District 17 and identifying technology gaps necessary to implement such plan.

Title III—Maritime
Subtitle A—Shipping

Section 301. Nonoperating individual.

This section amends section 8313 of the National Defense Authorization Act of 2021 by extending the moratorium on enforcement of section 8701 of title 46, United States Code, with respect to persons on board merchant vessels who are not passengers, but also are not necessary for the navigation or safety of the vessel, to January 1, 2025.

Section 302. Oceanographic research vessels.

This section requires the Secretary of Transportation to submit a report on the number of oceanographic research vessels that have operated in U.S. waters over the past ten years.

Section 303. Atlantic coast port access routes briefing.

This section requires the Coast Guard to provide monthly briefings to Congress on the progress made to execute the requirements in section 70003 of title 46, United States Code, with respect to the Atlantic Coast Port Access Route until such requirements are complete.

Subtitle B—Vessel Safety

Section 304. Fishing vessel safety.

This section amends chapter 45 of title 46, United States Code, by allowing dockside exams for older fishing vessels as frequently as every two years and repealing the never-implemented Alternative Safety Compliance Program for such vessels.

Section 305. Requirements for DUKW-type amphibious passenger vessels.

This section requires the Coast Guard to implement regulations recommended in the National Academies of Sciences, Engineering, and Medicine report on *Options for Improving the Safety of DUKW Type Amphibious Vessels* and the NTSB Safety Recommendation Reports on the Amphibious Passenger Vessel incidents in Table Rock, Missouri, Hot Springs, Arkansas, and Seattle, Washington, related to the safety of DUKW-type amphibious passenger vessels, popularly marketed as Duck boats.

Section 306. Exoneration and limitation of liability for small passenger vessels.

This section amends chapter 305 of title 46, United States Code, to exempt certain small passenger vessels from the Limitation of Liability Act and allow individuals injured on small passenger vessels to recover financial damages greater than the value of the vessel.

Subtitle C—Shipbuilding Program

Section 307. Loans for retrofitting to qualify as a vessel of the United States.

This section amends section 53706 of title 46, United States Code, to expand eligibility for a loan guarantee to include retrofitting, repair, or similar work in shipyards in the United States for worked required to allow the vessel to become a vessel of the United States, be issued a coastwise endorsement, or to convert civilian U.S. flagged vessels to a more useful military configuration.

Section 308. Qualified vessel.

This section amends section 53501 of title 46, United States Code, to include certain passenger ferries, passenger vessels, and small passenger vessels with 50 or more passengers under the definition of qualified vessel and eligible vessel under the Capital Construction Fund.

Section 309. Establishing a capital construction fund.

This section amends section 53503 of title 46, United States Code, to allow short sea transportation on certain passenger ferries, passenger vessels, and small passenger vessels with 50 or more passengers as an allowable use under which to establish a capital construction fund.

Title IV—Miscellaneous
Subtitle A—Navigation

Section 401. Restriction on changing salvors.

This section amends section 311 of the Federal Water Pollution Act (33 U.S.C. 1321) by prohibiting the vessel owner/operator from changing salvors designated in vessel response plans as long as those salvors satisfy the Coast Guard requirements in accordance with the National Contingency Plan. This section further requires that the Coast Guard submit a report to Congress should the Coast Guard authorize a deviation from the salvor designated in the vessel response plan.

Section 402. Towing vessel inspection fees.

The section prohibits the Secretary of the department in which the Coast Guard is operating from charging an inspection fee for towing vessels required to have a Certificate of Inspection until review and promulgation of regulations established under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 take effect.

Section 403. Providing requirements for vessels anchored in established anchorage grounds.

This section amends section 70006 of title 46, United States Code, to clarify existing Coast Guard authority to establish anchorage grounds for vessels in navigable waters taking into account navigational safety, protection of the marine environment, undersea pipelines and cables, and national security matters. This section also includes new requirements for vessels to maintain anchor alarms and comply with directions and orders from the Captain of Port.

Section 404. Aquatic nuisance species task force.

This section:

- Adds the Directors of the National Park Service and the Bureau of Land Management, and the Commissioner of Reclamation to the Aquatic Nuisance Species Task Force;
- Allows the Task Force to provide technical assistance to agencies involved in vessel inspections or decontamination; and
- Institutes a 90-day deadline for the Task Force to submit recommendations for legislative or regulatory changes to eliminate gaps in authorities between members of the Task Force to manage and control the movement of aquatic nuisance species into or out of United States' territorial waters.

Section 405. Limitation on recovery for certain injuries incurred in aquaculture activities if state remedy is available.

This section amends section 30104 of title 46, United States Code, to limit recovery for injuries sustained by an aquaculture worker if state workers' compensation is available to such individual; and to limit recovery to individuals who, at the time of injury, were engaged in aquaculture activities in a place where the individual had lawful access.

Subtitle B—Other Matters

Section 406. Information on type approval certificates.

This section creates a new section under Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018 which directs the Coast Guard to make available to states, upon request, information pertaining to Ballast Water Management Systems with an approved “Type Approval Certificate” by the Coast Guard pursuant to 46 CFR Subpart 162.060 et seq, including the third-party data that was reviewed and forms the basis for the type approval.

Section 407. Passenger vessel security and safety requirements.

This section amends section 3507 of title 46, United States Code, to clarify that vessels with overnight accommodations for 250 or more passengers are subject to the safety requirements under said section.

Section 408. Cargo waiting time reduction.

This section:

- Directs the existing Supply Chain Disruptions task force to evaluate and quantify the economic and environmental impact of cargo backlogs; and
- Requires the Coast Guard to report to Congress on the status of vessel compliance with chapter 700 of title 46, United States Code, and the status of the investigation into the cause of the oil spill that occurred in October 2021 in the waters over the San Pedro Shelf.

Section 409. Limited indemnity provisions in standby oil spill response contracts.

This section indemnifies an oil spill response contractor up to \$50,000 for liabilities and expenses incidental to the containment or removal of oil arising out of the performance of the contract unless the contractor is negligent or commits misconduct.

Section 410. Port Coordination Council for Point Spencer.

This section amends Section 541 of Public Law 114-120 to provide for additional members and duties of the Port Coordination Council for Point Spencer. It also authorizes \$5 million for each of fiscal years 2023-2025 for oil spill prevention and response infrastructure at Point Spencer.

Section 411. Alaska oil spill planning criteria.

This section amends section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) to require the President to establish alternate planning criteria to address oil spill response within the area of responsibility of Coast Guard Sector Anchorage.

Section 412. Nonapplicability.

This section exempts the passenger vessel *American Queen* (U.S. Coast Guard Official Number 1030765) and any other passenger vessel that began construction before the date of enactment of this Act from the requirements under sections 2507(d), 3507(e), 3508, and 3509 of title 46, United States Code, when the vessel is operating inside the boundary line.

Title V—Sexual Assault and Sexual Harassment Prevention and Response

Section 501. Definitions.

This section amends section 2101 of title 46, United States Code, to define the terms “sexual harassment” and “sexual assault”.

Section 502. Convicted sex offender as grounds for denial.

This section clarifies the ability of the Coast Guard to deny a license, certificate of registry, or merchant mariner’s document to an individual who has been convicted of sexual assault or sexual harassment (SASH) within the previous five years.

Section 503. Sexual harassment or sexual assault as grounds for suspension or revocation.

This section requires the Coast Guard to revoke a license, certificate of registry, or merchant mariner’s document to an individual who has been convicted of sexual assault within the previous ten years, and it clarifies the ability of the Coast Guard to revoke or suspend such credentials to an individual who has been convicted of sexual harassment within the last five years.

Section 504. Accommodations; Notices.

This section amends section 11101 of title 46, United States Code, to require U.S. vessels to include information in each crew sleeping area and bathroom on the SASH and drug and alcohol policies of the vessels’ owner and operator and directions on how to report SASH and drug and alcohol incidents.

Section 505. Protection against discrimination.

This section amends section 2114 of title 46, United States Code, to protect victims and witnesses who report or intend to report SASH incidents from discrimination.

Section 506. Alcohol prohibition.

This section directs the Coast Guard to promulgate regulations related to crew consumption and possession of alcohol. It also includes an amnesty provision so that the violation of the alcohol policy does not impede the reporting of SASH incidents.

Section 507. Surveillance requirements.

This section mandates that non-passenger carrying, ocean-going, commercial vessels install a video surveillance system with audio capability in areas adjacent to bedrooms and limit access of footage to law enforcement officials and victims of SASH.

Section 508. Master key control.

This section requires that vessel owners, with the exception of cruise vessels subject to section 3507 of title 46, United States Code, implement a master key control system to limit access to the vessel's master key, maintain a logbook capturing all access and use of the vessel's master key, and make the logbook available to law enforcement officials upon request.

Section 509. Safety management systems.

This section amends section 3203 of title 46 to require company SASH policies be included in the vessel's safety management system.

Section 510. Requirement to report sexual assault and harassment.

This section amends 10104 of title 46, United States Code, to create new reporting mandates and procedures for crew and vessel owners to report SASH incidents to the Coast Guard and outlines the reporting procedure.

Section 511. Civil actions for personal injury or death of seamen.

This section amends sections 30104 and 30106 of title 46, United States Code, to extend the current statute of limitations for civil cases under title 46 to five years for instances of SASH and clarifies that a private right of action for maritime SASH claims exists.

Section 512. Administration of sexual assault forensic examination kits.

This section adds section 563, "Administration of sexual assault forensic examination kits" to Chapter 5 of title 14, United States Code, to require that Coast Guard vessels that are scheduled to be without access to a land-based or afloat medical facility be equipped with at least two sexual assault and forensic examination kits and at least one medical professional qualified and trained to administer such kits.

Title VI—Technical, Conforming and Clarifying Amendments

Section 601. Technical corrections.

This section amends section 319(b) of title 14, United States Code, by striking “section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)” and inserting “section 44801 of title 49”. This section also amends section 1156(c) of title 14, United States Code, by striking “section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)” and inserting “section 44801 of title 49”.

Section 602. Transportation worker identification credential technical amendments.

This section amends section 70105 of title 46, United States Code, by changing “security cards” to “worker identification credentials”.

Section 603. Reinstatement.

This section reinstates the text of section 12(a) of the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly known as the Truman-Hobbs Act, as it appeared on the day before the enactment of section 8507(b) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) and redesignates it as the sole text of section 12 of the Act of June 21, 1940 (33 U.S.C. 522).