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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. RES.

Providing for the concurrence by the House in the Senate amendment to
H.R. 3619, with amendments.

IN THE HOUSE OF REPRESENTATIVES

Mr. OBERSTAR submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Providing for the concurrence by the House in the Senate
amendment to H.R. 3619, with amendments.

1 *Resolved*, That, upon the adoption of this resolution,
2 the House shall be considered to have taken from the
3 Speaker's table the bill, H.R. 3619, with the Senate
4 amendment thereto, and to have concurred in the Senate
5 amendment with the following amendments:

6 In lieu of the matter proposed to be inserted by the
7 amendment of the Senate to the text of the bill, insert
8 the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Coast Guard Authorization Act of 2010”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 206. Grants to international maritime organizations.

Sec. 207. Leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Merchant Mariner Medical Advisory Committee.

Sec. 211. Reserve commissioned warrant officer to lieutenant program.

Sec. 212. Enhanced status quo officer promotion system.

Sec. 213. Coast Guard vessels and aircraft.

Sec. 214. Coast Guard District Ombudsmen.

Sec. 215. Coast Guard commissioned officers: compulsory retirement.

Sec. 216. Enforcement of coastwise trade laws.

Sec. 217. Report on sexual assaults in the Coast Guard.

Sec. 218. Home port of Coast Guard vessels in Guam.

Sec. 219. Supplemental positioning system.

Sec. 220. Assistance to foreign governments and maritime authorities.

Sec. 221. Coast guard housing.

Sec. 222. Child development services.

Sec. 223. Chaplain activity expense.

Sec. 224. Coast Guard cross; silver star medal.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Seaward extension of anchorage grounds jurisdiction.

Sec. 302. Maritime Drug Law Enforcement Act amendment-simple possession.

Sec. 303. Technical amendments to tonnage measurement law.

Sec. 304. Merchant mariner document standards.

Sec. 305. Ship emission reduction technology demonstration project.

Sec. 306. Phaseout of vessels supporting oil and gas development.

Sec. 307. Arctic marine shipping assessment implementation.

TITLE IV—ACQUISITION REFORM

- Sec. 401. Chief Acquisition Officer.
- Sec. 402. Acquisitions.
- Sec. 403. National Security Cutters.
- Sec. 404. Acquisition workforce expedited hiring authority.

TITLE V—COAST GUARD MODERNIZATION

- Sec. 501. Short title.

Subtitle A—Coast Guard Leadership

- Sec. 511. Vice admirals.

Subtitle B—Workforce Expertise

- Sec. 521. Prevention and response staff.
- Sec. 522. Marine safety mission priorities and long-term goals.
- Sec. 523. Powers and duties.
- Sec. 524. Appeals and waivers.
- Sec. 525. Coast Guard Academy.
- Sec. 526. Report regarding civilian marine inspectors.

TITLE VI—MARINE SAFETY

- Sec. 601. Short title.
- Sec. 602. Vessel size limits.
- Sec. 603. Cold weather survival training.
- Sec. 604. Fishing vessel safety.
- Sec. 605. Mariner records.
- Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 607. Log books.
- Sec. 608. Safe operations and equipment standards.
- Sec. 609. Approval of survival craft.
- Sec. 610. Safety management.
- Sec. 611. Protection against discrimination.
- Sec. 612. Oil fuel tank protection.
- Sec. 613. Oaths.
- Sec. 614. Duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 616. Merchant mariner assistance report.
- Sec. 617. Offshore supply vessels.
- Sec. 618. Associated equipment.
- Sec. 619. Lifesaving devices on uninspected vessels.
- Sec. 620. Study of blended fuels in marine application.
- Sec. 621. Renewal of advisory committees.
- Sec. 622. Delegation of authority.

TITLE VII—OIL POLLUTION PREVENTION

- Sec. 701. Rulemakings.
- Sec. 702. Oil transfers from vessels.
- Sec. 703. Improvements to reduce human error and near miss incidents.
- Sec. 704. Olympic Coast National Marine Sanctuary.
- Sec. 705. Prevention of small oil spills.

- Sec. 706. Improved coordination with tribal governments.
- Sec. 707. Report on availability of technology to detect the loss of oil.
- Sec. 708. Use of oil spill liability trust fund.
- Sec. 709. International efforts on enforcement.
- Sec. 710. Higher volume port area regulatory definition change.
- Sec. 711. Tug escorts for laden oil tankers.
- Sec. 712. Extension of financial responsibility.
- Sec. 713. Liability for use of single-hull vessels.

TITLE VIII—PORT SECURITY

- Sec. 801. America's Waterway Watch Program.
- Sec. 802. Transportation Worker Identification Credential.
- Sec. 803. Interagency operational centers for port security.
- Sec. 804. Deployable, specialized forces.
- Sec. 805. Coast Guard detection canine team program expansion.
- Sec. 806. Coast Guard port assistance Program.
- Sec. 807. Maritime biometric identification.
- Sec. 808. Pilot Program for fingerprinting of maritime workers.
- Sec. 809. Transportation security cards on vessels.
- Sec. 810. Maritime Security Advisory Committees.
- Sec. 811. Seamen's shoreside access.
- Sec. 812. Waterside security of especially hazardous cargo.
- Sec. 813. Review of liquefied natural gas facilities.
- Sec. 814. Use of secondary authentication for transportation security cards.
- Sec. 815. Assessment of transportation security card enrollment sites.
- Sec. 816. Assessment of the feasibility of efforts to mitigate the threat of small boat attack in major ports.
- Sec. 817. Report and recommendation for uniform security background checks.
- Sec. 818. Transportation security cards: access pending issuance; deadlines for processing; receipt.
- Sec. 819. Harmonizing security card expirations.
- Sec. 820. Clarification of rulemaking authority.
- Sec. 821. Port security training and certification.
- Sec. 822. Integration of security plans and systems with local port authorities, State harbor divisions, and law enforcement agencies.
- Sec. 823. Transportation security cards.
- Sec. 824. Pre-positioning interoperable communications equipment at inter-agency operational centers.
- Sec. 825. International port and facility inspection coordination.
- Sec. 826. Area transportation security incident mitigation plan.
- Sec. 827. Risk based resource allocation.
- Sec. 828. Port security zones.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Waivers.
- Sec. 902. Crew wages on passenger vessels.
- Sec. 903. Technical corrections.
- Sec. 904. Manning requirement.
- Sec. 905. Study of bridges over navigable waters.
- Sec. 906. Limitation on jurisdiction of States to tax certain seamen.
- Sec. 907. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
- Sec. 908. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

- Sec. 909. Conveyance of Coast Guard property in Cheboygan, Michigan.
- Sec. 910. Alternative licensing program for operators of uninspected passenger vessels on Lake Texoma in Texas and Oklahoma.
- Sec. 911. Strategy regarding drug trafficking vessels.
- Sec. 912. Use of force against piracy.
- Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.
- Sec. 914. Conveyance of Coast Guard vessels for public purposes.
- Sec. 915. Assessment of certain aids to navigation and traffic flow.
- Sec. 916. Fresnel Lens from Presque Isle Light Station in Presque Isle, Michigan.
- Sec. 917. Maritime law enforcement.
- Sec. 918. Capital investment plan.
- Sec. 919. Reports.
- Sec. 920. Compliance provision.
- Sec. 921. Conveyance of Coast Guard property in Portland, Maine.

TITLE X—CLEAN HULLS

Subtitle A—General Provisions

- Sec. 1011. Definitions.
- Sec. 1012. Covered vessels.
- Sec. 1013. Administration and enforcement.
- Sec. 1014. Compliance with international law.
- Sec. 1015. Utilization of personnel, facilities or equipment of other Federal departments and agencies.

Subtitle B—Implementation of the Convention

- Sec. 1021. Certificates.
- Sec. 1022. Declaration.
- Sec. 1023. Other compliance documentation.
- Sec. 1024. Process for considering additional controls.
- Sec. 1025. Scientific and technical research and monitoring; communication and information.
- Sec. 1026. Communication and exchange of information.

Subtitle C—Prohibitions and Enforcement Authority

- Sec. 1031. Prohibitions.
- Sec. 1032. Investigations and inspections by Secretary.
- Sec. 1033. EPA enforcement.
- Sec. 1034. Additional authority of the Administrator.

Subtitle D—Action on Violation, Penalties, and Referrals

- Sec. 1041. Criminal enforcement.
- Sec. 1042. Civil enforcement.
- Sec. 1043. Liability in rem.
- Sec. 1044. Vessel clearance or permits; refusal or revocation; bond or other surety.
- Sec. 1045. Warnings, detentions, dismissals, exclusion.
- Sec. 1046. Referrals for appropriate action by foreign country.
- Sec. 1047. Remedies not affected.
- Sec. 1048. Repeal.

1 **TITLE I—AUTHORIZATION**

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

3 Funds are authorized to be appropriated for fiscal
4 year 2011 for necessary expenses of the Coast Guard as
5 follows:

6 (1) For the operation and maintenance of the
7 Coast Guard, \$6,970,681,000 of which \$24,500,000
8 is authorized to be derived from the Oil Spill Liabil-
9 ity Trust Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990 (33
11 U.S.C. 2712(a)(5)).

12 (2) For the acquisition, construction, rebuild-
13 ing, and improvement of aids to navigation, shore
14 and offshore facilities, vessels, and aircraft, includ-
15 ing equipment related thereto, \$1,640,000,000, of
16 which—

17 (A) \$20,000,000 shall be derived from the
18 Oil Spill Liability Trust Fund to carry out the
19 purposes of section 1012(a)(5) of the Oil Pollu-
20 tion Act of 1990, to remain available until ex-
21 pended;

22 (B) \$1,233,502,000 is authorized for the
23 Integrated Deepwater System Program; and

24 (C) \$100,000,000 is authorized for shore
25 facilities and aids to navigation.

1 (3) To the Commandant of the Coast Guard for
2 research, development, test, and evaluation of tech-
3 nologies, materials, and human factors directly relat-
4 ing to improving the performance of the Coast
5 Guard's mission in search and rescue, aids to navi-
6 gation, marine safety, marine environmental protec-
7 tion, enforcement of laws and treaties, ice oper-
8 ations, oceanographic research, and defense readi-
9 ness, \$28,034,000, to remain available until ex-
10 pended, of which \$500,000 shall be derived from the
11 Oil Spill Liability Trust Fund to carry out the pur-
12 poses of section 1012(a)(5) of the Oil Pollution Act
13 of 1990.

14 (4) For retired pay (including the payment of
15 obligations otherwise chargeable to lapsed appropria-
16 tions for this purpose), payments under the Retired
17 Serviceman's Family Protection and Survivor Ben-
18 efit Plans, and payments for medical care of retired
19 personnel and their dependents under chapter 55 of
20 title 10, United States Code, \$1,400,700,000, to re-
21 main available until expended.

22 (5) For alteration or removal of bridges over
23 navigable waters of the United States constituting
24 obstructions to navigation, and for personnel and

1 administrative costs associated with the Bridge Al-
2 teration Program, \$16,000,000.

3 (6) For environmental compliance and restora-
4 tion at Coast Guard facilities (other than parts and
5 equipment associated with operation and mainte-
6 nance), \$13,329,000, to remain available until ex-
7 pended.

8 (7) For the Coast Guard Reserve program, in-
9 cluding personnel and training costs, equipment, and
10 services, \$135,675,000.

11 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
12 **AND TRAINING.**

13 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
14 authorized an end-of-year strength for active duty per-
15 sonnel of 47,000 for the fiscal year ending on September
16 30, 2011.

17 (b) MILITARY TRAINING STUDENT LOADS.—For fis-
18 cal year 2011, the Coast Guard is authorized average mili-
19 tary training student loads as follows:

20 (1) For recruit and special training, 2,500 stu-
21 dent years.

22 (2) For flight training, 165 student years.

23 (3) For professional training in military and ci-
24 vilian institutions, 350 student years.

25 (4) For officer acquisition, 1,200 student years.

1 **TITLE II—COAST GUARD**

2 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**
3 **JUDGES.**

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 **“§ 153. Appointment of judges**

8 “The Secretary may appoint civilian employees of the
9 department in which the Coast Guard is operating as ap-
10 pellate military judges, available for assignment to the
11 Coast Guard Court of Criminal Appeals as provided for
12 in section 866(a) of title 10.”.

13 (b) CLERICAL AMENDMENT.—The analysis for such
14 chapter is amended by adding at the end the following:
“153. Appointment of judges.”.

15 **SEC. 202. INDUSTRIAL ACTIVITIES.**

16 Section 151 of title 14, United States Code, is
17 amended—

18 (1) by inserting “(a) IN GENERAL.—” before
19 “All orders”; and

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

21 “(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL
22 ACTIVITIES.—Under this section, the Coast Guard indus-
23 trial activities may accept orders from and enter into reim-
24 bursable agreements with establishments, agencies, and

1 departments of the Department of Defense and the De-
2 partment of Homeland Security.”.

3 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
4 **EL EXPENSES.**

5 (a) IN GENERAL.—Chapter 13 of title 14, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 518. Reimbursement for medical-related travel ex-**
9 **penses for certain persons residing on is-**
10 **lands in the continental United States**

11 “In any case in which a covered beneficiary (as de-
12 fined in section 1072(5) of title 10) resides on an island
13 that is located in the 48 contiguous States and the District
14 of Columbia and that lacks public access roads to the
15 mainland and is referred by a primary care physician to
16 a specialty care provider (as defined in section 1074i(b)
17 of title 10) on the mainland who provides services less
18 than 100 miles from the location where the beneficiary re-
19 sides, the Secretary shall reimburse the reasonable travel
20 expenses of the covered beneficiary and, when accompani-
21 ment by an adult is necessary, for a parent or guardian
22 of the covered beneficiary or another member of the cov-
23 ered beneficiary’s family who is at least 21 years of age.”.

24 (b) CLERICAL AMENDMENT.—The analysis for such
25 chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

1 **SEC. 204. COMMISSIONED OFFICERS.**

2 (a) ACTIVE DUTY PROMOTION LIST.—Section 42 of
3 title 14, United States Code, is amended to read as fol-
4 lows:

5 **“§42. Number and distribution of commissioned offi-
6 cers on active duty promotion list**

7 “(a) MAXIMUM TOTAL NUMBER.—The total number
8 of Coast Guard commissioned officers on the active duty
9 promotion list, excluding warrant officers, shall not exceed
10 7,200; except that the Commandant may temporarily in-
11 crease that number by up to 2 percent for no more than
12 60 days following the date of the commissioning of a Coast
13 Guard Academy class.

14 “(b) DISTRIBUTION PERCENTAGES BY GRADE.—

15 “(1) REQUIRED.—The total number of commis-
16 sioned officers authorized by this section shall be
17 distributed in grade in the following percentages:
18 0.375 percent for rear admiral; 0.375 percent for
19 rear admiral (lower half); 6.0 percent for captain;
20 15.0 percent for commander; and 22.0 percent for
21 lieutenant commander.

22 “(2) DISCRETIONARY.—The Secretary shall
23 prescribe the percentages applicable to the grades of
24 lieutenant, lieutenant (junior grade), and ensign.

1 “(3) AUTHORITY OF SECRETARY TO REDUCE
2 PERCENTAGE.—The Secretary—

3 “(A) may reduce, as the needs of the Coast
4 Guard require, any of the percentages set forth
5 in paragraph (1); and

6 “(B) shall apply that total percentage re-
7 duction to any other lower grade or combination
8 of lower grades.

9 “(c) COMPUTATIONS.—

10 “(1) IN GENERAL.—The Secretary shall com-
11 pute, at least once each year, the total number of
12 commissioned officers authorized to serve in each
13 grade by applying the grade distribution percentages
14 established by or under this section to the total
15 number of commissioned officers listed on the cur-
16 rent active duty promotion list.

17 “(2) ROUNDING FRACTIONS.—Subject to sub-
18 section (a), in making the computations under para-
19 graph (1), any fraction shall be rounded to the near-
20 est whole number.

21 “(3) TREATMENT OF OFFICERS SERVING OUT-
22 SIDE COAST GUARD.—The number of commissioned
23 officers on the active duty promotion list below the
24 rank of rear admiral (lower half) serving with other
25 Federal departments or agencies on a reimbursable

1 basis or excluded under section 324(d) of title 49
2 shall not be counted against the total number of
3 commissioned officers authorized to serve in each
4 grade.

5 “(d) USE OF NUMBERS; TEMPORARY INCREASES.—
6 The numbers resulting from computations under sub-
7 section (c) shall be, for all purposes, the authorized num-
8 ber in each grade; except that the authorized number for
9 a grade is temporarily increased during the period between
10 one computation and the next by the number of officers
11 originally appointed in that grade during that period and
12 the number of officers of that grade for whom vacancies
13 exist in the next higher grade but whose promotion has
14 been delayed for any reason.

15 “(e) OFFICERS SERVING COAST GUARD ACADEMY
16 AND RESERVE.—The number of officers authorized to be
17 serving on active duty in each grade of the permanent
18 commissioned teaching staff of the Coast Guard Academy
19 and of the Reserve serving in connection with organizing,
20 administering, recruiting, instructing, or training the re-
21 serve components shall be prescribed by the Secretary.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 3 of such title is amended by striking the item relating
24 to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion
list.”.

1 **SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED**
2 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

3 (a) IN GENERAL.—Section 1502 of the Armed
4 Forces Retirement Home Act of 1991 (24 U.S.C. 401)
5 is amended—

6 (1) by striking paragraph (4);

7 (2) in paragraph (5)—

8 (A) by striking “and” at the end of sub-
9 paragraph (C);

10 (B) by striking the period at the end of
11 subparagraph (D) and inserting “; and”; and

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

13 “(E) the Assistant Commandant of the
14 Coast Guard for Human Resources.”; and

15 (3) by adding at the end of paragraph (6) the
16 following:

17 “(E) The Master Chief Petty Officer of the
18 Coast Guard.”.

19 (b) CONFORMING AMENDMENTS.—(1) Section 2772
20 of title 10, United States Code, is amended—

21 (A) in subsection (a) by inserting “or, in the
22 case of the Coast Guard, the Commandant” after
23 “concerned”; and

24 (B) by striking subsection (c).

25 (2) Section 1007(i) of title 37, United States Code,
26 is amended—

1 (A) in paragraph (3) by inserting “or, in the
2 case of the Coast Guard, the Commandant” after
3 “Secretary of Defense”;

4 (B) by striking paragraph (4); and

5 (C) by redesignating paragraph (5) as para-
6 graph (4).

7 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
8 **ZATIONS.**

9 Section 149 of title 14, United States Code, is
10 amended by adding at the end the following:

11 “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-
12 NIZATIONS.—After consultation with the Secretary of
13 State, the Commandant may make grants to, or enter into
14 cooperative agreements, contracts, or other agreements
15 with, international maritime organizations for the purpose
16 of acquiring information or data about merchant vessel in-
17 spections, security, safety, environmental protection, clas-
18 sification, and port state or flag state law enforcement or
19 oversight.”.

20 **SEC. 207. LEAVE RETENTION AUTHORITY.**

21 (a) IN GENERAL.—Chapter 11 of title 14, United
22 States Code, is amended by inserting after section 425 the
23 following:

1 **“§ 426. Emergency leave retention authority**

2 “(a) IN GENERAL.—A duty assignment for an active
3 duty member of the Coast Guard in support of a declara-
4 tion of a major disaster or emergency by the President
5 under the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5121 et seq.) or in re-
7 sponse to a spill of national significance shall be treated,
8 for the purpose of section 701(f)(2) of title 10, as a duty
9 assignment in support of a contingency operation.

10 “(b) DEFINITIONS.—In this section:

11 “(1) SPILL OF NATIONAL SIGNIFICANCE.—The
12 term ‘spill of national significance’ means a dis-
13 charge of oil or a hazardous substance that is de-
14 clared by the Commandant to be a spill of national
15 significance.

16 “(2) DISCHARGE.—The term ‘discharge’ has
17 the meaning given that term in section 1001 of the
18 Oil Pollution Act of 1990 (33 U.S.C. 2701).”.

19 (b) CLERICAL AMENDMENT.—The analysis for such
20 chapter is amended by inserting after the item relating
21 to section 425 the following:

“426. Emergency leave retention authority.”.

22 (c) APPLICATION.—The amendments made by this
23 section shall be deemed to have been enacted on April 19,
24 2010.

1 **SEC. 208. ENFORCEMENT AUTHORITY.**

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

5 **“§ 99. Enforcement authority**

6 “Subject to guidelines approved by the Secretary,
7 members of the Coast Guard, in the performance of offi-
8 cial duties, may—

9 “(1) carry a firearm; and

10 “(2) while at a facility (as defined in section
11 70101 of title 46)—

12 “(A) make an arrest without warrant for
13 any offense against the United States com-
14 mitted in their presence; and

15 “(B) seize property as otherwise provided
16 by law.”.

17 (b) CONFORMING REPEAL.—Section 70117 of title
18 46, United States Code, and the item relating to such sec-
19 tion in the analysis at the beginning of chapter 701 of
20 such title, are repealed.

21 (c) CLERICAL AMENDMENT.—The analysis for such
22 chapter is amended by adding at the end the following:

“99. Enforcement authority.”.

1 **SEC. 209. REPEAL.**

2 Section 216 of title 14, United States Code, and the
3 item relating to such section in the analysis for chapter
4 11 of such title, are repealed.

5 **SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COM-**
6 **MITTEE.**

7 (a) IN GENERAL.—Chapter 71 of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§7115. Merchant Mariner Medical Advisory Com-**
11 **mittee**

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—There is established a Mer-
14 chant Mariner Medical Advisory Committee (in this
15 section referred to as the ‘Committee’).

16 “(2) FUNCTIONS.—The Committee shall advise
17 the Secretary on matters relating to—

18 “(A) medical certification determinations
19 for issuance of licences, certificates of registry,
20 and merchant mariners’ documents;

21 “(B) medical standards and guidelines for
22 the physical qualifications of operators of com-
23 mercial vessels;

24 “(C) medical examiner education; and

25 “(D) medical research.

26 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Committee shall con-
2 sist of 14 members, none of whom is a Federal em-
3 ployee, and shall include—

4 “(A) ten who are health-care professionals
5 with particular expertise, knowledge, or experi-
6 ence regarding the medical examinations of
7 merchant mariners or occupational medicine;
8 and

9 “(B) four who are professional mariners
10 with knowledge and experience in mariner occu-
11 pational requirements.

12 “(2) STATUS OF MEMBERS.—Members of the
13 Committee shall not be considered Federal employ-
14 ees or otherwise in the service or the employment of
15 the Federal Government, except that members shall
16 be considered special Government employees, as de-
17 fined in section 202(a) of title 18, United States
18 Code, and shall be subject to any administrative
19 standards of conduct applicable to the employees of
20 the department in which the Coast Guard is oper-
21 ating.

22 “(c) APPOINTMENTS; TERMS; VACANCIES.—

23 “(1) APPOINTMENTS.—The Secretary shall ap-
24 point the members of the Committee, and each
25 member shall serve at the pleasure of the Secretary.

1 “(2) TERMS.—Each member shall be appointed
2 for a term of five years, except that, of the members
3 first appointed, three members shall be appointed
4 for a term of two years.

5 “(3) VACANCIES.—Any member appointed to
6 fill the vacancy prior to the expiration of the term
7 for which that member’s predecessor was appointed
8 shall be appointed for the remainder of that term.

9 “(d) CHAIRMAN AND VICE CHAIRMAN.—The Sec-
10 retary shall designate one member of the Committee as
11 the Chairman and one member as the Vice Chairman. The
12 Vice Chairman shall act as Chairman in the absence or
13 incapacity of, or in the event of a vacancy in the office
14 of, the Chairman.

15 “(e) COMPENSATION; REIMBURSEMENT.—Members
16 of the Committee shall serve without compensation, except
17 that, while engaged in the performance of duties away
18 from their homes or regular places of business of the mem-
19 ber, the member of the Committee may be allowed travel
20 expenses, including per diem in lieu of subsistence, as au-
21 thorized by section 5703 of title 5.

22 “(f) STAFF; SERVICES.—The Secretary shall furnish
23 to the Committee the personnel and services as are consid-
24 ered necessary for the conduct of its business.”.

1 (b) FIRST MEETING.—No later than six months after
2 the date of enactment of this Act, the Merchant Mariner
3 Medical Advisory Committee established by the amend-
4 ment made by this section shall hold its first meeting.

5 (c) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 71 of that title is amended by adding at the end the
7 following:

“7115. Merchant Mariner Medical Advisory Committee.”.

8 **SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO**
9 **LIEUTENANT PROGRAM.**

10 Section 214(a) of title 14, United States Code, is
11 amended to read as follows:

12 “(a) The president may appoint temporary commis-
13 sioned officers—

14 “(1) in the Regular Coast Guard in a grade,
15 not above lieutenant, appropriate to their qualifica-
16 tions, experience, and length of service, as the needs
17 of the Coast Guard may require, from among the
18 commissioned warrant officers, warrant officers, and
19 enlisted members of the Coast Guard, and from
20 holders of licenses issued under chapter 71 of title
21 46; and

22 “(2) in the Coast Guard Reserve in a grade,
23 not above lieutenant, appropriate to their qualifica-
24 tions, experience, and length of service, as the needs
25 of the Coast Guard may require, from among the

1 commissioned warrant officers of the Coast Guard
2 Reserve.”.

3 **SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION**
4 **SYSTEM.**

5 Chapter 11 of title 14, United States Code, is amend-
6 ed—

7 (1) in section 253(a)—

8 (A) by inserting “and” after “considered,”;
9 and

10 (B) by striking “, and the number of offi-
11 cers the board may recommend for promotion”;

12 (2) in section 258—

13 (A) by inserting “(a) IN GENERAL.—” be-
14 fore “The Secretary shall” ;

15 (B) in subsection (a) (as so designated) by
16 striking the colon at the end of the material
17 preceding paragraph (1) and inserting “—”;
18 and

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

20 “(b) PROVISION OF DIRECTION AND GUIDANCE.—

21 “(1) In addition to the information provided
22 pursuant to subsection (a), the Secretary may fur-
23 nish the selection board—

24 “(A) specific direction relating to the needs
25 of the Coast Guard for officers having par-

1 ticular skills, including direction relating to the
2 need for a minimum number of officers with
3 particular skills within a specialty; and

4 “(B) any other guidance that the Secretary
5 believes may be necessary to enable the board
6 to properly perform its functions.

7 “(2) Selections made based on the direction and
8 guidance provided under this subsection shall not ex-
9 ceed the maximum percentage of officers who may
10 be selected from below the announced promotion
11 zone at any given selection board convened under
12 section 251 of this title.”;

13 (3) in section 259(a), by inserting after “whom
14 the board” the following: “, giving due consideration
15 to the needs of the Coast Guard for officers with
16 particular skills so noted in specific direction fur-
17 nished to the board by the Secretary under section
18 258 of this title,”; and

19 (4) in section 260(b), by inserting after “quali-
20 fied for promotion” the following: “to meet the
21 needs of the service (as noted in specific direction
22 furnished the board by the Secretary under section
23 258 of this title)”.

1 **SEC. 213. COAST GUARD VESSELS AND AIRCRAFT.**

2 (a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—

3 Section 637(e) of title 14, United States Code, is amend-
4 ed—

5 (1) in paragraph (1), by striking “; or” and in-
6 serting a semicolon;

7 (2) in paragraph (2), by striking the period at
8 the end and inserting “; or”; and

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

10 “(3) any other vessel or aircraft on government
11 noncommercial service when—

12 “(A) the vessel or aircraft is under the tac-
13 tical control of the Coast Guard; and

14 “(B) at least one member of the Coast
15 Guard is assigned and conducting a Coast
16 Guard mission on the vessel or aircraft.”.

17 (b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS
18 AND PENNANTS.—Section 638(a) of title 14, United
19 States Code, is amended by striking “Coast Guard vessels
20 and aircraft” and inserting “Vessels and aircraft author-
21 ized by the Secretary”.

22 **SEC. 214. COAST GUARD DISTRICT OMBUDSMEN.**

23 (a) IN GENERAL.—Chapter 3 of title 14, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 55. District Ombudsmen**

2 “(a) IN GENERAL.—The Commandant shall appoint
3 in each Coast Guard District a District Ombudsman to
4 serve as a liaison between ports, terminal operators, ship-
5 owners, and labor representatives and the Coast Guard.

6 “(b) PURPOSE.—The purpose of the District Om-
7 budsman shall be the following:

8 “(1) To support the operations of the Coast
9 Guard in each port in the District for which the Dis-
10 trict Ombudsman is appointed.

11 “(2) To improve communications between and
12 among port stakeholders including, port and ter-
13 minal operators, ship owners, labor representatives,
14 and the Coast Guard.

15 “(3) To seek to resolve disputes between the
16 Coast Guard and all petitioners regarding require-
17 ments imposed or services provided by the Coast
18 Guard.

19 “(c) FUNCTIONS.—

20 “(1) COMPLAINTS.—The District Ombudsman
21 may examine complaints brought to the attention of
22 the District Ombudsman by a petitioner operating in
23 a port or by Coast Guard personnel.

24 “(2) GUIDELINES FOR DISPUTES.—

25 “(A) IN GENERAL.—The District Ombuds-
26 man shall develop guidelines regarding the

1 types of disputes with respect to which the Dis-
2 trict Ombudsman will provide assistance.

3 “(B) LIMITATION.—The District Ombuds-
4 man shall not provide assistance with respect to
5 a dispute unless it involves the impact of Coast
6 Guard requirements on port business and the
7 flow of commerce.

8 “(C) PRIORITY.—In providing such assist-
9 ance, the District Ombudsman shall give pri-
10 ority to complaints brought by petitioners who
11 believe they will suffer a significant hardship as
12 the result of implementing a Coast Guard re-
13 quirement or being denied a Coast Guard serv-
14 ice.

15 “(3) CONSULTATION.—The District Ombuds-
16 man may consult with any Coast Guard personnel
17 who can aid in the investigation of a complaint.

18 “(4) ACCESS TO INFORMATION.—The District
19 Ombudsman shall have access to any Coast Guard
20 document, including any record or report, that will
21 aid the District Ombudsman in obtaining the infor-
22 mation needed to conduct an investigation of a com-
23 plaint.

24 “(5) REPORTS.—At the conclusion of an inves-
25 tigation, the District Ombudsman shall submit a re-

1 port on the findings and recommendations of the
2 District Ombudsman, to the Commander of the Dis-
3 trict in which the petitioner who brought the com-
4 plaint is located or operating.

5 “(6) DEADLINE.—The District Ombudsman
6 shall seek to resolve each complaint brought in ac-
7 cordance with the guidelines—

8 “(A) in a timely fashion; and

9 “(B) not later than 4 months after the
10 complaint is officially accepted by the District
11 Ombudsman.

12 “(d) APPOINTMENT.—The Commandant shall ap-
13 point as the District Ombudsman an individual who has
14 experience in port and transportation systems and knowl-
15 edge of port operations or of maritime commerce (or
16 both).

17 “(e) ANNUAL REPORTS.—The Secretary shall report
18 annually to the Committee on Transportation and Infra-
19 structure of the House of Representatives and the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate on the matters brought before the District Om-
22 budsmen, including—

23 “(1) the number of matters brought before each
24 District Ombudsman;

25 “(2) a brief summary of each such matter; and

1 “(3) the eventual resolution of each such mat-
2 ter.”.

3 (b) CLERICAL AMENDMENT.—The analysis at the be-
4 ginning of that chapter is amended by adding at the end
5 the following new item:

“55. District Ombudsmen.”.

6 **SEC. 215. COAST GUARD COMMISSIONED OFFICERS: COM-**
7 **PULSORY RETIREMENT.**

8 (a) IN GENERAL.—Chapter 11 of title 14, United
9 States Code, is amended by striking section 293 and in-
10 serting the following:

11 **“§ 293. Compulsory retirement**

12 “(a) REGULAR COMMISSIONED OFFICERS.—Any reg-
13 ular commissioned officer, except a commissioned warrant
14 officer, serving in a grade below rear admiral (lower half)
15 shall be retired on the first day of the month following
16 the month in which the officer becomes 62 years of age.

17 “(b) FLAG-OFFICER GRADES.—(1) Except as pro-
18 vided in paragraph (2), any regular commissioned officer
19 serving in a grade of rear admiral (lower half) or above
20 shall be retired on the first day of the month following
21 the month in which the officer becomes 64 years of age.

22 “(2) The retirement of an officer under paragraph
23 (1) may be deferred—

24 “(A) by the President, but such a deferment
25 may not extend beyond the first day of the month

1 following the month in which the officer becomes 68
2 years of age; or

3 “(B) by the Secretary of the department in
4 which the Coast Guard is operating, but such a
5 deferment may not extend beyond the first day of
6 the month following the month in which the officer
7 becomes 66 years of age.”.

8 (b) CLERICAL AMENDMENT.—The analysis at the be-
9 ginning of such chapter is amended by striking the item
10 relating to such section and inserting the following:

“293. Compulsory retirement.”.

11 **SEC. 216. ENFORCEMENT OF COASTWISE TRADE LAWS.**

12 (a) IN GENERAL.—Chapter 5 of title 14, United
13 States Code, is further amended by adding at the end the
14 following:

15 **“§ 100. Enforcement of coastwise trade laws**

16 “Officers and members of the Coast Guard are au-
17 thorized to enforce chapter 551 of title 46. The Secretary
18 shall establish a program for these officers and members
19 to enforce that chapter.”.

20 (b) CLERICAL AMENDMENT.—The analysis for that
21 chapter is further amended by adding at the end the fol-
22 lowing new item:

“100. Enforcement of coastwise trade laws.”.

23 (c) REPORT.—The Secretary of the department in
24 which the Coast Guard is operating shall submit a report

1 to the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Senate Com-
3 mittee on Commerce, Science, and Transportation within
4 one year after the date of enactment of this Act on the
5 enforcement strategies and enforcement actions taken to
6 enforce the coastwise trade laws.

7 **SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST**
8 **GUARD.**

9 (a) IN GENERAL.—Not later than January 15 of
10 each year, the Commandant of the Coast Guard shall sub-
11 mit a report on the sexual assaults involving members of
12 the Coast Guard to the Committee on Transportation and
13 Infrastructure and the Committee on Homeland Security
14 of the House of Representatives and the Committee on
15 Commerce, Science, and Transportation of the Senate.

16 (b) CONTENTS.—The report required under sub-
17 section (a) shall contain the following:

18 (1) The number of sexual assaults against
19 members of the Coast Guard, and the number of
20 sexual assaults by members of the Coast Guard, that
21 were reported to military officials during the year
22 covered by such report, and the number of the cases
23 so reported that were substantiated.

24 (2) A synopsis of, and the disciplinary action
25 taken in, each substantiated case.

1 (3) The policies, procedures, and processes im-
2 plemented by the Secretary concerned during the
3 year covered by such report in response to incidents
4 of sexual assault involving members of the Coast
5 Guard concerned.

6 (4) A plan for the actions that are to be taken
7 in the year following the year covered by such report
8 on the prevention of and response to sexual assault
9 involving members of the Coast Guard concerned.

10 **SEC. 218. HOME PORT OF COAST GUARD VESSELS IN GUAM.**

11 Section 96 of title 14, United States Code, is amend-
12 ed—

13 (1) by striking “a State of the United States”
14 and inserting “the United States or Guam”; and

15 (2) by inserting “or Guam” after “outside the
16 United States”.

17 **SEC. 219. SUPPLEMENTAL POSITIONING SYSTEM.**

18 Not later than 180 days after date of enactment of
19 this Act, the Secretary of the department in which the
20 Coast Guard is operating in consultation with the Com-
21 mandant of the Coast Guard shall conclude their study
22 of whether a single, domestic system is needed as a back-
23 up navigation system to the Global Positioning System
24 and notify the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate the results of such determination.

3 **SEC. 220. ASSISTANCE TO FOREIGN GOVERNMENTS AND**
4 **MARITIME AUTHORITIES.**

5 Section 149 of title 14, United States Code, as
6 amended by section 206, is further amended by adding
7 at the end the following:

8 “(d) AUTHORIZED ACTIVITIES.—

9 “(1) The Commandant may use funds for—

10 “(A) the activities of traveling contact
11 teams, including any transportation expense,
12 translation services expense, or administrative
13 expense that is related to such activities;

14 “(B) the activities of maritime authority li-
15 aison teams of foreign governments making re-
16 ciprocal visits to Coast Guard units, including
17 any transportation expense, translation services
18 expense, or administrative expense that is re-
19 lated to such activities;

20 “(C) seminars and conferences involving
21 members of maritime authorities of foreign gov-
22 ernments;

23 “(D) distribution of publications pertinent
24 to engagement with maritime authorities of for-
25 eign governments; and

1 “(E) personnel expenses for Coast Guard
2 civilian and military personnel to the extent
3 that those expenses relate to participation in an
4 activity described in subparagraph (C) or (D).

5 “(2) An activity may not be conducted under
6 this subsection with a foreign country unless the
7 Secretary of State approves the conduct of such ac-
8 tivity in that foreign country.”.

9 **SEC. 221. COAST GUARD HOUSING.**

10 (a) IN GENERAL.—Chapter 18 of title 14, United
11 States Code, is amended—

12 (1) in section 680—

13 (A) by striking paragraphs (1), (2), and
14 (3) and inserting the following new paragraphs:

15 “(1) The term ‘construct’ means to build, re-
16 ovate, or improve military family housing and mili-
17 tary unaccompanied housing.

18 “(2) The term ‘construction’ means building,
19 renovating, or improving military family housing and
20 military unaccompanied housing.”; and

21 (B) by redesignating paragraphs (4) and
22 (5) as paragraphs (3) and (4), respectively;

23 (2) in section 681(a)—

24 (A) in the matter preceding paragraph (1),
25 by striking “exercise any authority or any com-

1 bination of authorities provided under this
2 chapter in order to provide for the acquisition
3 or construction by private persons, including a
4 small business concern qualified under section
5 8(a) of the Small Business Act (15 U.S.C.
6 637(a)), of the following:” and inserting “ac-
7 quire or construct the following:”;

8 (B) in paragraph (1), by striking “Family
9 housing units” and inserting “Military family
10 housing”;

11 (C) in paragraph (2), by striking “Unac-
12 companied housing units” and inserting “Mili-
13 tary unaccompanied housing”;

14 (3) by repealing sections 682, 683, and 684;

15 (4) by amending section 685 to read as follows:

16 **“§ 685. Conveyance of real property**

17 “(a) CONVEYANCE AUTHORIZED.—Notwithstanding
18 any other provision of law, the Secretary may convey, at
19 fair market value, real property, owned or under the ad-
20 ministrative control of the Coast Guard, for the purpose
21 of expending the proceeds from such conveyance to acquire
22 and construct military family housing and military unac-
23 companied housing.

24 “(b) TERMS AND CONDITIONS.—

1 “(1) The conveyance of real property under this
2 section shall be by sale, for cash. The Secretary shall
3 deposit the proceeds from the sale in the Coast
4 Guard Housing Fund established under section 687
5 of this title, for the purpose of expending such pro-
6 ceeds to acquire and construct military family hous-
7 ing and military unaccompanied housing.

8 “(2) The conveyance of real property under this
9 section shall not diminish the mission capacity of the
10 Coast Guard, but further the mission support capa-
11 bility of the Coast Guard with regard to military
12 family housing or military unaccompanied housing.

13 “(c) RELATIONSHIP TO ENVIRONMENTAL LAW.—
14 This section does not affect or limit the application of or
15 obligation to comply with any environmental law, including
16 section 120(h) of the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of 1980 (42
18 U.S.C. 9620(h)).”;

19 (5) by repealing section 686;

20 (6) in section 687—

21 (A) in subsection (b)—

22 (i) in paragraph (2), by striking “or
23 unaccompanied” and inserting “or military
24 unaccompanied”;

25 (ii) in paragraph (3)—

- 1 (I) by striking “or lease”;
- 2 (II) by striking “or facilities”;
- 3 and
- 4 (III) by striking “military family
5 and” and inserting “military family
6 housing and”; and
- 7 (iii) by repealing paragraph (4);
- 8 (B) subsection (c), by amending paragraph
9 (1) to read as follows:(1) In such amounts as
10 provided in appropriations Acts, and except as
11 provided in subsection (d), the Secretary may
12 use amounts in the Coast Guard Housing Fund
13 to carry out activities under this chapter with
14 respect to military family housing and military
15 unaccompanied housing, including—
- 16 “(A) the planning, execution, and adminis-
17 tration of the conveyance of real property;
- 18 “(B) all necessary expenses, including ex-
19 penses for environmental compliance and res-
20 toration, to prepare real property for convey-
21 ance; and
- 22 “(C) the conveyance of real property.”;
- 23 (C) in subsection (e), by striking “or
24 (b)(3)”;
- 25 (D) by repealing subsections (f) and (g);

1 (7) by repealing 687a;

2 (8) by amending section 688 to read as follows:

3 **“§ 688. Reports**

4 “The Secretary shall prepare and submit to Con-
5 gress, concurrent with the budget submitted pursuant to
6 section 1105 of title 31, a report identifying the contracts
7 or agreements for the conveyance of properties pursuant
8 to this chapter executed during the prior calendar year.”;
9 and

10 (9) by repealing section 689.

11 (b) SAVINGS CLAUSE.—This section shall not affect
12 any action commenced prior to the date of enactment of
13 this Act.

14 (c) CLERICAL AMENDMENT.—The chapter analysis
15 at the beginning of such chapter is amended—

16 (1) by striking the items relating to sections
17 682, 683, 684, 686, 687a, and 689; and

18 (2) by amending the item relating to section
19 685 to read as follows:

“685. Conveyance of real property.”.

20 **SEC. 222. CHILD DEVELOPMENT SERVICES.**

21 Section 515 of title 14, United States Code, is
22 amended—

23 (1) by striking subsection (b) and inserting the
24 following:

1 “(b)(1) The Commandant is authorized to use appro-
2 priated funds available to the Coast Guard to provide child
3 development services.

4 “(2)(A) The Commandant is authorized to establish,
5 by regulations, fees to be charged parents for the attend-
6 ance of children at Coast Guard child development centers.

7 “(B) Fees to be charged, pursuant to subparagraph
8 (A), shall be based on family income, except that the Com-
9 mandant may, on a case-by-base basis, establish fees at
10 lower rates if such rates would not be competitive with
11 rates at local child development centers.

12 “(C) The Commandant is authorized to collect and
13 expend fees, established pursuant to this subparagraph,
14 and such fees shall, without further appropriation, remain
15 available until expended for the purpose of providing serv-
16 ices, including the compensation of employees and the pur-
17 chase of consumable and disposable items, at Coast Guard
18 child development centers.

19 “(3) The Commandant is authorized to use appro-
20 priated funds available to the Coast Guard to provide as-
21 sistance to family home daycare providers so that family
22 home daycare services can be provided to uniformed serv-
23 ices members and civilian employees of the Coast Guard
24 at a cost comparable to the cost of services provided by
25 Coast Guard child development centers.”;

1 (2) by repealing subsections (d) and (e); and

2 (3) by redesignating subsections (f) and (g) as
3 subsections (d) and (e), respectively.

4 **SEC. 223. CHAPLAIN ACTIVITY EXPENSE.**

5 Section 145 of title 14, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2), by striking “and” at
9 the end;

10 (B) in paragraph (3), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(4) detail personnel from the Chaplain Corps
15 to provide services, pursuant to section 1789 of title
16 10, to the Coast Guard.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(d)(1) As part of the services provided by the Sec-
20 retary of the Navy pursuant to subsection (a)(4), the Sec-
21 retary may provide support services to chaplain-led pro-
22 grams to assist members of the Coast Guard on active
23 duty and their dependents, and members of the reserve
24 component in an active status and their dependents, in
25 building and maintaining a strong family structure.

1 “(2) In this subsection, the term ‘support services’
2 include transportation, food, lodging, child care, supplies,
3 fees, and training materials for members of the Coast
4 Guard on active duty and their dependents, and members
5 of the reserve component in an active status and their de-
6 pendants, while participating in programs referred to in
7 paragraph (1), including participation at retreats and con-
8 ferences.

9 “(3) In this subsection, the term ‘dependents’ has the
10 same meaning as defined in section 1072(2) of title 10.”.

11 **SEC. 224. COAST GUARD CROSS; SILVER STAR MEDAL.**

12 (a) COAST GUARD CROSS.—Chapter 13 of title 14,
13 United States Code, is amended by inserting after section
14 491 the following new section:

15 **“§ 491a. Coast Guard cross**

16 “The President may award a Coast Guard cross of
17 appropriate design, with ribbons and appurtenances, to a
18 person who, while serving in any capacity with the Coast
19 Guard, when the Coast Guard is not operating under the
20 Department of the Navy, distinguishes himself or herself
21 by extraordinary heroism not justifying the award of a
22 medal of honor—

23 “(1) while engaged in an action against an
24 enemy of the United States;

1 “(2) while engaged in military operations in-
2 volving conflict with an opposing foreign force or
3 international terrorist organization; or

4 “(3) while serving with friendly foreign forces
5 engaged in an armed conflict against an opposing
6 armed force in which the United States is not a bel-
7 ligerent party.”.

8 (b) SILVER STAR MEDAL.—Such chapter is further
9 amended—

10 (1) by striking the designation and heading of
11 section 492a and inserting the following:

12 **“§ 492b. Distinguished flying cross”;**

13 and

14 (2) by inserting after section 492 the following
15 new section:

16 **“§ 492a. Silver star medal**

17 “The President may award a silver star medal of ap-
18 propriate design, with ribbons and appurtenances, to a
19 person who, while serving in any capacity with the Coast
20 Guard, when the Coast Guard is not operating under the
21 Department of the Navy, is cited for gallantry in action
22 that does not warrant a medal of honor or Coast Guard
23 cross—

24 “(1) while engaged in an action against an
25 enemy of the United States;

1 “(2) while engaged in military operations in-
2 volving conflict with an opposing foreign force or
3 international terrorist organization; or

4 “(3) while serving with friendly foreign forces
5 engaged in an armed conflict against an opposing
6 armed force in which the United States is not a bel-
7 ligerent party.”.

8 (c) CONFORMING AMENDMENTS.—Such chapter is
9 further amended—

10 (1) in section 494, by striking “distinguished
11 service medal, distinguished flying cross,” and in-
12 serting “Coast Guard cross, distinguished service
13 medal, silver star medal, distinguished flying cross,”
14 in both places it appears;

15 (2) in section 496—

16 (A) in the matter preceding paragraph (1)
17 of subsection (a), by striking “distinguished
18 service medal, distinguished flying cross,” and
19 inserting “Coast Guard cross, distinguished
20 service medal, silver star medal, distinguished
21 flying cross,”; and

22 (B) in subsection (b)(2), by striking “dis-
23 tinguished service medal, distinguished flying
24 cross,” and inserting “Coast Guard cross, dis-

1 distinguished service medal, silver star medal, dis-
2 tinguished flying cross,”; and

3 (3) in section 497, by striking “distinguished
4 service medal, distinguished flying cross,” and in-
5 serting “Coast Guard cross, distinguished service
6 medal, silver star medal, distinguished flying cross,”.

7 (d) CLERICAL AMENDMENTS.—The analysis at the
8 beginning of such chapter is amended—

9 (1) by inserting after the item relating to sec-
10 tion 491 the following new item:

“491a. Coast Guard cross.”.

11 (2) by striking the item relating to section 492a
12 and inserting the following new items:

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

13 **TITLE III—SHIPPING AND**
14 **NAVIGATION**

15 **SEC. 301. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**
16 **JURISDICTION.**

17 Section 7 of the Rivers and Harbors Appropriations
18 Act of 1915 (33 U.S.C. 471) is amended—

19 (1) by striking “That the” and inserting the
20 following:

21 “(a) IN GENERAL.—The”.

22 (2) in subsection (a) (as designated by para-
23 graph (1)) by striking “\$100; and the” and insert-

1 ing “up to \$10,000. Each day during which a viola-
2 tion continues shall constitute a separate violation.
3 The”; and

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

5 “(b) DEFINITION.—As used in this section ‘navigable
6 waters of the United States’ includes all waters of the ter-
7 ritorial sea of the United States as described in Presi-
8 dential Proclamation No. 5928 of December 27, 1988.”.

9 **SEC. 302. MARITIME DRUG LAW ENFORCEMENT ACT**
10 **AMENDMENT-SIMPLE POSSESSION.**

11 Section 70506 of title 46, United States Code, is
12 amended by adding at the end the following:

13 “(c) SIMPLE POSSESSION.—

14 “(1) IN GENERAL.—Any individual on a vessel
15 subject to the jurisdiction of the United States who
16 is found by the Secretary, after notice and an oppor-
17 tunity for a hearing, to have knowingly or inten-
18 tionally possessed a controlled substance within the
19 meaning of the Controlled Substances Act (21
20 U.S.C. 812) shall be liable to the United States for
21 a civil penalty of not to exceed \$5,000 for each viola-
22 tion. The Secretary shall notify the individual in
23 writing of the amount of the civil penalty.

24 “(2) DETERMINATION OF AMOUNT.—In deter-
25 mining the amount of the penalty, the Secretary

1 shall consider the nature, circumstances, extent, and
2 gravity of the prohibited acts committed and, with
3 respect to the violator, the degree of culpability, any
4 history of prior offenses, ability to pay, and other
5 matters that justice requires.

6 “(3) TREATMENT OF CIVIL PENALTY ASSESS-
7 MENT.—Assessment of a civil penalty under this
8 subsection shall not be considered a conviction for
9 purposes of State or Federal law but may be consid-
10 ered proof of possession if such a determination is
11 relevant.”.

12 **SEC. 303. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
13 **UREMENT LAW.**

14 (a) DEFINITIONS.—Section 14101(4) of title 46,
15 United States Code, is amended—

16 (1) by striking “engaged” the first place it ap-
17 pears and inserting “that engages”;

18 (2) in subparagraph (A), by striking “arriving”
19 and inserting “that arrives”;

20 (3) in subparagraph (B)—

21 (A) by striking “making” and inserting
22 “that makes”; and

23 (B) by striking “(except a foreign vessel
24 engaged on that voyage)”;

1 (4) in subparagraph (C), by striking “depart-
2 ing” and inserting “that departs”; and

3 (5) in subparagraph (D), by striking “making”
4 and inserting “that makes”.

5 (b) DELEGATION OF AUTHORITY.—Section 14103(c)
6 of that title is amended by striking “intended to be en-
7 gaged on” and inserting “that engages on”.

8 (c) APPLICATION.—Section 14301 of that title is
9 amended—

10 (1) by amending subsection (a) to read as fol-
11 lows:

12 “(a) Except as otherwise provided in this section, this
13 chapter applies to any vessel for which the application of
14 an international agreement or other law of the United
15 States to the vessel depends on the vessel’s tonnage.”;

16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking the pe-
18 riod at the end and inserting “, unless the gov-
19 ernment of the country to which the vessel be-
20 longs elects to measure the vessel under this
21 chapter.”;

22 (B) in paragraph (3), by inserting “of
23 United States or Canadian registry or nation-
24 ality, or a vessel operated under the authority

1 of the United States or Canada, and that is”
2 after “vessel”;

3 (C) in paragraph (4), by striking “a vessel
4 (except a vessel engaged” and inserting “a ves-
5 sel of United States registry or nationality, or
6 one operated under the authority of the United
7 States (except a vessel that engages”;

8 (D) by striking paragraph (5);

9 (E) by redesignating paragraph (6) as
10 paragraph (5); and

11 (F) by amending paragraph (5), as so re-
12 designated, to read as follows:

13 “(5) a barge of United States registry or na-
14 tionality, or a barge operated under the authority of
15 the United States (except a barge that engages on
16 a foreign voyage) unless the owner requests.”;

17 (3) by striking subsection (c);

18 (4) by redesignating subsections (d) and (e) as
19 subsections (c) and (d), respectively; and

20 (5) in subsection (c), as redesignated, by strik-
21 ing “After July 18, 1994, an existing vessel (except
22 an existing vessel referred to in subsection (b)(5)(A)
23 or (B) of this section)” and inserting “An existing
24 vessel that has not undergone a change that the Sec-
25 retary finds substantially affects the vessel’s gross

1 tonnage (or a vessel to which IMO Resolutions
2 A.494 (XII) of November 19, 1981, A.540 (XIII) of
3 November 17, 1983, or A.541 (XIII) of November
4 17, 1983, apply)”.

5 (d) MEASUREMENT.—Section 14302(b) of that title
6 is amended to read as follows:

7 “(b) A vessel measured under this chapter may not
8 be required to be measured under another law.”.

9 (e) TONNAGE CERTIFICATE.—

10 (1) ISSUANCE.—Section 14303 of title 46,
11 United States Code, is amended—

12 (A) in subsection (a), by adding at the end
13 the following: “For a vessel to which the Con-
14 vention does not apply, the Secretary shall pre-
15 scribe a certificate to be issued as evidence of
16 a vessel’s measurement under this chapter.”;

17 (B) in subsection (b), by inserting “issued
18 under this section” after “certificate”; and

19 (C) in the section heading by striking
20 “**International**” and “**(1969)**”.

21 (2) MAINTENANCE.—Section 14503 of that title
22 is amended—

23 (A) by designating the existing text as sub-
24 section (a); and

1 (B) by adding at the end the following new
2 subsection:

3 “(b) The certificate shall be maintained as required
4 by the Secretary.”.

5 (3) CLERICAL AMENDMENT.—The analysis at
6 the beginning of chapter 143 of that title is amend-
7 ed by striking the item relating to section 14303 and
8 inserting the following:

“14303. Tonnage Certificate.”.

9 (f) OPTIONAL REGULATORY MEASUREMENT.—Sec-
10 tion 14305(a) of that title is amended by striking “docu-
11 mented vessel measured under this chapter,” and inserting
12 “vessel measured under this chapter that is of United
13 States registry or nationality, or a vessel operated under
14 the authority of the United States,”.

15 (g) APPLICATION.—Section 14501 of that title is
16 amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) A vessel not measured under chapter 143
20 of this title if the application of an international
21 agreement or other law of the United States to the
22 vessel depends on the vessel’s tonnage.”; and

23 (2) in paragraph (2), by striking “a vessel” and
24 inserting “A vessel”.

1 (h) DUAL TONNAGE MEASUREMENT.—Section
2 14513(c) of that title is amended—

3 (1) in paragraph (1)—

4 (A) by striking “vessel’s tonnage mark is
5 below the uppermost part of the load line
6 marks,” and inserting “vessel is assigned two
7 sets of gross and net tonnages under this sec-
8 tion,”; and

9 (B) by inserting “vessel’s tonnage” before
10 “mark” the second place such term appears;
11 and

12 (2) in paragraph (2), by striking the period at
13 the end and inserting “as assigned under this sec-
14 tion.”.

15 (i) RECIPROCITY FOR FOREIGN VESSELS.—Sub-
16 chapter II of chapter 145 of that title is amended by add-
17 ing at the end the following:

18 **“§ 14514. Reciprocity for foreign vessels**

19 “For a foreign vessel not measured under chapter
20 143, if the Secretary finds that the laws and regulations
21 of a foreign country related to measurement of vessels are
22 substantially similar to those of this chapter and the regu-
23 lations prescribed under this chapter, the Secretary may
24 accept the measurement and certificate of a vessel of that

1 foreign country as complying with this chapter and the
2 regulations prescribed under this chapter.”.

3 (j) CLERICAL AMENDMENT.—The analysis for sub-
4 chapter II of chapter 145 of such title is amended by add-
5 ing at the end the following:

“14514. Reciprocity for foreign vessels.”.

6 **SEC. 304. MERCHANT MARINER DOCUMENT STANDARDS.**

7 Not later than 270 days after the date of enactment
8 of this Act, the Secretary of the department in which the
9 Coast Guard is operating shall submit to the Committee
10 on Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate—

13 (1) a plan, including estimated costs, to ensure
14 that the process for an application, by an individual
15 who has, or has applied for, a transportation secu-
16 rity card under section 70105 of title 46, United
17 States Code, for a merchant mariner document can
18 be completed entirely by mail; and

19 (2) a report on the feasibility of, and a timeline
20 to, redesign the merchant mariner document to com-
21 ply with the requirements of such section, including
22 a biometric identifier, and all relevant international
23 conventions, including the International Labour Or-
24 ganization Convention Number 185 concerning the
25 seafarers identity document, and include a review on

1 whether or not such redesign will eliminate the need
2 for separate identity credentials and background
3 screening and streamline the application process for
4 mariners.

5 **SEC. 305. SHIP EMISSION REDUCTION TECHNOLOGY DEM-**
6 **ONSTRATION PROJECT.**

7 (a) **STUDY.**—The Commandant of the Coast Guard,
8 in conjunction with the Administrator of the Environ-
9 mental Protection Agency, shall conduct a study—

10 (1) that surveys new technology and new appli-
11 cations of existing technology for reducing air emis-
12 sions from cargo or passenger vessels that operate in
13 United States waters and ports; and

14 (2) that identifies the impediments, including
15 any laws or regulations, to demonstrating the tech-
16 nology identified in paragraph (1).

17 (b) **REPORT.**—Within 180 days after the date of en-
18 actment of this Act, the Commandant shall submit a re-
19 port on the results of the study conducted under sub-
20 section (a) to the Committee on Transportation and Infra-
21 structure and the Committee on Energy and Commerce
22 of the House of Representatives and the Committee on
23 Commerce, Science, and Transportation and the Com-
24 mittee on Environment and Public Works of the Senate.

1 **SEC. 306. PHASEOUT OF VESSELS SUPPORTING OIL AND**
2 **GAS DEVELOPMENT.**

3 (a) IN GENERAL.—Notwithstanding section
4 12111(d) of title 46, United States Code, foreign-flag ves-
5 sels may be chartered by, or on behalf of, a lessee to be
6 employed for the setting, relocation, or recovery of anchors
7 or other mooring equipment of a mobile offshore drilling
8 unit that is located over the Outer Continental Shelf (as
9 defined in section 2(a) of the Outer Continental Shelf
10 Lands Act (43 U.S.C. 1331(a)) for operations in support
11 of exploration, or flow-testing and stimulation of wells, for
12 offshore mineral or energy resources in the Beaufort Sea
13 or the Chukchi Sea adjacent to Alaska—

14 (1) for a 1-year period from the date the lessee
15 gives the Secretary of Transportation written notice
16 of the commencement of such exploration drilling if
17 the Secretary determines, after publishing notice in
18 the Federal Register, that insufficient vessels docu-
19 mented under section 12111(d) of title 46, United
20 States Code, are reasonably available and suitable
21 for these support operations and all such reasonably
22 available and suitable vessels are employed in sup-
23 port of such operations; and

24 (2) for an additional period until such vessels
25 are available if the Secretary of Transportation de-
26 termines—

1 (A) that, by April 30 of the year following
2 the commencement of exploration drilling, the
3 lessee has entered into a binding agreement to
4 employ a suitable vessel or vessels to be docu-
5 mented under section 12111(d) of title 46,
6 United States Code, in sufficient numbers and
7 with sufficient suitability to replace any foreign-
8 flag vessel or vessels operating under this sec-
9 tion; and

10 (B) after publishing notice in the Federal
11 Register, that insufficient vessels documented
12 under section 12111(d) of title 46, United
13 States Code, are reasonably available and suit-
14 able for these support operations and all such
15 reasonably available and suitable vessels are
16 employed in support of such operations.

17 (b) EXPIRATION.—Irrespective of the year in which
18 the commitment referred to in subsection (a)(2)(A) oc-
19 curs, foreign-flag anchor handling vessels may not be em-
20 ployed for the setting, relocation, or recovery of anchors
21 or other mooring equipment of a mobile offshore drilling
22 unit after December 31, 2017.

23 (c) LESSEE DEFINED.—In this section, the term
24 “lessee” means the holder of a lease (as defined in section
25 1331(c) of title 43, United States Code), who, prior to

1 giving the written notice in subsection (a)(1), has entered
2 into a binding agreement to employ a suitable vessel docu-
3 mented or to be documented under 12111(d) of title 46,
4 United States Code.

5 (d) SAVINGS PROVISION.—Nothing in subsection (a)
6 may be construed to authorize the employment in the
7 coastwise trade of a vessel that does not meet the require-
8 ments of 12111 of title 46, United States Code.

9 **SEC. 307. ARCTIC MARINE SHIPPING ASSESSMENT IMPLE-**
10 **MENTATION.**

11 (a) PURPOSE.—The purpose of this section is to en-
12 sure safe and secure maritime shipping in the Arctic in-
13 cluding the availability of aids to navigation, vessel es-
14 corts, spill response capability, and maritime search and
15 rescue in the Arctic.

16 (b) INTERNATIONAL MARITIME ORGANIZATION
17 AGREEMENTS.—To carry out the purpose of this section,
18 the Secretary of the department in which the Coast Guard
19 is operating is encouraged to enter into negotiations
20 through the International Maritime Organization to con-
21 clude and execute agreements to promote coordinated ac-
22 tion among the United States, Russia, Canada, Iceland,
23 Norway, and Denmark and other seafaring and Arctic na-
24 tions to ensure, in the Arctic—

1 (1) placement and maintenance of aids to navi-
2 gation;

3 (2) appropriate marine safety, tug, and salvage
4 capabilities;

5 (3) oil spill prevention and response capability;

6 (4) maritime domain awareness, including long-
7 range vessel tracking; and

8 (5) search and rescue.

9 (c) COORDINATION BY COMMITTEE ON THE MARI-
10 TIME TRANSPORTATION SYSTEM.—The Committee on the
11 Maritime Transportation System established under a di-
12 rective of the President in the Ocean Action Plan, issued
13 December 17, 2004, shall coordinate the establishment of
14 domestic transportation policies in the Arctic necessary to
15 carry out the purpose of this section.

16 (d) AGREEMENTS AND CONTRACTS.—The Secretary
17 of the department in which the Coast Guard is operating
18 may, subject to the availability of appropriations, enter
19 into cooperative agreements, contracts, or other agree-
20 ments with, or make grants to individuals and govern-
21 ments to carry out the purpose of this section or any
22 agreements established under subsection (b).

23 (e) ICEBREAKING.—The Secretary of the department
24 in which the Coast Guard is operating shall promote safe
25 maritime navigation by means of icebreaking where nec-

1 essary, feasible, and effective to carry out the purposes
2 of this section.

3 (f) INDEPENDENT ICE BREAKER ANALYSES.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Secretary of
6 the department in which the Coast Guard is oper-
7 ating shall require a nongovernmental, independent
8 third party (other than the National Academy of
9 Sciences) that has extensive experience in the anal-
10 ysis of military procurements, to—

11 (A) conduct a comparative cost-benefit
12 analysis, taking into account future Coast
13 Guard budget projections (which assume Coast
14 Guard budget growth of no more than inflation)
15 and other recapitalization needs, of—

16 (i) rebuilding, renovating, or improv-
17 ing the existing fleet of polar icebreakers
18 for operation by the Coast Guard;

19 (ii) constructing new polar icebreakers
20 for operation by the Coast Guard;

21 (iii) construction of new polar ice-
22 breakers by the National Science Founda-
23 tion for operation by the Foundation;

24 (iv) rebuilding, renovating, or improv-
25 ing the existing fleet of polar icebreakers

1 by the National Science Foundation for op-
2 eration by the Foundation; and

3 (v) any combination of the activities
4 described in clause (i), (ii), (iii), or (iv) to
5 carry out the missions of the Coast Guard
6 and the National Science Foundation; and

7 (B) conduct a comprehensive analysis of
8 the impact on all Coast Guard activities, includ-
9 ing operations, maintenance, procurements, and
10 end strength, of the acquisition of polar ice-
11 breakers described in subparagraph (A) by the
12 Coast Guard or the National Science Founda-
13 tion assuming that total Coast Guard funding
14 will not increase more than the annual rate of
15 inflation.

16 (2) REPORT.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of the
18 department in which the Coast Guard is operating
19 shall submit a report containing the results of the
20 analyses required under paragraph (1), together
21 with recommendations the Commandant considers
22 appropriate under section 93(a)(24) of title 14,
23 United States Code, to the Committee on Commerce,
24 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives.

3 (g) HIGH-LATITUDE STUDY.—Not later than 90
4 days after the date of enactment of this Act or the date
5 of completion of the ongoing High-Latitude Study to as-
6 sess polar icebreaking mission requirements for all Coast
7 Guard missions including search and rescue, marine pollu-
8 tion response and prevention, fisheries enforcement, and
9 maritime commerce, whichever occurs later, the Com-
10 mandant of the Coast Guard shall submit a report con-
11 taining the results of the study, together with rec-
12 ommendations the Commandant considers appropriate
13 under section 93(a)(24) of title 14, United States Code,
14 to the Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Transportation
16 and Infrastructure of the House of Representatives.

17 (h) ARCTIC DEFINITION.—In this section the term
18 “Arctic” has the same meaning as in section 112 of the
19 Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

20 **TITLE IV—ACQUISITION**

21 **REFORM**

22 **SEC. 401. CHIEF ACQUISITION OFFICER.**

23 (a) IN GENERAL.—Chapter 3 of title 14, United
24 States Code, is further amended by adding at the end the
25 following:

1 **“§ 56. Chief Acquisition Officer**

2 “(a) IN GENERAL.—There shall be in the Coast
3 Guard a Chief Acquisition Officer selected by the Com-
4 mandant who shall be a Rear Admiral or civilian from the
5 Senior Executive Service (career reserved) and who meets
6 the qualifications set forth under subsection (b). The Chief
7 Acquisition Officer shall serve at the Assistant Com-
8 mandant level and have acquisition management as that
9 individual’s primary duty.

10 “(b) QUALIFICATIONS.—

11 “(1) The Chief Acquisition Officer and any flag
12 officer serving in the Acquisition Directorate shall be
13 an acquisition professional with a Level III acquisi-
14 tion management certification and must have at
15 least 10 years experience in an acquisition position,
16 of which at least 4 years were spent as—

17 “(A) the program executive officer;

18 “(B) the program manager of a Level 1 or
19 Level 2 acquisition project or program;

20 “(C) the deputy program manager of a
21 Level 1 or Level 2 acquisition;

22 “(D) the project manager of a Level 1 or
23 Level 2 acquisition; or

24 “(E) any other acquisition position of sig-
25 nificant responsibility in which the primary du-
26 ties are supervisory or management duties.

1 “(2) The Commandant shall periodically publish
2 a list of the positions designated under paragraph
3 (1).

4 “(3) In this subsection each of the terms ‘Level
5 1 acquisition’ and ‘Level 2 acquisition’ has the
6 meaning that term has in chapter 15 of this title.

7 “(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFI-
8 CER.—The functions of the Chief Acquisition Officer in-
9 clude—

10 “(1) monitoring the performance of acquisition
11 projects and programs on the basis of applicable
12 performance measurements and advising the Com-
13 mandant, through the chain of command, regarding
14 the appropriate business strategy to achieve the mis-
15 sions of the Coast Guard;

16 “(2) maximizing the use of full and open com-
17 petition at the prime contract and subcontract levels
18 in the acquisition of property, capabilities, assets,
19 and services by the Coast Guard by establishing poli-
20 cies, procedures, and practices that ensure that the
21 Coast Guard receives a sufficient number of sealed
22 bids or competitive proposals from responsible
23 sources to fulfill the Government’s requirements, in-
24 cluding performance and delivery schedules, at the

1 lowest cost or best value considering the nature of
2 the property, capability, asset, or service procured;

3 “(3) making acquisition decisions in concu-
4 rrence with the technical authority, or technical au-
5 thorities, of the Coast Guard, as designated by the
6 Commandant, consistent with all other applicable
7 laws and decisions establishing procedures within the
8 Coast Guard;

9 “(4) ensuring the use of detailed performance
10 specifications in instances in which performance-
11 based contracting is used;

12 “(5) managing the direction of acquisition poli-
13 cy for the Coast Guard, including implementation of
14 the unique acquisition policies, regulations, and
15 standards of the Coast Guard;

16 “(6) developing and maintaining an acquisition
17 career management program in the Coast Guard to
18 ensure that there is an adequate acquisition work-
19 force;

20 “(7) assessing the requirements established for
21 Coast Guard personnel regarding knowledge and
22 skill in acquisition resources and management and
23 the adequacy of such requirements for facilitating
24 the achievement of the performance goals established
25 for acquisition management;

1 “(8) developing strategies and specific plans for
2 hiring, training, and professional development; and

3 “(9) reporting to the Commandant, through the
4 chain of command, on the progress made in improv-
5 ing acquisition management capability.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for chapter 3 of title 14, United States Code, is amended
8 by adding at the end the following:

 “56. Chief Acquisition Officer.”.

9 (c) SELECTION DEADLINE.—As soon as practicable
10 after the date of enactment of this Act, but no later than
11 October 1, 2011, the Commandant of the Coast Guard
12 shall select a Chief Acquisition Officer under section 56
13 of title 14, United States Code, as amended by this sec-
14 tion.

15 (d) SPECIAL RATE SUPPLEMENTS.—

16 (1) REQUIREMENT TO ESTABLISH.—Not later
17 than 1 year after the date of enactment of this Act
18 and in accordance with part 9701.333 of title 5,
19 Code of Federal Regulations, the Commandant of
20 the Coast Guard shall establish special rate supple-
21 ments that provide higher pay levels for employees
22 necessary to carry out the amendment made by this
23 section.

1 (2) SUBJECT TO APPROPRIATIONS.—The re-
2 quirement under paragraph (1) is subject to the
3 availability of appropriations.

4 (e) ELEVATION OF DISPUTES TO THE CHIEF ACQUI-
5 SITION OFFICER.—If, after 90 days following the elevation
6 to the Chief Acquisition Officer of any design or other dis-
7 pute regarding Level 1 or Level 2 acquisition, the dispute
8 remains unresolved, the Commandant shall provide to the
9 appropriate congressional committees a detailed descrip-
10 tion of the issue and the rationale underlying the decision
11 taken by the Chief Acquisition Officer to resolve the issue.

12 **SEC. 402. ACQUISITIONS.**

13 (a) IN GENERAL.—Part I of title 14, United States
14 Code, is amended by inserting after chapter 13 the fol-
15 lowing:

“CHAPTER 15—ACQUISITIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“561. Acquisition directorate.

“562. Improvements in Coast Guard acquisition management.

“563. Recognition of Coast Guard personnel for excellence in acquisition.

“564. Prohibition on use of lead systems integrators.

“565. Required contract terms.

“566. Department of Defense consultation.

“567. Undefined contractual actions.

“568. Guidance on excessive pass-through charges.

“569. Report on former Coast Guard officials employed by contractors to the
agency.

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

“Sec.

“571. Identification of major system acquisitions.

“572. Acquisition.

“573. Preliminary development and demonstration.

“574. Acquisition, production, deployment, and support.

“575. Acquisition program baseline breach.

“576. Acquisition approval authority.

“SUBCHAPTER III—DEFINITIONS

“581. Definitions.

1 “SUBCHAPTER I—GENERAL PROVISIONS

2 **“§ 561. Acquisition directorate**

3 “(a) ESTABLISHMENT.—The Commandant of the
4 Coast Guard shall establish an acquisition directorate to
5 provide guidance and oversight for the implementation
6 and management of all Coast Guard acquisition processes,
7 programs, and projects.

8 “(b) MISSION.—The mission of the acquisition direc-
9 torate is—

10 “(1) to acquire and deliver assets and systems
11 that increase operational readiness, enhance mission
12 performance, and create a safe working environ-
13 ment; and

14 “(2) to assist in the development of a workforce
15 that is trained and qualified to further the Coast
16 Guard’s missions and deliver the best-value products
17 and services to the Nation.

18 **“§ 562. Improvements in Coast Guard acquisition**
19 **management**

20 “(a) PROJECT OR PROGRAM MANAGERS.—

21 “(1) LEVEL 1 PROJECTS.—An individual may
22 not be assigned as the project or program manager
23 for a Level 1 acquisition unless the individual holds

1 a Level III acquisition certification as a program
2 manager.

3 “(2) LEVEL 2 PROJECTS.—An individual may
4 not be assigned as the project or program manager
5 for a Level 2 acquisition unless the individual holds
6 a Level II acquisition certification as a program
7 manager.

8 “(b) GUIDANCE ON TENURE AND ACCOUNTABILITY
9 OF PROGRAM AND PROJECT MANAGERS.—

10 “(1) ISSUANCE OF GUIDANCE.—Not later than
11 one year after the date of enactment of the Coast
12 Guard Authorization Act for Fiscal Years 2010 and
13 2011, the Commandant shall issue guidance to ad-
14 dress the qualifications, resources, responsibilities,
15 tenure, and accountability of program and project
16 managers for the management of acquisition
17 projects and programs. The guidance shall address,
18 at a minimum—

19 “(A) the qualifications required for project
20 or program managers, including the number of
21 years of acquisition experience and the profes-
22 sional training levels to be required of those ap-
23 pointed to project or program management po-
24 sitions;

1 “(B) authorities available to project or pro-
2 gram managers, including, to the extent appro-
3 priate, the authority to object to the addition of
4 new program requirements that would be incon-
5 sistent with the parameters established for an
6 acquisition program; and

7 “(C) the extent to which a project or pro-
8 gram manager who initiates a new acquisition
9 project or program will continue in manage-
10 ment of that project or program without inter-
11 ruption until the delivery of the first production
12 units of the program.

13 “(2) STRATEGY.—

14 “(A) IN GENERAL.—Not later than 18
15 months after the date of enactment of this sec-
16 tion, the Commandant shall develop a com-
17 prehensive strategy for enhancing the role of
18 Coast Guard project or program managers in
19 developing and carrying out acquisition pro-
20 grams.

21 “(B) MATTERS TO BE ADDRESSED.—The
22 strategy required by this section shall address,
23 at a minimum—

24 “(i) the creation of a specific career
25 path and career opportunities for individ-

1 uals who are or may become project or
2 program managers, including the rota-
3 tional assignments that will be provided to
4 project or program managers;

5 “(ii) the provision of enhanced train-
6 ing and educational opportunities for indi-
7 viduals who are or may become project or
8 program managers;

9 “(iii) the provision of mentoring sup-
10 port to current and future project or pro-
11 gram managers by experienced senior ex-
12 ecutives and program managers within the
13 Coast Guard, and through rotational as-
14 signments to the Department of Defense;

15 “(iv) the methods by which the Coast
16 Guard will collect and disseminate best
17 practices and lessons learned on systems
18 acquisition to enhance project and program
19 management throughout the Coast Guard;

20 “(v) the templates and tools that will
21 be used to support improved data gath-
22 ering and analysis for project and program
23 management and oversight purposes, in-
24 cluding the metrics that will be utilized to
25 assess the effectiveness of Coast Guard

1 project or program managers in managing
2 systems acquisition efforts; and

3 “(vi) the methods by which the ac-
4 countability of project or program man-
5 agers for the results of acquisition projects
6 and programs will be increased.

7 “(c) ACQUISITION WORKFORCE.—

8 “(1) IN GENERAL.—The Commandant shall
9 designate a sufficient number of positions to be in
10 the Coast Guard’s acquisition workforce to perform
11 acquisition-related functions at Coast Guard head-
12 quarters and field activities.

13 “(2) REQUIRED POSITIONS.—In designating po-
14 sitions under subsection (a), the Commandant shall
15 include, at a minimum, positions encompassing the
16 following competencies and functions:

17 “(A) Program management.

18 “(B) Systems planning, research, develop-
19 ment, engineering, and testing.

20 “(C) Procurement, including contracting.

21 “(D) Industrial and contract property
22 management.

23 “(E) Life-cycle logistics.

24 “(F) Quality control and assurance.

25 “(G) Manufacturing and production.

1 “(H) Business, cost estimating, financial
2 management, and auditing.

3 “(I) Acquisition education, training, and
4 career development.

5 “(J) Construction and facilities engineer-
6 ing.

7 “(K) Testing and evaluation.

8 “(3) ACQUISITION MANAGEMENT HEAD-
9 QUARTER ACTIVITIES.—The Commandant shall also
10 designate as positions in the acquisition workforce
11 under paragraph (1) those acquisition-related posi-
12 tions located at Coast Guard headquarters units.

13 “(4) APPROPRIATE EXPERTISE REQUIRED.—
14 The Commandant shall ensure that each individual
15 assigned to a position in the acquisition workforce
16 has the appropriate expertise to carry out the re-
17 sponsibilities of that position.

18 “(d) MANAGEMENT INFORMATION SYSTEM.—

19 “(1) IN GENERAL.—The Commandant shall es-
20 tablish a management information system capability
21 to improve acquisition workforce management and
22 reporting.

23 “(2) INFORMATION MAINTAINED.—Information
24 maintained with such capability shall include the fol-

1 lowing standardized information on individuals as-
2 signed to positions in the workforce:

3 “(A) Qualifications, assignment history,
4 and tenure of those individuals assigned to posi-
5 tions in the acquisition workforce or holding ac-
6 quisition-related certifications.

7 “(B) Promotion rates for officers and
8 members of the Coast Guard in the acquisition
9 workforce.

10 “(e) REPORT ON ADEQUACY OF ACQUISITION WORK-
11 FORCE.—

12 “(1) IN GENERAL.—The Commandant shall re-
13 port to the appropriate congressional committees
14 and the Committee on Homeland Security of the
15 House of Representatives by July 1 of each year on
16 the scope of the acquisition activities to be per-
17 formed in the next fiscal year and on the adequacy
18 of the current acquisition workforce to meet that an-
19 ticipated workload.

20 “(2) CONTENTS.—The report shall—

21 “(A) specify the number of officers, mem-
22 bers, and employees of the Coast Guard cur-
23 rently and planned to be assigned to each posi-
24 tion designated under subsection (c); and

1 “(B) identify positions that are under-
2 staffed to meet the anticipated acquisition
3 workload, and actions that will be taken to cor-
4 rect such understaffing.

5 “(f) APPOINTMENTS TO ACQUISITION POSITIONS.—
6 The Commandant shall ensure that no requirement or
7 preference for officers or members of the Coast Guard is
8 used in the consideration of persons for positions in the
9 acquisition workforce.

10 “(g) CAREER PATHS.—

11 “(1) IDENTIFICATION OF CAREER PATHS.—To
12 establish acquisition management as a core com-
13 petency of the Coast Guard, the Commandant
14 shall—

15 “(A) ensure that career paths for officers,
16 members, and employees of the Coast Guard
17 who wish to pursue careers in acquisition are
18 identified in terms of the education, training,
19 experience, and assignments necessary for ca-
20 reer progression of those officers, members, and
21 employees to the most senior positions in the
22 acquisition workforce; and

23 “(B) publish information on such career
24 paths.

1 “(2) PROMOTION PARITY.—The Commandant
2 shall ensure that promotion parity is established for
3 officers and members of the Coast Guard who have
4 been assigned to the acquisition workforce relative to
5 officers and members who have not been assigned to
6 the acquisition workforce.

7 **“§ 563. Recognition of Coast Guard personnel for ex-**
8 **cellence in acquisition**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of enactment of the Coast Guard Authorization
11 Act for Fiscal Years 2010 and 2011, the Commandant
12 shall commence implementation of a program to recognize
13 excellent performance by individuals and teams comprised
14 of officers, members, and employees of the Coast Guard
15 that contributed to the long-term success of a Coast Guard
16 acquisition project or program.

17 “(b) ELEMENTS.—The program shall include—

18 “(1) specific award categories, criteria, and eli-
19 gibility and manners of recognition;

20 “(2) procedures for the nomination by per-
21 sonnel of the Coast Guard of individuals and teams
22 comprised of officers, members, and employees of
23 the Coast Guard for recognition under the program;
24 and

1 “(3) procedures for the evaluation of nomina-
2 tions for recognition under the program by one or
3 more panels of individuals from the Government,
4 academia, and the private sector who have such ex-
5 pertise and are appointed in such manner as the
6 Commandant shall establish for the purposes of this
7 program.

8 “(c) AWARD OF CASH BONUSES.—As part of the pro-
9 gram required by subsection (a), the Commandant, sub-
10 ject to the availability of appropriations, may award to any
11 civilian employee recognized pursuant to the program a
12 cash bonus to the extent that the performance of such in-
13 dividual so recognized warrants the award of such bonus.

14 **“§ 564. Prohibition on use of lead systems integrators**

15 “(a) IN GENERAL.—

16 “(1) USE OF LEAD SYSTEMS INTEGRATOR.—
17 Except as provided in subsection (b), the Com-
18 mandant may not use a private sector entity as a
19 lead systems integrator for an acquisition contract
20 awarded or delivery order or task order issued after
21 the date of enactment of the Coast Guard Author-
22 ization Act for Fiscal Years 2010 and 2011.

23 “(2) FULL AND OPEN COMPETITION.—The
24 Commandant and any lead systems integrator en-
25 gaged by the Coast Guard, pursuant to the excep-

1 tions described in subsection (b), shall use full and
2 open competition for any acquisition contract award-
3 ed after the date of enactment of that Act, unless
4 otherwise excepted in accordance with Federal acqui-
5 sition laws and regulations promulgated under those
6 laws, including the Federal Acquisition Regulation.

7 “(3) NO EFFECT ON SMALL BUSINESS ACT.—
8 Nothing in this subsection shall be construed to su-
9 persede or otherwise affect the authorities provided
10 by and under the Small Business Act (15 U.S.C.
11 631 et seq.).

12 “(b) EXCEPTIONS.—

13 “(1) NATIONAL DISTRESS AND RESPONSE SYS-
14 TEM MODERNIZATION PROGRAM; C4ISR; NATIONAL
15 SECURITY CUTTERS 2 AND 3.—Notwithstanding sub-
16 section (a), the Commandant may use a private sec-
17 tor entity as a lead systems integrator for the Coast
18 Guard to complete the National Distress and Re-
19 sponse System Modernization Program (otherwise
20 known as the ‘Rescue 21’ program), the C4ISR
21 projects directly related to the Integrated Deepwater
22 program, and National Security Cutters 2 and 3, if
23 the Secretary of the department in which the Coast
24 Guard is operating certifies that—

1 “(A) the acquisition is in accordance with
2 Federal law and the Federal Acquisition Regu-
3 lation; and

4 “(B) the acquisition and the use of a pri-
5 vate sector lead systems integrator for the ac-
6 quisition is in the best interest of the Federal
7 Government.

8 “(2) REPORT ON DECISIONMAKING PROCESS.—

9 If the Commandant uses a private sector lead sys-
10 tems integrator for an acquisition, the Commandant
11 shall notify in writing the appropriate congressional
12 committees of the Commandant’s determination and
13 shall provide to such committees a detailed rationale
14 for the determination, at least 30 days before the
15 award of a contract or issuance of a delivery order
16 or task order, using a private sector lead systems in-
17 tegrator, including a comparison of the cost of the
18 acquisition through the private sector lead systems
19 integrator with the expected cost if the acquisition
20 were awarded directly to the manufacturer or ship-
21 yard. For purposes of that comparison, the cost of
22 award directly to a manufacturer or shipyard shall
23 include the costs of Government contract manage-
24 ment and oversight.

1 “(c) LIMITATION ON LEAD SYSTEMS INTEGRA-
2 TORS.—Neither an entity performing lead systems inte-
3 grator functions for a Coast Guard acquisition nor a Tier
4 1 subcontractor for any acquisition may have a financial
5 interest in a subcontractor below the Tier 1 subcontractor
6 level unless—

7 “(1) the subcontractor was selected by the
8 prime contractor through full and open competition
9 for such procurement;

10 “(2) the procurement was awarded by the lead
11 systems integrator or a subcontractor through full
12 and open competition;

13 “(3) the procurement was awarded by a subcon-
14 tractor through a process over which the lead sys-
15 tems integrator and a Tier 1 subcontractor exercised
16 no control; or

17 “(4) the Commandant has determined that the
18 procurement was awarded in a manner consistent
19 with Federal acquisition laws and regulations pro-
20 mulgated under those laws, including the Federal
21 Acquisition Regulation.

22 “(d) TERMINATION DATE FOR EXCEPTIONS.—Ex-
23 cept as described in subsection (b)(1), the Commandant
24 may not use a private sector entity as a lead systems inte-

1 grator for acquisition contracts awarded, or task orders
2 or delivery orders issued, after the earlier of—

3 “(1) September 30, 2011; or

4 “(2) the date on which the Commandant cer-
5 tifies in writing to the appropriate congressional
6 committees that the Coast Guard has available and
7 can retain sufficient acquisition workforce personnel
8 and expertise within the Coast Guard, through an
9 arrangement with other Federal agencies, or through
10 contracts or other arrangements with private sector
11 entities, to perform the functions and responsibilities
12 of the lead systems integrator in an efficient and
13 cost-effective manner.

14 **“§ 565. Required contract terms**

15 “(a) IN GENERAL.—The Commandant shall ensure
16 that a contract awarded or a delivery order or task order
17 issued for an acquisition of a capability or an asset with
18 an expected service life of 10 or more years and with a
19 total acquisition cost that is equal to or exceeds
20 \$10,000,000 awarded or issued by the Coast Guard after
21 the date of enactment of the Coast Guard Authorization
22 Act for Fiscal Years 2010 and 2011—

23 “(1) provides that all certifications for an end-
24 state capability or asset under such contract, deliv-
25 ery order, or task order, respectively, will be con-

1 ducted by the Commandant or an independent third
2 party, and that self-certification by a contractor or
3 subcontractor is not allowed;

4 “(2) provides that the Commandant shall main-
5 tain the authority to establish, approve, and main-
6 tain technical requirements;

7 “(3) requires that any measurement of con-
8 tractor and subcontractor performance be based on
9 the status of all work performed, including the ex-
10 tent to which the work performed met all perform-
11 ance, cost, and schedule requirements;

12 “(4) specifies that, for the acquisition or up-
13 grade of air, surface, or shore capabilities and assets
14 for which compliance with TEMPEST certification
15 is a requirement, the standard for determining such
16 compliance will be the air, surface, or shore standard
17 then used by the Department of the Navy for that
18 type of capability or asset; and

19 “(5) for any contract awarded to acquire an
20 Offshore Patrol Cutter, includes provisions speci-
21 fying the service life, fatigue life, and days underway
22 in general Atlantic and North Pacific Sea conditions,
23 maximum range, and maximum speed the cutter will
24 be built to achieve.

25 “(b) PROHIBITED PROVISIONS.—

1 “(1) IN GENERAL.—The Commandant shall en-
2 sure that any contract awarded or delivery order or
3 task order issued by the Coast Guard after the date
4 of enactment of the Coast Guard Authorization Act
5 of 2010 does not include any provision allowing for
6 equitable adjustment that is not consistent with the
7 Federal Acquisition Regulations.

8 “(2) EXTENSION OF PROGRAM.—A contract,
9 contract modification, or award term extending a
10 contract with a lead systems integrator—

11 “(A) may not include any minimum re-
12 quirements for the purchase of a given or deter-
13 minable number of specific capabilities or as-
14 sets; and

15 “(B) shall be reviewed by an independent
16 third party with expertise in acquisition man-
17 agement, and the results of that review shall be
18 submitted to the appropriate congressional com-
19 mittees at least 60 days prior to the award of
20 the contract, contract modification, or award
21 term.

22 “(c) INTEGRATED PRODUCT TEAMS.—Integrated
23 product teams, and all teams that oversee integrated prod-
24 uct teams, shall be chaired by officers, members, or em-
25 ployees of the Coast Guard.

1 “(d) TECHNICAL AUTHORITY.—The Commandant
2 shall maintain or designate the technical authority to es-
3 tablish, approve, and maintain technical requirements.
4 Any such designation shall be made in writing and may
5 not be delegated to the authority of the Chief Acquisition
6 Officer established by section 56 of this title.

7 **“§ 566. Department of Defense consultation**

8 “(a) IN GENERAL.—The Commandant shall make ar-
9 rangements as appropriate with the Secretary of Defense
10 for support in contracting and management of Coast
11 Guard acquisition programs. The Commandant shall also
12 seek opportunities to make use of Department of Defense
13 contracts, and contracts of other appropriate agencies, to
14 obtain the best possible price for assets acquired for the
15 Coast Guard.

16 “(b) INTERSERVICE TECHNICAL ASSISTANCE.—The
17 Commandant shall seek to enter into a memorandum of
18 understanding or a memorandum of agreement with the
19 Secretary of the Navy to obtain the assistance of the Of-
20 fice of the Assistant Secretary of the Navy for Research,
21 Development, and Acquisition, including the Navy Sys-
22 tems Command, with the oversight of Coast Guard major
23 acquisition programs. The memorandum of understanding
24 or memorandum of agreement shall, at a minimum, pro-
25 vide for—

1 “(1) the exchange of technical assistance and
2 support that the Assistant Commandants for Acqui-
3 sition, Human Resources, Engineering, and Infor-
4 mation technology may identify;

5 “(2) the use, as appropriate, of Navy technical
6 expertise; and

7 “(3) the temporary assignment or exchange of
8 personnel between the Coast Guard and the Office
9 of the Assistant Secretary of the Navy for Research,
10 Development, and Acquisition, including Naval Sys-
11 tems Command, to facilitate the development of or-
12 ganic capabilities in the Coast Guard.

13 “(c) TECHNICAL REQUIREMENT APPROVAL PROCE-
14 DURES.—The Chief Acquisition Officer shall adopt, to the
15 extent practicable, procedures modeled after those used by
16 the Navy Senior Acquisition Official to approve all tech-
17 nical requirements.

18 “(d) ASSESSMENT.—Within 180 days after the date
19 of enactment of the Coast Guard Authorization Act for
20 fiscal years 2010 and 2011, the Comptroller General of
21 the United States shall transmit a report to the appro-
22 priate congressional committees that—

23 “(1) contains an assessment of current Coast
24 Guard acquisition and management capabilities to
25 manage Level 1 and Level 2 acquisitions;

1 “(2) includes recommendations as to how the
2 Coast Guard can improve its acquisition manage-
3 ment, either through internal reforms or by seeking
4 acquisition expertise from the Department of De-
5 fense; and

6 “(3) addresses specifically the question of
7 whether the Coast Guard can better leverage De-
8 partment of Defense or other agencies’ contracts
9 that would meet the needs of Level 1 or Level 2 ac-
10 quisitions in order to obtain the best possible price.

11 **“§ 567. Undefined contractual actions**

12 “(a) IN GENERAL.—The Coast Guard may not enter
13 into an undefinitized contractual action unless such action
14 is directly approved by the Head of Contracting Activity
15 of the Coast Guard.

16 “(b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL
17 ACTIONS.—Any request to the Head of Contracting Activ-
18 ity for approval of an undefinitized contractual action
19 shall include a description of the anticipated effect on re-
20 quirements of the Coast Guard if a delay is incurred for
21 the purposes of determining contractual terms, specifica-
22 tions, and price before performance is begun under the
23 contractual action.

24 “(c) REQUIREMENTS FOR UNDEFINITIZED CONTRAC-
25 TUAL ACTIONS.—

1 “(1) DEADLINE FOR AGREEMENT ON TERMS,
2 SPECIFICATIONS, AND PRICE.—A contracting officer
3 of the Coast Guard may not enter into an
4 undefinitized contractual action unless the contrac-
5 tual action provides for agreement upon contractual
6 terms, specification, and price by the earlier of—

7 “(A) the end of the 180-day period begin-
8 ning on the date on which the contractor sub-
9 mits a qualifying proposal to definitize the con-
10 tractual terms, specifications, and price; or

11 “(B) the date on which the amount of
12 funds obligated under the contractual action is
13 equal to more than 50 percent of the negotiated
14 overall ceiling price for the contractual action.

15 “(2) LIMITATION ON OBLIGATIONS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), the contracting officer for an
18 undefinitized contractual action may not obli-
19 gate under such contractual action an amount
20 that exceeds 50 percent of the negotiated over-
21 all ceiling price until the contractual terms,
22 specifications, and price are definitized for such
23 contractual action.

24 “(B) EXCEPTION.—Notwithstanding sub-
25 paragraph (A), if a contractor submits a quali-

1 fying proposal to definitize an undefinitized
2 contractual action before an amount that ex-
3 ceeds 50 percent of the negotiated overall ceil-
4 ing price is obligated on such action, the con-
5 tracting officer for such action may not obligate
6 with respect to such contractual action an
7 amount that exceeds 75 percent of the nego-
8 tiated overall ceiling price until the contractual
9 terms, specifications, and price are definitized
10 for such contractual action.

11 “(3) WAIVER.—The Commandant may waive
12 the application of this subsection with respect to a
13 contract if the Commandant determines that the
14 waiver is necessary to support—

15 “(A) a contingency operation (as that term
16 is defined in section 101(a)(13) of title 10);

17 “(B) operations to prevent or respond to a
18 transportation security incident (as defined in
19 section 70101(6) of title 46);

20 “(C) an operation in response to an emer-
21 gency that poses an unacceptable threat to
22 human health or safety or to the marine envi-
23 ronment; or

24 “(D) an operation in response to a natural
25 disaster or major disaster or emergency des-

1 ignated by the President under the Robert T.
2 Stafford Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5121 et seq.).

4 “(4) LIMITATION ON APPLICATION.—This sub-
5 section does not apply to an undefinitized contrac-
6 tual action for the purchase of initial spares.

7 “(d) INCLUSION OF NONURGENT REQUIREMENTS.—
8 Requirements for spare parts and support equipment that
9 are not needed on an urgent basis may not be included
10 in an undefinitized contractual action by the Coast Guard
11 for spare parts and support equipment that are needed
12 on an urgent basis unless the Commandant approves such
13 inclusion as being—

14 “(1) good business practice; and

15 “(2) in the best interests of the United States.

16 “(e) MODIFICATION OF SCOPE.—The scope of an
17 undefinitized contractual action under which performance
18 has begun may not be modified unless the Commandant
19 approves such modification as being—

20 “(1) good business practice; and

21 “(2) in the best interests of the United States.

22 “(f) ALLOWABLE PROFIT.—The Commandant shall
23 ensure that the profit allowed on an undefinitized contrac-
24 tual action for which the final price is negotiated after

1 a substantial portion of the performance required is com-
2 pleted reflects—

3 “(1) the possible reduced cost risk of the con-
4 tractor with respect to costs incurred during per-
5 formance of the contract before the final price is ne-
6 gotiated; and

7 “(2) the reduced cost risk of the contractor
8 with respect to costs incurred during performance of
9 the remaining portion of the contract.

10 “(g) DEFINITIONS.—In this section:

11 “(1) UNDEFINITIZED CONTRACTUAL ACTION.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the term ‘undefinitized con-
14 tractual action’ means a new procurement ac-
15 tion entered into by the Coast Guard for which
16 the contractual terms, specifications, or price
17 are not agreed upon before performance is
18 begun under the action.

19 “(B) EXCLUSION.—The term
20 ‘undefinitized contractual action’ does not in-
21 clude contractual actions with respect to—

22 “(i) foreign military sales;

23 “(ii) purchases in an amount not in
24 excess of the amount of the simplified ac-
25 quisition threshold; or

1 “(iii) special access programs.

2 “(2) QUALIFYING PROPOSAL.—The term
3 “qualifying proposal’ means a proposal that contains
4 sufficient information to enable complete and mean-
5 ingful audits of the information contained in the
6 proposal as determined by the contracting officer.

7 **“§ 568. Guidance on excessive pass-through charges**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of enactment of the Coast Guard Authorization
10 Act for Fiscal Years 2010 and 2011, the Commandant
11 shall issue guidance to ensure that pass-through charges
12 on contracts, subcontracts, delivery orders, and task or-
13 ders that are entered into with a private entity acting as
14 a lead systems integrator by or on behalf of the Coast
15 Guard are not excessive in relation to the cost of work
16 performed by the relevant contractor or subcontractor.
17 The guidance shall, at a minimum—

18 “(1) set forth clear standards for determining
19 when no, or negligible, value has been added to a
20 contract by a contractor or subcontractor;

21 “(2) set forth procedures for preventing the
22 payment by the Government of excessive pass-
23 through charges; and

1 during the preceding year by Coast Guard contractors of
2 individuals who were Coast Guard officials in the previous
3 5-year period. The report shall assess the extent to which
4 former Coast Guard officials were provided compensation
5 by Coast Guard contractors in the preceding calendar
6 year.

7 “(b) OBJECTIVES OF REPORT.—At a minimum, the
8 report required by this section shall assess the extent to
9 which former Coast Guard officials who receive compensa-
10 tion from Coast Guard contractors have been assigned by
11 those contractors to work on contracts or programs be-
12 tween the contractor and the Coast Guard, including con-
13 tracts or programs for which the former official personally
14 had oversight responsibility or decisionmaking authority
15 when they served in or worked for the Coast Guard.

16 “(c) CONFIDENTIALITY REQUIREMENT.—The report
17 required by this subsection shall not include the names
18 of the former Coast Guard officials who receive compensa-
19 tion from Coast Guard contractors.

20 “(d) ACCESS TO INFORMATION.—A Coast Guard con-
21 tractor shall provide the Comptroller General access to in-
22 formation requested by the Comptroller General for the
23 purpose of conducting the study required by this section.

24 “(e) DEFINITIONS.—In this section:

1 “(1) COAST GUARD CONTRACTOR.—The term
2 ‘Coast Guard contractor’ includes any person that
3 received at least \$10,000,000 in contractor awards
4 from the Coast Guard in the calendar year covered
5 by the annual report.

6 “(2) COAST GUARD OFFICIAL.—The term
7 ‘Coast Guard official’ includes former officers of the
8 Coast Guard who were compensated at a rate of pay
9 for grade O–7 or above during the calendar year
10 prior to the date on which they separated from the
11 Coast Guard, and former civilian employees of the
12 Coast Guard who served at any Level of the Senior
13 Executive Service under subchapter VIII of chapter
14 53 of title 5, United States Code, during the cal-
15 endar year prior to the date on which they separated
16 from the Coast Guard.

17 “SUBCHAPTER II—IMPROVED ACQUISITION
18 PROCESS AND PROCEDURES

19 “**§ 571. Identification of major system acquisitions**

20 “(a) IN GENERAL.—

21 “(1) SUPPORT MECHANISMS.—The Com-
22 mandant shall develop and implement mechanisms
23 to support the establishment of mature and stable
24 operational requirements for all acquisitions.

1 “(2) MISSION ANALYSIS; AFFORDABILITY AS-
2 SESSMENT.—The Commandant may not initiate a
3 Level 1 or Level 2 acquisition project or program
4 until the Commandant—

5 “(A) completes a mission analysis that—

6 “(i) identifies the specific capability
7 gaps to be addressed by the project or pro-
8 gram; and

9 “(ii) develops a clear mission need to
10 be addressed by the project or program;
11 and

12 “(B) prepares a preliminary affordability
13 assessment for the project or program.

14 “(b) ELEMENTS.—

15 “(1) REQUIREMENTS.—The mechanisms re-
16 quired by subsection (a) shall ensure the implemen-
17 tation of a formal process for the development of a
18 mission-needs statement, concept-of-operations docu-
19 ment, capability development plan, and resource pro-
20 posal for the initial project or program funding, and
21 shall ensure the project or program is included in
22 the Coast Guard Capital Investment Plan.

23 “(2) ASSESSMENT OF TRADE-OFFS.—In con-
24 ducting an affordability assessment under subsection
25 (a)(2)(B), the Commandant shall develop and imple-

1 ment mechanisms to ensure that trade-offs among
2 cost, schedule, and performance are considered in
3 the establishment of preliminary operational require-
4 ments for development and production of new assets
5 and capabilities for Level 1 and Level 2 acquisitions
6 projects and programs.

7 “(c) HUMAN RESOURCE CAPITAL PLANNING.—The
8 Commandant shall develop staffing predictions, define
9 human capital performance initiatives, and identify pre-
10 liminary training needs required to implement each Level
11 1 and Level 2 acquisition project and program.

12 **“§ 572. Acquisition**

13 “(a) IN GENERAL.—The Commandant may not es-
14 tablish a Level 1 or Level 2 acquisition project or program
15 until the Commandant—

16 “(1) clearly defines the operational require-
17 ments for the project or program;

18 “(2) establishes the feasibility of alternatives;

19 “(3) develops an acquisition project or program
20 baseline;

21 “(4) produces a life-cycle cost estimate; and

22 “(5) assesses the relative merits of alternatives
23 to determine a preferred solution in accordance with
24 the requirements of this section.

1 “(b) SUBMISSION REQUIRED BEFORE PRO-
2 CEEDING.—Any Coast Guard Level 1 or Level 2 acquisi-
3 tion project or program may not begin to obtain any capa-
4 bility or asset or proceed beyond that phase of its develop-
5 ment that entails approving the supporting acquisition
6 until the Commandant submits to the appropriate con-
7 gressional committees the following:

8 “(1) The key performance parameters, the key
9 system attributes, and the operational performance
10 attributes of the capability or asset to be acquired
11 under the proposed acquisition project or program.

12 “(2) A detailed list of the systems or other ca-
13 pabilities with which the capability or asset to be ac-
14 quired is intended to be interoperable, including an
15 explanation of the attributes of interoperability.

16 “(3) The anticipated acquisition project or pro-
17 gram baseline and acquisition unit cost for the capa-
18 bility or asset to be acquired under the project or
19 program.

20 “(4) A detailed schedule for the acquisition
21 process showing when all capability and asset acqui-
22 sitions are to be completed and when all acquired ca-
23 pabilities and assets are to be initially and fully de-
24 ployed.

25 “(c) ANALYSIS OF ALTERNATIVES.—

1 “(1) IN GENERAL.—The Coast Guard may not
2 acquire an experimental or technically immature ca-
3 pability or asset or implement a Level 1 or Level 2
4 acquisition project or program, unless it has pre-
5 pared an analysis of alternatives for the capability or
6 asset to be acquired in the concept and technology
7 development phase of the acquisition process for the
8 capability or asset.

9 “(2) REQUIREMENTS.—The analysis of alter-
10 natives shall be prepared by a federally funded re-
11 search and development center, a qualified entity of
12 the Department of Defense, or a similar independent
13 third-party entity that has appropriate acquisition
14 expertise and has no financial interest in any part
15 of the acquisition project or program that is the sub-
16 ject of the analysis. At a minimum, the analysis of
17 alternatives shall include—

18 “(A) an assessment of the technical matu-
19 rity of the capability or asset, and technical and
20 other risks;

21 “(B) an examination of capability, inter-
22 operability, and other advantages and disadvan-
23 tages;

24 “(C) an evaluation of whether different
25 combinations or quantities of specific assets or

1 capabilities could meet the Coast Guard’s over-
2 all performance needs;

3 “(D) a discussion of key assumptions and
4 variables, and sensitivity to change in such as-
5 sumptions and variables;

6 “(E) when an alternative is an existing ca-
7 pability, asset, or prototype, an evaluation of
8 relevant safety and performance records and
9 costs;

10 “(F) a calculation of life-cycle costs includ-
11 ing—

12 “(i) an examination of likely research
13 and development costs and the levels of un-
14 certainty associated with such estimated
15 costs;

16 “(ii) an examination of likely produc-
17 tion and deployment costs and the levels of
18 uncertainty associated with such estimated
19 costs;

20 “(iii) an examination of likely oper-
21 ating and support costs and the levels of
22 uncertainty associated with such estimated
23 costs;

24 “(iv) if they are likely to be signifi-
25 cant, an examination of likely disposal

1 costs and the levels of uncertainty associ-
2 ated with such estimated costs; and

3 “(v) such additional measures as the
4 Commandant or the Secretary of the de-
5 partment in which the Coast Guard is op-
6 erating determines to be necessary for ap-
7 propriate evaluation of the capability or
8 asset; and

9 “(G) the business case for each viable al-
10 ternative.

11 “(d) TEST AND EVALUATION MASTER PLAN.—

12 “(1) IN GENERAL.—For any Level 1 or Level
13 2 acquisition project or program the Chief Acquisi-
14 tion Officer must approve a test and evaluation mas-
15 ter plan specific to the acquisition project or pro-
16 gram for the capability, asset, or subsystems of the
17 capability or asset and intended to minimize tech-
18 nical, cost, and schedule risk as early as practicable
19 in the development of the project or program.

20 “(2) TEST AND EVALUATION STRATEGY.—The
21 master plan shall—

22 “(A) set forth an integrated test and eval-
23 uation strategy that will verify that capability-
24 level or asset-level and subsystem-level design
25 and development, including performance and

1 supportability, have been sufficiently proven be-
2 fore the capability, asset, or subsystem of the
3 capability or asset is approved for production;
4 and

5 “(B) require that adequate developmental
6 tests and evaluations and operational tests and
7 evaluations established under subparagraph (A)
8 are performed to inform production decisions.

9 “(3) OTHER COMPONENTS OF THE MASTER
10 PLAN.—At a minimum, the master plan shall iden-
11 tify—

12 “(A) the key performance parameters to be
13 resolved through the integrated test and evalua-
14 tion strategy;

15 “(B) critical operational issues to be as-
16 sessed in addition to the key performance pa-
17 rameters;

18 “(C) specific development test and evalua-
19 tion phases and the scope of each phase;

20 “(D) modeling and simulation activities to
21 be performed, if any, and the scope of such ac-
22 tivities;

23 “(E) early operational assessments to be
24 performed, if any, and the scope of such assess-
25 ments;

1 “(F) operational test and evaluation
2 phases;

3 “(G) an estimate of the resources, includ-
4 ing funds, that will be required for all test,
5 evaluation, assessment, modeling, and simula-
6 tion activities; and

7 “(H) the Government entity or inde-
8 pendent entity that will perform the test, eval-
9 uation, assessment, modeling, and simulation
10 activities.

11 “(4) UPDATE.—The Chief Acquisition Officer
12 must approve an updated master plan whenever
13 there is a revision to project or program test and
14 evaluation strategy, scope, or phasing.

15 “(5) LIMITATION.—The Coast Guard may
16 not—

17 “(A) proceed beyond that phase of the ac-
18 quisition process that entails approving the sup-
19 porting acquisition of a capability or asset be-
20 fore the master plan is approved by the Chief
21 Acquisition Officer; or

22 “(B) award any production contract for a
23 capability, asset, or subsystem for which a mas-
24 ter plan is required under this subsection before

1 the master plan is approved by the Chief Acqui-
2 sition Officer.

3 “(e) LIFE-CYCLE COST ESTIMATES.—

4 “(1) IN GENERAL.—The Commandant shall im-
5 plement mechanisms to ensure the development and
6 regular updating of life-cycle cost estimates for each
7 acquisition with a total acquisition cost that equals
8 or exceeds \$10,000,000 and an expected service life
9 of 10 or more years, and to ensure that these esti-
10 mates are considered in decisions to develop or
11 produce new or enhanced capabilities and assets.

12 “(2) TYPES OF ESTIMATES.—In addition to
13 life-cycle cost estimates that may be developed by ac-
14 quisition program offices, the Commandant shall re-
15 quire that an independent life-cycle cost estimate be
16 developed for each Level 1 or Level 2 acquisition
17 project or program.

18 “(3) REQUIRED UPDATES.—For each Level 1
19 or Level 2 acquisition project or program the Com-
20 mandant shall require that life-cycle cost estimates
21 shall be updated before each milestone decision is
22 concluded and the project or program enters a new
23 acquisition phase.

1 **“§ 573. Preliminary development and demonstration**

2 “(a) IN GENERAL.—The Commandant shall ensure
3 that developmental test and evaluation, operational test
4 and evaluation, life-cycle cost estimates, and the develop-
5 ment and demonstration requirements applied by this
6 chapter to acquisition projects and programs are met to
7 confirm that the projects or programs meet the require-
8 ments identified in the mission-analysis and affordability
9 assessment prepared under section 571(a)(2), the oper-
10 ational requirements developed under section 572(a)(1)
11 and the following development and demonstration objec-
12 tives:

13 “(1) To demonstrate that the design, manufact-
14 uring, and production solution is based upon a sta-
15 ble, producible, and cost-effective product design.

16 “(2) To ensure that the product capabilities
17 meet contract specifications, acceptable operational
18 performance requirements, and system security re-
19 quirements.

20 “(3) To ensure that the product design is ma-
21 ture enough to commit to full production and de-
22 ployment.

23 “(b) TESTS AND EVALUATIONS.—

24 “(1) IN GENERAL.—The Commandant shall en-
25 sure that the Coast Guard conducts developmental
26 tests and evaluations and operational tests and eval-

1 uations of a capability or asset and the subsystems
2 of the capability or asset in accordance with the
3 master plan prepared for the capability or asset
4 under section 572(d)(1).

5 “(2) USE OF THIRD PARTIES.—The Com-
6 mandant shall ensure that the Coast Guard uses
7 independent third parties with expertise in testing
8 and evaluating the capabilities or assets and the
9 subsystems of the capabilities or assets being ac-
10 quired to conduct developmental tests and evalua-
11 tions and operational tests and evaluations whenever
12 the Coast Guard lacks the capability to conduct the
13 tests and evaluations required by a master plan.

14 “(3) COMMUNICATION OF SAFETY CONCERNS.—
15 The Commandant shall require that safety concerns
16 identified during developmental or operational tests
17 and evaluations or through independent or Govern-
18 ment-conducted design assessments of capabilities or
19 assets and subsystems of capabilities or assets to be
20 acquired by the Coast Guard shall be communicated
21 as soon as practicable, but not later than 30 days
22 after the completion of the test or assessment event
23 or activity that identified the safety concern, to the
24 program manager for the capability or asset and the

1 subsystems concerned and to the Chief Acquisition
2 Officer.

3 “(4) REPORTING OF SAFETY CONCERNS.—Any
4 safety concerns that have been reported to the Chief
5 Acquisition Officer for an acquisition program or
6 project shall be reported by the Commandant to the
7 appropriate congressional committees at least 90
8 days before the award of any contract or issuance of
9 any delivery order or task order for low, initial, or
10 full-rate production of the capability or asset con-
11 cerned if they will remain uncorrected or unmiti-
12 gated at the time such a contract is awarded or de-
13 livery order or task order is issued. The report shall
14 include a justification for the approval of that level
15 of production of the capability or asset before the
16 safety concerns are corrected or mitigated. The re-
17 port shall also include an explanation of the actions
18 that will be taken to correct or mitigate the safety
19 concerns, the date by which those actions will be
20 taken, and the adequacy of current funding to cor-
21 rect or mitigate the safety concerns.

22 “(5) ASSET ALREADY IN LOW, INITIAL, OR
23 FULL-RATE PRODUCTION.—If operational test and
24 evaluation of a capability or asset already in low, ini-
25 tial, or full-rate production identifies a safety con-

1 cern with the capability or asset or any subsystems
2 of the capability or asset not previously identified
3 during developmental or operational test and evalua-
4 tion, the Commandant shall—

5 “(A) notify the program manager and the
6 Chief Acquisition Officer of the safety concern
7 as soon as practicable, but not later than 30
8 days after the completion of the test and eval-
9 uation event or activity that identified the safe-
10 ty concern; and

11 “(B) notify the Chief Acquisition Officer
12 and include in such notification—

13 “(i) an explanation of the actions that
14 will be taken to correct or mitigate the
15 safety concern in all capabilities or assets
16 and subsystems of the capabilities or as-
17 sets yet to be produced, and the date by
18 which those actions will be taken;

19 “(ii) an explanation of the actions
20 that will be taken to correct or mitigate
21 the safety concern in previously produced
22 capabilities or assets and subsystems of
23 the capabilities or assets, and the date by
24 which those actions will be taken; and

1 “(iii) an assessment of the adequacy
2 of current funding to correct or mitigate
3 the safety concern in capabilities or assets
4 and subsystems of the capabilities or as-
5 sets and in previously produced capabilities
6 or assets and subsystems.

7 “(c) TECHNICAL CERTIFICATION.—

8 “(1) IN GENERAL.—The Commandant shall en-
9 sure that any Level 1 or Level 2 acquisition project
10 or program is certified by the technical authority of
11 the Coast Guard after review by an independent
12 third party with capabilities in the mission area,
13 asset, or particular asset component.

14 “(2) TEMPEST TESTING.—The Commandant
15 shall—

16 “(A) cause all electronics on all aircraft,
17 surface, and shore capabilities and assets that
18 require TEMPEST certification and that are
19 delivered after the date of enactment of the
20 Coast Guard Authorization Act of 2010 to be
21 tested in accordance with TEMPEST standards
22 and communications security (comsec) stand-
23 ards by an independent third party that is au-
24 thorized by the Federal Government to perform
25 such testing; and

1 “(B) certify that the assets meet all appli-
2 cable TEMPEST requirements.

3 “(3) CUTTER CLASSIFICATION.—

4 “(A) IN GENERAL.—The Commandant
5 shall cause each cutter, other than a National
6 Security Cutter, acquired by the Coast Guard
7 and delivered after the date of enactment of the
8 Coast Guard Authorization Act of 2010 to be
9 classed by the American Bureau of Shipping
10 before final acceptance.

11 “(B) REPORTS.—Not later than December
12 31, 2011, and biennially thereafter, the Com-
13 mandant shall provide a report to the Com-
14 mittee on Transportation and Infrastructure of
15 the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate identifying which, if any,
18 Coast Guard cutters that have been issued a
19 certificate of classification by the American Bu-
20 reau of Shipping have not been maintained in
21 class and detailing the reasons why they have
22 not been maintained in class.

23 “(4) OTHER VESSELS.—The Commandant shall
24 cause the design and construction of each National
25 Security Cutter, other than National Security Cut-

1 ters 1, 2, and 3, to be assessed by an independent
2 third party with expertise in vessel design and con-
3 struction certification.

4 “(5) AIRCRAFT AIRWORTHINESS.—The Com-
5 mandant shall cause all aircraft and aircraft engines
6 acquired by the Coast Guard and delivered after the
7 date of enactment of the Coast Guard Authorization
8 Act of 2010 to be assessed for airworthiness by an
9 independent third party with expertise in aircraft
10 and aircraft engine certification before final accept-
11 ance.

12 **“§ 574. Acquisition, production, deployment, and sup-**
13 **port**

14 “(a) IN GENERAL.—The Commandant shall—

15 “(1) ensure there is a stable and efficient pro-
16 duction and support capability to develop an asset or
17 capability for the Coast Guard;

18 “(2) conduct follow-on testing to confirm and
19 monitor performance and correct deficiencies; and

20 “(3) conduct acceptance tests and trials prior to
21 the delivery of each asset or system to ensure the
22 delivered asset or system achieves full operational
23 capability.

24 “(b) ELEMENTS.—The Commandant shall—

25 “(1) execute production contracts;

1 “(2) ensure that delivered assets and capabili-
2 ties meet operational cost and schedules require-
3 ments established in the acquisition program base-
4 line;

5 “(3) validate manpower and training require-
6 ments to meet system needs to operate, maintain,
7 support, and instruct the assets or capabilities; and

8 “(4) prepare an acquisition project or program
9 transition plan to enter into programmatic
10 sustainment, operations, and support.

11 **“§ 575. Acquisition program baseline breach**

12 “(a) IN GENERAL.—The Commandant shall submit
13 a report to the appropriate congressional committees and
14 the Committee on Homeland Security of the House of
15 Representatives as soon as possible, but not later than 30
16 days, after the Chief Acquisition Officer of the Coast
17 Guard becomes aware of the breach of an acquisition pro-
18 gram baseline for any Level 1 or Level 2 acquisition pro-
19 gram, by—

20 “(1) a likely cost overrun greater than 15 per-
21 cent of the acquisition program baseline for that in-
22 dividual capability or asset or a class of capabilities
23 or assets;

1 “(2) a likely delay of more than 180 days in the
2 delivery schedule for any individual capability or
3 asset or class of capabilities or assets; or

4 “(3) an anticipated failure for any individual
5 capability or asset or class of capabilities or assets
6 to satisfy any key performance threshold or param-
7 eter under the acquisition program baseline.

8 “(b) CONTENT.—The report submitted under sub-
9 section (a) shall include—

10 “(1) a detailed description of the breach and an
11 explanation of its cause;

12 “(2) the projected impact to performance, cost,
13 and schedule;

14 “(3) an updated acquisition program baseline
15 and the complete history of changes to the original
16 acquisition program baseline;

17 “(4) the updated acquisition schedule and the
18 complete history of changes to the original schedule;

19 “(5) a full life-cycle cost analysis for the capa-
20 bility or asset or class of capabilities or assets;

21 “(6) a remediation plan identifying corrective
22 actions and any resulting issues or risks; and

23 “(7) a description of how progress in the reme-
24 diation plan will be measured and monitored.

1 “(c) SUBSTANTIAL VARIANCES IN COSTS OR SCHED-
2 ULE.—If a likely cost overrun is greater than 20 percent
3 or a likely delay is greater than 12 months from the costs
4 and schedule described in the acquisition program baseline
5 for any Level 1 or Level 2 acquisition project or program
6 of the Coast Guard, the Commandant shall include in the
7 report a written certification, with a supporting expla-
8 nation, that—

9 “(1) the capability or asset or capability or
10 asset class to be acquired under the project or pro-
11 gram is essential to the accomplishment of Coast
12 Guard missions;

13 “(2) there are no alternatives to such capability
14 or asset or capability or asset class that will provide
15 equal or greater capability in both a more cost-effec-
16 tive and timely manner;

17 “(3) the new acquisition schedule and estimates
18 for total acquisition cost are reasonable; and

19 “(4) the management structure for the acquisi-
20 tion program is adequate to manage and control per-
21 formance, cost, and schedule.

22 **“§ 576. Acquisition approval authority**

23 “Nothing in this subchapter shall be construed as al-
24 tering or diminishing in any way the statutory authority
25 and responsibility of the Secretary of the department in

1 which the Coast Guard is operating, or the Secretary's
2 designee, to—

3 “(1) manage and administer department pro-
4 curements, including procurements by department
5 components, as required by section 701 of the
6 Homeland Security Act of 2002 (6 U.S.C. 341); or

7 “(2) manage department acquisition activities
8 and act as the Acquisition Decision Authority with
9 regard to the review or approval of a Coast Guard
10 Level 1 or Level 2 acquisition project or program,
11 as required by section 16 of the Office of Federal
12 Procurement Policy Act (41 U.S.C. 414) and related
13 implementing regulations and directives.

14 “SUBCHAPTER III—DEFINITIONS

15 “§ 581. Definitions

16 “In this chapter:

17 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term ‘appropriate congressional com-
19 mittees’ means the Committee on Transportation
20 and Infrastructure of the House of Representatives
21 and the Committee on Commerce, Science, and
22 Transportation of the Senate.

23 “(2) CHIEF ACQUISITION OFFICER.—The term
24 ‘Chief Acquisition Officer’ means the officer ap-
25 pointed under section 56 of this title.

1 “(3) COMMANDANT.—The term ‘Commandant’
2 means the Commandant of the Coast Guard.

3 “(4) LEVEL 1 ACQUISITION.—The term ‘Level 1
4 acquisition’ means—

5 “(A) an acquisition by the Coast Guard—

6 “(i) the estimated life-cycle costs of
7 which exceed \$1,000,000,000; or

8 “(ii) the estimated total acquisition
9 costs of which exceed \$300,000,000; or

10 “(B) any acquisition that the Chief Acqui-
11 sition Officer of the Coast Guard determines to
12 have a special interest—

13 “(i) due to—

14 “(I) the experimental or tech-
15 nically immature nature of the asset;

16 “(II) the technological complexity
17 of the asset;

18 “(III) the commitment of re-
19 sources; or

20 “(IV) the nature of the capability
21 or set of capabilities to be achieved; or

22 “(ii) because such acquisition is a
23 joint acquisition.

1 “(5) LEVEL 2 ACQUISITION.—The term ‘Level 2
2 acquisition’ means an acquisition by the Coast
3 Guard—

4 “(A) the estimated life-cycle costs of which
5 are equal to or less than \$1,000,000,000, but
6 greater than \$300,000,000; or

7 “(B) the estimated total acquisition costs
8 of which are equal to or less than
9 \$300,000,000, but greater than \$100,000,000.

10 “(6) LIFE-CYCLE COST.—The term ‘life-cycle
11 cost’ means all costs for development, procurement,
12 construction, and operations and support for a par-
13 ticular capability or asset, without regard to funding
14 source or management control.

15 “(7) PROJECT OR PROGRAM MANAGER DE-
16 FINED.—The term ‘project or program manager’
17 means an individual designated—

18 “(A) to develop, produce, and deploy a new
19 asset to meet identified operational require-
20 ments; and

21 “(B) to manage cost, schedule, and per-
22 formance of the acquisition, project, or pro-
23 gram.

24 “(8) SAFETY CONCERN.—The term ‘safety con-
25 cern’ means any hazard associated with a capability

1 or asset or a subsystem of a capability or asset that
2 is likely to cause serious bodily injury or death to a
3 typical Coast Guard user in testing, maintaining, re-
4 pairing, or operating the capability, asset, or sub-
5 system or any hazard associated with the capability,
6 asset, or subsystem that is likely to cause major
7 damage to the capability, asset, or subsystem during
8 the course of its normal operation by a typical Coast
9 Guard user.

10 “(9) DEVELOPMENTAL TEST AND EVALUA-
11 TION.—The term ‘developmental test and evaluation’
12 means—

13 “(A) the testing of a capability or asset
14 and the subsystems of the capability or asset to
15 determine whether they meet all contractual
16 performance requirements, including technical
17 performance requirements, supportability re-
18 quirements, and interoperability requirements
19 and related specifications; and

20 “(B) the evaluation of the results of such
21 testing.

22 “(10) OPERATIONAL TEST AND EVALUATION.—
23 The term ‘operational test and evaluation’ means—

24 “(A) the testing of a capability or asset
25 and the subsystems of the capability or asset,

1 under conditions similar to those in which the
2 capability or asset and subsystems will actually
3 be deployed, for the purpose of determining the
4 effectiveness and suitability of the capability or
5 asset and subsystems for use by typical Coast
6 Guard users to conduct those missions for
7 which the capability or asset and subsystems
8 are intended to be used; and

9 “(B) the evaluation of the results of such
10 testing.”.

11 (b) CONFORMING AMENDMENT.—The part analysis
12 for part I of title 14, United States Code, is amended by
13 inserting after the item relating to chapter 13 the fol-
14 lowing:

“15. Acquisitions 561”.

15 **SEC. 403. NATIONAL SECURITY CUTTERS.**

16 (a) NATIONAL SECURITY CUTTERS 1 AND 2.—Not
17 later than 90 days before the Coast Guard awards any
18 contract or issues any delivery order or task order to
19 strengthen the hull of either of National Security Cutter
20 1 or 2 to resolve the structural design and performance
21 issues identified in the Department of Homeland Security
22 Inspector General’s Report OIG–07–23 dated January
23 2007, the Commandant shall submit to the appropriate
24 congressional committees all results of an assessment of

1 the proposed hull strengthening design conducted by the
2 Coast Guard, including—

3 (1) a description in detail of the extent to which
4 the hull strengthening measures to be implemented
5 on those cutters will enable the cutters to meet con-
6 tract and performance requirements;

7 (2) a cost-benefit analysis of the proposed hull
8 strengthening measures for National Security Cut-
9 ters 1 and 2; and

10 (3) a description of any operational restrictions
11 that would have to be applied to either National Se-
12 curity Cutter 1 or 2 if the proposed hull strength-
13 ening measures were not implemented on either cut-
14 ter.

15 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

16 In this section the term “appropriate congressional com-
17 mittees” means the Committees on Transportation and
18 Infrastructure and Homeland Security of the House of
19 Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate.

21 **SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING**

22 **AUTHORITY.**

23 (a) IN GENERAL.—For purposes of sections 3304,
24 5333, and 5753 of title 5, United States Code, the Com-
25 mandant of the Coast Guard may—

1 (1) designate any category of acquisition posi-
2 tions within the Coast Guard as shortage category
3 positions; and

4 (2) use the authorities in such sections to re-
5 cruit and appoint highly qualified persons directly to
6 positions so designated.

7 (b) LIMITATION.—The Commandant may not ap-
8 point a person to a position of employment under this
9 paragraph after September 30, 2012.

10 (c) REPORTS.—The Commandant shall include in re-
11 ports under section 562(d) of title 14, United States Code,
12 as added by this title, information described in that section
13 regarding positions designated under this section.

14 **TITLE V—COAST GUARD**
15 **MODERNIZATION**

16 **SEC. 501. SHORT TITLE.**

17 This title may be cited as the “Coast Guard Mod-
18 ernization Act of 2010”.

19 **Subtitle A—Coast Guard**
20 **Leadership**

21 **SEC. 511. VICE ADMIRALS.**

22 (a) VICE ADMIRALS.—Section 50 of such title is
23 amended to read as follows:

1 **“§ 50. Vice admirals**

2 “(a)(1) The President may designate no more than
3 4 positions of importance and responsibility that shall be
4 held by officers who—

5 “(A) while so serving, shall have the grade
6 of vice admiral, with the pay and allowances of
7 that grade; and

8 “(B) shall perform such duties as the
9 Commandant may prescribe.

10 “(2) The President may appoint, by and with the ad-
11 vice and consent of the Senate, and reappoint, by and with
12 the advice and consent of the Senate, to any such position
13 an officer of the Coast Guard who is serving on active
14 duty above the grade of captain. The Commandant shall
15 make recommendations for such appointments.

16 “(3) (A) Except as provided in subparagraph (B),
17 one of the vice admirals designated under paragraph (1)
18 must have at least 10 years experience in vessel inspection,
19 marine casualty investigations, mariner licensing, or an
20 equivalent technical expertise in the design and construc-
21 tion of commercial vessels, with at least 4 years of leader-
22 ship experience at a staff or unit carrying out marine safe-
23 ty functions and shall serve as the principal advisor to the
24 Commandant on these issues.

25 “(B) The requirements of subparagraph (A) do not
26 apply to such vice admiral if the subordinate officer serv-

1 ing in the grade of rear admiral with responsibilities for
2 marine safety, security, and stewardship possesses that ex-
3 perience.

4 “(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that
5 duty and, except as provided in paragraph (2) of this sub-
6 section or in section 51(d) of this title, shall terminate
7 on the date the officer is detached from that duty.

9 “(2) An officer who is appointed to a position des-
10 igned under subsection (a) shall continue to hold the
11 grade of vice admiral—

12 “(A) while under orders transferring the officer
13 to another position designated under subsection (a),
14 beginning on the date the officer is detached from
15 that duty and terminating on the date before the
16 day the officer assumes the subsequent duty, but not
17 for more than 60 days;

18 “(B) while hospitalized, beginning on the day of
19 the hospitalization and ending on the day the officer
20 is discharged from the hospital, but not for more
21 than 180 days; and

22 “(C) while awaiting retirement, beginning on
23 the date the officer is detached from duty and end-
24 ing on the day before the officer’s retirement, but
25 not for more than 60 days.

1 “(c)(1) An appointment of an officer under sub-
2 section (a) does not vacate the permanent grade held by
3 the officer.

4 “(2) An officer serving in a grade above rear admiral
5 who holds the permanent grade of rear admiral (lower
6 half) shall be considered for promotion to the permanent
7 grade of rear admiral as if the officer was serving in the
8 officer’s permanent grade.

9 “(d) Whenever a vacancy occurs in a position des-
10 igned under subsection (a), the Commandant shall in-
11 form the President of the qualifications needed by an offi-
12 cer serving in that position or office to carry out effectively
13 the duties and responsibilities of that position or office.”.

14 (b) REPEAL.—Section 50a of such title is repealed.

15 (c) CONFORMING AMENDMENTS.—Section 51 of such
16 title is amended—

17 (1) by striking subsections (a), (b), and (c) and
18 inserting the following:

19 “(a) An officer, other than the Commandant, who,
20 while serving in the grade of vice admiral, is retired for
21 physical disability shall be placed on the retired list with
22 the highest grade in which that officer served.

23 “(b) An officer, other than the Commandant, who is
24 retired while serving in the grade of vice admiral, or who,
25 after serving at least 2½ years in the grade of vice admi-

1 ral, is retired while serving in a lower grade, may in the
2 discretion of the President, be retired with the highest
3 grade in which that officer served.

4 “(c) An officer, other than the Commandant, who,
5 after serving less than 2½ years in the grade of vice admiral,
6 is retired while serving in a lower grade, shall be re-
7 tired in his permanent grade.”; and

8 (2) by striking “Area Commander, or Chief of
9 Staff” in subsection (d)(2) and inserting “or Vice
10 Admiral”.

11 (d) CONTINUITY OF GRADE.—Section 52 of title 14,
12 United States Code, is amended by inserting “or admiral”
13 after “vice admiral” the first place it appears.

14 (e) CONTINUATION ON ACTIVE DUTY.—The second
15 sentence of section 290(a) of title 14, United States Code,
16 is amended to read as follows: “Officers, other than the
17 Commandant, serving for the time being or who have
18 served in the grade of vice admiral are not subject to con-
19 sideration for continuation under this subsection, and as
20 to all other provisions of this section shall be considered
21 as having been continued at the grade of rear admiral.”.

22 (f) CLERICAL AMENDMENTS.—

23 (1) The section caption for section 47 of such
24 title is amended to read as follows:

1 **“§47. Vice commandant; appointment”.**

2 (2) The section caption for section 52 of title
3 14, United States Code, is amended to read as fol-
4 lows:

5 **“§52. Vice admirals and admiral, continuity of
6 grade”.**

7 (3) The table of contents for chapter 3 of such
8 title is amended—

9 (A) by striking the item relating to section
10 47 and inserting the following:

“47. Vice Commandant; appointment.”;

11 (B) by striking the item relating to section
12 50a;

13 (C) by striking the item relating to section
14 50 and inserting the following:

“50. Vice admirals.”; and

15 (D) by striking the item relating to section
16 52 and inserting the following:

“52. Vice admirals and admiral, continuity of grade.”.

17 (g) TECHNICAL CORRECTION.—Section 47 of such
18 title is further amended by striking “subsection” in the
19 fifth sentence and inserting “section”.

20 (h) TREATMENT OF INCUMBENTS; TRANSITION.—

21 (1) Notwithstanding any other provision of law,
22 an officer who, on the date of enactment of this Act,

1 is serving as Chief of Staff, Commander, Atlantic
2 Area, or Commander, Pacific Area—

3 (A) shall continue to have the grade of vice
4 admiral with pay and allowance of that grade
5 until such time that the officer is relieved of his
6 duties and appointed and confirmed to another
7 position as a vice admiral or admiral; or

8 (B) for the purposes of transition, may
9 continue at the grade of vice admiral with pay
10 and allowance of that grade, for not more than
11 1 year after the date of enactment of this Act,
12 to perform the duties of the officer's former po-
13 sition and any other such duties that the Com-
14 mandant prescribes.

15 **Subtitle B—Workforce Expertise**

16 **SEC. 521. PREVENTION AND RESPONSE STAFF.**

17 (a) IN GENERAL.—Chapter 3 of title 14, United
18 States Code, is amended by adding at the end the fol-
19 lowing new sections:

20 **“§ 57. Prevention and response workforces**

21 “(a) CAREER PATHS.—The Secretary, acting
22 through the Commandant, shall ensure that appropriate
23 career paths for civilian and military Coast Guard per-
24 sonnel who wish to pursue career paths in prevention or
25 response positions are identified in terms of the education,

1 training, experience, and assignments necessary for career
2 progression of civilians and members of the Armed Forces
3 to the most senior prevention or response positions, as ap-
4 propriate. The Secretary shall make available published
5 information on such career paths.

6 “(b) QUALIFICATIONS FOR CERTAIN ASSIGN-
7 MENTS.—An officer, member, or civilian employee of the
8 Coast Guard assigned as a—

9 “(1) marine inspector shall have the training,
10 experience, and qualifications equivalent to that re-
11 quired for a similar position at a classification soci-
12 ety recognized by the Secretary under section 3316
13 of title 46 for the type of vessel, system, or equip-
14 ment that is inspected;

15 “(2) marine casualty investigator shall have the
16 training, experience, and qualifications in investiga-
17 tion, marine casualty reconstruction, evidence collec-
18 tion and preservation, human factors, and docu-
19 mentation using best investigation practices by Fed-
20 eral and non-Federal entities; or

21 “(3) marine safety engineer shall have knowl-
22 edge, skill, and practical experience in—

23 “(A) the construction and operation of
24 commercial vessels;

1 “(B) judging the character, strength, sta-
2 bility, and safety qualities of such vessels and
3 their equipment; or

4 “(C) the qualifications and training of ves-
5 sel personnel.

6 “(c) APPRENTICESHIP REQUIREMENT TO QUALIFY
7 FOR CERTAIN CAREERS.—The Commandant may require
8 an officer, member, or employee of the Coast Guard in
9 training for a specialized prevention or response career
10 path to serve an apprenticeship under the guidance of a
11 qualified individual. However, an individual in training to
12 become a marine inspector, marine casualty investigator,
13 or marine safety engineer shall serve a minimum of one-
14 year as an apprentice unless the Commandant authorizes
15 a shorter period for certain qualifications.

16 “(d) MANAGEMENT INFORMATION SYSTEM.—The
17 Secretary, acting through the Commandant, shall estab-
18 lish a management information system for the prevention
19 and response workforces that shall provide, at a minimum,
20 the following standardized information on persons serving
21 in those workforces:

22 “(1) Qualifications, assignment history, and
23 tenure in assignments.

24 “(2) Promotion rates for military and civilian
25 personnel.

1 “(e) ASSESSMENT OF ADEQUACY OF MARINE SAFE-
2 TY WORKFORCE.—

3 “(1) REPORT.—The Secretary, acting through
4 the Commandant, shall report to the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate by De-
8 cember 1 of each year on the adequacy of the cur-
9 rent marine safety workforce to meet that antici-
10 pated workload.

11 “(2) CONTENTS.—The report shall specify the
12 number of civilian and military Coast Guard per-
13 sonnel currently assigned to marine safety positions
14 and shall identify positions that are understaffed to
15 meet the anticipated marine safety workload.

16 “(f) SECTOR CHIEF OF PREVENTION.—There shall
17 be in each Coast Guard sector a Chief of Prevention who
18 shall be at least a Lieutenant Commander or civilian em-
19 ployee within the grade GS–13 of the General Schedule,
20 and who shall be a—

21 “(1) marine inspector, qualified to inspect ves-
22 sels, vessel systems, and equipment commonly found
23 in the sector; and

24 “(2) qualified marine casualty investigator or
25 marine safety engineer.

1 “(g) SIGNATORIES OF LETTER OF QUALIFICATION
2 FOR CERTAIN PREVENTION PERSONNEL.—Each indi-
3 vidual signing a letter of qualification for marine safety
4 personnel must hold a letter of qualification for the type
5 being certified.

6 “(h) SECTOR CHIEF OF RESPONSE.—There shall be
7 in each Coast Guard sector a Chief of Response who shall
8 be at least a Lieutenant Commander or civilian employee
9 within the grade GS–13 of the General Schedule in each
10 Coast Guard sector.

11 **“§ 58. Centers of expertise for Coast Guard preven-**
12 **tion and response**

13 “(a) ESTABLISHMENT.—The Commandant of the
14 Coast Guard may establish and operate one or more cen-
15 ters of expertise for prevention and response missions of
16 the Coast Guard (in this section referred to as a ‘center’).

17 “(b) MISSIONS.—Each center shall—

18 “(1) promote and facilitate education, training,
19 and research;

20 “(2) develop a repository of information on its
21 missions and specialties; and

22 “(3) perform any other missions as the Com-
23 mandant may specify.

24 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
25 TUTION AUTHORIZED.—The Commandant may enter into

1 an agreement with an appropriate official of an institution
2 of higher education to—

3 “(1) provide for joint operation of a center; and

4 “(2) provide necessary administrative services
5 for a center, including administration and allocation
6 of funds.

7 “(d) ACCEPTANCE OF DONATIONS.—

8 “(1) Except as provided in paragraph (2), the
9 Commandant may accept, on behalf of a center, do-
10 nations to be used to defray the costs of the center
11 or to enhance the operation of the center. Those do-
12 nations may be accepted from any State or local
13 government, any foreign government, any foundation
14 or other charitable organization (including any that
15 is organized or operates under the laws of a foreign
16 country), or any individual.

17 “(2) The Commandant may not accept a dona-
18 tion under paragraph (1) if the acceptance of the
19 donation would compromise or appear to com-
20 promise—

21 “(A) the ability of the Coast Guard or the
22 department in which the Coast Guard is oper-
23 ating, any employee of the Coast Guard or the
24 department, or any member of the Armed

1 Forces to carry out any responsibility or duty
2 in a fair and objective manner; or

3 “(B) the integrity of any program of the
4 Coast Guard, the department in which the
5 Coast Guard is operating, or of any person in-
6 volved in such a program.

7 “(3) The Commandant shall prescribe written
8 guidance setting forth the criteria to be used in de-
9 termining whether or not the acceptance of a dona-
10 tion from a foreign source would have a result de-
11 scribed in paragraph (2).

12 **“§ 59. Marine industry training program**

13 “(a) IN GENERAL.—The Commandant shall, by pol-
14 icy, establish a program under which an officer, member,
15 or employee of the Coast Guard may be assigned to a pri-
16 vate entity to further the institutional interests of the
17 Coast Guard with regard to marine safety, including for
18 the purpose of providing training to an officer, member,
19 or employee. Policies to carry out the program—

20 “(1) with regard to an employee of the Coast
21 Guard, shall include provisions, consistent with sec-
22 tions 3702 through 3704 of title 5, as to matters
23 concerning—

24 “(A) the duration and termination of as-
25 signments;

1 “(B) reimbursements; and

2 “(C) status, entitlements, benefits, and ob-
3 ligations of program participants; and

4 “(2) shall require the Commandant, before ap-
5 proving the assignment of an officer, member, or
6 employee of the Coast Guard to a private entity, to
7 determine that the assignment is an effective use of
8 the Coast Guard’s funds, taking into account the
9 best interests of the Coast Guard and the costs and
10 benefits of alternative methods of achieving the same
11 results and objectives.

12 “(b) ANNUAL REPORT.—Not later than the date of
13 the submission each year of the President’s budget request
14 under section 1105 of title 31, the Commandant shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Commerce, Science, and Transportation of the Senate
18 a report that describes—

19 “(1) the number of officers, members, and em-
20 ployees of the Coast Guard assigned to private enti-
21 ties under this section; and

22 “(2) the specific benefit that accrues to the
23 Coast Guard for each assignment.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is further amended by
3 adding at the end the following new items:

“57. Prevention and response workforces.

“58. Centers of expertise for Coast Guard prevention and response.

“59. Marine industry training programs.”.

4 **SEC. 522. MARINE SAFETY MISSION PRIORITIES AND LONG-**
5 **TERM GOALS.**

6 (a) IN GENERAL.—Chapter 21 of title 46, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§2116. Marine safety strategy, goals, and perform-**
10 **ance assessments**

11 “(a) LONG-TERM STRATEGY AND GOALS.—In con-
12 junction with existing federally required strategic planning
13 efforts, the Secretary shall develop a long-term strategy
14 for improving vessel safety and the safety of individuals
15 on vessels. The strategy shall include the issuance each
16 year of an annual plan and schedule for achieving the fol-
17 lowing goals:

18 “(1) Reducing the number and rates of marine
19 casualties.

20 “(2) Improving the consistency and effective-
21 ness of vessel and operator enforcement and compli-
22 ance programs.

23 “(3) Identifying and targeting enforcement ef-
24 forts at high-risk vessels and operators.

1 “(4) Improving research efforts to enhance and
2 promote vessel and operator safety and performance.

3 “(b) CONTENTS OF STRATEGY AND ANNUAL
4 PLANS.—

5 “(1) MEASURABLE GOALS.—The strategy and
6 annual plans shall include specific numeric or meas-
7 urable goals designed to achieve the goals set forth
8 in subsection (a). The purposes of the numeric or
9 measurable goals are the following:

10 “(A) To increase the number of safety ex-
11 aminations on all high-risk vessels.

12 “(B) To eliminate the backlog of marine
13 safety-related rulemakings.

14 “(C) To improve the quality and effective-
15 ness of marine safety information databases by
16 ensuring that all Coast Guard personnel accu-
17 rately and effectively report all safety, casualty,
18 and injury information.

19 “(D) To provide for a sufficient number of
20 Coast Guard marine safety personnel, and pro-
21 vide adequate facilities and equipment to carry
22 out the functions referred to in section 93(c).

23 “(2) RESOURCE NEEDS.—The strategy and an-
24 nual plans shall include estimates of—

1 “(A) the funds and staff resources needed
2 to accomplish each activity included in the
3 strategy and plans; and

4 “(B) the staff skills and training needed
5 for timely and effective accomplishment of each
6 goal.

7 “(c) SUBMISSION WITH THE PRESIDENT’S BUDG-
8 ET.—Beginning with fiscal year 2011 and each fiscal year
9 thereafter, the Secretary shall submit to Congress the
10 strategy and annual plan not later than 60 days following
11 the transmission of the President’s budget submission
12 under section 1105 of title 31.

13 “(d) ACHIEVEMENT OF GOALS.—

14 “(1) PROGRESS ASSESSMENT.—No less fre-
15 quently than semiannually, the Coast Guard Com-
16 mandant shall assess the progress of the Coast
17 Guard toward achieving the goals set forth in sub-
18 section (b). The Commandant shall convey the Com-
19 mandant’s assessment to the employees of the ma-
20 rine safety workforce and shall identify any defi-
21 ciencies that should be remedied before the next
22 progress assessment.

23 “(2) REPORT TO CONGRESS.—The Secretary
24 shall report annually to the Committee on Transpor-
25 tation and Infrastructure of the House of Represent-

1 atives and the Committee on Commerce, Science,
2 and Transportation of the Senate—

3 “(A) on the performance of the marine
4 safety program in achieving the goals of the
5 marine safety strategy and annual plan under
6 subsection (a) for the year covered by the re-
7 port;

8 “(B) on the program’s mission perform-
9 ance in achieving numerical measurable goals
10 established under subsection (b); and

11 “(C) recommendations on how to improve
12 performance of the program.”.

13 (b) CLERICAL AMENDMENT.—The analysis for such
14 chapter is amended by adding at the end the following
15 new item:

 “2116. Marine safety strategy, goals, and performance assessments.”.

16 (c) CERTIFICATES OF INSPECTION.—Section 3309 of
17 title 46, United States Code, is amended by adding at the
18 end the following:

19 “(d) A certificate of inspection issued under this sec-
20 tion shall be signed by the senior Coast Guard member
21 or civilian employee who inspected the vessel, in addition
22 to the officer in charge of marine inspection.”.

23 **SEC. 523. POWERS AND DUTIES.**

24 Section 93 of title 14, United States Code, is amend-
25 ed by adding at the end the following new subsections:

1 “(c) MARINE SAFETY RESPONSIBILITIES.—In exer-
2 cising the Commandant’s duties and responsibilities with
3 regard to marine safety, the individual with the highest
4 rank who meets the experience qualifications set forth in
5 section 50(a)(3) shall serve as the principal advisor to the
6 Commandant regarding—

7 “(1) the operation, regulation, inspection, iden-
8 tification, manning, and measurement of vessels, in-
9 cluding plan approval and the application of load
10 lines;

11 “(2) approval of materials, equipment, appli-
12 ances, and associated equipment;

13 “(3) the reporting and investigation of marine
14 casualties and accidents;

15 “(4) the licensing, certification, documentation,
16 protection and relief of merchant seamen;

17 “(5) suspension and revocation of licenses and
18 certificates;

19 “(6) enforcement of manning requirements, citi-
20 zenship requirements, control of log books;

21 “(7) documentation and numbering of vessels;

22 “(8) State boating safety programs;

23 “(9) commercial instruments and maritime
24 liens;

25 “(10) the administration of bridge safety;

- 1 “(11) administration of the navigation rules;
2 “(12) the prevention of pollution from vessels;
3 “(13) ports and waterways safety;
4 “(14) waterways management; including regula-
5 tion for regattas and marine parades;
6 “(15) aids to navigation; and
7 “(16) other duties and powers of the Secretary
8 related to marine safety and stewardship.

9 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
10 in subsection (c) affects—

11 “(1) the authority of Coast Guard officers and
12 members to enforce marine safety regulations using
13 authority under section 89 of this title; or

14 “(2) the exercise of authority under section 91
15 of this title and the provisions of law codified at sec-
16 tions 191 through 195 of title 50 on the date of en-
17 actment of this paragraph.”.

18 **SEC. 524. APPEALS AND WAIVERS.**

19 (a) IN GENERAL.—Chapter 5 of title 14, United
20 States Code, is further amended by inserting at the end
21 the following new section:

22 **“§ 102. Appeals and waivers**

23 “Except for the Commandant of the Coast Guard,
24 any individual adjudicating an appeal or waiver of a deci-

1 sion regarding marine safety, including inspection or man-
2 ning and threats to the environment, shall—

3 “(1) be a qualified specialist with the training,
4 experience, and qualifications in marine safety to ef-
5 fectively judge the facts and circumstances involved
6 in the appeal and make a judgment regarding the
7 merits of the appeal; or

8 “(2) have a senior staff member who—

9 “(A) meets the requirements of paragraph
10 (1);

11 “(B) actively advises the individual adjudi-
12 cating the appeal; and

13 “(C) concurs in writing on the decision on
14 appeal.”.

15 (b) **CLERICAL AMENDMENT.**—The analysis for such
16 chapter is further amended by adding at the end the fol-
17 lowing new item:

“102. Appeals and waivers.”.

18 **SEC. 525. COAST GUARD ACADEMY.**

19 (a) **IN GENERAL.**—Chapter 9 of title 14, United
20 States Code, is further amended by adding at the end the
21 following new section:

22 **“§ 200. Marine safety curriculum**

23 “The Commandant of the Coast Guard shall ensure
24 that professional courses of study in marine safety are
25 provided at the Coast Guard Academy, and during other

1 officer accession programs, to give Coast Guard cadets
2 and other officer candidates a background and under-
3 standing of the marine safety program. These courses may
4 include such topics as program history, vessel design and
5 construction, vessel inspection, casualty investigation, and
6 administrative law and regulations.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is further amended by adding at the end the fol-
9 lowing new item:

“200. Marine safety curriculum.”.

10 **SEC. 526. REPORT REGARDING CIVILIAN MARINE INSPEC-**
11 **TORS.**

12 Not later than one year after the date of enactment
13 of this Act, the Commandant of the Coast Guard shall
14 submit to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on Coast Guard’s efforts to recruit and
18 retain civilian marine inspectors and investigators and the
19 impact of such recruitment and retention efforts on Coast
20 Guard organizational performance.

21 **TITLE VI—MARINE SAFETY**

22 **SEC. 601. SHORT TITLE.**

23 This title may be cited as the “Maritime Safety Act
24 of 2010”.

1 **SEC. 602. VESSEL SIZE LIMITS.**

2 (a) LENGTH, TONNAGE, AND HORSEPOWER.—Sec-
3 tion 12113(d)(2) of title 46, United States Code, is
4 amended—

5 (1) by inserting “and” after the semicolon at
6 the end of subparagraph (A)(i);

7 (2) by striking “and” at the end of subpara-
8 graph (A)(ii);

9 (3) by striking subparagraph (A)(iii);

10 (4) by striking the period at the end of sub-
11 paragraph (B) and inserting a semicolon; and

12 (5) by inserting at the end the following:

13 “(C) the vessel is either a rebuilt vessel or
14 a replacement vessel under section 208(g) of
15 the American Fisheries Act (title II of division
16 C of Public Law 105–277; 112 Stat. 2681–
17 627) and is eligible for a fishery endorsement
18 under this section; or

19 “(D) the vessel is a fish tender vessel that
20 is not engaged in the harvesting or processing
21 of fish.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) VESSEL REBUILDING AND REPLACE-
24 MENT.—Section 208(g) of the American Fisheries
25 Act (title II of division C of Public Law 105–277;
26 112 Stat. 2681–627) is amended to read as follows:

1 “(g) VESSEL REBUILDING AND REPLACEMENT.—

2 “(1) IN GENERAL.—

3 “(A) REBUILD OR REPLACE.—Notwith-
4 standing any limitation to the contrary on re-
5 placing, rebuilding, or lengthening vessels or
6 transferring permits or licenses to a replace-
7 ment vessel contained in sections 679.2 and
8 679.4 of title 50, Code of Federal Regulations,
9 as in effect on the date of enactment of the
10 Coast Guard Authorization Act of 2010 and ex-
11 cept as provided in paragraph (4), the owner of
12 a vessel eligible under subsection (a), (b), (c),
13 (d), or (e), in order to improve vessel safety and
14 operational efficiencies (including fuel effi-
15 ciency), may rebuild or replace that vessel (in-
16 cluding fuel efficiency) with a vessel docu-
17 mented with a fishery endorsement under sec-
18 tion 12113 of title 46, United States Code.

19 “(B) SAME REQUIREMENTS.—The rebuilt
20 or replacement vessel shall be eligible in the
21 same manner and subject to the same restric-
22 tions and limitations under such subsection as
23 the vessel being rebuilt or replaced.

24 “(C) TRANSFER OF PERMITS AND LI-
25 CENSES.—Each fishing permit and license held

1 by the owner of a vessel or vessels to be rebuilt
2 or replaced under subparagraph (A) shall be
3 transferred to the rebuilt or replacement vessel
4 or its owner, as necessary to permit such rebuilt
5 or replacement vessel to operate in the same
6 manner as the vessel prior to the rebuilding or
7 the vessel it replaced, respectively.

8 “(2) RECOMMENDATIONS OF NORTH PACIFIC
9 FISHERY MANAGEMENT COUNCIL.—The North Pa-
10 cific Fishery Management Council may recommend
11 for approval by the Secretary such conservation and
12 management measures, including size limits and
13 measures to control fishing capacity, in accordance
14 with the Magnuson-Stevens Act as it considers nec-
15 essary to ensure that this subsection does not dimin-
16 ish the effectiveness of fishery management plans of
17 the Bering Sea and Aleutian Islands Management
18 Area or the Gulf of Alaska.

19 “(3) SPECIAL RULE FOR REPLACEMENT OF
20 CERTAIN VESSELS.—

21 “(A) IN GENERAL.—Notwithstanding the
22 requirements of subsections (b)(2), (c)(1), and
23 (c)(2) of section 12113 of title 46, United
24 States Code, a vessel that is eligible under sub-
25 section (a), (b), (c), or (e) and that qualifies to

1 be documented with a fishery endorsement pur-
2 suant to section 213(g) may be replaced with a
3 replacement vessel under paragraph (1) if the
4 vessel that is replaced is validly documented
5 with a fishery endorsement pursuant to section
6 213(g) before the replacement vessel is docu-
7 mented with a fishery endorsement under sec-
8 tion 12113 of title 46, United States Code.

9 “(B) APPLICABILITY.—A replacement ves-
10 sel under subparagraph (A) and its owner and
11 mortgagee are subject to the same limitations
12 under section 213(g) that are applicable to the
13 vessel that has been replaced and its owner and
14 mortgagee.

15 “(4) SPECIAL RULES FOR CERTAIN CATCHER
16 VESSELS.—

17 “(A) IN GENERAL.—A replacement for a
18 covered vessel described in subparagraph (B) is
19 prohibited from harvesting fish in any fishery
20 (except for the Pacific whiting fishery) managed
21 under the authority of any Regional Fishery
22 Management Council (other than the North Pa-
23 cific Fishery Management Council) established
24 under section 302(a) of the Magnuson-Stevens
25 Act.

1 “(B) COVERED VESSELS.—A covered ves-
2 sel referred to in subparagraph (A) is—

3 “(i) a vessel eligible under subsection
4 (a), (b), or (c) that is replaced under para-
5 graph (1); or

6 “(ii) a vessel eligible under subsection
7 (a), (b), or (c) that is rebuilt to increase
8 its registered length, gross tonnage, or
9 shaft horsepower.

10 “(5) LIMITATION ON FISHERY ENDORSE-
11 MENTS.—Any vessel that is replaced under this sub-
12 section shall thereafter not be eligible for a fishery
13 endorsement under section 12113 of title 46, United
14 States Code, unless that vessel is also a replacement
15 vessel described in paragraph (1).

16 “(6) GULF OF ALASKA LIMITATION.—Notwith-
17 standing paragraph (1), the Secretary shall prohibit
18 from participation in the groundfish fisheries of the
19 Gulf of Alaska any vessel that is rebuilt or replaced
20 under this subsection and that exceeds the maximum
21 length overall specified on the license that authorizes
22 fishing for groundfish pursuant to the license limita-
23 tion program under part 679 of title 50, Code of
24 Federal Regulations, as in effect on the date of en-

1 actment of the Coast Guard Authorization Act of
2 2010.

3 “(7) AUTHORITY OF PACIFIC COUNCIL.—Noth-
4 ing in this section shall be construed to diminish or
5 otherwise affect the authority of the Pacific Council
6 to recommend to the Secretary conservation and
7 management measures to protect fisheries under its
8 jurisdiction (including the Pacific whiting fishery)
9 and participants in such fisheries from adverse im-
10 pacts caused by this Act.”.

11 (2) REPEAL OF EXEMPTION OF CERTAIN VES-
12 SELS.—Section 203(g) of the American Fisheries
13 Act (title II of division C of Public Law 105–277;
14 112 Stat. 2681–620) is repealed.

15 (3) FISHERY COOPERATIVE EXIT PROVI-
16 SIONS.—Section 210(b) of the American Fisheries
17 Act (title II of division C of Public Law 105–277;
18 112 Stat. 2681–629) is amended—

19 (A) by moving the matter beginning with
20 “the Secretary shall” in paragraph (1) 2 ems to
21 the right; and

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

23 “(7) FISHERY COOPERATIVE EXIT PROVI-
24 SIONS.—

1 “(A) FISHING ALLOWANCE DETERMINA-
2 TION.—For purposes of determining the aggre-
3 gate percentage of directed fishing allowances
4 under paragraph (1), when a catcher vessel is
5 removed from the directed pollock fishery, the
6 fishery allowance for pollock for the vessel being
7 removed—

8 “(i) shall be based on the catch his-
9 tory determination for the vessel made
10 pursuant to section 679.62 of title 50,
11 Code of Federal Regulations, as in effect
12 on the date of enactment of the Coast
13 Guard Authorization Act of 2010; and

14 “(ii) shall be assigned, for all pur-
15 poses under this title, in the manner speci-
16 fied by the owner of the vessel being re-
17 moved to any other catcher vessel or
18 among other catcher vessels participating
19 in the fishery cooperative if such vessel or
20 vessels remain in the fishery cooperative
21 for at least one year after the date on
22 which the vessel being removed leaves the
23 directed pollock fishery.

24 “(B) ELIGIBILITY FOR FISHERY ENDORSE-
25 MENT.—Except as provided in subparagraph

1 (C), a vessel that is removed pursuant to this
2 paragraph shall be permanently ineligible for a
3 fishery endorsement, and any claim (including
4 relating to catch history) associated with such
5 vessel that could qualify any owner of such ves-
6 sel for any permit to participate in any fishery
7 within the exclusive economic zone of the
8 United States shall be extinguished, unless such
9 removed vessel is thereafter designated to re-
10 place a vessel to be removed pursuant to this
11 paragraph.

12 “(C) LIMITATIONS ON STATUTORY CON-
13 STRUCTION.—Nothing in this paragraph shall
14 be construed—

15 “(i) to make the vessels AJ (United
16 States official number 905625), DONA
17 MARTITA (United States official number
18 651751), NORDIC EXPLORER (United
19 States official number 678234), and
20 PROVIDIAN (United States official num-
21 ber 1062183) ineligible for a fishery en-
22 dorsement or any permit necessary to par-
23 ticipate in any fishery under the authority
24 of the New England Fishery Management
25 Council or the Mid-Atlantic Fishery Man-

1 agement Council established, respectively,
2 under subparagraphs (A) and (B) of sec-
3 tion 302(a)(1) of the Magnuson-Stevens
4 Act; or

5 “(ii) to allow the vessels referred to in
6 clause (i) to participate in any fishery
7 under the authority of the Councils re-
8 ferred to in clause (i) in any manner that
9 is not consistent with the fishery manage-
10 ment plan for the fishery developed by the
11 Councils under section 303 of the Magnu-
12 son-Stevens Act.”.

13 **SEC. 603. COLD WEATHER SURVIVAL TRAINING.**

14 The Commandant of the Coast Guard shall report to
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Com-
17 merce, Science, and Transportation of the Senate on the
18 efficacy of cold weather survival training conducted by the
19 Coast Guard over the preceding 5 years. The report shall
20 include plans for conducting such training in fiscal years
21 2010 through 2013.

22 **SEC. 604. FISHING VESSEL SAFETY.**

23 (a) SAFETY STANDARDS.—Section 4502 of title 46,
24 United States Code, is amended—

25 (1) in subsection (a), by—

1 (A) striking paragraphs (6) and (7) and
2 inserting the following:

3 “(6) other equipment required to minimize the
4 risk of injury to the crew during vessel operations,
5 if the Secretary determines that a risk of serious in-
6 jury exists that can be eliminated or mitigated by
7 that equipment; and”;

8 (B) redesignating paragraph (8) as para-
9 graph (7);
10 (2) in subsection (b)—

11 (A) in paragraph (1) in the matter pre-
12 ceding subparagraph (A), by striking “docu-
13 mented”;

14 (B) in paragraph (1)(A), by striking “the
15 Boundary Line” and inserting “3 nautical miles
16 from the baseline from which the territorial sea
17 of the United States is measured or beyond 3
18 nautical miles from the coastline of the Great
19 Lakes”;

20 (C) in paragraph (2)(B), by striking “life-
21 boats or liferafts” and inserting “a survival
22 craft that ensures that no part of an individual
23 is immersed in water”;

24 (D) in paragraph (2)(D), by inserting
25 “marine” before “radio”;

1 (E) in paragraph (2)(E), by striking
2 “radar reflectors, nautical charts, and anchors”
3 and inserting “nautical charts, and publica-
4 tions”;

5 (F) in paragraph (2)(F), by striking “, in-
6 cluding medicine chests” and inserting “and
7 medical supplies sufficient for the size and area
8 of operation of the vessel”; and

9 (G) by amending paragraph (2)(G) to read
10 as follows:

11 “(G) ground tackle sufficient for the vessel.”;

12 (3) by amending subsection (f) to read as fol-
13 lows:

14 “(f) To ensure compliance with the requirements of
15 this chapter, the Secretary—

16 “(1) shall require the individual in charge of a
17 vessel described in subsection (b) to keep a record
18 of equipment maintenance, and required instruction
19 and drills; and

20 “(2) shall examine at dockside a vessel de-
21 scribed in subsection (b) at least once every 2 years,
22 and shall issue a certificate of compliance to a vessel
23 meeting the requirements of this chapter.”; and

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

1 “(g)(1) The individual in charge of a vessel described
2 in subsection (b) must pass a training program approved
3 by the Secretary that meets the requirements in para-
4 graph (2) of this subsection and hold a valid certificate
5 issued under that program.

6 “(2) The training program shall—

7 “(A) be based on professional knowledge and
8 skill obtained through sea service and hands-on
9 training, including training in seamanship, stability,
10 collision prevention, navigation, fire fighting and
11 prevention, damage control, personal survival, emer-
12 gency medical care, emergency drills, and weather;

13 “(B) require an individual to demonstrate abil-
14 ity to communicate in an emergency situation and
15 understand information found in navigation publica-
16 tions;

17 “(C) recognize and give credit for recent past
18 experience in fishing vessel operation; and

19 “(D) provide for issuance of a certificate to an
20 individual that has successfully completed the pro-
21 gram.

22 “(3) The Secretary shall prescribe regulations imple-
23 menting this subsection. The regulations shall require that
24 individuals who are issued a certificate under paragraph
25 (2)(D) must complete refresher training at least once

1 every 5 years as a condition of maintaining the validity
2 of the certificate.

3 “(4) The Secretary shall establish a publicly acces-
4 sible electronic database listing the names of individuals
5 who have participated in and received a certificate con-
6 firming successful completion of a training program ap-
7 proved by the Secretary under this section.

8 “(h) A vessel to which this chapter applies shall be
9 constructed in a manner that provides a level of safety
10 equivalent to the minimum safety standards the Secretary
11 may establish for recreational vessels under section 4302,
12 if—

13 “(1) subsection (b) of this section applies to the
14 vessel;

15 “(2) the vessel is less than 50 feet overall in
16 length; and

17 “(3) the vessel is built after January 1, 2010.

18 “(i)(1) The Secretary shall establish a Fishing Safety
19 Training Grants Program to provide funding to munici-
20 palities, port authorities, other appropriate public entities,
21 not-for-profit organizations, and other qualified persons
22 that provide commercial fishing safety training—

23 “(A) to conduct fishing vessel safety training
24 for vessel operators and crewmembers that—

1 “(i) in the case of vessel operators, meets
2 the requirements of subsection (g); and

3 “(ii) in the case of crewmembers, meets
4 the requirements of subsection (g)(2)(A), such
5 requirements of subsection (g)(2)(B) as are ap-
6 propriate for crewmembers, and the require-
7 ments of subsections (g)(2)(D), (g)(3), and
8 (g)(4); and

9 “(B) for purchase of safety equipment and
10 training aids for use in those fishing vessel safety
11 training programs.

12 “(2) The Secretary shall award grants under this
13 subsection on a competitive basis.

14 “(3) The Federal share of the cost of any activity
15 carried out with a grant under this subsection shall not
16 exceed 75 percent.

17 “(4) There is authorized to be appropriated
18 \$3,000,000 for each of fiscal years 2010 through 2014
19 for grants under this subsection.

20 “(j)(1) The Secretary shall establish a Fishing Safety
21 Research Grant Program to provide funding to individuals
22 in academia, members of non-profit organizations and
23 businesses involved in fishing and maritime matters, and
24 other persons with expertise in fishing safety, to conduct
25 research on methods of improving the safety of the com-

1 mercial fishing industry, including vessel design, emer-
2 gency and survival equipment, enhancement of vessel mon-
3 itoring systems, communications devices, de-icing tech-
4 nology, and severe weather detection.

5 “(2) The Secretary shall award grants under this
6 subsection on a competitive basis.

7 “(3) The Federal share of the cost of any activity
8 carried out with a grant under this subsection shall not
9 exceed 75 percent.

10 “(4) There is authorized to be appropriated
11 \$3,000,000 for each fiscal years 2010 through 2014 for
12 activities under this subsection.”.

13 (b) CONFORMING AMENDMENT.—Section 4506(b) of
14 title 46, United States Code, is repealed.

15 (c) ADVISORY COMMITTEE.—

16 (1) CHANGE OF NAME.—Section 4508 of title
17 46, United States Code, is amended—

18 (A) by striking the section heading and in-
19 serting the following:

20 “**§ 4508. Commercial Fishing Safety Advisory Com-**
21 **mittee”;**

22 and

23 (B) in subsection (a) by striking “Industry
24 Vessel”.

1 (2) MEMBERSHIP REQUIREMENTS.—Section
2 4508(b)(1) of that title is amended—

3 (A) by striking “seventeen” and inserting
4 “eighteen”;

5 (B) in subparagraph (A)—

6 (i) in the matter preceding clause (i),
7 by striking “from the commercial fishing
8 industry who—” and inserting “who shall
9 represent the commercial fishing industry
10 and who—”; and

11 (ii) in clause (ii), by striking “an
12 uninspected” and inserting “a”;

13 (C) by striking subparagraph (B) and in-
14 serting the following:

15 “(B) three members who shall represent the
16 general public, including, whenever possible—

17 “(i) an independent expert or consultant in
18 maritime safety;

19 “(ii) a marine surveyor who provides serv-
20 ices to vessels to which this chapter applies; and

21 “(iii) a person familiar with issues affect-
22 ing fishing communities and families of fisher-
23 men;”; and

24 (D) in subparagraph (C)—

1 (i) in the matter preceding clause (i),
2 by striking “representing each of—”
3 and inserting “each of whom shall rep-
4 resent—”;

5 (ii) in clause (i), by striking “or ma-
6 rine surveyors;” and inserting “and marine
7 engineers;”;

8 (iii) in clause (iii), by striking “and”
9 after the semicolon at the end;

10 (iv) in clause (iv), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (v) by adding at the end the following
13 new clause:

14 “(v) owners of vessels to which this chap-
15 ter applies.”.

16 (3) TERMINATION.—Section 4508(e)(1) of that
17 title is amended by striking “September 30, 2010.”
18 and inserting “September 30, 2020.”.

19 (4) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 45 of title 46,
21 United States Code, is amended by striking the item
22 relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

23 (d) LOADLINES FOR VESSELS 79 FEET OR GREATER
24 IN LENGTH.—

1 (1) LIMITATION ON EXEMPTION FOR FISHING
2 VESSELS.—Section 5102(b)(3) of title 46, United
3 States Code, is amended by inserting after “vessel”
4 the following “, unless the vessel is built after July
5 1, 2012”.

6 (2) ALTERNATE PROGRAM FOR CERTAIN FISH-
7 ING VESSELS.—Section 5103 of title 46, United
8 States Code, is amended by adding at the end the
9 following:

10 “(c) A fishing vessel built on or before July 1, 2012,
11 that undergoes a substantial change to the dimension of
12 or type of the vessel completed after the later of July 1,
13 2012, or the date the Secretary establishes standards for
14 an alternate loadline compliance program, shall comply
15 with such an alternative loadline compliance program that
16 is developed in cooperation with the commercial fishing in-
17 dustry and prescribed by the Secretary.”.

18 (e) CLASSING OF VESSELS.—

19 (1) IN GENERAL.—Section 4503 of title 46,
20 United States Code, is amended—

21 (A) by striking the section heading and in-
22 serting the following:

1 **“§ 4503. Fishing, fish tender, and fish processing ves-**
2 **sel certification”;**

3 (B) in subsection (a) by striking “fish
4 processing”; and

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

6 “(c) This section applies to a vessel to which section
7 4502(b) of this title applies that is at least 50 feet overall
8 in length and is built after July 1, 2012.

9 “(d)(1) After January 1, 2020, a fishing vessel, fish
10 processing vessel, or fish tender vessel to which section
11 4502(b) of this title applies shall comply with an alternate
12 safety compliance program that is developed in coopera-
13 tion with the commercial fishing industry and prescribed
14 by the Secretary, if the vessel—

15 “(A) is at least 50 feet overall in length;

16 “(B) is built before July 1, 2012; and

17 “(C) is 25 years of age or older.

18 “(2) A fishing vessel, fish processing vessel, or fish
19 tender vessel built before July 1, 2012, that undergoes a
20 substantial change to the dimension of or type of vessel
21 completed after the later of July 1, 2012, or the date the
22 Secretary establishes standards for an alternate safety
23 compliance program, shall comply with such an alternative
24 safety compliance program that is developed in coopera-
25 tion with the commercial fishing industry and prescribed
26 by the Secretary.

1 “(3) Alternative safety compliance programs may be
2 developed for purposes of paragraph (1) for specific re-
3 gions and fisheries.

4 “(4) Notwithstanding paragraph (1), vessels owned
5 by a person that owns more than 30 vessels subject to
6 that paragraph are not required to meet the alternate
7 safety compliance requirements of that paragraph until
8 January 1, 2030, if that owner enters into a compliance
9 agreement with the Secretary that provides for a fixed
10 schedule for all of the vessels owned by that person to
11 meet requirements of that paragraph by that date and the
12 vessel owner is meeting that schedule.

13 “(5) A fishing vessel, fish processing vessel, or fish
14 tender vessel to which section 4502(b) of this title applies
15 that was classed before July 1, 2012, shall—

16 “(A) remain subject to the requirements of a
17 classification society approved by the Secretary; and

18 “(B) have on board a certificate from that soci-
19 ety.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 45 of title 46,
22 United States Code, is amended by striking the item
23 relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

24 (f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—
25 No later than January 1, 2017, the Secretary of the de-

1 partment in which the Coast Guard is operating shall pre-
2 scribe an alternative safety compliance program referred
3 to in section 4503(d)(1) of the title 46, United States
4 Code, as amended by this section.

5 **SEC. 605. MARINER RECORDS.**

6 Section 7502 of title 46, United States Code, is
7 amended—

8 (1) by inserting “(a)” before “The”;

9 (2) by striking “computerized records” and in-
10 scribing “records, including electronic records,”; and

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

12 “(b) The Secretary may prescribe regulations requir-
13 ing a vessel owner or managing operator of a commercial
14 vessel, or the employer of a seaman on that vessel, to
15 maintain records of each individual engaged on the vessel
16 subject to inspection under chapter 33 on matters of en-
17 gagement, discharge, and service for not less than 5 years
18 after the date of the completion of the service of that indi-
19 vidual on the vessel. The regulations may require that a
20 vessel owner, managing operator, or employer shall make
21 these records available to the individual and the Coast
22 Guard on request.

23 “(c) A person violating this section, or a regulation
24 prescribed under this section, is liable to the United States
25 Government for a civil penalty of not more than \$5,000.”.

1 **SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
2 **MENT FOR OPERATORS OF CERTAIN TOWING**
3 **VESSELS.**

4 Section 8905 of title 46, United States Code, is
5 amended—

6 (1) by striking subsection (b); and

7 (2) by redesignating subsection (c) as sub-
8 section (b).

9 **SEC. 607. LOG BOOKS.**

10 (a) IN GENERAL.—Chapter 113 of title 46, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 11304. Additional logbook and entry requirements**

14 “(a) A vessel of the United States that is subject to
15 inspection under section 3301 of this title, except a vessel
16 on a voyage from a port in the United States to a port
17 in Canada, shall have an official logbook, which shall be
18 kept available for review by the Secretary on request.

19 “(b) The log book required by subsection (a) shall
20 include the following entries:

21 “(1) The time when each seaman and each offi-
22 cer assumed or relieved the watch.

23 “(2) The number of hours in service to the ves-
24 sels of each seaman and each officer.

25 “(3) An account of each accident, illness, and
26 injury that occurs during each watch.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following:

“11304. Additional logbook and entry requirements.”.

4 **SEC. 608. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

5 (a) IN GENERAL.—Chapter 21 of title 46, United
6 States Code, is further amended by adding at the end the
7 following new sections:

8 **“§2117. Termination for unsafe operation**

9 “An individual authorized to enforce this title—

10 “(1) may remove a certificate required by this
11 title from a vessel that is operating in a condition
12 that does not comply with the provisions of the cer-
13 tificate;

14 “(2) may order the individual in charge of a
15 vessel that is operating that does not have on board
16 the certificate required by this title to return the
17 vessel to a mooring and to remain there until the
18 vessel is in compliance with this title; and

19 “(3) may direct the individual in charge of a
20 vessel to which this title applies to immediately take
21 reasonable steps necessary for the safety of individ-
22 uals on board the vessel if the official observes the
23 vessel being operated in an unsafe condition that the
24 official believes creates an especially hazardous con-
25 dition, including ordering the individual in charge to

1 return the vessel to a mooring and to remain there
2 until the situation creating the hazard is corrected
3 or ended.

4 **“§ 2118. Establishment of equipment standards**

5 “(a) In establishing standards for approved equip-
6 ment required on vessels subject to part B of this title,
7 the Secretary shall establish standards that are—

8 “(1) based on performance using the best avail-
9 able technology that is economically achievable; and

10 “(2) operationally practical.

11 “(b) Using the standards established under sub-
12 section (a), the Secretary may also certify lifesaving equip-
13 ment that is not required to be carried on vessels subject
14 to part B of this title to ensure that such equipment is
15 suitable for its intended purpose.

16 “(c) At least once every 10 years the Secretary shall
17 review and revise the standards established under sub-
18 section (a) to ensure that the standards meet the require-
19 ments of this section.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is further amended by
22 adding at the end the following:

“2117. Termination for unsafe operation.

“2118. Establishment of equipment standards.”.

1 **SEC. 609. APPROVAL OF SURVIVAL CRAFT.**

2 (a) IN GENERAL.—Chapter 31 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 3104. Survival craft**

6 “(a) Except as provided in subsection (b), the Sec-
7 retary may not approve a survival craft as a safety device
8 for purposes of this part, unless the craft ensures that
9 no part of an individual is immersed in water.

10 “(b) The Secretary may authorize a survival craft
11 that does not provide protection described in subsection
12 (a) to remain in service until not later than January 1,
13 2015, if—

14 “(1) it was approved by the Secretary before
15 January 1, 2010; and

16 “(2) it is in serviceable condition.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following:

“3104. Survival craft.”.

20 **SEC. 610. SAFETY MANAGEMENT.**

21 (a) VESSELS TO WHICH REQUIREMENTS APPLY.—
22 Section 3202 of title 46, United States Code, is amend-
23 ed—

1 (1) in subsection (a) by striking the heading
2 and inserting “FOREIGN VOYAGES AND FOREIGN
3 VESSELS.—”;

4 (2) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) OTHER PASSENGER VESSELS.—This chapter
9 applies to a vessel that is—

10 “(1) a passenger vessel or small passenger ves-
11 sel; and

12 “(2) is transporting more passengers than a
13 number prescribed by the Secretary based on the
14 number of individuals on the vessel that could be
15 killed or injured in a marine casualty.”;

16 (4) in subsection (d), as so redesignated, by
17 striking “subsection (b)” and inserting “subsection
18 (c)”;

19 (5) in subsection (d)(4), as so redesignated, by
20 inserting “that is not described in subsection (b) of
21 this section” after “waters”.

22 (b) SAFETY MANAGEMENT SYSTEM.—Section 3203
23 of title 46, United States Code, is amended by adding at
24 the end the following new subsection:

1 “(c) In prescribing regulations for passenger vessels
2 and small passenger vessels, the Secretary shall con-
3 sider—

4 “(1) the characteristics, methods of operation,
5 and nature of the service of these vessels; and

6 “(2) with respect to vessels that are ferries, the
7 sizes of the ferry systems within which the vessels
8 operate.”.

9 **SEC. 611. PROTECTION AGAINST DISCRIMINATION.**

10 (a) IN GENERAL.—Section 2114 of title 46, United
11 States Code, is amended—

12 (1) in subsection (a)(1)(A), by striking “or”
13 after the semicolon;

14 (2) in subsection (a)(1)(B), by striking the pe-
15 riod at the end and inserting a semicolon;

16 (3) by adding at the end of subsection (a)(1)
17 the following new subparagraphs:

18 “(C) the seaman testified in a proceeding
19 brought to enforce a maritime safety law or regula-
20 tion prescribed under that law;

21 “(D) the seaman notified, or attempted to no-
22 tify, the vessel owner or the Secretary of a work-re-
23 lated personal injury or work-related illness of a sea-
24 man;

1 “(E) the seaman cooperated with a safety in-
2 vestigation by the Secretary or the National Trans-
3 portation Safety Board;

4 “(F) the seaman furnished information to the
5 Secretary, the National Transportation Safety
6 Board, or any other public official as to the facts re-
7 lating to any marine casualty resulting in injury or
8 death to an individual or damage to property occur-
9 ring in connection with vessel transportation; or

10 “(G) the seaman accurately reported hours of
11 duty under this part.”; and

12 (4) by amending subsection (b) to read as fol-
13 lows:

14 “(b) A seaman alleging discharge or discrimination
15 in violation of subsection (a) of this section, or another
16 person at the seaman’s request, may file a complaint with
17 respect to such allegation in the same manner as a com-
18 plaint may be filed under subsection (b) of section 31105
19 of title 49. Such complaint shall be subject to the proce-
20 dures, requirements, and rights described in that section,
21 including with respect to the right to file an objection, the
22 right of a person to file for a petition for review under
23 subsection (c) of that section, and the requirement to
24 bring a civil action under subsection (d) of that section.”.

1 (b) EXISTING ACTIONS.—This section shall not affect
2 the application of section 2114(b) of title 46, United
3 States Code, as in effect before the date of enactment of
4 this Act, to an action filed under that section before that
5 date.

6 **SEC. 612. OIL FUEL TANK PROTECTION.**

7 Section 3306 of title 46, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(k)(1) Each vessel of the United States that is con-
11 structed under a contract entered into after the date of
12 enactment of the Maritime Safety Act of 2010, or that
13 is delivered after January 1, 2011, with an aggregate ca-
14 pacity of 600 cubic meters or more of oil fuel, shall comply
15 with the requirements of Regulation 12A under Annex I
16 to the Protocol of 1978 relating to the International Con-
17 vention for the Prevention of Pollution from Ships, 1973,
18 entitled ‘Oil Fuel Tank Protection’.

19 “(2) The Secretary may prescribe regulations to
20 apply the requirements described in Regulation 12A to
21 vessels described in paragraph (1) that are not otherwise
22 subject to that convention. Any such regulation shall be
23 considered to be an interpretive rule for the purposes of
24 section 553 of title 5.

1 “(3) In this subsection the term ‘oil fuel’ means any
2 oil used as fuel in connection with the propulsion and aux-
3 iliary machinery of the vessel in which such oil is carried.”.

4 **SEC. 613. OATHS.**

5 Section 7105 of title 46, United States Code, is
6 amended by striking “before a designated official”.

7 **SEC. 614. DURATION OF LICENSES, CERTIFICATES OF REG-**
8 **ISTRY, AND MERCHANT MARINERS’ DOCU-**
9 **MENTS.**

10 (a) MERCHANT MARINER’S DOCUMENTS.—Section
11 7302(f) of title 46, United States Code, is amended to
12 read as follows:

13 “(f) PERIODS OF VALIDITY AND RENEWAL OF MER-
14 CHANT MARINERS’ DOCUMENTS.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 section (g), a merchant mariner’s document issued
17 under this chapter is valid for a 5-year period and
18 may be renewed for additional 5-year periods.

19 “(2) ADVANCE RENEWALS.—A renewed mer-
20 chant mariner’s document may be issued under this
21 chapter up to 8 months in advance but is not effec-
22 tive until the date that the previously issued mer-
23 chant mariner’s document expires or until the com-
24 pletion of any active suspension or revocation of that

1 previously issued merchant mariner’s document,
2 whichever is later.”.

3 (b) DURATION OF LICENSES.—Section 7106 of such
4 title is amended to read as follows:

5 **“§ 7106. Duration of licenses**

6 “(a) IN GENERAL.—A license issued under this part
7 is valid for a 5-year period and may be renewed for addi-
8 tional 5-year periods; except that the validity of a license
9 issued to a radio officer is conditioned on the continuous
10 possession by the holder of a first-class or second-class ra-
11 diotelegraph operator license issued by the Federal Com-
12 munications Commission.

13 “(b) ADVANCE RENEWALS.—A renewed license
14 issued under this part may be issued up to 8 months in
15 advance but is not effective until the date that the pre-
16 viously issued license expires or until the completion of
17 any active suspension or revocation of that previously
18 issued merchant mariner’s document, whichever is later.”.

19 (c) CERTIFICATES OF REGISTRY.—Section 7107 of
20 such title is amended to read as follows:

21 **“§ 7107. Duration of certificates of registry**

22 “(a) IN GENERAL.—A certificate of registry issued
23 under this part is valid for a 5-year period and may be
24 renewed for additional 5-year periods; except that the va-
25 lidity of a certificate issued to a medical doctor or profes-

1 sional nurse is conditioned on the continuous possession
2 by the holder of a license as a medical doctor or registered
3 nurse, respectively, issued by a State.

4 “(b) ADVANCE RENEWALS.—A renewed certificate of
5 registry issued under this part may be issued up to 8
6 months in advance but is not effective until the date that
7 the previously issued certificate of registry expires or until
8 the completion of any active suspension or revocation of
9 that previously issued merchant mariner’s document,
10 whichever is later.”.

11 **SEC. 615. AUTHORIZATION TO EXTEND THE DURATION OF**
12 **LICENSES, CERTIFICATES OF REGISTRY, AND**
13 **MERCHANT MARINERS’ DOCUMENTS.**

14 (a) MERCHANT MARINER LICENSES AND DOCU-
15 MENTS.—Chapter 75 of title 46, United States Code, is
16 amended by adding at the end the following:

17 **“§ 7507. Authority to extend the duration of licenses,**
18 **certificates of registry, and merchant**
19 **mariner documents**

20 “(a) LICENSES AND CERTIFICATES OF REGISTRY.—
21 Notwithstanding sections 7106 and 7107, the Secretary
22 of the department in which the Coast Guard is operating
23 may—

24 “(1) extend for not more than one year an ex-
25 piring license or certificate of registry issued for an

1 individual under chapter 73 if the Secretary deter-
2 mines that the extension is required to enable the
3 Coast Guard to eliminate a backlog in processing ap-
4 plications for those licenses or certificates of registry
5 or in response to a national emergency or natural
6 disaster, as deemed necessary by the Secretary; or

7 “(2) issue for not more than five years an ex-
8 piring license or certificate of registry issued for an
9 individual under chapter 73 for the exclusive pur-
10 pose of aligning the expiration date of such license
11 or certificate of registry with the expiration date of
12 a merchant mariner’s document.

13 “(b) MERCHANT MARINER DOCUMENTS.—Notwith-
14 standing section 7302(g), the Secretary may—

15 “(1) extend for not more than one year an ex-
16 piring merchant mariner’s document issued for an
17 individual under chapter 73 if the Secretary deter-
18 mines that the extension is required to enable the
19 Coast Guard to eliminate a backlog in processing ap-
20 plications for those licenses or certificates of registry
21 or in response to a national emergency or natural
22 disaster, as deemed necessary by the Secretary; or

23 “(2) issue for not more than five years an ex-
24 piring merchant mariner’s document issued for an
25 individual under chapter 73 for the exclusive pur-

1 pose of aligning the expiration date of such mer-
2 chant mariner's document with the expiration date
3 of a merchant mariner's document.

4 “(c) MANNER OF EXTENSION.—Any extensions
5 granted under this section may be granted to individual
6 seamen or a specifically identified group of seamen.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is amended by adding at the end the following:

“7507. Authority to extend the duration of licenses, certificates of registry, and
merchant mariner documents.”.

9 **SEC. 616. MERCHANT MARINER ASSISTANCE REPORT.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Commandant of the Coast Guard shall
12 submit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate a report regarding the feasibility of—

16 (1) expanding the streamlined evaluation proc-
17 ess program that was affiliated with the Houston
18 Regional Examination Center of the Coast Guard to
19 all processing centers of the Coast Guard nation-
20 wide;

21 (2) including proposals to simplify the applica-
22 tion process for a license as an officer, staff officer,
23 or operator and for a merchant mariner's document
24 to help eliminate errors by merchant mariners when

1 completing the application form (CG-719B), includ-
2 ing instructions attached to the application form and
3 a modified application form for renewals with ques-
4 tions pertaining only to the period of time since the
5 previous application;

6 (3) providing notice to an applicant of the sta-
7 tus of the pending application, including a process to
8 allow the applicant to check on the status of the ap-
9 plication by electronic means; and

10 (4) ensuring that all information collected with
11 respect to applications for new or renewed licenses,
12 merchant mariner documents, and certificates of
13 registry is retained in a secure electronic format.

14 **SEC. 617. OFFSHORE SUPPLY VESSELS.**

15 (a) REMOVAL OF TONNAGE LIMITS.—

16 (1) DEFINITION.—

17 (A) IN GENERAL.—Section 2101(19) of
18 title 46, United States Code, is amended by
19 striking “of more than 15 gross tons but less
20 than 500 gross tons as measured under section
21 14502 of this title, or an alternate tonnage
22 measured under section 14302 of this title as
23 prescribed by the Secretary under section
24 14104 of this title”.

1 (B) EXEMPTION.—Section 5209(b)(1) of
2 the Oceans Act of 1992 (Public Law 102–587;
3 46 U.S.C. 2101 note) is amended by striking
4 “vessel.” and inserting “vessel of less than 500
5 gross tons as measured under section 14502, or
6 an alternate tonnage measured under section
7 14302 of such title as prescribed by the Sec-
8 retary under section 14104 of such title.”.

9 (2) APPLICATION.—Section 3702(b) of title 46,
10 United States Code, is amended by striking para-
11 graph (1) and redesignating paragraphs (2) and (3)
12 as paragraphs (1) and (2), respectively.

13 (b) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Sec-
14 tion 7312(d) of title 46, United States Code, is amended
15 to read as follows:

16 “(d) INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—
17 Offshore supply vessel under section 7310 of this title may
18 constitute all of the able seamen required on board a vessel
19 of less than 500 gross tons as measured under section
20 14502 of this title or 6,000 gross tons as measured under
21 section 14302 of this title engaged in support of explo-
22 ration, exploitation, or production of offshore mineral or
23 energy resources. Individuals qualified as able seamen—
24 limited under section 7308 of this title may constitute all
25 of the able seamen required on board a vessel of at least

1 500 gross tons as measured under section 14502 of this
2 title or 6,000 gross tons as measured under section as
3 measured under section 14302 of this title as prescribed
4 by the Secretary under section 14104 of this title engaged
5 in support of exploration, exploitation, or production of
6 offshore mineral or energy resources.”.

7 (c) MINIMUM NUMBER OF LICENSED INDIVID-
8 UALS.—Section 8301(b) of title 46, United States Code,
9 is amended to read as follows:

10 “(b)(1) An offshore supply vessel of less than 500
11 gross tons as measured under section 14502 of this title
12 or 6,000 gross tons as measured under section 14302 of
13 this title on a voyage of less than 600 miles shall have
14 a licensed mate. If the vessel is on a voyage of at least
15 600 miles, however, the vessel shall have 2 licensed mates.

16 “(2) An offshore supply vessel of at least 6,000 gross
17 tons as measured under section 14302 of this title on a
18 voyage of less than 600 miles shall have at least two li-
19 censed mates, provided the offshore supply vessel meets
20 the requirements of section 8104(g)(2). An offshore sup-
21 ply vessel of at least 6,000 gross tons as measured under
22 section 14302 of this title on a voyage of at least 600
23 miles shall have three licensed mates.

24 “(3) An offshore supply vessel of more than 200
25 gross tons as measured under section 14502 of this title,

1 or an alternate tonnage measured under section 14302 of
2 this title as prescribed by the Secretary under section
3 14104 of this title, may not be operated without a licensed
4 engineer.”.

5 (d) WATCHES.—Section 8104(g) of title 46, United
6 States Code, is amended—

7 (1) by inserting “(1)” after “(g)”; and

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

9 “(2) Paragraph (1) applies to an offshore supply ves-
10 sel of at least 6,000 gross tons as measured under section
11 14302 of this title if the individuals engaged on the vessel
12 are in compliance with hours of service requirements (in-
13 cluding recording and recordkeeping of that service) as
14 prescribed by the Secretary.”.

15 (e) OIL FUEL TANK PROTECTION.—

16 (1) APPLICATION.—An offshore supply vessel of
17 at least 6,000 gross tons as measured under section
18 14302 of title 46, United States Code, that is con-
19 structed under a contract entered into after the date
20 of enactment of this Act, or that is delivered after
21 August 1, 2010, with an aggregate capacity of 600
22 cubic meters or more of oil fuel, shall comply with
23 the requirements of Regulation 12A under Annex I
24 to the Protocol of 1978 relating to the International
25 Convention for the Prevention of Pollution from

1 Ships, 1973, entitled Oil Fuel Tank Protection, re-
2 gardless of whether such vessel is engaged in the
3 coastwise trade or on an international voyage.

4 (2) DEFINITION.—In this subsection the term
5 “oil fuel” means any oil used as fuel in connection
6 with the propulsion and auxiliary machinery of the
7 vessel in which such oil is carried.

8 (f) REGULATIONS.—

9 (1) IN GENERAL.—Not later than January 1,
10 2012, the Secretary of the department in which the
11 Coast Guard is operating shall promulgate regula-
12 tions to implement the amendments and authorities
13 enacted by this section for offshore supply vessels of
14 at least 6,000 gross tons as measured under section
15 14302 of title 46, United States Code, and to ensure
16 the safe carriage of oil, hazardous substances, and
17 individuals in addition to the crew on such vessels.
18 The final rule issued pursuant to such rulemaking
19 may supersede the interim final rule promulgated
20 under paragraph (2) of this subsection. In promul-
21 gating regulations under this subsection, the Sec-
22 retary shall take into consideration the characteris-
23 tics of offshore supply vessels, their methods of oper-
24 ation, and their service in support of exploration, ex-

1 exploitation, or production of offshore mineral or en-
2 ergy resources.

3 (2) INTERIM FINAL RULE AUTHORITY.—As
4 soon as is practicable and without regard to the pro-
5 visions of chapters 5 and 6 of title 5, United States
6 Code, the Secretary shall issue an interim final rule
7 as a temporary regulation implementing this section
8 (including the amendments made by this section) for
9 offshore supply vessels of at least 6,000 gross tons
10 as measured under section 14302 of title 46, United
11 States Code, and to ensure the safe carriage of oil,
12 hazardous substances, and individuals in addition to
13 the crew on such vessels.

14 (3) INTERIM PERIOD.—After the effective date
15 of this Act, prior to the effective date of the regula-
16 tions prescribed by paragraph (2) of this subsection,
17 and without regard to the provisions of chapters 5
18 and 6 of title 5, United States Code, and the off-
19 shore supply vessel tonnage limits of applicable regu-
20 lations and policy guidance promulgated prior to the
21 date of enactment of this Act, the Secretary of the
22 department in which the Coast Guard is operating
23 may—

24 (A) issue a certificate of inspection under
25 section 3309 of title 46, United States Code, to

1 an offshore supply vessel of at least 6,000 gross
2 tons as measured under section 14302 of that
3 title if the Secretary determines that such ves-
4 sel's arrangements and equipment meet the cur-
5 rent Coast Guard requirements for certification
6 as a cargo and miscellaneous vessel;

7 (B) authorize a master, mate, or engineer
8 who possesses an ocean or near coastal license
9 and endorsement under part 11 of subchapter
10 B of title 46, Code of Federal Regulations, (or
11 any successor regulation) that qualifies the li-
12 censed officer for service on offshore supply ves-
13 sels of at least 3,000 gross tons but less than
14 6,000 gross tons, as measured under section
15 14302 of title 46, United States Code, to oper-
16 ate offshore supply vessels of at least 6,000
17 gross tons, as measured under such section;
18 and

19 (C) authorize any such master, mate, or
20 engineer who also possesses an ocean or near
21 coastal license and endorsement under such
22 part that qualifies the licensed officer for serv-
23 ice on non trade-restricted vessels of at least
24 1,600 gross tons but less than 3,000 gross tons,
25 as measured under such section, to increase the

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of Homeland Security, acting through the
4 Commandant of the Coast Guard, shall submit a
5 survey of published data and reports, pertaining to
6 the use, safety, and performance of blended fuels in
7 marine applications, to the Committee on Transpor-
8 tation and Infrastructure of the House of Represent-
9 atives and the Committees on Commerce, Science,
10 and Transportation of the Senate.

11 (2) INCLUDED INFORMATION.—To the extent
12 possible, the survey required in subsection (a), shall
13 include data and reports on—

14 (A) the impact of blended fuel on the oper-
15 ation, durability, and performance of rec-
16 reational and commercial marine engines, ves-
17 sels, and marine engine and vessel components
18 and associated equipment;

19 (B) the safety impacts of blended fuels on
20 consumers that own and operate recreational
21 and commercial marine engines and marine en-
22 gine components and associated equipment; and

23 (C) to the extent available, fires and explo-
24 sions on board vessels propelled by engines
25 using blended fuels.

1 (b) STUDY.—

2 (1) IN GENERAL.—Not later than 36 months
3 after the date of enactment of this Act, the Sec-
4 retary, acting through the Commandant, shall con-
5 duct a comprehensive study on the use, safety, and
6 performance of blended fuels in marine applications.
7 The Secretary is authorized to conduct such study in
8 conjunction with—

9 (A) any other Federal agency;

10 (B) any State government or agency;

11 (C) any local government or agency, in-
12 cluding local police and fire departments; and

13 (D) any private entity, including engine
14 and vessel manufacturers.

15 (2) EVALUATION.—The study shall include an
16 evaluation of—

17 (A) the impact of blended fuel on the oper-
18 ation, durability and performance of rec-
19 reational and commercial marine engines, ves-
20 sels, and marine engine and vessel components
21 and associated equipment;

22 (B) the safety impacts of blended fuels on
23 consumers that own and operate recreational
24 and commercial marine engines and marine en-
25 gine components and associated equipment; and

1 (C) fires and explosions on board vessels
2 propelled by engines using blended fuels.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary of Home-
5 land Security to carry out the survey and study under this
6 section \$1,000,000.

7 **SEC. 621. RENEWAL OF ADVISORY COMMITTEES.**

8 (a) GREAT LAKES PILOTAGE ADVISORY COM-
9 MITTEE.—Section 9307(f)(1) of title 46, United States
10 Code, is amended by striking “September 30, 2010.” and
11 inserting “September 30, 2020.”.

12 (b) NATIONAL BOATING SAFETY ADVISORY COUN-
13 CIL.—Section 13110 of title 46, United States Code, is
14 amended—

15 (1) in subsection (d), by striking the first sen-
16 tence; and

17 (2) in subsection (e), by striking “September
18 30, 2010.” and inserting “September 30, 2020.”.

19 (c) HOUSTON-GALVESTON NAVIGATION SAFETY AD-
20 VISORY COMMITTEE.—Section 18(h) of the Coast Guard
21 Authorization Act of 1991 (Public Law 102–241 as
22 amended by Public Law 104–324) is amended by striking
23 “September 30, 2010.” and inserting “September 30,
24 2020.”.

1 (d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY
2 ADVISORY COMMITTEE.—Section 19 of the Coast Guard
3 Authorization Act of 1991 (Public Law 102–241) is
4 amended—

5 (1) in subsection (b)—

6 (A) in the matter preceding paragraph (1),
7 by striking “twenty-four” and inserting “twen-
8 ty-five”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(12) One member representing the Associated
12 Federal Pilots and Docking Masters of Louisiana.”;
13 and

14 (2) in subsection (g), by striking “September
15 30, 2010.” and inserting “September 30, 2020.”.

16 (e) TOWING SAFETY ADVISORY COMMITTEE.—The
17 Act entitled “An Act To establish a Towing Safety Advi-
18 sory Committee in the Department of Transportation”,
19 approved October 6, 1980, (33 U.S.C. 1231a) is amend-
20 ed—

21 (1) by striking subsection (a) and inserting the
22 following:

23 “(a) There is established a Towing Safety Advisory
24 Committee (hereinafter referred to as the ‘Committee’).

25 The Committee shall consist of eighteen members with

1 particular expertise, knowledge, and experience regarding
2 shallow-draft inland and coastal waterway navigation and
3 towing safety as follows:

4 “(1) Seven members representing the barge and
5 towing industry, reflecting a regional geographic bal-
6 ance.

7 “(2) One member representing the offshore
8 mineral and oil supply vessel industry.

9 “(3) One member representing holders of active
10 licensed Masters or Pilots of towing vessels with ex-
11 perience on the Western Rivers and the Gulf Intra-
12 coastal Waterway.

13 “(4) One member representing the holders of
14 active licensed Masters of towing vessels in offshore
15 service.

16 “(5) One member representing Masters who are
17 active ship-docking or harbor towing vessel.

18 “(6) One member representing licensed or unli-
19 censed towing vessel engineers with formal training
20 and experience.

21 “(7) Two members representing each of the fol-
22 lowing groups:

23 “(A) Port districts, authorities, or terminal
24 operators.

1 “(B) Shippers (of whom at least one shall
2 be engaged in the shipment of oil or hazardous
3 materials by barge).

4 “(8) Two members representing the general
5 public.”; and

6 (2) in subsection (e), by striking “September
7 30, 2010.” and inserting “September 30, 2020.”.

8 (f) NAVIGATION SAFETY ADVISORY COUNCIL.—Sec-
9 tion 5 of the Inland Navigational Rules Act of 1980 (33
10 U.S.C. 2073) is amended—

11 (1) by striking subsections (a) and (b) and in-
12 serting the following:

13 “(a) ESTABLISHMENT OF COUNCIL.—

14 “(1) IN GENERAL.—The Secretary of the de-
15 partment in which the Coast Guard is operating
16 shall establish a Navigation Safety Advisory Council
17 (hereinafter referred to as the ‘Council’), consisting
18 of not more than 21 members. All members shall
19 have expertise in Inland and International vessel
20 navigation Rules of the Road, aids to maritime navi-
21 gation, maritime law, vessel safety, port safety, or
22 commercial diving safety. Upon appointment, all
23 non-Federal members shall be designated as rep-
24 resentative members to represent the viewpoints and

1 interests of one of the following groups or organiza-
2 tions:

3 “(A) Commercial vessel owners or opera-
4 tors.

5 “(B) Professional mariners.

6 “(C) Recreational boaters.

7 “(D) The recreational boating industry.

8 “(E) State agencies responsible for vessel
9 or port safety.

10 “(F) The Maritime Law Association.

11 “(2) PANELS.—Additional persons may be ap-
12 pointed to panels of the Council to assist the Council
13 in performance of its functions.

14 “(3) NOMINATIONS.—The Secretary, through
15 the Coast Guard Commandant, shall not less often
16 than once a year publish a notice in the Federal
17 Register soliciting nominations for membership on
18 the Council.

19 “(b) FUNCTIONS.—The Council shall advise, consult
20 with, and make recommendations to the Secretary,
21 through the Coast Guard Commandant, on matters relat-
22 ing to maritime collisions, rammings, groundings, Inland
23 Rules of the Road, International Rules of the Road, navi-
24 gation regulations and equipment, routing measures, ma-
25 rine information, diving safety, and aids to navigation sys-

1 tems. Any advice and recommendations made by the
2 Council to the Secretary shall reflect the independent
3 judgment of the Council on the matter concerned. The
4 Council shall meet at the call of the Coast Guard Com-
5 mandant, but in any event not less than twice during each
6 calendar year. All proceedings of the Council shall be pub-
7 lic, and a record of the proceedings shall be made available
8 for public inspection.”; and

9 (2) in subsection (d), by striking “September
10 30, 2010.” and inserting “September 30, 2020.”.

11 (g) DELAWARE RIVER AND BAY OIL SPILL ADVI-
12 SORY COMMITTEE.—

13 (1) IN GENERAL.—Section 607 of the Coast
14 Guard and Maritime Transportation Act of 2006
15 (Public Law 109–241; 120 Stat. 556) is amended—

16 (A) in subsection (c)(2), by striking “Not
17 later than 18 months after the date that the
18 Commandant completes appointment of the
19 members of the Committee,” and inserting
20 “Not later than December 31, 2010,”;

21 (B) in subsection (h), by striking “2007”
22 and inserting “2011”; and

23 (C) by striking subsection (i) and inserting
24 the following:

1 “(i) TERMINATION.—The Committee shall terminate
2 30 days after it transmits its report, pursuant to sub-
3 section (c)(2), but no later than December 31, 2010,
4 whichever is earlier.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by this subsection are deemed to have taken effect
7 as if they were enacted on July 11, 2006.

8 (3) CHARTER.—Any charter pertaining to the
9 Delaware River and Bay Oil Spill Advisory Com-
10 mittee is deemed not to have lapsed, and to have re-
11 mained in effect, and, notwithstanding any other
12 provision of law or policy, shall terminate 30 days
13 after the date the Committee transmits its report,
14 pursuant to section 607(c)(2) of the Coast Guard
15 and Maritime Transportation Act of 2006 (Public
16 Law 109-241; 120 Stat. 557), but not later than
17 December 31, 2010, whichever is earlier.

18 (4) APPOINTMENTS TO COMMITTEE.—Any ap-
19 pointment to the Delaware River and Bay Oil Spill
20 Advisory Committee is deemed not to have lapsed,
21 and to have remained in effect, and, notwithstanding
22 any other provision of law or policy, shall terminate
23 30 days after the Committee transmits its report,
24 pursuant to section 607(c)(2) of the Coast Guard
25 and Maritime Transportation Act of 2006 (Public

1 Law 109-241; 120 Stat. 557), but not later than
2 December 31, 2010, whichever is earlier.

3 **SEC. 622. DELEGATION OF AUTHORITY.**

4 (a) IN GENERAL.—Section 3316 of title 46, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(d)(1) The Secretary may delegate to the American
8 Bureau of Shipping or another classification society recog-
9 nized by the Secretary as meeting acceptable standards
10 for such a society, for a United States offshore facility,
11 the authority to—

12 “(A) review and approve plans required for
13 issuing a certificate of inspection, a certificate of
14 compliance, or any other certification and related
15 documents issued by the Coast Guard pursuant to
16 regulations issued under section 30 of the Outer
17 Continental Shelf Lands Act (43 U.S.C. 1356); and

18 “(B) conduct inspections and examinations.

19 “(2) The Secretary may make a delegation under
20 paragraph (1) to a foreign classification society only if—

21 “(A) the foreign society has offices and main-
22 tains records in the United States; and

23 “(B)(i) the government of the foreign country
24 in which the foreign society is headquartered dele-

1 gates that authority to the American Bureau of
2 Shipping; or

3 “(ii) the Secretary has entered into an agree-
4 ment with the government of the foreign country in
5 which the foreign society is headquartered that—

6 “(I) ensures the government of the foreign
7 country will accept plan review, inspections, or
8 examinations conducted by the American Bu-
9 reau of Shipping and provide equivalent access
10 to inspect, certify, and provide related services
11 to offshore facilities located in that country or
12 operating under the authority of that country;
13 and

14 “(II) is in full accord with principles of
15 reciprocity in regards to any delegation con-
16 templated by the Secretary under paragraph
17 (1).

18 “(3) If an inspection or examination is conducted
19 under authority delegated under this subsection, the per-
20 son to which the authority was delegated—

21 “(A) shall maintain in the United States com-
22 plete files of all information derived from or nec-
23 essarily connected with the inspection or examina-
24 tion for at least 2 years after the United States off-
25 shore facility ceases to be certified; and

1 “(B) shall permit access to those files at all
2 reasonable times to any officer, employee, or mem-
3 ber of the Coast Guard designated—

4 “(i) as a marine inspector and serving in
5 a position as a marine inspector; or

6 “(ii) in writing by the Secretary to have
7 access to those files.

8 “(4) For purposes of this subsection—

9 “(A) the term ‘offshore facility’ means any in-
10 stallation, structure, or other device (including any
11 vessel not documented under chapter 121 of this
12 title or the laws of another country), fixed or float-
13 ing, that dynamically holds position or is temporarily
14 or permanently attached to the seabed or subsoil
15 under the sea; and

16 “(B) the term ‘United States offshore facility’
17 means any offshore facility, fixed or floating, that
18 dynamically holds position or is temporarily or per-
19 manently attached to the seabed or subsoil under the
20 territorial sea of the United States or the outer Con-
21 tinental Shelf (as that term is defined in section 2
22 of the Outer Continental Shelf Lands Act (43
23 U.S.C. 1331)), including any vessel, rig, platform, or
24 other vehicle or structure subject to regulation under

1 section 30 of the Outer Continental Shelf Lands Act
2 (43 U.S.C. 1356).”.

3 (b) REVIEW AND APPROVAL OF CLASSIFICATION SO-
4 CIETY REQUIRED.—Section 3316(c) of title 46, United
5 States Code, is amended by striking so much as precedes
6 paragraph (2) and inserting the following:

7 “(c)(1) A classification society (including an em-
8 ployee or agent of that society) may not review, examine,
9 survey, or certify the construction, repair, or alteration of
10 a vessel in the United States unless the society has applied
11 for approval under this subsection and the Secretary has
12 reviewed and approved that society with respect to the
13 conduct of that society under paragraph (2).”.

14 **TITLE VII—OIL POLLUTION**
15 **PREVENTION**

16 **SEC. 701. RULEMAKINGS.**

17 (a) STATUS REPORT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of enactment of this Act, the Secretary of
20 the department in which the Coast Guard is oper-
21 ating shall provide a report to the Senate Committee
22 on Commerce, Science, and Transportation and the
23 House of Representatives Committee on Transpor-
24 tation and Infrastructure on the status of all Coast
25 Guard rulemakings required or otherwise being de-

1 veloped (but for which no final rule has been issued
2 as of the date of enactment of this Act) under sec-
3 tion 311 of the Federal Water Pollution Control Act
4 (33 U.S.C. 1321).

5 (2) INFORMATION REQUIRED.—The Secretary
6 shall include in the report required in paragraph
7 (1)—

8 (A) a detailed explanation with respect to
9 each such rulemaking as to—

10 (i) what steps have been completed;

11 (ii) what areas remain to be ad-
12 dressed; and

13 (iii) the cause of any delays; and

14 (B) the date by which a final rule may rea-
15 sonably be expected to be issued.

16 (b) FINAL RULES.—The Secretary shall issue a final
17 rule in each pending rulemaking described in subsection

18 (a) as soon as practicable, but in no event later than 18
19 months after the date of enactment of this Act.

20 (c) TOWING VESSELS.—No later than 90 days after
21 the date of enactment of this Act, the Secretary shall issue
22 a notice of proposed rulemaking regarding inspection re-
23 quirements for towing vessels required under section
24 3306(j) of title 46, United States Code. The Secretary
25 shall issue a final rule pursuant to that rulemaking no

1 later than one year after the date of enactment of this
2 Act.

3 **SEC. 702. OIL TRANSFERS FROM VESSELS.**

4 (a) REGULATIONS.—Within 1 year after the date of
5 enactment of this Act, the Secretary shall promulgate reg-
6 ulations to reduce the risks of oil spills in operations in-
7 volving the transfer of oil from or to a tank vessel. The
8 regulations—

9 (1) shall focus on operations that have the
10 highest risks of discharge, including operations at
11 night and in inclement weather;

12 (2) shall consider—

13 (A) requirements for the use of equipment,
14 such as putting booms in place for transfers,
15 safety, and environmental impacts;

16 (B) operational procedures such as man-
17 ning standards, communications protocols, and
18 restrictions on operations in high-risk areas; or

19 (C) both such requirements and oper-
20 ational procedures; and

21 (3) shall take into account the safety of per-
22 sonnel and effectiveness of available procedures and
23 equipment for preventing or mitigating transfer
24 spills.

1 (b) APPLICATION WITH STATE LAWS.—The regula-
2 tions promulgated under subsection (a) do not preclude
3 the enforcement of any State law or regulation the re-
4 quirements of which are at least as stringent as require-
5 ments under the regulations (as determined by the Sec-
6 retary) that—

7 (1) applies in State waters; and

8 (2) does not conflict with, or interfere with the
9 enforcement of, requirements and operational proce-
10 dures under the regulations.

11 **SEC. 703. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**
12 **NEAR MISS INCIDENTS.**

13 (a) REPORT.—Within 1 year after the date of enact-
14 ment of this Act, the Secretary shall transmit a report
15 to the Senate Committee on Commerce, Science, and
16 Transportation and the House Committee on Transpor-
17 tation and Infrastructure that, using available data—

18 (1) identifies the types of human errors that,
19 combined, could cause oil spills, with particular at-
20 tention to human error caused by fatigue, in the
21 past 10 years;

22 (2) in consultation with representatives of in-
23 dustry and labor and experts in the fields of marine
24 casualties and human factors, identifies the most
25 frequent types of near-miss oil spill incidents involv-

1 ing vessels such as collisions, allisions, groundings,
2 and loss of propulsion in the past 10 years;

3 (3) describes the extent to which there are gaps
4 in the data required under paragraphs (1) and (2),
5 including gaps in the ability to define and identify
6 fatigue, and explains the reason for those gaps; and

7 (4) includes recommendations by the Secretary
8 and representatives of industry and labor and ex-
9 perts in the fields of marine casualties and human
10 factors to address the identified types of errors and
11 any such gaps in the data.

12 (b) MEASURES.—Based on the findings contained in
13 the report required by subsection (a), the Secretary shall
14 take appropriate action to reduce the risk of oil spills
15 caused by human error.

16 (c) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED
17 INFORMATION.—The identity of a person making a vol-
18 untary disclosure under this section, and any information
19 obtained from any such voluntary disclosure, shall be
20 treated as confidential.

21 (d) DISCOVERY OF VOLUNTARILY SUBMITTED IN-
22 FORMATION.—

23 (1) IN GENERAL.—Except as provided in this
24 subsection, a party in a judicial proceeding may not
25 use discovery to obtain information or data collected

1 or received by the Secretary for use in the report re-
2 quired in subsection (a).

3 (2) EXCEPTION.—

4 (A) Notwithstanding paragraph (1), a
5 court may allow discovery by a party in a judi-
6 cial proceeding of data described in paragraph
7 (1) if, after an in camera review of the informa-
8 tion or data, the court decides that there is a
9 compelling reason to allow the discovery.

10 (B) When a court allows discovery in a ju-
11 dicial proceeding as permitted under this para-
12 graph, the court shall issue a protective order—

13 (i) to limit the use of the data to the
14 judicial proceeding; and

15 (ii) to prohibit dissemination of the
16 data to any person who does not need ac-
17 cess to the data for the proceeding.

18 (C) A court may allow data it has decided
19 is discoverable under this paragraph to be ad-
20 mitted into evidence in a judicial proceeding
21 only if the court places the data under seal to
22 prevent the use of the data for a purpose other
23 than for the proceeding.

24 (3) APPLICATION.—Paragraph (1) shall not
25 apply to—

1 (A) any disclosure made with actual knowl-
2 edge that the disclosure was false, inaccurate,
3 or misleading; or

4 (B) any disclosure made with reckless dis-
5 regard as to the truth or falsity of that disclo-
6 sure.

7 (e) RESTRICTION ON USE OF DATA.—Data that is
8 voluntarily submitted for the purpose of the study required
9 under subsection (a) shall not be used in an administrative
10 action under chapter 77 of title 46, United States Code.

11 **SEC. 704. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

12 The Secretary of the Department in which the Coast
13 Guard is operating and the Under Secretary of Commerce
14 for Oceans and Atmosphere shall revise the area to be
15 avoided off the coast of the State of Washington so that
16 restrictions apply to all vessels required to prepare a re-
17 sponse plan pursuant to section 311(j) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1321(j)) (other
19 than fishing or research vessels while engaged in fishing
20 or research within the area to be avoided).

21 **SEC. 705. PREVENTION OF SMALL OIL SPILLS.**

22 (a) PREVENTION AND EDUCATION PROGRAM.—The
23 Under Secretary of Commerce for Oceans and Atmos-
24 phere, in consultation with the Secretary of the Depart-
25 ment in which the Coast Guard is operating and other

1 appropriate agencies, shall establish an oil spill prevention
2 and education program for small vessels. The program
3 shall provide for assessment, outreach, and training and
4 voluntary compliance activities to prevent and improve the
5 effective response to oil spills from vessels and facilities
6 not required to prepare a vessel response plan under the
7 Federal Water Pollution Control Act (33 U.S.C. 1251 et
8 seq.), including recreational vessels, commercial fishing
9 vessels, marinas, and aquaculture facilities. The Under
10 Secretary may provide grants to sea grant colleges and
11 institutes designated under section 207 of the National
12 Sea Grant College Program Act (33 U.S.C. 1126) and to
13 State agencies, tribal governments, and other appropriate
14 entities to carry out—

15 (1) regional assessments to quantify the source,
16 incidence and volume of small oil spills, focusing ini-
17 tially on regions in the country where, in the past
18 10 years, the incidence of such spills is estimated to
19 be the highest;

20 (2) voluntary, incentive-based clean marina pro-
21 grams that encourage marina operators, recreational
22 boaters, and small commercial vessel operators to
23 engage in environmentally sound operating and
24 maintenance procedures and best management prac-

1 tices to prevent or reduce pollution from oil spills
2 and other sources;

3 (3) cooperative oil spill prevention education
4 programs that promote public understanding of the
5 impacts of spilled oil and provide useful information
6 and techniques to minimize pollution, including
7 methods to remove oil and reduce oil contamination
8 of bilge water, prevent accidental spills during main-
9 tenance and refueling and properly cleanup and dis-
10 pose of oil and hazardous substances; and

11 (4) support for programs, including outreach
12 and education to address derelict vessels and the
13 threat of such vessels sinking and discharging oil
14 and other hazardous substances, including outreach
15 and education to involve efforts to the owners of
16 such vessels.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Under Secretary
19 of Commerce for Oceans and Atmosphere to carry out this
20 section, \$10,000,000 for each of fiscal years 2010 through
21 2014.

22 **SEC. 706. IMPROVED COORDINATION WITH TRIBAL GOV-**
23 **ERNMENTS.**

24 (a) IN GENERAL.—Within 6 months after the date
25 of enactment of this Act, the Secretary of the Department

1 in which the Coast Guard is operating shall complete the
2 development of a tribal consultation policy, which recog-
3 nizes and protects to the maximum extent practicable trib-
4 al treaty rights and trust assets in order to improve the
5 Coast Guard's consultation and coordination with the trib-
6 al governments of federally recognized Indian tribes with
7 respect to oil spill prevention, preparedness, response and
8 natural resource damage assessment.

9 (b) INCLUSION OF TRIBAL GOVERNMENT.—The Sec-
10 retary of the Department in which the Coast Guard is op-
11 erating shall ensure that, as soon as practicable after iden-
12 tifying an oil spill that is likely to have a significant impact
13 on natural or cultural resources owned or directly utilized
14 by a federally recognized Indian tribe, the Coast Guard
15 will—

16 (1) ensure that representatives of the tribal
17 government of the affected tribes are included as
18 part of the incident command system established by
19 the Coast Guard to respond to the spill;

20 (2) share information about the oil spill with
21 the tribal government of the affected tribe; and

22 (3) to the extent practicable, involve tribal gov-
23 ernments in deciding how to respond to the spill.

24 (c) COOPERATIVE ARRANGEMENTS.—The Coast
25 Guard may enter into memoranda of agreement and asso-

1 ciated protocols with Indian tribal governments in order
2 to establish cooperative arrangements for oil pollution pre-
3 vention, preparedness, and response. Such memoranda
4 may be entered into prior to the development of the tribal
5 consultation and coordination policy to provide Indian
6 tribes grant and contract assistance. Such memoranda of
7 agreement and associated protocols with Indian tribal gov-
8 ernments may include—

9 (1) arrangements for the assistance of the trib-
10 al government to participate in the development of
11 the National Contingency Plan and local Area Con-
12 tingency Plans to the extent they affect tribal lands,
13 cultural and natural resources;

14 (2) arrangements for the assistance of the trib-
15 al government to develop the capacity to implement
16 the National Contingency Plan and local Area Con-
17 tingency Plans to the extent they affect tribal lands,
18 cultural and natural resources;

19 (3) provisions on coordination in the event of a
20 spill, including agreements that representatives of
21 the tribal government will be included as part of the
22 regional response team co-chaired by the Coast
23 Guard and the Environmental Protection Agency to
24 establish policies for responding to oil spills;

1 frastructure on the availability, feasibility, and potential
2 cost of technology to detect the loss of oil carried as cargo
3 or as fuel on tank and non-tank vessels greater than 400
4 gross tons.

5 **SEC. 708. USE OF OIL SPILL LIABILITY TRUST FUND.**

6 (a) IN GENERAL.—Section 1012(a)(5) of the Oil Pol-
7 lution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—
8 (1) by redesignating subparagraphs (B) and
9 (C) as subparagraphs (C) and (D), respectively; and
10 (2) by inserting after subparagraph (A) the fol-
11 lowing:

12 “(B) not more than \$15,000,000 in each
13 fiscal year shall be available to the Under Sec-
14 retary of Commerce for Oceans and Atmos-
15 phere for expenses incurred by, and activities
16 related to, response and damage assessment ca-
17 pabilities of the National Oceanic and Atmos-
18 pheric Administration;”.

19 (b) AUDITS; ANNUAL REPORTS.—Section 1012 of
20 the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amend-
21 ed—

22 (1) by striking subsection (g) and inserting the
23 following:

24 “(g) AUDITS.—

1 “(1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct an audit, including
3 a detailed accounting of each disbursement from the
4 Fund in excess of \$500,000 that is—

5 “(A) disbursed by the National Pollution
6 Fund Center and not reimbursed by the respon-
7 sible party; and

8 “(B) administered and managed by the re-
9 ceiving Federal agencies, including final pay-
10 ments made to agencies and contractors and, to
11 the extent possible, subcontractors.

12 “(2) FREQUENCY.—The audits shall be con-
13 ducted—

14 “(A) at least once every 3 years after the
15 date of enactment of the Coast Guard Author-
16 ization Act of 2010 until 2016; and

17 “(B) at least once every 5 years after the
18 last audit conducted under subparagraph (A).

19 “(3) SUBMISSION OF RESULTS.—The Comp-
20 troller shall submit the results of each audit con-
21 ducted under paragraph (1) to—

22 “(A) the Senate Committee on Commerce,
23 Science, and Transportation;

1 “(B) the House of Representatives Com-
2 mittee on Transportation and Infrastructure;
3 and

4 “(C) the Secretary or Administrator of
5 each agency referred to in paragraph (1)(B).”;
6 and

7 (2) by adding at the end thereof the following:

8 “(1) REPORTS.—

9 “(1) IN GENERAL.—Within one year after the
10 date of enactment of the Coast Guard Authorization
11 Act of 2010, and annually thereafter, the President,
12 through the Secretary of the Department in which
13 the Coast Guard is operating, shall—

14 “(A) provide a report on disbursements for
15 the preceding fiscal year from the Fund, re-
16 gardless of whether those disbursements were
17 subject to annual appropriations, to—

18 “(i) the Senate Committee on Com-
19 merce, Science, and Transportation; and

20 “(ii) the House of Representatives
21 Committee on Transportation and Infra-
22 structure; and

23 “(B) make the report available to the pub-
24 lic on the National Pollution Funds Center
25 Internet website.

1 rulemaking proceeding to modify the definition of the term
2 “higher volume port area” in section 155.1020 of the
3 Coast Guard regulations (33 C.F.R. 155.1020) by striking
4 “Port Angeles, WA” in paragraph (13) of that section and
5 inserting “Cape Flattery, WA”.

6 (b) VESSEL RESPONSE PLAN REVIEWS.—Within 5
7 years after the date of enactment of this Act, the Coast
8 Guard shall complete its review of any changes to vessel
9 response plans under the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.) resulting from the modifica-
11 tion of the higher volume port area definition required by
12 subsection (a).

13 **SEC. 711. TUG ESCORTS FOR LADEN OIL TANKERS.**

14 (a) COMPARABILITY ANALYSIS.—

15 (1) IN GENERAL.—Within 1 year after the date
16 of enactment of this Act, the Commandant, in con-
17 sultation with the Secretary of State, is strongly en-
18 couraged to enter into negotiations with the Govern-
19 ment of Canada to update the comparability analysis
20 which serves as the basis for the Cooperative Vessel
21 Traffic Service agreement between the United States
22 and Canada for the management of maritime traffic
23 in Puget Sound, the Strait of Georgia, Haro Strait,
24 Rosario Strait, and the Strait of Juan de Fuca. The
25 updated analysis shall, at a minimum, consider—

1 (A) requirements for laden tank vessels to
2 be escorted by tug boats;

3 (B) vessel emergency response towing ca-
4 pability at the entrance to the Strait of Juan de
5 Fuca; and

6 (C) spill response capability throughout the
7 shared water, including oil spill response plan-
8 ning requirements for vessels bound for one na-
9 tion transiting through the waters of the other
10 nation.

11 (2) CONSULTATION REQUIREMENT.—In con-
12 ducting the analysis required under this subsection,
13 the Commandant shall consult with the State of
14 Washington and affected tribal governments.

15 (3) RECOMMENDATIONS.—Within 18 months
16 after the date of enactment of this Act, the Com-
17 mandant shall submit recommendations based on the
18 analysis required under this subsection to the Senate
19 Committee on Commerce, Science, and Transpor-
20 tation and the House of Representatives Committee
21 on Transportation and Infrastructure. The rec-
22 ommendations shall consider a full range of options
23 for the management of maritime traffic, including
24 Federal legislation, promulgation of Federal rules,
25 and the establishment of cooperative agreements for

1 shared funding of spill prevention and response sys-
2 tems.

3 (b) DUAL ESCORT VESSELS FOR DOUBLE HULLED
4 TANKERS IN PRINCE WILLIAM SOUND, ALASKA.—

5 (1) IN GENERAL.—Section 4116(c) of the Oil
6 Pollution Act of 1990 (46 U.S.C. 3703 note) is
7 amended—

8 (A) by striking “Not later than 6 months
9 after the date of the enactment of this Act,
10 the” and inserting “(1) IN GENERAL.—The”;
11 and

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

13 “(2) PRINCE WILLIAM SOUND, ALASKA.—

14 “(A) IN GENERAL.—The requirement in
15 paragraph (1) relating to single hulled tankers
16 in Prince William Sound, Alaska, described in
17 that paragraph being escorted by at least 2
18 towing vessels or other vessels considered to be
19 appropriate by the Secretary (including regula-
20 tions promulgated in accordance with section
21 3703(a)(3) of title 46, United States Code, as
22 set forth in part 168 of title 33, Code of Fed-
23 eral Regulations (as in effect on March 1,
24 2009) implementing this subsection with re-
25 spect to those tankers) shall apply to double

1 hulled tankers over 5,000 gross tons trans-
2 porting oil in bulk in Prince William Sound,
3 Alaska.

4 “(B) IMPLEMENTATION OF REQUIRE-
5 MENTS.—The Secretary of the department in
6 which the Coast Guard is operating shall pre-
7 scribe interim final regulations to carry out
8 subparagraph (A) as soon as practicable with-
9 out notice and hearing pursuant to section 553
10 of title 5 of the United States Code.”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by subsection (b) take effect on the date that is 90
13 days after the date of enactment of this Act.

14 (c) PRESERVATION OF STATE AUTHORITY.—Nothing
15 in this Act or in any other provision of Federal law related
16 to the regulation of maritime transportation of oil shall
17 affect, or be construed or interpreted as preempting, the
18 authority of any State or political subdivision thereof
19 which require the escort by one or more tugs of laden oil
20 tankers in the areas which are specified in section 4116(c)
21 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note).

22 (d) VESSEL TRAFFIC RISK ASSESSMENT.—

23 (1) REQUIREMENT.—The Commandant of the
24 Coast Guard, acting through the appropriate Area
25 Committee established under section 311(j)(4) of the

1 Federal Water Pollution Control Act, shall prepare
2 a vessel traffic risk assessment for Cook Inlet, Alas-
3 ka, within one year after the date of enactment of
4 this Act.

5 (2) CONTENTS.—The assessment shall describe,
6 for the region covered by the assessment—

7 (A) the amount and character of present
8 and estimated future shipping traffic in the re-
9 gion; and

10 (B) the current and projected use and ef-
11 fectiveness in reducing risk, of—

12 (i) traffic separation schemes and
13 routing measures;

14 (ii) long-range vessel tracking systems
15 developed under section 70115 of title 46,
16 United States Code;

17 (iii) towing, response, or escort tugs;

18 (iv) vessel traffic services;

19 (v) emergency towing packages on
20 vessels;

21 (vi) increased spill response equipment
22 including equipment appropriate for severe
23 weather and sea conditions;

1 (vii) the Automatic Identification Sys-
2 tem developed under section 70114 of title
3 46, United States Code;

4 (viii) particularly sensitive sea areas,
5 areas to be avoided, and other traffic ex-
6 clusion zones;

7 (ix) aids to navigation; and

8 (x) vessel response plans.

9 (3) RECOMMENDATIONS.—

10 (A) IN GENERAL.—The assessment shall
11 include any appropriate recommendations to en-
12 hance the safety, or lessen potential adverse en-
13 vironmental impacts, of marine shipping.

14 (B) CONSULTATION.—Before making any
15 recommendations under paragraph (1) for a re-
16 gion, the Area Committee shall consult with af-
17 fected local, State, and Federal government
18 agencies, representatives of the fishing industry,
19 Alaska Natives from the region, the conserva-
20 tion community, and the merchant shipping and
21 oil transportation industries.

22 (4) PROVISION TO CONGRESS.—The Com-
23 mandant shall provide a copy of the assessment to
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the
2 Senate.

3 **SEC. 712. EXTENSION OF FINANCIAL RESPONSIBILITY.**

4 Section 1016(a) of the Oil Pollution Act of 1990 (33
5 U.S.C. 2716(a)) is amended—

6 (1) by striking “or” after the semicolon in
7 paragraph (1);

8 (2) by inserting “or” after the semicolon in
9 paragraph (2); and

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

12 “(3) any tank vessel over 100 gross tons using
13 any place subject to the jurisdiction of the United
14 States;”.

15 **SEC. 713. LIABILITY FOR USE OF SINGLE-HULL VESSELS.**

16 Section 1001(32)(A) of the Oil Pollution Act of 1990
17 (33 U.S.C. 2701(32)(A)) is amended by inserting “In the
18 case of a vessel, the term ‘responsible party’ also includes
19 the owner of oil being transported in a tank vessel with
20 a single hull after December 31, 2010 (other than a vessel
21 described in section 3703a(b)(3) of title 46, United States
22 Code).” after “vessel.”.

1 **TITLE VIII—PORT SECURITY**

2 **SEC. 801. AMERICA'S WATERWAY WATCH PROGRAM.**

3 (a) IN GENERAL.—Chapter 701 of title 46, United
4 States Code, is amended by adding at the end thereof the
5 following:

6 **“§ 70122. Waterway watch program**

7 “(a) PROGRAM ESTABLISHED.—There is hereby es-
8 tablished, within the Coast Guard, the America's Water-
9 way Watch Program.

10 “(b) PURPOSE.—The Secretary shall administer the
11 Program in a manner that promotes voluntary reporting
12 of activities that may indicate that a person or persons
13 may be preparing to engage or engaging in a violation of
14 law relating to a threat or an act of terrorism (as that
15 term is defined in section 3077 of title 18) against a ves-
16 sel, facility, port, or waterway.

17 “(c) INFORMATION; TRAINING.—

18 “(1) INFORMATION.—The Secretary may estab-
19 lish, as an element of the Program, a network of in-
20 dividuals and community-based organizations that
21 encourage the public and industry to recognize ac-
22 tivities referred to in subsection (b), promote vol-
23 untary reporting of such activity, and enhance the
24 situational awareness within the Nation's ports and
25 waterways. Such network shall, to the extent prac-

1 ticable, be conducted in cooperation with Federal,
2 State, and local law enforcement agencies.

3 “(2) TRAINING.—The Secretary may provide
4 training in—

5 “(A) observing and reporting on covered
6 activities; and

7 “(B) sharing such reports and coordi-
8 nating the response by Federal, State, and local
9 law enforcement agencies.

10 “(d) VOLUNTARY PARTICIPATION.—Participation in
11 the Program—

12 “(1) shall be wholly voluntary;

13 “(2) shall not be a prerequisite to eligibility for,
14 or receipt of, any other service or assistance from,
15 or to participation in, any other program of any
16 kind; and

17 “(3) shall not require disclosure of information
18 regarding the individual reporting covered activities
19 or, for proprietary purposes, the location of such in-
20 dividual.

21 “(e) COORDINATION.—The Secretary shall coordinate
22 the Program with other like watch programs. The Sec-
23 retary shall submit, concurrent with the President’s budg-
24 et submission for each fiscal year, a report on coordination
25 of the Program and like watch programs within the De-

1 partment of Homeland Security to the Committee on
2 Commerce, Science, and Transportation of the Senate and
3 the Committee on Homeland Security of the House of
4 Representatives.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for the purposes of this
7 section \$3,000,000 for each of fiscal years 2011 through
8 2016. Such funds shall remain available until expended.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for chapter 701 of title 46, United States Code, is amend-
11 ed by inserting after the item relating to section 70121
12 the following:

“70122. Waterway watch program.”.

13 **SEC. 802. TRANSPORTATION WORKER IDENTIFICATION**
14 **CREDENTIAL.**

15 (a) IN GENERAL.—Not later than 120 days after
16 completing the pilot program under section 70105(k)(1)
17 of title 46, United States Code, to test TWIC access con-
18 trol technologies at port facilities and vessels nationwide,
19 the Secretary of Homeland Security shall submit to the
20 Committee on Homeland Security and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives, the Committee on Commerce, Science, and
23 Transportation of the Senate, and to the Comptroller Gen-
24 eral a report containing an assessment of the results of
25 the pilot. The report shall include—

1 (2) by redesignating paragraphs (1) and (2) as
2 paragraphs (2) and (3), respectively;

3 (3) by inserting before paragraph (2), as so re-
4 designated, the following:

5 “(1)(A) include—

6 “(i) information management systems, and

7 “(ii) sensor management systems; and

8 “(B) where practicable, provide for the physical
9 co-location of the Coast Guard and, as the Secretary
10 determines appropriate, representatives of the
11 United States Customs and Border Protection, the
12 United States Immigration and Customs Enforce-
13 ment, the Transportation Security Administration,
14 the Department of Justice, the Department of De-
15 fense, and other Federal agencies, State and local
16 law enforcement or port security personnel, members
17 of the Area Maritime Security Committee, and other
18 public and private sector stakeholders adversely af-
19 fected by a transportation security incident or trans-
20 portation disruption;” and

21 (4) in paragraph (2), as so redesignated—

22 (A) by striking “existing centers, includ-
23 ing—” and inserting “existing centers;”; and

24 (B) by striking subparagraph (A) and (B);

25 and

1 (5) by adding “and” at the end of paragraph
2 (3), as so redesignated.

3 **SEC. 804. DEPLOYABLE, SPECIALIZED FORCES.**

4 (a) IN GENERAL.—Section 70106 of title 46, United
5 States Code, is amended to read as follows:

6 **“§ 70106. Deployable, specialized forces**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—To enhance the domestic
9 maritime security capability of the United States,
10 the Secretary shall establish deployable specialized
11 forces of varying capabilities as are needed to safe-
12 guard the public and protect vessels, harbors, ports,
13 facilities, and cargo in waters subject to the jurisdic-
14 tion of the United States from destruction, loss or
15 injury from crime, or sabotage due to terrorist activ-
16 ity, and to respond to such activity in accordance
17 with the transportation security plans developed
18 under section 70103.

19 “(2) ENHANCED TEAMS.—Such specialized
20 forces shall include no less than two enhanced teams
21 to serve as deployable forces capable of combating
22 terrorism, engaging in interdiction, law enforcement,
23 and advanced tactical maritime security operations
24 to address known or potentially armed security
25 threats (including non-compliant actors at sea), and

1 participating in homeland security, homeland de-
2 fense, and counterterrorism exercises in the mari-
3 time environment.

4 “(b) MISSION.—The combined force of the specialized
5 forces established under subsection (a) shall be trained,
6 equipped, and capable of being deployed to—

7 “(1) deter, protect against, and rapidly respond
8 to threats of maritime terrorism;

9 “(2) conduct maritime operations to protect
10 against and disrupt illegal use, access to, or pro-
11 liferation of weapons of mass destruction;

12 “(3) enforce moving or fixed safety or security
13 zones established pursuant to law;

14 “(4) conduct high speed intercepts;

15 “(5) board, search, and seize any article or
16 thing on or at, respectively, a vessel or facility found
17 to present a risk to the vessel or facility, or to a
18 port;

19 “(6) rapidly deploy to supplement United
20 States armed forces domestically or overseas;

21 “(7) respond to criminal or terrorist acts so as
22 to minimize, insofar as possible, the disruption
23 caused by such acts;

24 “(8) assist with facility vulnerability assess-
25 ments required under this chapter; and

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Homeland Security.

3 (b) DETECTION CANINE TEAMS.—

4 (1) INCREASED CAPACITY.—Not later than one
5 year after the date of enactment of this Act, and
6 subject to the availability of appropriations, the Sec-
7 retary shall—

8 (A) begin to increase the number of detec-
9 tion canine teams certified by the Coast Guard
10 for the purposes of maritime-related security by
11 no fewer than 10 canine teams annually
12 through fiscal year 2012; and

13 (B) encourage owners and operators of
14 port facilities, passenger cruise liners, ocean-
15 going cargo vessels, and other vessels identified
16 by the Secretary to strengthen security through
17 the use of highly trained detection canine
18 teams.

19 (2) CANINE PROCUREMENT.—The Secretary,
20 acting through the Commandant of the Coast
21 Guard, shall procure detection canine teams as effi-
22 ciently as possible, including, to the greatest extent
23 possible, through increased domestic breeding, while
24 meeting the performance needs and criteria estab-
25 lished by the Commandant.

1 (c) DEPLOYMENT.—The Secretary shall prioritize de-
2 ployment of the additional canine teams to ports based
3 on risk, consistent with the Security and Accountability
4 For Every Port Act of 2006 (Public Law 109–347).

5 **SEC. 806. COAST GUARD PORT ASSISTANCE PROGRAM.**

6 (a) FOREIGN PORT ASSESSMENT.—Chapter 701 of
7 title 46, United States Code, is amended—

8 (1) by adding at the end of section 70108 the
9 following:

10 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
11 The absence of an inspection of a foreign port shall not
12 bar the Secretary from making a finding that a port in
13 a foreign country does not maintain effective antiterrorism
14 measures.”;

15 (2) by striking “If the Secretary, after con-
16 ducting an assessment under section 70108, finds
17 that a port in a foreign country does not maintain
18 effective antiterrorism measures,” in section
19 70109(a) and inserting “Unless the Secretary finds
20 that a port in a foreign country maintains effective
21 antiterrorism measures,”; and

22 (3) by striking “If the Secretary finds that a
23 foreign port does not maintain effective
24 antiterrorism measures,” in section 70110(a) and in-

1 serting “Unless the Secretary finds that a foreign
2 port maintains effective antiterrorism measures,”.

3 (b) ASSISTANCE PROGRAM.—Section 70110 of title
4 46, United States Code, is amended by adding at the end
5 the following:

6 “(f) COAST GUARD ASSISTANCE PROGRAM.—

7 “(1) IN GENERAL.—The Secretary may lend,
8 lease, donate, or otherwise provide equipment, and
9 provide technical training and support, to the owner
10 or operator of a foreign port or facility—

11 “(A) to assist in bringing the port or facil-
12 ity into compliance with applicable International
13 Ship and Port Facility Code standards; and

14 “(B) to assist the port or facility in cor-
15 recting deficiencies identified in periodic port
16 assessments and reassessments required under
17 section 70108 of this title.

18 “(2) CONDITIONS.—The Secretary—

19 “(A) may provide such assistance based
20 upon an assessment of the risks to the security
21 of the United States and the inability of the
22 owner or operator of the port or facility to
23 bring the port or facility into compliance with
24 those standards and to maintain compliance
25 with, or exceed, such standards;

1 “(B) may not provide such assistance un-
2 less the port or facility has been subjected to a
3 comprehensive port security assessment by the
4 Coast Guard; and

5 “(C) may only lend, lease, or otherwise
6 provide equipment that the Secretary has first
7 determined is not required by the Coast Guard
8 for the performance of its missions.”.

9 (c) SAFETY AND SECURITY ASSISTANCE FOR FOR-
10 EIGN PORTS.—

11 (1) IN GENERAL.—Section 70110(e)(1) of title
12 46, United States Code, is amended by striking the
13 second sentence and inserting the following: “The
14 Secretary shall establish a strategic plan to utilize
15 those assistance programs to assist ports and facili-
16 ties that are found by the Secretary under sub-
17 section (a) not to maintain effective antiterrorism
18 measures in the implementation of port security
19 antiterrorism measures.”.

20 (2) CONFORMING AMENDMENTS.—

21 (A) Section 70110 of title 46, United
22 States Code, is amended—

23 (i) by inserting “**OR FACILITIES**”
24 after “**PORTS**” in the section heading;

1 (ii) by inserting “or facility” after
2 “port” each place it appears; and

3 (iii) by striking “PORTS” in the head-
4 ing for subsection (e) and inserting
5 “PORTS, FACILITIES,”.

6 (B) Section 70108(c) of such title is
7 amended—

8 (i) by striking paragraph (2); and

9 (ii) by redesignating paragraphs (3)
10 and (4) as paragraphs (2) and (3), respec-
11 tively

12 (C) The table of contents for chapter 701
13 of title 46, United States Code, is amended by
14 striking the item relating to section 70110 and
15 inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories.”.

16 **SEC. 807. MARITIME BIOMETRIC IDENTIFICATION.**

17 (a) IN GENERAL.—Chapter 701 of title 46, United
18 States Code, is further amended by adding at the end the
19 following:

20 **“§ 70123. Mobile biometric identification**

21 “(a) IN GENERAL.—Within one year after the date
22 of the enactment of the Coast Guard Authorization Act
23 of 2010, the Secretary shall conduct, in the maritime envi-
24 ronment, a program for the mobile biometric identification

1 of suspected individuals, including terrorists, to enhance
2 border security and for other purposes.

3 “(b) REQUIREMENTS.—The Secretary shall ensure
4 the program required in this section is coordinated with
5 other biometric identification programs within the Depart-
6 ment of Homeland Security.

7 “(c) DEFINITION.—For the purposes of this section,
8 the term ‘biometric identification’ means use of fingerprint
9 and digital photography images and facial and iris scan
10 technology and any other technology considered applicable
11 by the Department of Homeland Security.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following:

“70123. Mobile biometric identification.”.

15 (c) COST ANALYSIS.—Within 90 days after the date
16 of the enactment of this Act, the Secretary of the depart-
17 ment in which the Coast Guard is operating shall submit
18 to the Committees on Homeland Security and Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate an analysis of the cost of expanding
22 the Coast Guard’s biometric identification capabilities for
23 use by the Coast Guard’s Deployable Operations Group,
24 cutters, stations, and other deployable maritime teams
25 considered appropriate by the Secretary, and any other

1 appropriate Department of Homeland Security maritime
2 vessels and units. The analysis may include a tiered plan
3 for the deployment of this program that gives priority to
4 vessels and units more likely to encounter individuals sus-
5 pected of making illegal border crossings through the mar-
6 itime environment.

7 (d) STUDY ON EMERGING BIOMETRIC CAPABILI-
8 TIES.—

9 (1) STUDY REQUIRED.—The Secretary of
10 Homeland Security shall submit to the Committees
11 on Homeland Security and Transportation and In-
12 frastructure of the House of Representatives and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate a study on the use by the Coast
15 Guard and other departmental entities of the com-
16 bination of biometric technologies to rapidly identify
17 individuals for security purposes. Such study shall
18 focus on—

19 (A) increased accuracy of facial recogni-
20 tion;

21 (B) enhancement of existing iris recogni-
22 tion technology; and

23 (C) other emerging biometric technologies
24 capable of assisting in confirming the identifica-
25 tion of individuals.

1 (2) PURPOSE OF STUDY.—The purpose of the
2 study required by paragraph (1) is to facilitate the
3 use of a combination biometrics, including facial and
4 iris recognition, to provide a higher probability of
5 success in identification than a single approach and
6 to achieve transformational advances in the flexi-
7 bility, authenticity, and overall capability of inte-
8 grated biometric detectors. The operational goal of
9 the study should be to provide the capability to non-
10 intrusively collect biometrics in an accurate and ex-
11 peditious manner to assist the Coast Guard and the
12 Department of Homeland Security in fulfilling its
13 mission to protect and support national security.

14 **SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARI-**
15 **TIME WORKERS.**

16 (a) IN GENERAL.—Within 180 days after the date
17 of enactment of this Act, the Secretary of Homeland Secu-
18 rity shall establish procedures providing for an individual
19 who is required to be fingerprinted for purposes of obtain-
20 ing a transportation security card under section 70105 of
21 title 46, United States Code, the ability to be fingerprinted
22 at any of not less than 20 facilities operated by or under
23 contract with an agency of the Department of Homeland
24 Security that fingerprints the public for the Department.

1 These facilities shall be in addition to facilities established
2 under section 70105 of title 46, United States Code.

3 (b) EXPIRATION.—The requirement made by sub-
4 section (a) expires one year after the date the Secretary
5 establishes the facilities required under that subsection.

6 **SEC. 809. TRANSPORTATION SECURITY CARDS ON VESSELS.**

7 Section 70105(b)(2) of title 46, United States Code,
8 is amended—

9 (1) in subparagraph (B), by inserting after
10 “title” the following: “allowed unescorted access to
11 a secure area designated in a vessel security plan ap-
12 proved under section 70103 of this title”; and

13 (2) in subparagraph (D), by inserting after
14 “tank vessel” the following: “allowed unescorted ac-
15 cess to a secure area designated in a vessel security
16 plan approved under section 70103 of this title”.

17 **SEC. 810. MARITIME SECURITY ADVISORY COMMITTEES.**

18 Section 70112 of title 46, United States Code, is
19 amended—

20 (1) by amending subsection (b)(5) to read as
21 follows:

22 “(5)(A) The National Maritime Security Advisory
23 Committee shall be composed of—

24 “(i) at least 1 individual who represents the in-
25 terests of the port authorities;

1 “(ii) at least 1 individual who represents the in-
2 terests of the facilities owners or operators;

3 “(iii) at least 1 individual who represents the
4 interests of the terminal owners or operators;

5 “(iv) at least 1 individual who represents the
6 interests of the vessel owners or operators;

7 “(v) at least 1 individual who represents the in-
8 terests of the maritime labor organizations;

9 “(vi) at least 1 individual who represents the
10 interests of the academic community;

11 “(vii) at least 1 individual who represents the
12 interests of State or local governments; and

13 “(viii) at least 1 individual who represents the
14 interests of the maritime industry.

15 “(B) Each Area Maritime Security Advisory Com-
16 mittee shall be composed of individuals who represents the
17 interests of the port industry, terminal operators, port
18 labor organizations, and other users of the port areas.”;

19 and

20 (2) in subsection (g)—

21 (A) in paragraph (1)(A), by striking
22 “2008;” and inserting “2020;”; and

23 (B) in paragraph (2), by striking “2006”
24 and inserting “2018”.

1 **SEC. 811. SEAMEN'S SHORESIDE ACCESS.**

2 Each facility security plan approved under section
3 70103(c) of title 46, United States Code, shall provide a
4 system for seamen assigned to a vessel at that facility,
5 pilots, and representatives of seamen's welfare and labor
6 organizations to board and depart the vessel through the
7 facility in a timely manner at no cost to the individual.

8 **SEC. 812. WATERSIDE SECURITY OF ESPECIALLY HAZ-**
9 **ARDOUS CARGO.**

10 (a) NATIONAL STUDY.—

11 (1) IN GENERAL.—The Secretary of the depart-
12 ment in which the Coast Guard is operating shall—

13 (A) initiate a national study to identify
14 measures to improve the security of maritime
15 transportation of especially hazardous cargo;
16 and

17 (B) coordinate with other Federal agen-
18 cies, the National Maritime Security Advisory
19 Committee, and appropriate State and local
20 government officials through the Area Maritime
21 Security Committees and other existing coordi-
22 nating committees, to evaluate the waterside se-
23 curity of vessels carrying, and waterfront facili-
24 ties handling, especially hazardous cargo.

25 (2) MATTERS TO BE INCLUDED.—The study
26 conducted under this subsection shall include—

1 (A) an analysis of existing risk assessment
2 information relating to waterside security gen-
3 erated by the Coast Guard and Area Maritime
4 Security Committees as part of the Maritime
5 Security Risk Analysis Model;

6 (B) a review and analysis of appropriate
7 roles and responsibilities of maritime stake-
8 holders, including Federal, State, and local law
9 enforcement and industry security personnel,
10 responsible for waterside security of vessels car-
11 rying, and waterfront facilities handling, espe-
12 cially hazardous cargo, including—

13 (i) the number of ports in which State
14 and local law enforcement entities are pro-
15 viding any services to enforce Coast
16 Guard-imposed security zones around ves-
17 sels transiting to, through, or from United
18 States ports or to conduct security patrols
19 in United States ports;

20 (ii) the number of formal agreements
21 entered into between the Coast Guard and
22 State and local law enforcement entities to
23 engage State and local law enforcement en-
24 tities in the enforcement of Coast Guard-
25 imposed security zones around vessels

1 transiting to, through, or from United
2 States ports or the conduct of port security
3 patrols in United States ports, the dura-
4 tion of those agreements, and the aid that
5 State and local entities are engaged to pro-
6 vide through such agreements;

7 (iii) the extent to which the Coast
8 Guard has set national standards for train-
9 ing, equipment, and resources to ensure
10 that State and local law enforcement enti-
11 ties engaged in enforcing Coast Guard-im-
12 posed security zones around vessels
13 transiting to, through, or from United
14 States ports or in conducting port security
15 patrols in United States ports (or both)
16 can deter to the maximum extent prac-
17 ticable a transportation security incident;

18 (iv) the extent to which the Coast
19 Guard has assessed the ability of State
20 and local law enforcement entities to carry
21 out the security assignments that they
22 have been engaged to perform, including
23 their ability to meet any national stand-
24 ards for training, equipment, and resources
25 that have been established by the Coast

1 Guard in order to ensure that those enti-
2 ties can deter to the maximum extent prac-
3 ticable a transportation security incident;

4 (v) the extent to which State and local
5 law enforcement entities are able to meet
6 national standards for training, equipment,
7 and resources established by the Coast
8 Guard to ensure that those entities can
9 deter to the maximum extent practicable a
10 transportation security incident;

11 (vi) the differences in law enforcement
12 authority, and particularly boarding au-
13 thority, between the Coast Guard and
14 State and local law enforcement entities,
15 and the impact that these differences have
16 on the ability of State and local law en-
17 forcement entities to provide the same level
18 of security that the Coast Guard provides
19 during the enforcement of Coast Guard-im-
20 posed security zones and the conduct of se-
21 curity patrols in United States ports; and

22 (vii) the extent of resource, training,
23 and equipment differences between State
24 and local law enforcement entities and the
25 Coast Guard units engaged in enforcing

1 Coast Guard-imposed security zones
2 around vessels transiting to, through, or
3 from United States ports or conducting se-
4 curity patrols in United States ports;

5 (C) recommendations for risk-based secu-
6 rity measures to improve waterside security of
7 vessels carrying, and waterfront facilities han-
8 dling, especially hazardous cargo; and

9 (D) identification of security funding alter-
10 natives, including an analysis of the potential
11 for cost-sharing by the public and private sec-
12 tors as well as any challenges associated with
13 such cost-sharing.

14 (3) INFORMATION PROTECTION.—In carrying
15 out the coordination necessary to effectively com-
16 plete the study, the Commandant shall implement
17 measures to ensure the protection of any sensitive
18 security information, proprietary information, or
19 classified information collected, reviewed, or shared
20 during collaborative engagement with maritime
21 stakeholders and other Government entities, except
22 that nothing in this paragraph shall constitute au-
23 thority to withhold information from—

24 (A) the Congress; or

1 (B) first responders requiring such infor-
2 mation for the protection of life or property.

3 (4) REPORT.—Not later than 12 months after
4 the date of enactment of this Act, the Secretary of
5 the Department in which the Coast Guard is oper-
6 ating shall submit to the Committees on Homeland
7 Security and Transportation and Infrastructure of
8 the House of Representatives and the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate a report on the results of the study under this
11 subsection.

12 (b) NATIONAL STRATEGY.—Not later than 6 months
13 after submission of the report required by subsection (a),
14 the Secretary of the department in which the Coast Guard
15 is operating shall develop, in conjunction with appropriate
16 Federal agencies, a national strategy for the waterside se-
17 curity of vessels carrying, and waterfront facilities han-
18 dling, especially hazardous cargo. The strategy shall uti-
19 lize the results of the study required by subsection (a).

20 (c) SECURITY OF ESPECIALLY HAZARDOUS
21 CARGO.—Section 70103 of title 46, United States Code,
22 is amended by adding at the end the following:

23 “(e) ESPECIALLY HAZARDOUS CARGO.—

24 “(1) ENFORCEMENT OF SECURITY ZONES.—

25 Consistent with other provisions of Federal law, the

1 Coast Guard shall coordinate and be responsible for
2 the enforcement of any Federal security zone estab-
3 lished by the Coast Guard around a vessel con-
4 taining especially hazardous cargo. The Coast Guard
5 shall allocate available resources so as to deter and
6 respond to a transportation security incident, to the
7 maximum extent practicable, and to protect lives or
8 protect property in danger.

9 “(2) RESOURCE DEFICIENCY REPORTING.—

10 “(A) IN GENERAL.—When the Secretary
11 submits the annual budget request for a fiscal
12 year for the department in which the Coast
13 Guard is operating to the Office of Manage-
14 ment and Budget, the Secretary shall provide to
15 the Committees on Homeland Security and
16 Transportation and Infrastructure of the House
17 of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Sen-
19 ate a report that includes—

20 “(i) for the last full fiscal year pre-
21 ceding the report, a statement of the num-
22 ber of security zones established for espe-
23 cially hazardous cargo shipments;

24 “(ii) for the last full fiscal year pre-
25 ceding the report, a statement of the num-

1 ber of especially hazardous cargo ship-
2 ments provided a waterborne security es-
3 cort, subdivided by Federal, State, local, or
4 private security; and

5 “(iii) an assessment as to any addi-
6 tional vessels, personnel, infrastructure,
7 and other resources necessary to provide
8 waterborne escorts to those especially haz-
9 ardous cargo shipments for which a secu-
10 rity zone is established.

11 “(B) ESPECIALLY HAZARDOUS CARGO DE-
12 FINED.—In this subsection, the term ‘especially
13 hazardous cargo’ means anhydrous ammonia,
14 ammonium nitrate, chlorine, liquefied natural
15 gas, liquefied petroleum gas, and any other
16 substance, material, or group or class of mate-
17 rial, in a particular amount and form that the
18 Secretary determines by regulation poses a sig-
19 nificant risk of creating a transportation secu-
20 rity incident while being transported in mari-
21 time commerce.”.

22 (d) DEFINITIONS.—For the purposes of this section,
23 the follow definitions apply:

24 (1) ESPECIALLY HAZARDOUS CARGO.—The
25 term “especially hazardous cargo” means anhydrous

1 ammonia, ammonium nitrate, chlorine, liquefied nat-
2 ural gas, liquefied petroleum gas, and any other
3 substance, material, or group or class of material, in
4 a particular amount and form that the Secretary de-
5 termines by regulation poses a significant risk of
6 creating a transportation security incident while
7 being transported in maritime commerce.

8 (2) AREA MARITIME SECURITY COMMITTEE.—
9 The term “Area Maritime Security Committee”
10 means each of those committees responsible for pro-
11 ducing Area Maritime Transportation Security Plans
12 under chapter 701 of title 46, United States Code.

13 (3) TRANSPORTATION SECURITY INCIDENT.—
14 The term “transportation security incident” has the
15 same meaning as that term has in section 70101 of
16 title 46, United States Code.

17 **SEC. 813. REVIEW OF LIQUEFIED NATURAL GAS FACILI-**
18 **TIES.**

19 Consistent with other provisions of law, the Secretary
20 of the department in which the Coast Guard is operating
21 shall make a recommendation, after considering rec-
22 ommendations made by the States, to the Federal Energy
23 Regulatory Commission as to whether the waterway to a
24 proposed waterside liquefied natural gas facility is suitable

1 or unsuitable for the marine traffic associated with such
2 facility.

3 **SEC. 814. USE OF SECONDARY AUTHENTICATION FOR**
4 **TRANSPORTATION SECURITY CARDS.**

5 Section 70105 of title 46, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(n) The Secretary may use a secondary authentica-
9 tion system to verify the identification of individuals using
10 transportation security cards when the individual’s finger-
11 prints are not able to be taken or read.”.

12 **SEC. 815. ASSESSMENT OF TRANSPORTATION SECURITY**
13 **CARD ENROLLMENT SITES.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of the
16 department in which the Coast Guard is operating shall
17 prepare an assessment of the enrollment sites for trans-
18 portation security cards issued under section 70105 of
19 title 46, United States Code, including—

20 (1) the feasibility of keeping those enrollment
21 sites open after the date of enactment of this Act;
22 and

23 (2) the quality of customer service, including
24 the periods of time individuals are kept on hold on

1 the telephone, whether appointments are kept, and
2 processing times for applications.

3 (b) **TIMELINES AND BENCHMARKS.**—The Secretary
4 shall develop timelines and benchmarks for implementing
5 the findings of the assessment as the Secretary deems nec-
6 essary.

7 **SEC. 816. ASSESSMENT OF THE FEASIBILITY OF EFFORTS**
8 **TO MITIGATE THE THREAT OF SMALL BOAT**
9 **ATTACK IN MAJOR PORTS.**

10 The Secretary of the department in which the Coast
11 Guard is operating shall assess and report to Congress
12 on the feasibility of efforts to mitigate the threat of small
13 boat attack in security zones of major ports, including spe-
14 cifically the use of transponders, radio frequency identi-
15 fication devices, and high-frequency surface radar systems
16 to track small boats.

17 **SEC. 817. REPORT AND RECOMMENDATION FOR UNIFORM**
18 **SECURITY BACKGROUND CHECKS.**

19 Not later than one year after the date of enactment
20 of this Act, the Comptroller General shall submit to the
21 Committee on Homeland Security of the House of Rep-
22 resentatives and the Committee on Commerce, Science,
23 and Transportation of the Senate a report that contains—

1 (1) a review of background checks and forms of
2 identification required under State and local trans-
3 portation security programs;

4 (2) a determination as to whether the back-
5 ground checks and forms of identification required
6 under such programs duplicate or conflict with Fed-
7 eral programs; and

8 (3) recommendations on limiting the number of
9 background checks and forms of identification re-
10 quired under such programs to reduce or eliminate
11 duplication with Federal programs.

12 **SEC. 818. TRANSPORTATION SECURITY CARDS: ACCESS**
13 **PENDING ISSUANCE; DEADLINES FOR PROC-**
14 **ESSING; RECEIPT.**

15 (a) ACCESS; DEADLINES.—Section 70105 of title 46,
16 United States Code, is further amended by adding at the
17 end the following new subsections:

18 “(o) ESCORTING.—The Secretary shall coordinate
19 with owners and operators subject to this section to allow
20 any individual who has a pending application for a trans-
21 portation security card under this section or is waiting for
22 reissuance of such card, including any individual whose
23 card has been lost or stolen, and who needs to perform
24 work in a secure or restricted area to have access to such
25 area for that purpose through escorting of such individual

1 in accordance with subsection (a)(1)(B) by another indi-
2 vidual who holds a transportation security card. Nothing
3 in this subsection shall be construed as requiring or com-
4 pelling an owner or operator to provide escorted access.

5 “(p) PROCESSING TIME.—The Secretary shall review
6 an initial transportation security card application and re-
7 spond to the applicant, as appropriate, including the mail-
8 ing of an Initial Determination of Threat Assessment let-
9 ter, within 30 days after receipt of the initial application.
10 The Secretary shall, to the greatest extent practicable, re-
11 view appeal and waiver requests submitted by a transpor-
12 tation security card applicant, and send a written decision
13 or request for additional information required for the ap-
14 peal or waiver determination, within 30 days after receipt
15 of the applicant’s appeal or waiver written request. For
16 an applicant that is required to submit additional informa-
17 tion for an appeal or waiver determination, the Secretary
18 shall send a written decision, to the greatest extent prac-
19 ticable, within 30 days after receipt of all requested infor-
20 mation.”.

21 (b) RECEIPT OF CARDS.—

22 (1) REPORT BY COMPTROLLER GENERAL.—
23 Within 180 days after the date of enactment of this
24 Act, the Comptroller General of the United States
25 shall submit to the Committee on Homeland Secu-

1 rity of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of
3 the Senate a report assessing the costs, technical
4 feasibility, and security measures associated with im-
5 plementing procedures to deliver a transportation se-
6 curity card to an approved applicant's place of resi-
7 dence in a secure manner or to allow an approved
8 applicant to receive the card at an enrollment center
9 of the individual's choosing.

10 (2) PROCESS FOR ALTERNATIVE MEANS OF RE-
11 CEIPT.—If the Comptroller General finds in the final
12 report under paragraph (1) that it is feasible for a
13 transportation security card to be sent to an ap-
14 proved applicant's place of residence in a secure
15 manner, the Secretary shall, within one year after
16 the date of issuance of the final report by the Comp-
17 troller General, implement a secure process to per-
18 mit an individual approved for a transportation se-
19 curity card to receive the card at the applicant's
20 place of residence or at the enrollment center of the
21 individual's choosing. The individual shall be respon-
22 sible for any additional cost associated with the se-
23 cure delivery of a transportation security card.

1 **SEC. 819. HARMONIZING SECURITY CARD EXPIRATIONS.**

2 Section 70105(b) of title 46, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(6) The Secretary may extend for up to one year
6 the expiration of a biometric transportation security card
7 required by this section to align the expiration with the
8 expiration of a license, certificate of registry, or merchant
9 mariner document required under chapter 71 or 73.”.

10 **SEC. 820. CLARIFICATION OF RULEMAKING AUTHORITY.**

11 (a) IN GENERAL.—Chapter 701 of title 46, United
12 States Code, is further amended by adding at the end the
13 following:

14 **“SEC. 70124. REGULATIONS.**

15 “Unless otherwise provided, the Secretary may issue
16 regulations necessary to implement this chapter.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for chapter 701 of such title is further amended by adding
19 at the end the following new item:

“70124. Regulations”.

20 **SEC. 821. PORT SECURITY TRAINING AND CERTIFICATION.**

21 (a) PORT SECURITY TRAINING PROGRAM.—Chapter
22 701 of title 46, United States Code, is further amended
23 by adding at the end the following:

1 **“§ 70125. Port security training for facility security**
2 **officers**

3 “(a) FACILITY SECURITY OFFICERS.—The Secretary
4 shall establish comprehensive facility security officer train-
5 ing requirements designed to provide full security training
6 that would lead to certification of such officers. In estab-
7 lishing the requirements, the Secretary shall—

8 “(1) work with affected industry stakeholders;
9 and

10 “(2) evaluate—

11 “(A) the requirements of subsection (b);

12 “(B) existing security training programs
13 employed at marine terminal facilities; and

14 “(C) existing port security training pro-
15 grams developed by the Federal Government.

16 “(b) REQUIREMENTS.—The training program shall
17 provide validated training that—

18 “(1) provides training at the awareness, per-
19 formance, management, and planning levels;

20 “(2) utilizes multiple training mediums and
21 methods;

22 “(3) establishes a validated provisional on-line
23 certification methodology;

24 “(4) provide for continuing education and train-
25 ing for facility security officers beyond certification
26 requirements, including a program to educate on the

1 dangers and issues associated with the shipment of
2 hazardous and especially hazardous cargo;

3 “(5) addresses port security topics, including—

4 “(A) facility security plans and procedures,
5 including how to develop security plans and se-
6 curity procedure requirements when threat lev-
7 els are elevated;

8 “(B) facility security force operations and
9 management;

10 “(C) physical security and access control
11 at facilities;

12 “(D) methods of security for preventing
13 and countering cargo theft;

14 “(E) container security;

15 “(F) recognition and detection of weapons,
16 dangerous substances, and devices;

17 “(G) operation and maintenance of secu-
18 rity equipment and systems;

19 “(H) security threats and patterns;

20 “(I) security incident procedures, including
21 procedures for communicating with govern-
22 mental and nongovernmental emergency re-
23 sponse providers; and

24 “(J) evacuation procedures;

1 “(6) is consistent with, and supports implemen-
2 tation of, the National Incident Management Sys-
3 tem, the National Response Plan, the National In-
4 frastructure Protection Plan, the National Prepared-
5 ness Guidance, the National Preparedness Goal, the
6 National Maritime Transportation Security Plan,
7 and other such national initiatives;

8 “(7) is evaluated against clear and consistent
9 performance measures;

10 “(8) addresses security requirements under fa-
11 cility security plans;

12 “(9) addresses requirements under the Inter-
13 national Code for the Security of Ships and Port
14 Facilities to address shore leave for mariners and
15 access to visitors, representatives of seafarers’ wel-
16 fare organizations, and labor organizations; and

17 “(10) such other subject matters as may be
18 prescribed by the Secretary.

19 “(c) CONTINUING SECURITY TRAINING.—The Sec-
20 retary, in coordination with the Secretary of Transpor-
21 tation, shall work with State and local law enforcement
22 agencies and industry stakeholders to develop and certify
23 the following additional security training requirements for
24 Federal, State, and local officials with security responsibil-
25 ities at United States seaports:

1 “(1) A program to familiarize them with port
2 and shipping operations, requirements of the Mari-
3 time Transportation Security Act of 2002 (Public
4 Law 107–295), and other port and cargo security
5 programs that educates and trains them with respect
6 to their roles and responsibilities.

7 “(2) A program to familiarize them with dan-
8 gers and potential issues with respect to shipments
9 of hazardous and especially hazardous cargoes.

10 “(3) A program of continuing education as
11 deemed necessary by the Secretary.

12 “(d) TRAINING PARTNERS.—In developing cur-
13 riculum and delivering training established pursuant to
14 subsections (a) and (c), the Secretary, in coordination with
15 the Maritime Administrator of the Department of Trans-
16 portation and consistent with section 109 of the Maritime
17 Transportation Security Act of 2002 [46 U.S.C. 70101
18 note], shall work with institutions with maritime expertise
19 and with industry stakeholders with security expertise to
20 develop appropriate training capacity to ensure that train-
21 ing can be provided in a geographically balanced manner
22 to personnel seeking certification under subsection (a) or
23 education and training under subsection (c).

24 “(e) ESTABLISHED GRANT PROGRAM.—The Sec-
25 retary shall issue regulations or grant solicitations for

1 grants for homeland security or port security to ensure
2 that activities surrounding the development of curriculum
3 and the provision of training and these activities are eligi-
4 ble grant activities under both grant programs.”.

5 (b) CONFORMING AMENDMENT.—Section 113 of the
6 SAFE Port Act (6 U.S.C. 911) is repealed.

7 (c) TABLE OF CONTENTS AMENDMENT.—The table
8 of contents for chapter 701 of title 46, United States
9 Code, is further amended by adding at the end the fol-
10 lowing:

“70125. Port security training for facility security officers”.

11 **SEC. 822. INTEGRATION OF SECURITY PLANS AND SYSTEMS**
12 **WITH LOCAL PORT AUTHORITIES, STATE**
13 **HARBOR DIVISIONS, AND LAW ENFORCE-**
14 **MENT AGENCIES.**

15 Section 70102 of title 46, United States Code, is
16 amended by adding at the end thereof the following:

17 “(c) SHARING OF ASSESSMENT INTEGRATION OF
18 PLANS AND EQUIPMENT.—The owner or operator of a fa-
19 cility, consistent with any Federal security restrictions,
20 shall—

21 “(1) make a current copy of the vulnerability
22 assessment conducted under subsection (b) available
23 to the port authority with jurisdiction of the facility
24 and appropriate State or local law enforcement
25 agencies; and

1 “(2) integrate, to the maximum extent prac-
2 tical, any security system for the facility with com-
3 patible systems operated or maintained by the ap-
4 propriate State, law enforcement agencies, and the
5 Coast Guard.”.

6 **SEC. 823. TRANSPORTATION SECURITY CARDS.**

7 Section 70105 of title 46, United States Code, is fur-
8 ther amended by adding at the end thereof the following:

9 “(q) RECEIPT AND ACTIVATION OF TRANSPOR-
10 TATION SECURITY CARD.—

11 “(1) IN GENERAL.—Not later than one year
12 after the date of publication of final regulations re-
13 quired by subsection (k)(3) of this section the Sec-
14 retary shall develop a plan to permit the receipt and
15 activation of transportation security cards at any
16 vessel or facility described in subsection (a) of this
17 section that desires to implement this capability.
18 This plan shall comply, to the extent possible, with
19 all appropriate requirements of Federal standards
20 for personal identity verification and credential.

21 “(2) LIMITATION.—The Secretary may not re-
22 quire any such vessel or facility to provide on-site
23 activation capability.”.

1 **SEC. 824. PRE-POSITIONING INTEROPERABLE COMMUNICA-**
2 **TIONS EQUIPMENT AT INTERAGENCY OPER-**
3 **ATIONAL CENTERS.**

4 Section 70107A of title 46, United States Code, is
5 amended—

6 (1) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively; and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) DEPLOYMENT OF INTEROPERABLE COMMUNICA-
11 TIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CEN-
12 TERS.—The Secretary, subject to the availability of appro-
13 priations, shall ensure that interoperable communications
14 technology is deployed at all interagency operational cen-
15 ters established under subsection (a) and that such tech-
16 nology and equipment has been tested in live operational
17 environments before deployment.”.

18 **SEC. 825. INTERNATIONAL PORT AND FACILITY INSPEC-**
19 **TION COORDINATION.**

20 (a) COORDINATION.—The Secretary of the depart-
21 ment in which the Coast Guard is operating shall, to the
22 extent practicable, conduct the assessments required by
23 the following provisions of law concurrently, or develop a
24 process by which they are integrated and conducted by the
25 Coast Guard:

1 (1) Section 205 of the SAFE Port Act (6
2 U.S.C. 945).

3 (2) Section 213 of that Act (6 U.S.C. 964).

4 (3) Section 70108 of title 46, United States
5 Code.

6 (b) LIMITATION.—Nothing in subsection (a) shall be
7 construed to affect or diminish the Secretary’s authority
8 or discretion—

9 (1) to conduct an assessment of a foreign port
10 at any time;

11 (2) to compel the Secretary to conduct an as-
12 sessment of a foreign port so as to ensure that 2 or
13 more assessments are conducted concurrently; or

14 (3) to cancel an assessment of a foreign port if
15 the Secretary is unable to conduct 2 or more assess-
16 ments concurrently.

17 (c) MULTIPLE ASSESSMENT REPORT.—The Sec-
18 retary shall provide written notice to the Committee on
19 Commerce, Science, and Transportation of the Senate and
20 the Committees on Transportation and Infrastructure and
21 Homeland Security of the House of Representatives when-
22 ever the Secretary conducts 2 or more assessments of the
23 same port within a 3-year period.

1 **SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT**
2 **MITIGATION PLAN.**

3 Section 70103(b)(2) of title 46, United States Code,
4 is amended—

5 (1) by redesignating subparagraphs (E)
6 through (G) as subparagraphs (F) through (H), re-
7 spectively; and

8 (2) by inserting after subparagraph (D) the fol-
9 lowing:

10 “(E) establish area response and recovery pro-
11 tocols to prepare for, respond to, mitigate against,
12 and recover from a transportation security incident
13 consistent with section 202 of the SAFE Port Act
14 of 2006 (6 U.S.C. 942) and subsection (a) of this
15 section;”.

16 **SEC. 827. RISK BASED RESOURCE ALLOCATION.**

17 (a) NATIONAL STANDARD.—Within 1 year after the
18 date of enactment of this Act, in carrying out chapter 701
19 of title 46, United States Code, the Secretary of the de-
20 partment in which the Coast Guard is operating shall de-
21 velop and utilize a national standard and formula for
22 prioritizing and addressing assessed security risks at
23 United State ports and facilities on or adjacent to the wa-
24 terways of the United States, such as the Maritime Secu-
25 rity Risk Assessment Model that has been tested by the
26 Department of Homeland Security.

1 (b) USE BY MARITIME SECURITY COMMITTEES.—

2 Within 2 years after the date of enactment of this Act,
3 the Secretary shall require each Area Maritime Security
4 Committee to use this standard to regularly evaluate each
5 port's assessed risk and prioritize how to mitigate the
6 most significant risks.

7 (c) OTHER USES OF STANDARD.—The Secretary
8 shall utilize the standard when considering departmental
9 resource allocations and grant making decisions.

10 (d) USE OF MARITIME RISK ASSESSMENT MODEL.—

11 Within 180 days after the date of enactment of this Act,
12 the Secretary of the department in which the Coast Guard
13 is operating shall make the United States Coast Guard's
14 Maritime Security Risk Assessment Model available, in an
15 unclassified version, on a limited basis to regulated vessels
16 and facilities to conduct true risk assessments of their own
17 facilities and vessels using the same criteria employed by
18 the Coast Guard when evaluating a port area, facility, or
19 vessel.

20 **SEC. 828. PORT SECURITY ZONES.**

21 (a) IN GENERAL.—Section 701 of title 46, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 “SUBCHAPTER II—PORT SECURITY ZONES

2 **“§ 70131. Definitions**

3 “In this subchapter:

4 “(1) LAW ENFORCEMENT AGENCY.—The term
5 ‘law enforcement agency’ means an agency of a
6 State, a political subdivision of a State, or a Feder-
7 ally recognized tribe that is authorized by law to su-
8 pervise the prevention, detection, investigation, or
9 prosecution of any violation of criminal law.

10 “(2) SECURITY ZONE.—The term ‘security
11 zone’ means a security zone, established by the Com-
12 mandant of the Coast Guard or the Commandant’s
13 designee pursuant to section 1 of title II of the Act
14 of June 15, 1917 (50 U.S.C. 191) or section 7(b)
15 of the Ports and Waterways Safety Act (33 U.S.C.
16 1226(b)), for a vessel carrying especially hazardous
17 cargo when such vessel—

18 “(A) enters, or operates within, the inter-
19 nal waters of the United States and the terri-
20 torial sea of the United States; or

21 “(B) transfers such cargo or residue in
22 any port or place, under the jurisdiction of the
23 United States, within the territorial sea of the
24 United States or the internal waters of the
25 United States.

1 **“§ 70132. Credentialing standards, training, and cer-**
2 **tification for State and local support for**
3 **the enforcement of security zones for the**
4 **transportation of especially hazardous**
5 **cargo**

6 “(a) STANDARD.—The Commandant of the Coast
7 Guard shall establish, by regulation, national standards
8 for training and credentialing of law enforcement per-
9 sonnel—

10 “(1) to enforce a security zone; or

11 “(2) to assist in the enforcement of a security
12 zone.

13 “(b) TRAINING.—

14 “(1) The Commandant of the Coast Guard—

15 “(A) shall develop and publish a training
16 curriculum for—

17 “(i) law enforcement personnel to en-
18 force a security zone;

19 “(ii) law enforcement personnel to en-
20 force or assist in the enforcement of a se-
21 curity zone; and

22 “(iii) personnel who are employed or
23 retained by a facility or vessel owner to as-
24 sist in the enforcement of a security zone;
25 and

26 “(B) may—

1 “(i) test and deliver such training, the
2 curriculum for which is developed pursuant
3 to subparagraph (A);

4 “(ii) enter into an agreement under
5 which a public entity (including a Federal
6 agency) or private entity may test and de-
7 liver such training, the curriculum for
8 which has been developed pursuant to sub-
9 paragraph (A); and

10 “(iii) may accept a program, con-
11 ducted by a public entity (including a Fed-
12 eral agency) or private entity, through
13 which such training is delivered the cur-
14 riculum for which is developed pursuant to
15 subparagraph (A).

16 “(2) Any Federal agency that provides such
17 training, and any public or private entity that re-
18 ceives moneys, pursuant to section 70107(b)(8) of
19 this title, to provide such training, shall provide such
20 training—

21 “(A) to law enforcement personnel who en-
22 force or assist in the enforcement of a security
23 zone; and

24 “(B) on an availability basis to—

1 “(i) law enforcement personnel who
2 assist in the enforcement of a security
3 zone; and

4 “(ii) personnel who are employed or
5 retained by a facility or vessel owner or op-
6 erator to assist in the enforcement of a se-
7 curity zone.

8 “(3) If a Federal agency provides the training,
9 the head of such agency may, notwithstanding any
10 other provision of law, accept payment from any
11 source for such training, and any amount received
12 as payment shall be credited to the appropriation,
13 current at the time of collection, charged with the
14 cost thereof and shall be merged with, and available
15 for, the same purposes of such appropriation.

16 “(4) Notwithstanding any other provision of
17 law, any moneys, awarded by the Department of
18 Homeland Security in the form of awards or grants,
19 may be used by the recipient to pay for training of
20 personnel to assist in the enforcement of security
21 zones and limited access areas.

22 “(c) CERTIFICATION; TRAINING PARTNERS.—In de-
23 veloping and delivering training under the training pro-
24 gram, the Secretary, in coordination with the Maritime
25 Administrator of the Department of Transportation, and

1 consistent with section 109 of the Maritime Transpor-
2 tation Security Act of 2002 (46 U.S.C. 70101 note),
3 shall—

4 “(1) work with government training facilities,
5 academic institutions, private organizations, em-
6 ployee organizations, and other entities that provide
7 specialized, state-of-the-art training for govern-
8 mental and nongovernmental emergency responder
9 providers or commercial seaport personnel and man-
10 agement;

11 “(2) utilize, as appropriate, government train-
12 ing facilities, courses provided by community col-
13 leges, public safety academies, State and private uni-
14 versities, and other facilities; and

15 “(3) certify organizations that offer the cur-
16 riculum for training and certification.”.

17 (b) GRANTS; ADMINISTRATION.—Section 70107 of
18 title 46, United States Code, is amended—

19 (1) by striking “services.” in subsection (a) and
20 inserting “services and to train law enforcement per-
21 sonnel under section 70132 of this title.”;

22 (2) by adding at the end of subsection (b) the
23 following:

24 “(8) The cost of training law enforcement per-
25 sonnel—

1 “(A) to enforce a security zone under sec-
2 tion 70132 of this title; or

3 “(B) assist in the enforcement of a secu-
4 rity zone.”;

5 (3) by adding at the end of subsection (c)(2)
6 the following:

7 “(C) TRAINING.—There are no matching
8 requirements for grants under subsection (a) to
9 train law enforcement agency personnel in the
10 enforcement of security zones under section
11 70132 of this title or in assisting in the en-
12 forcement of such security zones.”; and

13 (4) by striking “2011” in subsection (l) and in-
14 serting “2013”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) SUBCHAPTER i DESIGNATION.—Chapter
17 701 of title 46, United States Code, is amended by
18 inserting before section 70101 the following:

19 “SUBCHAPTER I—GENERAL”.

20 (2) TABLE OF CONTENTS AMENDMENTS.—The
21 table of contents for chapter 701 of title 46, United
22 States Code, is amended—

23 (3) by inserting before the item relating to sec-
24 tion 70101 the following:

1 **“Subchapter I—General”; and**

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

 “SUBCHAPTER II—PORT SECURITY ZONES

 “70131. Definitions

 “70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo”.

3 **TITLE IX—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 901. WAIVERS.**

6 (a) GENERAL COASTWISE WAIVER.—Notwith-
7 standing section 12112 and chapter 551 of title 46,
8 United States Code, the Secretary of the department in
9 which the Coast Guard is operating may issue a certificate
10 of documentation with a coastwise endorsement for the
11 following vessels:

12 (1) ZIPPER (State of New York regulation
13 number NY3205EB).

14 (2) GULF DIVER IV (United States official
15 number 553457).

16 (b) GALLANT LADY.—Section 1120(c) of the
17 Coast Guard Authorization Act of 1996 (110 Stat. 3977)
18 is amended—

19 (1) in paragraph (1)—

20 (A) by striking “of Transportation” and
21 inserting “of the department in which the Coast
22 Guard is operating”; and

1 (B) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) the vessel GALLANT LADY
4 (Feadship hull number 672, approximately 168
5 feet in length).”;

6 (2) by amending paragraph (3) to read as fol-
7 lows:

8 “(3) CONDITION.—The only nonrecreational ac-
9 tivity authorized for the vessel referred to in sub-
10 paragraph (A) of paragraph (1) is the transpor-
11 tation of individuals on behalf of an organization de-
12 scribed in section 501(c)(3) of the Internal Revenue
13 Code of 1986 and exempt from tax under section
14 501(a) of such Code, for which the owner of the ves-
15 sel receives no compensation.”;

16 (3) by striking paragraph (4) and redesignating
17 paragraph (5) as paragraph (4); and

18 (4) in paragraph (4) (as so redesignated) by
19 striking all after “shall expire” and inserting “on
20 the date of the sale of the vessel by the owner.”.

21 (c) ACTIVITY OF CERTAIN VESSELS.—

22 (1) IN GENERAL.—Section 12102 of title 46,
23 United States Code, is amended by adding at the
24 end the following:

25 “(d) AQUACULTURE WAIVER.—

1 “(1) PERMITTING OF NONQUALIFIED VESSELS
2 TO PERFORM CERTAIN AQUACULTURE SUPPORT OP-
3 ERATIONS.—Notwithstanding section 12113 and any
4 other law, the Secretary of Transportation may issue
5 a waiver allowing a documented vessel with a reg-
6 istry endorsement or a foreign flag vessel to be used
7 in operations that treat aquaculture fish for or pro-
8 tect aquaculture fish from disease, parasitic infesta-
9 tion, or other threats to their health if the Secretary
10 finds, after publishing a notice in the Federal Reg-
11 ister, that a suitable vessel of the United States is
12 not available that could perform those services.

13 “(2) PROHIBITION.—Vessels operating under a
14 waiver issued under this subsection may not engage
15 in any coastwise transportation.”.

16 (2) IMPLEMENTING AND INTERIM REGULA-
17 TIONS.—The Secretary of the department in which
18 the Coast Guard is operating shall, in accordance
19 with section 553 of title 5, United States Code, and
20 after public notice and comment, promulgate regula-
21 tions necessary and appropriate to implement this
22 subsection. The Secretary may grant interim permits
23 pending the issuance of such regulations upon re-
24 ceipt of applications containing the required infor-
25 mation.

1 **SEC. 902. CREW WAGES ON PASSENGER VESSELS.**

2 (a) FOREIGN AND INTERCOASTAL VOYAGES.—

3 (1) CAP ON PENALTY WAGES.—Section
4 10313(g) of title 46, United States Code, is amend-
5 ed—

6 (A) by striking “When” and inserting “(1)
7 Subject to paragraph (2), when”; and

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

9 “(2) The total amount required to be paid under
10 paragraph (1) with respect to all claims in a class action
11 suit by seamen on a passenger vessel capable of carrying
12 more than 500 passengers for wages under this section
13 against a vessel master, owner, or operator or the em-
14 ployer of the seamen shall not exceed ten times the unpaid
15 wages that are the subject of the claims.

16 “(3) A class action suit for wages under this sub-
17 section must be commenced within three years after the
18 later of—

19 “(A) the date of the end of the last voyage for
20 which the wages are claimed; or

21 “(B) the receipt, by a seaman who is a claimant
22 in the suit, of a payment of wages that are the sub-
23 ject of the suit that is made in the ordinary course
24 of employment.”.

25 (2) DEPOSITS.—Section 10315 of such title is
26 amended by adding at the end the following:

1 “(f) DEPOSITS IN SEAMAN ACCOUNT.—By written
2 request signed by the seaman, a seaman employed on a
3 passenger vessel capable of carrying more than 500 pas-
4 sengers may authorize the master, owner, or operator of
5 the vessel, or the employer of the seaman, to make depos-
6 its of wages of the seaman into a checking, savings, invest-
7 ment, or retirement account, or other account to secure
8 a payroll or debit card for the seaman if—

9 “(1) the wages designated by the seaman for
10 such deposit are deposited in a United States or
11 international financial institution designated by the
12 seaman;

13 “(2) such deposits in the financial institution
14 are fully guaranteed under commonly accepted inter-
15 national standards by the government of the country
16 in which the financial institution is licensed;

17 “(3) a written wage statement or pay stub, in-
18 cluding an accounting of any direct deposit, is deliv-
19 ered to the seaman no less often than monthly; and

20 “(4) while on board the vessel on which the sea-
21 man is employed, the seaman is able to arrange for
22 withdrawal of all funds on deposit in the account in
23 which the wages are deposited.”.

24 (b) COASTWISE VOYAGES.—

1 (1) CAP ON PENALTY WAGES.—Section
2 10504(c) of such title is amended—

3 (A) by striking “When” and inserting “(1)
4 Subject to subsection (d), and except as pro-
5 vided in paragraph (2), when”; and

6 (B) by inserting at the end the following:

7 “(2) The total amount required to be paid under
8 paragraph (1) with respect to all claims in a class action
9 suit by seamen on a passenger vessel capable of carrying
10 more than 500 passengers for wages under this section
11 against a vessel master, owner, or operator or the em-
12 ployer of the seamen shall not exceed ten times the unpaid
13 wages that are the subject of the claims.

14 “(3) A class action suit for wages under this sub-
15 section must be commenced within three years after the
16 later of—

17 “(A) the date of the end of the last voyage for
18 which the wages are claimed; or

19 “(B) the receipt, by a seaman who is a claimant
20 in the suit, of a payment of wages that are the sub-
21 ject of the suit that is made in the ordinary course
22 of employment.”.

23 (2) DEPOSITS.—Section 10504 of such title is
24 amended by adding at the end the following:

1 “(f) DEPOSITS IN SEAMAN ACCOUNT.—On written
2 request signed by the seaman, a seaman employed on a
3 passenger vessel capable of carrying more than 500 pas-
4 sengers may authorize, the master, owner, or operator of
5 the vessel, or the employer of the seaman, to make depos-
6 its of wages of the seaman into a checking, savings, invest-
7 ment, or retirement account, or other account to secure
8 a payroll or debit card for the seaman if—

9 “(1) the wages designated by the seaman for
10 such deposit are deposited in a United States or
11 international financial institution designated by the
12 seaman;

13 “(2) such deposits in the financial institution
14 are fully guaranteed under commonly accepted inter-
15 national standards by the government of the country
16 in which the financial institution is licensed;

17 “(3) a written wage statement or pay stub, in-
18 cluding an accounting of any direct deposit, is deliv-
19 ered to the seaman no less often than monthly; and

20 “(4) while on board the vessel on which the sea-
21 man is employed, the seaman is able to arrange for
22 withdrawal of all funds on deposit in the account in
23 which the wages are deposited.”.

1 **SEC. 903. TECHNICAL CORRECTIONS.**

2 (a) COAST GUARD AND MARITIME TRANSPORTATION
3 ACT OF 2006.—Effective with enactment of the Coast
4 Guard and Maritime Transportation Act of 2006 (Public
5 Law 109–241), such Act is amended—

6 (1) in section 311(b) (120 Stat. 530) by insert-
7 ing “paragraphs (1) and (2) of” before “section
8 8104(o)”;

9 (2) in section 603(a)(2) (120 Stat. 554) by
10 striking “33 U.S.C. 2794(a)(2)” and inserting “33
11 U.S.C. 2704(a)(2)”;

12 (3) in section 901(r)(2) (120 Stat. 566) by
13 striking “the” the second place it appears;

14 (4) in section 902(c) (120 Stat. 566) by insert-
15 ing “of the United States” after “Revised Statutes”;

16 (5) in section 902(e) (120 Stat. 567) is amend-
17 ed—

18 (A) by inserting “and” after the semicolon
19 at the end of paragraph (1);

20 (B) by striking “and” at the end of para-
21 graph (2)(A); and

22 (C) by redesignating paragraphs (3) and
23 (4) as subparagraphs (C) and (D) of paragraph
24 (2), respectively, and aligning the left margin of
25 such subparagraphs with the left margin of
26 subparagraph (A) of paragraph (2);

1 (6) in section 902(e)(2)(C) (as so redesignated)
2 by striking “this section” and inserting “this para-
3 graph”;

4 (7) in section 902(e)(2)(D) (as so redesignated)
5 by striking “this section” and inserting “this para-
6 graph”;

7 (8) in section 902(h)(1) (120 Stat. 567)—

8 (A) by striking “Bisti/De-Na-Zin” and all
9 that follows through “Protection” and inserting
10 “Omnibus Parks and Public Lands Manage-
11 ment”; and

12 (B) by inserting a period after “Com-
13 mandant of the Coast Guard”; and

14 (9) in section 902(k) (120 Stat. 568) is amend-
15 ed—

16 (A) by inserting “the Act of March 23,
17 1906, commonly known as” before “the General
18 Bridge”;

19 (B) by striking “491)” and inserting
20 “494),”; and

21 (C) by inserting “each place it appears”
22 before “and inserting”.

23 (b) TITLE 14.—

1 (1) The analysis for chapter 7 of title 14,
2 United States Code, is amended by adding a period
3 at the end of the item relating to section 149.

4 (2) The analysis for chapter 17 of title 14,
5 United States Code, is amended by adding a period
6 at the end of the item relating to section 677.

7 (3) The analysis for chapter 9 of title 14,
8 United States Code, is amended by adding a period
9 at the end of the item relating to section 198.

10 (4) Section 182 of title 14, United States Code,
11 is amended by striking the third sentence.

12 (c) TITLE 46.—

13 (1) The analysis for chapter 81 of title 46,
14 United States Code, is amended by adding a period
15 at the end of the item relating to section 8106.

16 (2) Section 70105(c)(3)(C) of such title is
17 amended by striking “National Intelligence Direc-
18 tor” and inserting “Director of National Intel-
19 ligence”.

20 (d) DEEPWATER PORT ACT OF 1974.—Section
21 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C.
22 1504(c)(2)) is amended by aligning the left margin of sub-
23 paragraph (K) with the left margin of subparagraph (L).

24 (e) OIL POLLUTION ACT OF 1990.—

1 (1) Section 1004(a)(2) of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2704(a)(2)) is amended by strik-
3 ing the first comma following “\$800,000”.

4 (2) The table of sections in section 2 of such
5 Act is amended by inserting a period at the end of
6 the item relating to section 7002.

7 (f) COAST GUARD AUTHORIZATION ACT OF 1996.—
8 The table of sections in section 2 of the Coast Guard Au-
9 thorization Act of 1996 is amended in the item relating
10 to section 103 by striking “reports” and inserting “re-
11 port”.

12 **SEC. 904. MANNING REQUIREMENT.**

13 Section 421 of the Coast Guard and Maritime Trans-
14 portation Act of 2006 (Public Law 109–241; 120 Stat.
15 547) is amended—

16 (1) in subsection (a), by striking “in the 48-
17 month period beginning on the date of enactment of
18 this Act if,” and inserting “until the date of expira-
19 tion of this section if,”;

20 (2) in subsection (b), by striking “Subsection
21 (a)(1)” and inserting “Subsection (a)”;

22 (3) in subsection (d), by striking “48 months
23 after the date of enactment of this Act.” and insert-
24 ing “on December 31, 2012.”; and

1 man on a vessel operating on navigable waters
2 in 2 or more States.”.

3 **SEC. 907. LAND CONVEYANCE, COAST GUARD PROPERTY IN**
4 **MARQUETTE COUNTY, MICHIGAN, TO THE**
5 **CITY OF MARQUETTE, MICHIGAN.**

6 (a) CONVEYANCE AUTHORIZED.—

7 (1) IN GENERAL.—The Commandant of the
8 Coast Guard may convey as surplus property, under
9 section 550 of title 40, United States Code, and
10 other relevant Federal Laws governing the disposal
11 of Federal surplus property, to the City of Mar-
12 quette, Michigan (in this section referred to as the
13 “City”), all right, title, and interest of the United
14 States in and to a parcel of real property, together
15 with any improvements thereon, located in Mar-
16 quette County, Michigan, that is under the adminis-
17 trative control of the Coast Guard, consisting of ap-
18 proximately 5.5 acres of real property, as depicted
19 on the Van Neste survey (#204072), dated Sep-
20 tember 7, 2006, together with the land between the
21 intermediate traverse line as shown on such survey
22 and the ordinary high water mark, the total com-
23 prising 9 acres, more or less, and commonly identi-
24 fied as Coast Guard Station Marquette and Light-
25 house Point.

1 (2) COSTS OF CONVEYANCE.—The responsi-
2 bility for all reasonable and necessary costs, includ-
3 ing real estate transaction and environmental docu-
4 mentation costs, associated with the transaction
5 shall be determined by the Commandant of the
6 Coast Guard and the City.

7 (b) RETENTION OF CERTAIN EASEMENTS.—In con-
8 veying the property under subsection (a), the Com-
9 mandant of the Coast Guard may retain such easements
10 over the property as the Commandant considers appro-
11 priate for access to aids to navigation.

12 (c) LIMITATIONS.—The property to be conveyed
13 under subsection (a) may not be conveyed under that sub-
14 section until—

15 (1) the Coast Guard has relocated Coast Guard
16 Station Marquette to a newly constructed station;

17 (2) any environmental remediation required
18 under Federal law with respect to the property has
19 been completed; and

20 (3) the Commandant of the Coast Guard deter-
21 mines that retention of the property by the United
22 States is not required to carry out Coast Guard mis-
23 sions or functions.

24 (d) CONDITIONS OF TRANSFER.—All conditions
25 placed within the deed of title of the property to be con-

1 veved under subsection (a) shall be construed as covenants
2 running with the land.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Commandant of the Coast Guard.

7 (f) ADDITIONAL TERMS AND CONDITIONS.—The
8 Commandant of the Coast Guard may require such addi-
9 tional terms and conditions in connection with the convey-
10 ance authorized by subsection (a) as the Commandant
11 considers appropriate to protect the interests of the
12 United States.

13 **SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVI-**
14 **GABLE PORTIONS OF THE RIO GRANDE**
15 **RIVER, TEXAS, INTERNATIONAL WATER**
16 **BOUNDARY.**

17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Secretary of the department in which
19 the Coast Guard is operating shall prepare a mission re-
20 quirement analysis for the navigable portions of the Rio
21 Grande River, Texas, international water boundary. The
22 analysis shall take into account the Coast Guard's involve-
23 ment on the Rio Grande River by assessing Coast Guard
24 missions, assets, and personnel assigned along the Rio
25 Grande River. The analysis shall also identify what would

1 be needed for the Coast Guard to increase search and res-
2 cue operations, migrant interdiction operations, and drug
3 interdiction operations. In carrying out this section, the
4 Secretary shall work with all appropriate entities to facili-
5 tate the collection of information under this section as nec-
6 essary and shall report the analysis to the Congress.

7 **SEC. 909. CONVEYANCE OF COAST GUARD PROPERTY IN**
8 **CHEBOYGAN, MICHIGAN.**

9 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
10 any other provision of law, the Commandant of the Coast
11 Guard is authorized to convey, at fair market value, all
12 right, title, and interest of the United States in and to
13 a parcel of real property, consisting of approximately 3
14 acres, more or less, that is under the administrative con-
15 trol of the Coast Guard and located at 900 S. Western
16 Avenue in Cheboygan, Michigan.

17 (b) RIGHT OF FIRST REFUSAL.—The Cornerstone
18 Christian Academy, located in Cheboygan, MI, shall have
19 the right of first refusal to purchase, at fair market value,
20 all or a portion of the real property described in subsection
21 (a).

22 (c) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the property to be conveyed under
24 subsection (a) shall be determined by a survey satisfactory
25 to the Commandant of the Coast Guard.

1 (d) FAIR MARKET VALUE.—The fair market value
2 of the property shall be—

3 (1) determined by appraisal, in accordance with
4 the Uniform Appraisal Standards for Federal Land
5 Acquisitions and the Uniform Standards of Profes-
6 sional Appraisal Practice; and

7 (2) subject to the approval of the Commandant.

8 (e) COSTS OF CONVEYANCE.—The responsibility for
9 all reasonable and necessary costs, including real estate
10 transaction and environmental documentation costs, asso-
11 ciated with the transaction shall be determined by the
12 Commandant of the Coast Guard and the purchaser.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The
14 Commandant of the Coast Guard may require such addi-
15 tional terms and conditions in connection with the convey-
16 ance under subsection (a) as is considered appropriate to
17 protect the interests of the United States.

18 **SEC. 910. ALTERNATIVE LICENSING PROGRAM FOR OPERA-**
19 **TORS OF UNINSPECTED PASSENGER VESSELS**
20 **ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.**

21 (a) IN GENERAL.—Upon the request of the Governor
22 of the State of Texas or the Governor of the State of Okla-
23 homa, the Secretary of the department in which the Coast
24 Guard is operating shall enter into an agreement with the
25 Governor of the State whereby the State shall license oper-

1 ators of uninspected passenger vessels operating on Lake
2 Texoma in Texas and Oklahoma in lieu of the Secretary
3 issuing the license pursuant to section 8903 of title 46,
4 United States Code, and the regulations issued there-
5 under, but only if the State plan for licensing the opera-
6 tors of uninspected passenger vessels—

7 (1) meets the equivalent standards of safety
8 and protection of the environment as those con-
9 tained in subtitle II of title 46, United States Code,
10 and regulations issued thereunder;

11 (2) includes—

12 (A) standards for chemical testing for such
13 operators;

14 (B) physical standards for such operators;

15 (C) professional service and training re-
16 quirements for such operators; and

17 (D) criminal history background check for
18 such operators;

19 (3) provides for the suspension and revocation
20 of State licenses;

21 (4) makes an individual, who is ineligible for a
22 license issued under title 46, United States Code, in-
23 eligible for a State license; and

24 (5) provides for a report that includes—

1 (A) the number of applications that, for
2 the preceding year, the State rejected due to
3 failure to—

4 (i) meet chemical testing standards;

5 (ii) meet physical standards;

6 (iii) meet professional service and
7 training requirements; and

8 (iv) pass criminal history background
9 check for such operators;

10 (B) the number of licenses that, for the
11 preceding year, the State issued;

12 (C) the number of license investigations
13 that, for the preceding year, the State con-
14 ducted;

15 (D) the number of licenses that, for the
16 preceding year, the State suspended or revoked,
17 and the cause for such suspensions or revoca-
18 tions; and

19 (E) the number of injuries, deaths, colli-
20 sions, and loss or damage associated with
21 uninspected passenger vessels operations that,
22 for the preceding year, the State investigated.

23 (b) ADMINISTRATION.—

24 (1) The Governor of the State may delegate the
25 execution and enforcement of the State plan, includ-

1 ing the authority to license and the duty to report
2 information pursuant to subsection (a), to any sub-
3 ordinate State officer. The Governor shall provide,
4 to the Secretary, written notice of any delegation.

5 (2) The Governor (or the Governor's designee)
6 shall provide written notice of any amendment to the
7 State plan no less than 45 days prior to the effective
8 date of such amendment.

9 (3) At the request of the Secretary, the Gov-
10 ernor of the State (or the Governor's designee) shall
11 grant, on a biennial basis, the Secretary access to
12 State records and State personnel for the purpose of
13 auditing State execution and enforcement of the
14 State plan.

15 (c) APPLICATION.—

16 (1) The requirements of section 8903 of title
17 46, United States Code, and the regulations issued
18 thereunder shall not apply to any person operating
19 under the authority of a State license issued pursu-
20 ant to an agreement under this section.

21 (2) The State shall not compel a person, oper-
22 ating under the authority of a license issued either
23 by another State, pursuant to a valid agreement
24 under this section, or by the Secretary, pursuant to
25 section 8903 of title 46, United States Code, to—

1 (A) hold a license issued by the State, pur-
2 suant to an agreement under this section; or

3 (B) pay any fee, associated with licensing,
4 because the person does not hold a license
5 issued by the State, pursuant to an agreement
6 under this section.

7 Nothing in this paragraph shall limit the authority
8 of the State to impose requirements or fees for privi-
9 leges, other than licensing, that are associated with
10 the operation of uninspected passenger vessels on
11 Lake Texoma.

12 (3) For the purpose of enforcement, if an indi-
13 vidual is issued a license—

14 (A) by a State, pursuant to an agreement
15 entered into under to this section; or

16 (B) by the Secretary, pursuant to section
17 8903 of title 46, United States Code,

18 then the individual shall be entitled to lawfully oper-
19 ate an uninspected passenger vessel on Lake
20 Texoma in Texas and Oklahoma without further re-
21 quirement to hold an additional operator's license.

22 (d) TERMINATION.—

23 (1) If—

1 (A) the Secretary finds that the State plan
2 for the licensing the operators of uninspected
3 passenger vessels—

4 (i) does not meet the equivalent
5 standards of safety and protection of the
6 environment as those contained in subtitle
7 II of title 46, United States Code, and reg-
8 ulations issued thereunder;

9 (ii) does not include—

10 (I) standards for chemical testing
11 for such operators,

12 (II) physical standards for such
13 operators,

14 (III) professional service and
15 training requirements for such opera-
16 tors, or

17 (IV) background and criminal in-
18 vestigations for such operators;

19 (iii) does not provide for the suspen-
20 sion and revocation of State licenses; or

21 (iv) does not make an individual, who
22 is ineligible for a license issued under title
23 46, United States Code, ineligible for a
24 State license; or

1 (B) the Governor (or the Governor's des-
2 ignee) fails to report pursuant to subsection (b),
3 the Secretary shall terminate the agreement author-
4 ized by this section, provided that the Secretary pro-
5 vides written notice to the Governor of the State 60
6 days in advance of termination. The findings of fact
7 and conclusions of the Secretary, if based on a pre-
8 ponderance of the evidence, shall be conclusive.

9 (2) The Governor of the State may terminate
10 the agreement authorized by this section, provided
11 that the Governor provides written notice to the Sec-
12 retary 60 days in advance of the termination date.

13 (e) EXISTING AUTHORITY.—Nothing in this section
14 shall affect or diminish the authority or jurisdiction of any
15 Federal or State officer to investigate, or require reporting
16 of, marine casualties.

17 (f) DEFINITIONS.—For the purposes of this section,
18 the term “uninspected passenger vessel” has the same
19 meaning such term has in section 2101(42)(B) of title 46,
20 United States Code.

21 **SEC. 911. STRATEGY REGARDING DRUG TRAFFICKING VES-**
22 **SELS.**

23 Within 180 days after the date of enactment of this
24 Act, the Secretary of the department in which the Coast
25 Guard is operating, acting through the Commandant of

1 the Coast Guard, shall submit a report to Congress on
2 its comprehensive strategy to combat the illicit flow of nar-
3 cotics, weapons, bulk cash, and other contraband through
4 the use of submersible and semi-submersible vessels. The
5 strategy shall be developed in coordination with other Fed-
6 eral agencies engaged in detection, interdiction, or appre-
7 hension of such vessels. At a minimum, the report shall
8 include the following:

9 (1) An assessment of the threats posed by sub-
10 mersible and semi-submersible vessels, including the
11 number of such vessels that have been detected or
12 interdicted.

13 (2) Information regarding the Federal per-
14 sonnel, technology and other resources available to
15 detect and interdict such vessels.

16 (3) An explanation of the Coast Guard's plan,
17 working with other Federal agencies as appropriate,
18 to detect and interdict such vessels.

19 (4) An assessment of additional personnel, tech-
20 nology, or other resources necessary to address such
21 vessels.

22 **SEC. 912. USE OF FORCE AGAINST PIRACY.**

23 (a) IN GENERAL.—Chapter 81 of title 46, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 8107. Use of force against piracy**

2 “(a) LIMITATION ON LIABILITY.—An owner, oper-
3 ator, time charterer, master, mariner, or individual who
4 uses force or authorizes the use of force to defend a vessel
5 of the United States against an act of piracy shall not
6 be liable for monetary damages for any injury or death
7 caused by such force to any person engaging in an act
8 of piracy if such force was in accordance with standard
9 rules for the use of force in self-defense of vessels pre-
10 scribed by the Secretary.

11 “(b) PROMOTION OF COORDINATED ACTION.—To
12 carry out the purpose of this section, the Secretary of the
13 department in which the Coast Guard is operating shall
14 work through the International Maritime Organization to
15 establish agreements to promote coordinated action among
16 flag- and port-states to deter, protect against, and rapidly
17 respond to piracy against the vessels of, and in the waters
18 under the jurisdiction of, those nations, and to ensure lim-
19 itations on liability similar to those established by sub-
20 section (a).

21 “(c) DEFINITION.—For the purpose of this section,
22 the term ‘act of piracy’ means any act of aggression,
23 search, restraint, depredation, or seizure attempted
24 against a vessel of the United States by an individual not
25 authorized by the United States, a foreign government,

1 or an international organization recognized by the United
2 States to enforce law on the high seas.”.

3 (b) CLERICAL AMENDMENT.—The analysis at the be-
4 ginning of such chapter is amended by adding at the end
5 the following new item:

“8107. Use of force against piracy.”.

6 (c) STANDARD RULES FOR THE USE OF FORCE FOR
7 SELF-DEFENSE OF VESSELS OF THE UNITED STATES.—
8 Not later than 180 days after the date of enactment of
9 this act, the secretary of the department in which the
10 coast guard is operating, in consultation with representa-
11 tives of industry and labor, shall develop standard rules
12 for the use of force for self-defense of vessels of the United
13 States

14 **SEC. 913. TECHNICAL AMENDMENTS TO CHAPTER 313 OF**
15 **TITLE 46, UNITED STATES CODE.**

16 (a) IN GENERAL.—Chapter 313 of title 46, United
17 States Code, is amended—

18 (1) by striking “of Transportation” in sections
19 31302, 31306, 31321, 31330, and 31343 each place
20 it appears;

21 (2) by striking “and” after the semicolon in
22 section 31301(5)(F);

23 (3) by striking “office.” in section 31301(6)
24 and inserting “office; and”; and

1 (4) by adding at the end of section 31301 the
2 following:

3 “(7) ‘Secretary’ means the Secretary of the De-
4 partment of Homeland Security, unless otherwise
5 noted.”.

6 (b) SECRETARY AS MORTGAGEE.—Section 31308 of
7 such title is amended by striking “When the Secretary of
8 Commerce or Transportation is a mortgagee under this
9 chapter, the Secretary” and inserting “The Secretary of
10 Commerce or Transportation, as a mortgagee under this
11 chapter,”.

12 (c) SECRETARY OF TRANSPORTATION.—Section
13 31329(d) of such title is amended by striking “Secretary.”
14 and inserting “Secretary of Transportation.”.

15 (d) MORTGAGEE.—

16 (1) Section 31330(a)(1) of such title, as amend-
17 ed by subsection (a)(1) of this section, is amended—

18 (A) by inserting “or” after the semicolon
19 in subparagraph (B);

20 (B) by striking “Secretary; or” in subpara-
21 graph (C) and inserting “Secretary.”; and

22 (C) by striking subparagraph (D).

23 (2) Section 31330(a)(2) is amended—

24 (A) by inserting “or” after the semicolon
25 in subparagraph (B);

1 (B) by striking “faith; or” in subpara-
2 graph (C) and inserting “faith.”; and

3 (C) by striking subparagraph (D).

4 **SEC. 914. CONVEYANCE OF COAST GUARD VESSELS FOR**
5 **PUBLIC PURPOSES.**

6 (a) IN GENERAL.—Whenever the transfer of owner-
7 ship of a Coast Guard vessel or aircraft to an eligible enti-
8 ty for use for educational, cultural, historical, charitable,
9 recreational, or other public purposes is authorized by law
10 or declared excess by the Commandant, the Coast Guard
11 shall transfer the vessel or aircraft to the General Services
12 Administration for conveyance to the eligible entity.

13 (b) CONDITIONS OF CONVEYANCE.—The General
14 Services Administration may not convey a vessel or air-
15 craft to an eligible entity as authorized by law unless the
16 eligible entity agrees—

17 (1) to provide the documentation needed by the
18 General Services Administration to process a request
19 for aircraft or vessels under section 102.37.225 of
20 title 41, Code of Federal Regulations;

21 (2) to comply with the special terms, conditions,
22 and restrictions imposed on aircraft and vessels
23 under section 102-37.460 of such title;

24 (3) to make the vessel available to the United
25 States Government if it is needed for use by the

1 Commandant of the Coast Guard in time of war or
2 a national emergency; and

3 (4) to hold the United States Government
4 harmless for any claims arising from exposure to
5 hazardous materials, including asbestos and poly-
6 chlorinated biphenyls, that occurs after conveyance
7 of the vessel, except for claims arising from use of
8 the vessel by the United States Government under
9 paragraph (3).

10 (c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in
11 this section amends or affects any obligation of the Coast
12 Guard or any other person under the Toxic Substances
13 Control Act (15 U.S.C. 2601 et seq.) or any other law
14 regarding use or disposal of hazardous materials including
15 asbestos and polychlorinated biphenyls.

16 (d) ELIGIBLE ENTITY DEFINED.—In this section,
17 the term “eligible entity” means a State or local govern-
18 ment, nonprofit corporation, educational agency, commu-
19 nity development organization, or other entity that agrees
20 to comply with the conditions established under this sec-
21 tion.

1 **SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION**
2 **AND TRAFFIC FLOW.**

3 (a) INFORMATION ON USAGE.—Within 60 days after
4 the date of enactment of this Act, the Commandant of
5 the Coast Guard shall—

6 (1) determine the types and numbers of vessels
7 typically transiting or utilizing that portion of the
8 Atlantic Intracoastal Waterway beginning at a point
9 that is due East of the outlet of the Cutler Drain
10 Canal C-100 in Dade County, Florida, and ending
11 at the Dade County line, during a period of 30 days;
12 and

13 (2) provide the information on usage compiled
14 under this subsection to the Senate Committee on
15 Commerce, Science, and Transportation and the
16 House of Representatives Committee on Transpor-
17 tation and Infrastructure.

18 (b) ASSESSMENT OF CERTAIN AIDS TO NAVIGA-
19 TION.—Within 90 days after the date of enactment of this
20 Act, the Commandant of the Coast Guard shall—

21 (1) review and assess the buoys, markers, and
22 other aids to navigation in and along that portion of
23 the Atlantic Intracoastal Waterway specified in sub-
24 section (a), to determine the adequacy and suffi-
25 ciency of such aids, and the need to replace such
26 aids, install additional aids, or both; and

1 (2) submit a report on the assessment required
2 by this section to the committees.

3 (c) SUBMISSION OF PLAN.—Within 180 days after
4 the date of enactment of this Act, the Commandant shall
5 submit a plan to the committees to address the needs iden-
6 tified under subsection (b).

7 **SEC. 916. FRESNEL LENS FROM PRESQUE ISLE LIGHT STA-**
8 **TION IN PRESQUE ISLE, MICHIGAN.**

9 (a) DETERMINATION; ANALYSES.—

10 (1) DETERMINATION.—The Commandant of
11 the Coast Guard shall determine the necessity and
12 adequacy of the existing Federal aids to navigation
13 at Presque Isle Light Station, Presque Isle, Michi-
14 gan (hereinafter “Light Station”), and submit such
15 determination 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. The Commandant
19 may base such determination on the Waterways
20 Analysis and Management System study of such
21 Federal aid to navigation, provided that such study
22 was completed not more than one year prior to the
23 date of enactment of this section.

24 (2) ANALYSES.—The Commandant of the Coast
25 Guard shall conduct—

1 (A) an analysis of the feasibility of restor-
2 ing the Fresnel Lens from the Light Station to
3 operating condition, the capacity of the Coast
4 Guard to maintain the Fresnel Lens as a Fed-
5 eral aid to navigation, and the impact on the
6 Fresnel Lens as an artifact if used as a Federal
7 aid to navigation; and

8 (B) a comparative analysis of the cost of
9 restoring, reinstalling, operating, and maintain-
10 ing the Fresnel Lens (including life-cycle costs)
11 and the cost of operating and maintaining the
12 existing Federal aid to navigation at the Light
13 Station (including life-cycle costs).

14 (3) SUBMISSION.—Not later than 1 year after
15 the date of enactment of this section, the Com-
16 mandant of the Coast Guard shall submit the deter-
17 mination and analyses, conducted pursuant to this
18 subsection, to the Committee on Transportation and
19 Infrastructure of the House of Representatives and
20 the Committee on Commerce, Science, and Trans-
21 portation of the Senate.

22 (b) TRANSFER POSSESSION OF LENS AUTHOR-
23 IZED.—

24 (1) TRANSFER OF POSSESSION.—Notwith-
25 standing any other provision of law, the Com-

1 mandant of the Coast Guard may transfer to the
2 Township of Presque Isle, Michigan (hereinafter
3 “Township”), possession of the Fresnel Lens from
4 the Light Station for the purpose of conserving and
5 displaying such Fresnel Lens as an artifact in an ex-
6 hibition facility at or near the Light Station.

7 (2) CONDITION.—As a condition of the transfer
8 of possession pursuant to paragraph (1)—

9 (A) all Federal aids to navigation located
10 at, on, or in the Light Station in operation on
11 the date of transfer of possession shall remain
12 the personal property of the United States and
13 continue to be operated and maintained by the
14 United States for as long as needed for naviga-
15 tional purposes;

16 (B) there is reserved to the United States
17 the right to maintain, remove, replace, or install
18 any Federal aid to navigation located at, on, or
19 in the Light Station as may be necessary for
20 navigational purposes; and

21 (C) the Township shall neither interfere
22 nor allow interference in any manner with any
23 Federal aid to navigation, nor hinder activities
24 required for the operation and maintenance of
25 any Federal aid to navigation.

1 (3) ALTERNATIVE DISPLAY.—

2 (A) In the event that—

3 (i) the Commandant of the Coast
4 Guard, pursuant to a Waterways Analysis
5 and Management System study, discon-
6 tinues the existing Federal aids to naviga-
7 tion at, on, or in the Light Station; and

8 (ii) the Township demonstrates to the
9 satisfaction of the Commandant that the
10 Township can restore, reinstall, and dis-
11 play the Fresnel Lens from the Light Sta-
12 tion in the lantern room of such Light Sta-
13 tion in a manner that conserves such
14 Fresnel Lens as an artifact;

15 the Township is authorized, notwithstanding
16 paragraph (1), to display such Fresnel Lens in
17 the lantern room of such Light Station.

18 (B) Nothing in this paragraph shall be
19 construed to prevent the Township from install-
20 ing a replica of the Fresnel Lens in the lantern
21 room of such Light Station.

22 (c) CONVEYANCE, TRANSFER OF ADDITIONAL PER-
23 SONAL PROPERTY.—Notwithstanding any other provision
24 of law, the Commandant may convey or transfer posses-
25 sion of any personal property of the United States, per-

1 taining to the Fresnel Lens or the Light Station, as an
2 artifact to the Township.

3 (d) TERMS; REVERSIONARY INTEREST.—As a condi-
4 tion of transfer of possession of personal property of the
5 United States, pursuant to subsection (c), the Com-
6 mandant may require the Township to comply with terms
7 and conditions necessary to protect and conserve such per-
8 sonal property. Upon notice that the Commandant has de-
9 termined that the Township has not complied with such
10 terms and conditions, the Township shall immediately
11 transfer possession of such personal property to the Coast
12 Guard, except to the extent otherwise approved by the
13 Commandant.

14 (e) CONVEYANCE WITHOUT CONSIDERATION.—The
15 conveyance or transfer of possession of any personal prop-
16 erty of the United States (including the Fresnel Lens)
17 under this section shall be without consideration.

18 (f) DELIVERY OF PROPERTY.—The Commandant
19 shall deliver any personal property, conveyed or trans-
20 ferred pursuant to this section (including the Fresnel
21 Lens)—

22 (1) at the place where such property is located
23 on the date of the conveyance;

24 (2) in condition on the date of conveyance; and

25 (3) without cost to the United States.

1 (g) MAINTENANCE OF PROPERTY.—As a condition of
2 the transfer of possession of the Fresnel Lens and any
3 other personal property of the United States to the Town-
4 ship under this section, the Commandant shall enter into
5 an agreement with the Township under which the Town-
6 ship agrees to hold the United States harmless for any
7 claim arising with respect to the Fresnel Lens or such per-
8 sonal property.

9 (h) LIMITATION ON FUTURE TRANSFERS.—The in-
10 struments providing for the transfer of possession of the
11 Fresnel Lens or any other personal property of the United
12 States under this section shall—

13 (1) require that any further transfer of an in-
14 terest in the Fresnel Lens or personal property may
15 not be made without the advance approval of the
16 Commandant; and

17 (2) provide that, if the Commandant determines
18 that an interest in the Fresnel Lens or personal
19 property was transferred without such approval—

20 (A) all right, title, and interest in the
21 Fresnel Lens or personal property shall revert
22 to the United States, and the United States
23 shall have the right to immediate possession of
24 the Fresnel Lens or personal property; and

1 (B) the recipient of the Fresnel Lens or
2 personal property shall pay the United States
3 for costs incurred by the United States in re-
4 covering the Fresnel Lens or personal property.

5 (i) ADDITIONAL TERMS AND CONDITIONS.—The
6 Commandant may require such additional terms and con-
7 ditions in connection with the conveyance or transfer of
8 personal property of the United States (including the
9 Fresnel Lens) authorized by this section as the Com-
10 mandant considers appropriate to protect the interests of
11 the United States.

12 **SEC. 917. MARITIME LAW ENFORCEMENT.**

13 (a) PENALTIES.—Section 2237(b) of title 18, United
14 States Code, is amended to read as follows:

15 “(b) Whoever knowingly violates this section shall—

16 “(1) if the offense results in death or involves
17 kidnapping, an attempt to kidnap or kill, conduct re-
18 quired for an offense or an attempt to commit an of-
19 fense, under section 2241 (relating to aggravated
20 sexual abuse) without regard to where it takes place,
21 or an attempt to kill, be fined under this title or im-
22 prisoned for any term of years or life, or both;

23 “(2) if the offense results in serious bodily in-
24 jury (as defined in section 1365), be fined under this

1 title or imprisoned for not more than 15 years, or
2 both;

3 “(3) if the offense involves knowing transpor-
4 tation under inhumane conditions and is committed
5 in the course of a violation of section 274 of the Im-
6 migration and Nationality Act; chapter 77 or section
7 111, 111A, 113 , or 117 of this title; chapter 705
8 of title 46; or title II of the Act of June 15, 1917
9 (Chapter 30; 40 Stat. 220), be fined under this title
10 or imprisoned for not more than 15 years, or both;
11 and

12 “(4) in any other case, be fined under this title
13 or imprisoned for not more than 5 years, or both.”.

14 (b) DEFINITION.—Section 2237(e) of title 18, United
15 States Code is amended—

16 (1) by amending paragraph (3) to read as fol-
17 lows:

18 “(3) the term ‘vessel subject to the jurisdiction
19 of the United States’ has the meaning given the
20 term in section 70502 of title 46;”;

21 (2) in paragraph (4), by striking “section 2 of
22 the Maritime Drug Law Enforcement Act (46
23 U.S.C. App. 1903).” and inserting “section 70502
24 of title 46; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(5) the term ‘transportation under inhumane
4 conditions’ means—

5 “(A) transportation—

6 “(i) of one or more persons in an en-
7 gine compartment, storage compartment,
8 or other confined space;

9 “(ii) at an excessive speed; or

10 “(iii) of a number of persons in excess
11 of the rated capacity of the vessel; or

12 “(B) intentional grounding of a vessel in
13 which persons are being transported.”.

14 **SEC. 918. CAPITAL INVESTMENT PLAN.**

15 The Commandant of the Coast Guard shall submit
16 to the Committee on Transportation and Infrastructure
17 and the Committee on Commerce, Science, and Transpor-
18 tation of the Senate the Coast Guard’s 5-year capital in-
19 vestment plan concurrent with the President’s budget sub-
20 mission for each fiscal year.

21 **SEC. 919. REPORTS.**

22 Notwithstanding any other provision of law, in fiscal
23 year 2011 the total amount of appropriated funds obli-
24 gated or expended by the Coast Guard during any fiscal
25 year in connection with any study or report required by

1 law may not exceed the total amount of appropriated
2 funds obligated or expended by the Coast Guard for such
3 purpose in fiscal year 2010. In order to comply with the
4 requirements of this limitation, the Commandant of the
5 Coast Guard shall establish for each fiscal year a rank
6 order of priority for studies and reports that can be con-
7 ducted or completed during the fiscal year consistent with
8 this limitation and shall post the list on the Coast Guard's
9 public website.

10 **SEC. 920. COMPLIANCE PROVISION.**

11 The budgetary effects of this Act, for purposes of
12 complying with the Statutory Pay-As-You-Go Act of 2010,
13 shall be determined by reference to the latest statement
14 titled "Budgetary Effects of PAYGO Legislation" for this
15 Act, jointly submitted for printing in the Congressional
16 Record by the Chairmen of the House and Senate Budget
17 Committees, provided that such statement has been sub-
18 mitted prior to the vote on passage in the House acting
19 first on this conference report or amendments between the
20 Houses.

21 **SEC. 921. CONVEYANCE OF COAST GUARD PROPERTY IN**
22 **PORTLAND, MAINE.**

23 Section 347 of the Maritime Transportation Security
24 Act of 2002 (116 Stat. 2108; as amended by section 706
25 of Public Law 109-347 (120 Stat. 1946)) is amended in

1 subsection (i), by adding at the end the following new
2 paragraph:

3 “(3) PUBLIC AQUARIUM.—For purposes of this
4 section, the term ‘aquarium’ or ‘public aquarium’ as
5 used in this section or in the deed delivered to the
6 Corporation or any agreement entered into pursuant
7 to this section, means any new building constructed
8 by the Corporation adjacent to the pier and bulk-
9 head in compliance with the waterfront provisions of
10 the City of Portland Code of Ordinances.”.

11 **TITLE X—CLEAN HULLS**
12 **Subtitle A—General Provisions**

13 **SEC. 1011. DEFINITIONS.**

14 In this title:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) ANTIFOULING SYSTEM.—The term
19 “antifouling system” means a coating, paint, surface
20 treatment, surface, or device that is used or intended
21 to be used on a vessel to control or prevent attach-
22 ment of unwanted organisms.

23 (3) CONVENTION.—The term “Convention”
24 means the International Convention on the Control
25 of Harmful Anti-Fouling Systems on Ships, 2001,

1 including its annexes, and including any amend-
2 ments to the Convention or annexes which have en-
3 tered into force for the United States.

4 (4) FPSO.—The term “FPSO” means a float-
5 ing production, storage, or offloading unit.

6 (5) FSU.—The term “FSU” means a floating
7 storage unit.

8 (6) GROSS TONNAGE.—The term “gross ton-
9 nage” as defined in chapter 143 of title 46, United
10 States Code, means the gross tonnage calculated in
11 accordance with the tonnage measurement regula-
12 tions contained in annex 1 to the International Con-
13 vention on Tonnage Measurement of Ships, 1969.

14 (7) INTERNATIONAL VOYAGE.—The term
15 “international voyage” means a voyage by a vessel
16 entitled to fly the flag of one country to or from a
17 port, shipyard, offshore terminal, or other place
18 under the jurisdiction of another country.

19 (8) ORGANOTIN.—The term “organotin” means
20 any compound or additive of tin bound to an organic
21 ligand, that is used or intended to be used as biocide
22 in an antifouling system.

23 (9) PERSON.—The term “person” means—

1 (A) any individual, partnership, associa-
2 tion, corporation, or organized group of persons
3 whether incorporated or not;

4 (B) any department, agency, or instrumen-
5 tality of the United States, except as provided
6 in section 3(b)(2); or

7 (C) any other government entity.

8 (10) SECRETARY.—The term “Secretary”
9 means the Secretary of the department in which the
10 Coast Guard is operating.

11 (11) SELL OR DISTRIBUTE.—The term “sell or
12 distribute” means to distribute, sell, offer for sale,
13 hold for distribution, hold for sale, hold for ship-
14 ment, ship, deliver for shipment, release for ship-
15 ment, import, export, hold for import, hold for ex-
16 port, or receive and (having so received) deliver or
17 offer to deliver.

18 (12) VESSEL.—The term “vessel” has the
19 meaning given that term in section 3 of title 1,
20 United States Code, including hydrofoil boats, air
21 cushion watercraft, submersibles, floating craft,
22 fixed or floating platforms, floating storage units,
23 and floating production, storage, and offloading
24 units.

1 (13) TERRITORIAL SEA.—The term “territorial
2 sea” means the territorial sea as described in Presi-
3 dential Proclamation No. 5928 on December 27,
4 1988.

5 (14) UNITED STATES.—The term “United
6 States” means the several States of the United
7 States, the District of Columbia, Puerto Rico,
8 Guam, American Samoa, the Virgin Islands, the
9 Commonwealth of the Northern Marianas, and any
10 other territory or possession over which the United
11 States has jurisdiction.

12 (15) USE.—The term “use” includes applica-
13 tion, reapplication, installation, or any other employ-
14 ment of an antifouling system.

15 **SEC. 1012. COVERED VESSELS.**

16 (a) INCLUDED VESSEL.—Except as provided in sub-
17 section (b), after the Convention enters into force for the
18 United States, the following vessels are subject to the re-
19 quirements of this title:

20 (1) A vessel documented under chapter 121 of
21 title 46, United States Code, or one operated under
22 the authority of the United States, wherever located.

23 (2) Any vessel permitted by a Federal agency to
24 operate on the Outer Continental Shelf.

25 (3) Any other vessel when—

1 (A) in the internal waters of the United
2 States;

3 (B) in any port, shipyard, offshore ter-
4 minal, or other place in the United States;

5 (C) lightering in the territorial sea; or

6 (D) to the extent consistent with inter-
7 national law, anchoring in the territorial sea of
8 the United States.

9 (b) EXCLUDED VESSELS.—

10 (1) IN GENERAL.—The following vessels are not
11 subject to the requirements of this title:

12 (A) Any warship, naval auxiliary, or other
13 vessel owned or operated by a foreign state, and
14 used, for the time being, only on government
15 noncommercial service.

16 (B) Except as provided in paragraph (2),
17 any warship, naval auxiliary, or other vessel
18 owned or operated by the United States and
19 used for the time being only on government
20 noncommercial service.

21 (2) APPLICATION TO UNITED STATES GOVERN-
22 MENT VESSELS.—

23 (A) IN GENERAL.—The Administrator may
24 apply any requirement of this title to one or
25 more classes of vessels described in paragraph

1 (1)(B), if the head of the Federal department
2 or agency under which those vessels operate
3 concurs in that application.

4 (B) LIMITATION FOR COMBAT-RELATED
5 VESSEL.—Subparagraph (A) shall not apply to
6 combat-related vessels.

7 **SEC. 1013. ADMINISTRATION AND ENFORCEMENT.**

8 (a) IN GENERAL.—Unless otherwise specified in this
9 title, with respect to a vessel, the Secretary shall admin-
10 ister and enforce the Convention and this title.

11 (b) ADMINISTRATOR.—Except with respect to section
12 1031(b) and (c), the Administrator shall administer and
13 enforce subtitle C.

14 (c) REGULATIONS.—The Administrator and the Sec-
15 retary may each prescribe and enforce regulations as may
16 be necessary to carry out their respective responsibilities
17 under this title.

18 **SEC. 1014. COMPLIANCE WITH INTERNATIONAL LAW.**

19 Any action taken under this title shall be taken in
20 accordance with treaties to which the United States is a
21 party and other international obligations of the United
22 States.

1 **SEC. 1015. UTILIZATION OF PERSONNEL, FACILITIES OR**
2 **EQUIPMENT OF OTHER FEDERAL DEPART-**
3 **MENTS AND AGENCIES.**

4 The Secretary and the Administrator may utilize by
5 agreement, with or without reimbursement, personnel, fa-
6 cilities, or equipment of other Federal departments and
7 agencies in administering the Convention, this title, or any
8 regulations prescribed under this title.

9 **Subtitle B—Implementation of the**
10 **Convention**

11 **SEC. 1021. CERTIFICATES.**

12 (a) **CERTIFICATE REQUIRED.**—On entry into force of
13 the Convention for the United States, any vessel of at least
14 400 gross tons that engages in one or more international
15 voyages (except fixed or floating platforms, FSUs, and
16 FPSOs) shall carry an International Antifouling System
17 Certificate.

18 (b) **ISSUANCE OF CERTIFICATE.**—On entry into force
19 of the Convention, on a finding that a successful survey
20 required by the Convention has been completed, a vessel
21 of at least 400 gross tons that engages in at least one
22 international voyage (except fixed or floating platforms,
23 FSUs, and FPSOs) shall be issued an International
24 Antifouling System Certificate. The Secretary may issue
25 the Certificate required by this section. The Secretary may
26 delegate this authority to an organization that the Sec-

1 retary determines is qualified to undertake that responsi-
2 bility.

3 (c) MAINTENANCE OF CERTIFICATE.—The Certifi-
4 cate required by this section shall be maintained as re-
5 quired by the Secretary.

6 (d) CERTIFICATES ISSUED BY OTHER PARTY COUN-
7 TRIES.—A Certificate issued by any country that is a
8 party to the Convention has the same validity as a Certifi-
9 cate issued by the Secretary under this section.

10 (e) VESSELS OF NONPARTY COUNTRIES.—Notwith-
11 standing subsection (a), a vessel of at least 400 gross tons,
12 having the nationality of or entitled to fly the flag of a
13 country that is not a party to the Convention, may dem-
14 onstrate compliance with this title through other appro-
15 priate documentation considered acceptable by the Sec-
16 retary.

17 **SEC. 1022. DECLARATION.**

18 (a) REQUIREMENTS.—On entry into force of the Con-
19 vention for the United States, a vessel of at least 24 me-
20 ters in length, but less than 400 gross tons engaged on
21 an international voyage (except fixed or floating platforms,
22 FSUs, and FPSOs) must carry a declaration described in
23 subsection (b) that is signed by the owner or owner's au-
24 thorized agent. That declaration shall be accompanied by

1 appropriate documentation, such as a paint receipt or a
2 contractor invoice, or contain an appropriate endorsement.

3 (b) **CONTENT OF DECLARATION.**—The declaration
4 must contain a clear statement that the antifouling system
5 on the vessel complies with the Convention. The Secretary
6 may prescribe the form and other requirements of the dec-
7 laration.

8 **SEC. 1023. OTHER COMPLIANCE DOCUMENTATION.**

9 In addition to the requirements under sections 1021
10 and 1022, the Secretary may require vessels to hold other
11 documentation considered necessary to verify compliance
12 with this title.

13 **SEC. 1024. PROCESS FOR CONSIDERING ADDITIONAL CON-**
14 **TROLS.**

15 (a) **ACTIONS BY ADMINISTRATOR.**—The Adminis-
16 trator may—

17 (1) participate in the technical group described
18 in Article 7 of the Convention, and in any other
19 body convened pursuant to the Convention for the
20 consideration of new or additional controls on
21 antifouling systems;

22 (2) evaluate any risks of adverse effects on non-
23 target organisms or human health presented by a
24 given antifouling system such that the amendment
25 of annex 1 of the Convention may be warranted;

1 (3) undertake an assessment of relevant envi-
2 ronmental, technical, and economic considerations
3 necessary to evaluate any proposals for new or addi-
4 tional controls of antifouling systems under the Con-
5 vention, including benefits in the United States and
6 elsewhere associated with the production and use in
7 the United States and elsewhere, of the subject
8 antifouling system; and

9 (4) develop recommendations based on that as-
10 sessment.

11 (b) REFERRALS TO TECHNICAL GROUP.—

12 (1) CONVENING OF SHIPPING COORDINATING
13 COMMITTEE.—On referral of any antifouling system
14 to the technical group described in article 7 of the
15 Convention for consideration of new or additional
16 controls, the Secretary of State shall convene a pub-
17 lic meeting of the Shipping Coordinating Committee
18 for the purpose of receiving information and com-
19 ments regarding controls on such antifouling system.
20 The Secretary of State shall publish advance notice
21 of such meeting in the Federal Register and on the
22 State Department's Web site. The Administrator
23 shall assemble and maintain a public docket con-
24 taining notices pertaining to that meeting, any com-
25 ments responding to those notices, the minutes of

1 that meeting, and materials presented at that meet-
2 ing.

3 (2) REPORT BY TECHNICAL GROUP.—The Ad-
4 ministrator shall promptly make any report by the
5 technical group described in the Convention available
6 to the public through the docket established pursu-
7 ant to subsection (b) and announce the availability
8 of that report in the Federal Register. The Adminis-
9 trator shall provide an opportunity for public com-
10 ment on the report for a period of not less than 30
11 days from the time the availability of the report is
12 announced in the Federal Register.

13 (3) CONSIDERATION OF COMMENTS.—To the
14 extent practicable, the Administrator shall take any
15 comments into consideration in developing rec-
16 ommendations under subsection (a).

17 **SEC. 1025. SCIENTIFIC AND TECHNICAL RESEARCH AND**
18 **MONITORING; COMMUNICATION AND INFOR-**
19 **MATION.**

20 The Secretary, the Administrator, and the Adminis-
21 trator of the National Oceanic and Atmospheric Adminis-
22 tration may each undertake scientific and technical re-
23 search and monitoring pursuant to article 8 of the Con-
24 vention and to promote the availability of relevant infor-
25 mation concerning—

1 (1) scientific and technical activities undertaken
2 in accordance with the Convention;

3 (2) marine scientific and technological pro-
4 grams and their objectives; and

5 (3) the effects observed from any monitoring
6 and assessment programs relating to antifouling sys-
7 tems.

8 **SEC. 1026. COMMUNICATION AND EXCHANGE OF INFORMA-**
9 **TION.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), with respect to those antifouling systems regulated by
12 the Administrator, the Administrator shall provide to any
13 party to the Convention that requests it, relevant informa-
14 tion on which the decision to regulate was based, including
15 information provided for in annex 3 to the Convention,
16 or other information suitable for making an appropriate
17 evaluation of the antifouling system.

18 (b) LIMITATION.—This section shall not be construed
19 to authorize the provision of information the disclosure of
20 which is otherwise prohibited by law.

21 **Subtitle C—Prohibitions and**
22 **Enforcement Authority**

23 **SEC. 1031. PROHIBITIONS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, it is unlawful for any person—

1 (1) to act in violation of this title, or any regu-
2 lation prescribed under this title;

3 (2) to sell or distribute in domestic or inter-
4 national commerce organotin or an antifouling sys-
5 tem containing organotin;

6 (3) to manufacture, process, or use organotin to
7 formulate an antifouling system;

8 (4) to apply an antifouling system containing
9 organotin on any vessel to which this title applies;

10 or

11 (5) after the Convention enters into force for
12 the United States, to apply or otherwise use in a
13 manner inconsistent with the Convention, an
14 antifouling system on any vessel that is subject to
15 this title.

16 (b) **VESSEL HULLS.**—Except as provided in sub-
17 section (c), no vessel shall bear on its hull or outer surface
18 any antifouling system containing organotin, regardless of
19 when such system was applied, unless that vessel bears
20 an overcoating which forms a barrier to organotin leaching
21 from the underlying antifouling system.

22 (c) **LIMITATIONS.**—

23 (1) **EXCEPTED VESSEL.**—Subsection (b) does
24 not apply to fixed or floating platforms, FSUs, or
25 FPSOs that were constructed prior to January 1,

1 2003, and that have not been in dry dock on or after
2 that date.

3 (2) SALE, MANUFACTURE, ETC.—This section
4 does not apply to—

5 (A) the sale, distribution, or use pursuant
6 to any agreement between the Administrator
7 and any person that results in an earlier prohi-
8 bition or cancellation date than specified in this
9 title; or

10 (B) the manufacture, processing, formula-
11 tion, sale, distribution, or use of organotin or
12 antifouling systems containing organotin used
13 or intended for use only for sonar domes or in
14 conductivity sensors in oceanographic instru-
15 ments.

16 **SEC. 1032. INVESTIGATIONS AND INSPECTIONS BY SEC-**
17 **RETARY.**

18 (a) IN GENERAL.—The Secretary may conduct inves-
19 tigations and inspections regarding a vessel's compliance
20 with this title or the Convention.

21 (b) VIOLATIONS; SUBPOENAS.—In any investigation
22 under this section, the Secretary may issue subpoenas to
23 require the attendance of witnesses and the production of
24 documents and other evidence. In case of refusal to obey
25 a subpoena issued to any person, the Secretary may re-

1 quest the Attorney General to invoke the aid of the appro-
2 priate district court of the United States to compel compli-
3 ance.

4 (c) FURTHER ACTION.—On completion of an inves-
5 tigation, the Secretary may take whatever further action
6 the Secretary considers appropriate under the Convention
7 or this title.

8 (d) COOPERATION.—The Secretary may cooperate
9 with other parties to the Convention in the detection of
10 violations and in enforcement of the Convention. Nothing
11 in this section affects or alters requirements under any
12 other laws.

13 **SEC. 1033. EPA ENFORCEMENT.**

14 (a) INSPECTIONS, SUBPOENAS.—

15 (1) IN GENERAL.—For purposes of enforcing
16 this title or any regulation prescribed under this
17 title, officers or employees of the Environmental
18 Protection Agency or of any State designated by the
19 Administrator may enter at reasonable times any lo-
20 cation where there is being held or may be held
21 organotin or any other substance or antifouling sys-
22 tem regulated under the Convention, for the purpose
23 of inspecting and obtaining samples of any con-
24 tainers or labeling for organotin or other substance
25 or system regulated under the Convention.

1 (2) SUBPOENAS.—In any investigation under
2 this section the Administrator may issue subpoenas
3 to require the attendance of any witness and the
4 production of documents and other evidence. In case
5 of refusal to obey such a subpoena, the Adminis-
6 trator may request the Attorney General to compel
7 compliance.

8 (b) STOP MANUFACTURE, SALE, USE, OR REMOVAL
9 ORDERS.—Consistent with section 1013, whenever any
10 organotin or other substance or system regulated under
11 the Convention is found by the Administrator and there
12 is reason to believe that a manufacturer, seller, dis-
13 tributor, or user has violated or is in violation of any provi-
14 sion of this title, or that such organotin or other substance
15 or system regulated under the Convention has been or is
16 intended to be manufactured, distributed, sold, or used in
17 violation of this title, the Administrator may issue a stop
18 manufacture, sale, use, or removal order to any person
19 that owns, controls, or has custody of such organotin or
20 other substance or system regulated under the Convention.
21 After receipt of that order the person may not manufac-
22 ture, sell, distribute, use, or remove the organotin or other
23 substance or system regulated under the Convention de-
24 scribed in the order except in accordance with the order.

1 **SEC. 1034. ADDITIONAL AUTHORITY OF THE ADMINIS-**
2 **TRATOR.**

3 The Administrator, in consultation with the Sec-
4 retary, may establish, as necessary, terms and conditions
5 regarding the removal and disposal of antifouling systems
6 prohibited or restricted under this title.

7 **Subtitle D—Action on Violation,**
8 **Penalties, and Referrals**

9 **SEC. 1041. CRIMINAL ENFORCEMENT.**

10 Any person who knowingly violates paragraph (2),
11 (3), (4), or (5) of section 1031(a) or section 1031(b) shall
12 be fined under title 18, United States Code, or imprisoned
13 not more than 6 years, or both.

14 **SEC. 1042. CIVIL ENFORCEMENT.**

15 (a) CIVIL PENALTY.—

16 (1) IN GENERAL.—Any person who is found by
17 the Secretary or the Administrator, as appropriate,
18 after notice and an opportunity for a hearing, to
19 have—

20 (A) violated the Convention, this title, or
21 any regulation prescribed under this title, is lia-
22 ble to the United States Government for a civil
23 penalty of not more than \$37,500 for each vio-
24 lation; or

25 (B) made a false, fictitious, or fraudulent
26 statement or representation in any matter in

1 which a statement or representation is required
2 to be made to the Secretary under the Conven-
3 tion, this title, or any regulations prescribed
4 under this title, is liable to the United States
5 for a civil penalty of not more than \$50,000 for
6 each such statement or representation.

7 (2) RELATIONSHIP TO OTHER LAW.—This sub-
8 section shall not limit or affect the authority of the
9 Government under section 1001 of title 18, United
10 States Code.

11 (b) ASSESSMENT OF PENALTY.—The amount of the
12 civil penalty shall be assessed by the Secretary or Adminis-
13 trator, as appropriate, by written notice.

14 (c) LIMITATION FOR RECREATIONAL VESSEL.—A
15 civil penalty imposed under subsection (a) against the
16 owner or operator of a recreational vessel, as that term
17 is defined in section 2101 of title 46, United States Code,
18 for a violation of the Convention, this title, or any regula-
19 tion prescribed under this title involving that recreational
20 vessel, may not exceed \$5,000 for each violation.

21 (d) DETERMINATION OF PENALTY.—For purposes of
22 penalties under this section, each day of a continuing vio-
23 lation constitutes a separate violation. In determining the
24 amount of the penalty, the Secretary or Administrator
25 shall take into account the nature, circumstances, extent,

1 and gravity of the prohibited acts committed and, with re-
2 spect to the violator, the degree of culpability, any history
3 of prior offenses, the economic impact of the penalty on
4 the violator, the economic benefit to the violator and other
5 matters as justice may require.

6 (e) REWARD.—An amount equal to not more than
7 one-half of any civil penalty assessed by the Secretary or
8 Administrator under this section may, subject to the avail-
9 ability of appropriations, be paid by the Secretary or Ad-
10 ministrator, respectively, to any person who provided in-
11 formation that led to the assessment or imposition of the
12 penalty.

13 (f) REFERRAL TO ATTORNEY GENERAL.—If any per-
14 son fails to pay a civil penalty assessed under this section
15 after it has become final, or comply with an order issued
16 under this title, the Secretary or Administrator, as appro-
17 priate, may refer the matter to the Attorney General of
18 the United States for collection in any appropriate district
19 court of the United States.

20 (g) COMPROMISE, MODIFICATION, OR REMISSION.—
21 Before referring any civil penalty that is subject to assess-
22 ment or has been assessed under this section to the Attor-
23 ney General, the Secretary, or Administrator, as appro-
24 priate, may compromise, modify, or remit, with or without
25 conditions, the civil penalty.

1 (h) NONPAYMENT PENALTY.—Any person who fails
2 to pay on a timely basis a civil penalty assessed under
3 this section shall also be liable to the United States for
4 interest on the penalty at an annual rate equal to 11 per-
5 cent compounded quarterly, attorney fees and costs for
6 collection proceedings, and a quarterly nonpayment pen-
7 alty for each quarter during which such failure to pay per-
8 sists. That nonpayment penalty shall be in an amount
9 equal to 20 percent of the aggregate amount of that per-
10 son’s penalties and nonpayment penalties that are unpaid
11 as of the beginning of that quarter.

12 **SEC. 1043. LIABILITY IN REM.**

13 A vessel operated in violation of the Convention, this
14 title, or any regulation prescribed under this title, is liable
15 in rem for any fine imposed under section 18, United
16 States Code, or civil penalty assessed pursuant to section
17 1042, and may be proceeded against in the United States
18 district court of any district in which the vessel may be
19 found.

20 **SEC. 1044. VESSEL CLEARANCE OR PERMITS; REFUSAL OR**
21 **REVOCATION; BOND OR OTHER SURETY.**

22 If any vessel that is subject to the Convention or this
23 title, or its owner, operator, or person in charge, is liable
24 for a fine or civil penalty under section 1042 or 1043,
25 or if reasonable cause exists to believe that the vessel, its

1 owner, operator, or person in charge may be subject to
2 a fine or civil penalty under section 1042 or 1043, the
3 Secretary may refuse or revoke the clearance required by
4 section 60105 of title 46, United States Code. Clearance
5 may be granted upon the filing of a bond or other surety
6 satisfaction to the Secretary.

7 **SEC. 1045. WARNINGS, DETENTIONS, DISMISSALS, EXCLU-**
8 **SION.**

9 (a) IN GENERAL.—If a vessel is detected to be in vio-
10 lation of the Convention, this title, or any regulation pre-
11 scribed under this title, the Secretary may warn, detain,
12 dismiss, or exclude the vessel from any port or offshore
13 terminal under the jurisdiction of the United States.

14 (b) NOTIFICATIONS.—If action is taken under sub-
15 section (a), the Secretary, in consultation with the Sec-
16 retary of State, shall make the notifications required by
17 the Convention.

18 **SEC. 1046. REFERRALS FOR APPROPRIATE ACTION BY FOR-**
19 **EIGN COUNTRY.**

20 Notwithstanding sections 1041, 1042, 1043, and
21 1045, if a violation of the Convention is committed by a
22 vessel registered in or of the nationality of a country that
23 is a party to the Convention, or by a vessel operated under
24 the authority of a country that is a party to the Conven-
25 tion, the Secretary, acting in coordination with the Sec-

1 retary of State, may refer the matter to the government
2 of the country of the vessel's registry or nationality, or
3 under whose authority the vessel is operating, for appro-
4 priate action, rather than taking the actions otherwise re-
5 quired or authorized by this subtitle.

6 **SEC. 1047. REMEDIES NOT AFFECTED.**

7 (a) IN GENERAL.—Nothing in this title limits, denies,
8 amends, modifies, or repeals any other remedy available
9 to the United States.

10 (b) RELATIONSHIP TO STATE AND LOCAL LAW.—
11 Nothing in this title limits, denies, amends, modifies, or
12 repeals any rights under existing law, of any State, terri-
13 tory, or possession of the United States, or any political
14 subdivision thereof, to regulate any antifouling system.
15 Compliance with the requirements of a State, territory, or
16 possession of the United States, or political subdivision
17 thereof related to antifouling paint or any other
18 antifouling system does not relieve any person of the obli-
19 gation to comply with this title.

20 **SEC. 1048. REPEAL.**

21 The Organotin Antifouling Paint Control Act of 1988
22 (33 U.S.C. 2401 et seq.) is repealed.

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.”.