

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3619) TO AUTHORIZE
APPROPRIATIONS FOR THE COAST GUARD FOR FISCAL YEAR 2010, AND
FOR OTHER PURPOSES

OCTOBER 21, 2009.—Referred to the House Calendar and ordered to be printed

Ms. MATSUI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 853]

The Committee on Rules, having had under consideration House Resolution 853, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3619, the “Coast Guard Authorization Act of 2010,” under a structured rule. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides one hour of general debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule further makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division

of the question. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions. The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. Finally, the resolution provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

The waiver of all points of order against the committee amendment in the nature of a substitute includes a waiver of clause 4 of rule XXI (regarding appropriations in a legislative bill).

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Oberstar (MN): Would (1) make a number of technical corrections to the bill; (2) add language regarding the delegation of authority by the Coast Guard to classification societies; (3) clarify language regarding the enforcement of Coast Guard-imposed security zones around hazardous materials terminals and tankers; and (4) address discharges incidental to the normal operation of vessels; (5) would provide for an alternative licensing program for operators of uninspected passenger vessels on Lake Texoma in Texas and Oklahoma upon request of the Texas or Oklahoma Governors; (6) would require the Coast Guard's study of biometric identification to include facial and iris scan technology, would require the Homeland Security Secretary to study the Coast Guard's use of the combination of facial and iris recognition to rapidly identify individuals for security purposes, and would state the purpose of the study is to facilitate the use of a combination of facial and iris recognition; (7) would require the secretary of the Department of the Coast Guard is operating to report to Congress on the most common types of human errors that have led to oil spills from vessels, the most common types of "near miss" oil spill incidents, and includes recommendations to address these errors, and also require the secretary to use the findings of the report to take appropriate action domestically and at the International Maritime Organization to reduce the risk of oil spills caused by human error; (8) would provide that, in conducting mission analysis along the Rio Grande under section 1324, the Secretary shall work with all appropriate entities, as needed, to facilitate the collection of information; (9) would require the Great Lakes Maritime Institute to evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age; (10) would require the secretary of the Department of the Coast Guard is operating to assess whether the use of transponders or RFIDs can be used to mitigate the threat of small boat

attacks in major ports; would encourage the Secretary of State to enter into negotiations with Canada to ensure that tugboat escorts are required for certain tank ships in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Secretary would consult with the Coast Guard, which shall consult with the State of Washington and affected tribal governments; (11) would require that the GAO report to Congress on the Coast Guard's efforts to recruit minority candidates to the Coast Guard Academy, which would include recommendations for enhancing such efforts; (12) would extend for two years, through December 31, 2011, an authorization to complete an in-kind exchange of certain Coast Guard property in Portland, Maine, to the Gulf of Maine Aquarium Development Corporation. It also would provide that a new building adjacent to the pier and bulkhead must comply with the waterfront provisions of the City of Portland Code of Ordinances; (13) would require the Secretary to allow any individual with a pending application for a transportation security card, who needs to work in secure area, to have access to such area for that purpose through an escort by another individual with a security card. It also contains timelines for reviews of transportation security card applications. The Secretary shall develop a process for individuals to receive the cards at their residence. The Secretary shall establish procedures for individuals who are to be fingerprinted for transportation security cards to be fingerprinted at facilities operated by or under contract with the relevant Federal agency that engages in fingerprinting the public for transportation security or other security purposes; (14) would direct the Secretary of the department in which the Coast Guard is operating to prohibit states or political subdivision. (20 minutes)

2. Mica (FL): Would require a GAO report on (1) the background checks and forms of identification required under state and local transportation security programs; (2) a determination of whether those requirements conflict with Federal programs; (3) a determination of whether those requirements assist in carrying out state and local government safety, security and law enforcement responsibilities; and (4) recommendations on ways to minimize redundant background checks and facilitate the sharing of data with state and local governments. It would also prohibit the secretary of the Department the Coast Guard is in from preventing a state or local government from requiring a separate background check for entry into any area covered by a vessel or facility security plan. (10 minutes)

3. Hastings, Alcee (FL): Would request a study and report examining the Coast Guard's ability to respond to effects resulting from changes in U.S. immigration policy toward Haiti. (10 minutes)

4. LoBiondo (NJ), Coble (NC): Would require the secretary of the Department the Coast Guard is operating in to study military family housing and military unaccompanied housing available to members and officers of the Coast Guard, would authorize the Coast Guard to spend funds on child development services, would authorize the Navy Secretary to provide support services to chaplain-led programs for Coast Guard members, would authorize the President to award a Coast Guard cross and silver star when a Coast Guard member distinguishes himself or herself in armed conflict. (10 minutes)

5. LoBiondo (NJ), Michaud (ME): Would require the Secretary of Homeland Security, in consultation with the Transportation Secretary, to study whether there is a continued need for a supplemental air and maritime navigation system as a backup to GPS. (10 minutes)

6. Himes (CT): Would establish within the Department of Homeland Security the America's Waterway Watch Program, a citizen watch program that promotes voluntary reporting of suspected terrorist activity and suspicious behavior along our waterways. It would authorize \$3 million over the course of six years for the program. The Secretary would coordinate with other watch programs. The Secretary may also develop instructional materials on potential threats and to promote voluntary reporting of potential violations of law, and may distribute such materials. (10 minutes)

7. Flake, Jeff (AZ): Would prohibit earmarking the Fishing Safety Training Grants Program. (10 minutes)

8. Flake, Jeff (AZ): Would prohibit earmarking the Fishing Safety Research Training Grants Program. (10 minutes)

9. Kirkpatrick (AZ): Would require that the Secretary of the department in which the Coast Guard is operating to develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. (10 minutes)

10. Kratovil (MD): Would require the Coast Guard to study the facility infrastructure requirements needed to fulfill the Coast Guard's missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies. (10 minutes)

11. Nye (VA): Would state that the marine safety provisions of the bill shall not impair the Coast Guard's homeland security missions. (10 minutes)

12. Stupak (MI): Would require a study on the effects of the Coast Guard modifying the 2004 Agreement for Outgoing Loans with Presque Isle Township, Michigan, in order to provide for the return of the Historic Fresnel Lens to the lantern room atop the Presque Isle Light Station Lighthouse, Michigan. (10 minutes)

13. LoBiondo (NJ), Coble (NC): Would grant limits on liability for actions taken by an owner, operator, time charterer, master or mariner to defend a U.S. flagged vessel against attack by pirates. It also requires the secretary of the Department the Coast Guard is in to work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to protect against piracy. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBERSTAR, JAMES OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 10, line 14, strike "Department" and insert "department".
Page 11, line 5, after "Department of Defense" insert "and the Department of Homeland Security".

Page 17, line 1, strike "**EMERGENCY**".

Page 24, line 12, after "Coast Guard" insert "is operating".

Page 38, before line 7, insert the following new subsection:

(d) REPORT.—Within 12 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on the Coast Guard’s efforts to recruit minority candidates to the Coast Guard Academy. The report shall include the following:

(1) The status of implementation of the Coast Guard’s minority recruitment program.

(2) An assessment of the effectiveness of the program, including the number of minority applicants contacted by the Coast Guard Academy, the number of minority candidates who completed applications to the Academy, the number of minority candidates offered appointments to the Academy, and the number of candidates who accepted such appointments.

(3) A comparison of the Coast Guard’s minority recruitment program with similar programs at other United States service academies.

(4) Recommendations for enhancing the Coast Guard’s minority recruitment program.

(5) An assessment of the current geographic diversity of cadets currently enrolled at the Coast Guard Academy including information on the number of candidates from each State and region of the United States who were contacted by the Academy, the number of candidates from each State and region of the United States who completed applications to the Academy, the number of candidates from each State and region of the country offered appointments to the Academy, and the number of candidates from each State and region of the country who accepted such appointments.

(6) Recommendations for increasing the geographic diversity of the student population at the Coast Guard Academy.

Page 38, line 13, after “ture” insert “and the Committee on Homeland Security”.

Page 44, line 11, strike “or”.

Page 44, line 12, before the period insert “, or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)”.

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

(a) STUDY.—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that surveys new technology and new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

Page 57, line 25, strike “safe, secure, and reliable” and insert “safe and secure”.

Page 58, line 7, strike “shall work” and insert “is encouraged to enter into negotiations”.

Page 58, line 8, strike “establish” and insert “conclude and execute”.

Page 58, line 14, strike “icebreaking escort” and insert “marine safety”.

Page 59, line 13, strike “assure the reasonable demands of commerce” and insert “carry out the purposes of this section”.

Page 59, line 17, after “emissions” insert “(including black carbon and other emissions that could contribute to climate change)”.

Page 62, strike line 12 and all that follows through page 64, line 22, and insert the following:

SEC. 559. LORAN-C SIGNAL.

(a) Subject to subsection (b), the Secretary of Homeland Security may not operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certifications described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications made pursuant to subsection (b), the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the Commandant makes the certifications described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

Page 65, strike lines 12 and 13 and insert the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—The requirement in

Page 66, strike lines 1 through 6 and insert close quotation marks and a following period.

Page 66, after line 9, insert the following new subsection:

(c) RULEMAKING.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this

section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

Page 77, line 1, insert “or more” after “10”.

Page 79, line 6, insert “or more” after “10”.

Page 98, line 19, strike “10” and insert “15”.

Page 109, line 5, strike “or Level 2”.

Page 139, line 24, strike “and”.

Page 140, line 12, strike “and”.

Page 151, line 17, before the period insert “or marine safety engineer”.

Page 158, beginning at line 3, strike “and the Assistant Commandant for Marine Safety”.

Page 158, line 4, strike “jointly”.

Page 158, beginning at line 6, strike “and the Assistant Commandant”.

Page 158, line 7, strike “jointly convey their” and insert “convey the Commandant’s”.

Page 158, line 8, strike “Assistant Commandant” and insert “marine safety workforce”.

Page 176, line 4, strike “established” and insert “establish”.

Page 180, line 19, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 181, line 10, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 193, line 15, strike “Department” and insert “department”.

Page 210, after line 25, insert the following new sections:

SEC. ____ . PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting “and Buzzards Bay, Massachusetts” before “, if any,”; and

(2) by adding at the end the following:

“(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a Federal first class pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

“(A) by the State of Massachusetts who is operating under a Federal first class pilot’s license; or

“(B) under section 7101 of this title as a Federal first class pilot who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

“(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

“(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.”.

SEC. ____ . DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

(a) **IN GENERAL.**—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

“(B) conduct inspections and examinations.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

“(A) the foreign society has offices and maintains records in the United States; and

“(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

“(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

“(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

“(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

“(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

“(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

“(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

“(i) as a marine inspector and serving in a position as a marine inspector; or

“(ii) in writing by the Secretary to have access to those files.

“(4) For purposes of this subsection—

“(A) the term ‘offshore facility’ means any installation, structure, or other device (including any vessel not documented

under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

“(B) the term ‘United States offshore facility’ means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).”

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

“(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).”

Page 215, line 11, strike “United States Coast Guard” and insert “Coast Guard”.

Page 215, beginning at line 15, strike “U.S. Coast Guard” and insert “Coast Guard”.

Page 218, line 17, strike “United States Coast Guard” and insert “Coast Guard”.

Page 221, beginning at line 12, strike “United States Coast Guard” and insert “Coast Guard”.

Page 226, beginning at line 5, strike “this section or a regulation under this section” and insert “the log book or reporting requirements required under subsection (g)”.

Page 230, line 22, strike “United States Coast Guard” and insert “Coast Guard”.

Page 231, strike lines 17 through 21 and insert the following:

“A person who uses force at sea to defend a vessel against an act of piracy shall not be liable for monetary damages in any action brought with respect to harm caused by such use of force to anyone engaging in such act of piracy, unless the person using such force knew at the time that it was substantially in excess of what was reasonable in defending the vessel against such act of piracy.”

Page 235, line 5, after “local” insert a comma.

Page 235, line 13, strike “and”.

Page 235, line 15, strike the period and insert “; and”.

Page 235, after line 15, insert the following new subparagraph:

(C) architecture for integrated interagency targeting.

Page 237, strike lines 21 and 22 and insert the following: “Department of Homeland Security; and”.

Page 238, line 9, strike “2008” and insert “2010”.

Page 242, line 5, before the period insert “and facial and iris scan technology”.

Page 242, after line 5, add the following new subsection:

(e) STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.—

(1) **STUDY REQUIRED.**—The Secretary of Homeland Security shall carry out a study on the use by the Coast Guard of the combination of facial and iris recognition to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology;

and

(C) establishment of integrated face and iris features for accurate identification of individuals.

(2) **PURPOSE OF STUDY.**—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics (face image, iris) in an accurate and expeditious manner to assist the Coast Guard in fulfilling its mission to protect and support national security.

Page 243, line 4, strike “Card” and insert “Credential”.

Page 243, line 23, strike “(3)” and insert “(4)”.

Page 244, line 1, strike “(4)” and insert “(5)”.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

SEC. ____ . WATERSIDE SECURITY OF CERTAIN DANGEROUS CARGO.

(a) **NATIONAL STUDY.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of certain dangerous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo.

(2) **MATTERS TO BE INCLUDED.**—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Assessment Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary, acting through the Commandant, shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF CERTAIN DANGEROUS CARGO.—

(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing certain dangerous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

(2) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved after the date of enactment of this Act to assist in the enforcement of any security zone established by the Coast Guard around a vessel carrying a certain dangerous cargo or around a waterfront facility handling a certain dangerous cargo may not be based upon the provision of security by a State or local government unless the Secretary, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, and experience necessary to carry out the security responsibilities that they have been en-

gaged to perform in order, to the maximum extent practicable, to deter and respond to a transportation security incident.

(3) DETERMINATION REQUIRED FOR NEW FACILITIES.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new facility the construction of which is begun after the date of enactment of this Act, that receives or ships through maritime commerce certain dangerous cargo unless the Secretary determines that there are sufficient resources available to ensure compliance with the facility security plan.

(4) RESOURCE DEFICIENCY REPORTING.—The Secretary, acting through the Commandant of the Coast Guard, shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate 90 days after the end of each fiscal year a report indicating—

(A) the number of security zones established for certain dangerous cargo shipments;

(B) the number of certain dangerous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(C) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those certain dangerous cargo shipments for which a security zone is established.

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CERTAIN DANGEROUS CARGO.—The term “certain dangerous cargo” means a material, or a group or class of material, in a particular amount and form that the Secretary, through the Commandant, determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—The term “Area Maritime Security Committee” means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—The term “transportation security incident” has the same meaning as that term has in section 70101 of title 46, United States Code.

Page 250, line 14, strike “DETERMINATION” and insert “RECOMMENDATION”.

Page 250, lines 17 and 23, strike “determination” each place it appears and insert “recommendation”.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike “September 23, 2009” and insert “the date of enactment of this Act”.

Page 255, after line 6, insert the following new section:

SEC. ____ . ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.

The Secretary of the department in which the Coast Guard is operating shall assess and report to Congress on the feasibility of efforts to mitigate the threat of small boat attack in security zones of major ports, including specifically the use of transponders or radio frequency identification devices to track small boats.

Page 255, line 25, strike “United States Coast Guard” and insert “Coast Guard”.

At the end of title XI (page 255, after line 6), add the following new sections:

SEC. ____ . REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

- (1) a review of background checks and forms of identification required under State and local transportation security programs;
- (2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and
- (3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. ____ . ANIMAL-PROPELLED VESSELS.

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

- (1) the individual has been issued a license, certificate of registry, or merchant mariner’s document under part E of subtitle II of title 46, United States Code;
- (2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and
- (3) the individual is engaged in the operation of a live animal-propelled vessel.

SEC. ____ . REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE; REDUNDANT BACKGROUND CHECKS.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(n) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another individual who holds a transportation security card.

“(o) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant’s appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

“(p) RECEIPT OF CARDS.—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual’s place of residence.

“(q) FINGERPRINTING.—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.

“(r) REDUNDANT BACKGROUND CHECKS.—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.”.

SEC. ____ . HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.”.

SEC. ____ . ADMINISTRATION OF MARITIME SECURITY.

(a) ESTABLISH MARITIME SECURITY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 103. Maritime security

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime security as follows:

“(1) By taking actions necessary in the public interest to protect such life, property, and the environment.

“(2) Based on priorities established by the Commandant including—

“(A) protecting maritime borders from all intrusions, reducing the risk from terrorism to United States passengers at foreign and domestic ports and in designated waterfront facilities, and preventing and responding to terrorist attacks and other homeland security threats;

“(B) protecting critical maritime infrastructure and other key resources; and

“(C) preventing, to the maximum extent practicable, a transportation security incident as defined in section 70101 of title 46.”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

“103. Maritime security.”

(c) MARITIME SECURITY STAFF.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

“§ 60. Maritime security workforce

“(a) DESIGNATION OF MARITIME SECURITY WORKFORCE.—

“(1) IN GENERAL.—The Secretary, acting through the Commandant, shall ensure appropriate coverage of maritime security missions within the workforce in each sector.

“(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include the following maritime security-related positions:

“(A) Program oversight.

“(B) Counterterrorism functions.

“(C) Counterintelligence functions.

“(D) Criminal investigations related to maritime security.

“(E) Port security enforcement.

“(F) Any other activities that the Commandant deems as necessary.

“(3) MARITIME SECURITY MANAGEMENT ACTIVITIES.—The Secretary shall also designate under paragraph (1) those maritime security-related management positions located at Coast Guard headquarters, Coast Guard Readiness Command, Coast Guard Operations Command, the Deployable Operations Group, and the Intelligence Coordination Center.

“(b) CAREER PATHS.—The Secretary, acting through the Commandant, may establish appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in maritime security are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior maritime security positions. The Secretary shall make available published information on such career paths.

“(c) BALANCED WORKFORCE POLICY.—In the development of maritime security workforce policies under this section with respect to any civilian employees or applicants for employment with the

Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

“(d) SECTOR CHIEF OF MARITIME SECURITY.—

“(1) IN GENERAL.—The Commandant may assign, as appropriate, a Chief of Maritime Security who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

“(2) FUNCTIONS.—The Chief of Maritime Security for a sector—

“(A) is responsible for all individuals who, on behalf of the Coast Guard, conduct port security operations, counterterrorism operations, intelligence and counterintelligence operations, and support national defense operations; and

“(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding maritime security matters in that sector.

“(f) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of qualification for maritime security personnel must hold a letter of qualification for the type being certified.

“§ 61. Centers of expertise for maritime security

“(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of Maritime Security (in this section referred to as a ‘Center’).

“(b) MISSIONS.—The Centers shall—

“(1) be used to facilitate education, training, and research in maritime security including maritime domain awareness, counterterrorism policy and operations, and intelligence collection, fusion, and dissemination;

“(2) develop a repository on information on maritime security; and

“(3) perform any other function as the Commandant may specify.

“(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a Center; and

“(2) provide necessary administrative service for a Center, including administration and allocation of funds.

“(d) ACCEPTANCE OF DONATIONS.—

“(1) IN GENERAL.—The Commandant may accept, on behalf of a center, donations to be used to defray the costs of the Center or to enhance the operation of the Center.

“(2) GUIDANCE.—The Commandant shall prescribe written guidance setting forth the criteria to be used in determining if the acceptance of a donation is appropriate.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new items:

“60. Maritime security workforce.

“61. Centers of expertise for maritime security.”.

(d) POWERS AND DUTIES.—Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(e) In exercising the Commandant’s duties and responsibilities with regard to maritime security, the Commandant shall designate a flag officer to serve as the principal advisor to the Commandant for maritime security. The designee shall have at least 10 years combined experience in operations, intelligence, counterterrorism, counterintelligence, port security, criminal investigations (except maritime casualty investigations), and port security or other maritime security functions, and at least four years of leadership experience at a staff or unit carrying out maritime security functions.”.

Page 268, line 10, insert “(a) IN GENERAL.—” before “Notwithstanding”.

Page 268, after line 23, insert the following:

(6) St. Mary’s Cement (United States official number 699114).

(b) DRYDOCK WAIVER.—Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation the appropriate endorsement for engaging in the coastwise trade in Ketchikan, Alaska, for the Dry Dock #2, State of Alaska registration AIDEA FDD–2.

Page 269, after line 22, insert the following new subparagraph (and make appropriate conforming changes):

“(L) evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age;

Page 290, strike line 13 and all that follows through page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

(2) COSTS OF CONVEYANCE.—The City shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

Page 310, line 16, add at the end the following new sentence: “In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.”.

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

(e) **COSTS OF CONVEYANCE.**—The purchaser shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

At the end of title XIII (page 312, after line 22), add the following new sections:

SEC. ____ . DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Public Law 110–299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of enactment of this Act and ending December 18, 2013”.

SEC. ____ . TALL SHIP CHALLENGE RACE.

(a) **FINDINGS.**—The Congress finds that—

(1) The Tall Ship Challenge race will occur on the Great Lakes in 2010;

(2) the ships will race through all five Great Lakes, two Canadian provinces, and five American States for the first time;

(3) the ships will also promote water conservation education and training of youth; and

(4) thousands of Americans will visit the ships when they are in United States ports.

(b) **ENSURING PARTICIPATION.**—The Congress urges the Commandant of the Coast Guard to take all initiative necessary to ensure that tall ships can participate in the Tall Ship Challenge race in a safe manner including modifications to the pilotage requirements under the authority of section 2113 of title 46, United States Code.

SEC. ____ . HAITIAN MARITIME CADETS.

Section 51304 of title 46, United States Code, is amended by adding at the end the following:

“(e) **HAITI.**—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Haiti to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.”.

SEC. ____ . ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) **IN GENERAL.**—Upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

- (A) standards for chemical testing for such operators;
 - (B) physical standards for such operators;
 - (C) professional service and training requirements for such operators; and
 - (D) criminal history background check for such operators;
- (3) provides for the suspension and revocation of State licenses;
- (4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and
- (5) provides for a report that includes—
- (A) the number of applications that, for the preceding year, the State rejected due to failure to—
 - (i) meet chemical testing standards;
 - (ii) meet physical standards;
 - (iii) meet professional service and training requirements; and
 - (iv) pass criminal history background check for such operators;
 - (B) the number of licenses that, for the preceding year, the State issued;
 - (C) the number of license investigations that, for the preceding year, the State conducted;
 - (D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and
 - (E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.
- (b) ADMINISTRATION.—
- (1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.
- (2) The Governor (or the Governor's designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.
- (3) At the request of the Secretary, the Governor of the State (or the Governor's designee) shall grant, on a biennial basis, the Secretary access to State records and State personnel for the purpose of auditing State execution and enforcement of the State plan.
- (c) APPLICATION.—
- (1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.
- (2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code,

then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) TERMINATION.—

(1) If—

(A) the Secretary finds that the State plan for licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b), the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) EXISTING AUTHORITY.—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) DEFINITIONS.—For the purposes of this section, the term “uninspected passenger vessel” has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

SEC. ____ . IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oils spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills caused by human error.

SEC. ____ . CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109–347 (120 Stat. 1946)) is amended—

(1) in subsection (c)(1), by striking “December 31, 2009” and inserting “December 31, 2011”;

(2) in subsection (d)(1), by striking “its proposed public aquarium” and inserting “a new building in compliance with the waterfront provisions of the City of Portland Code of Ordinances adjacent to the pier and bulkhead”; and

(3) in subsection (i), by adding at the end the following new paragraph

“(3) PUBLIC AQUARIUM.—For purposes of this section, the term ‘aquarium’ or ‘public aquarium’ as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.”.

SEC. ____ . TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant of the Coast Guard, is encouraged to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The

Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA, JOHN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new section:

SEC. ____ . BACKGROUND CHECKS.

(a) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs conflict with Federal programs;

(3) a determination as to whether such background checks and forms of identification assist State and local governments in carrying out the safety, security, and law enforcement responsibilities of those governments; and

(4) recommendations on methods, procedures, and regulations that will—

(A) minimize redundant background checks and forms of identification required for access to port facilities; and

(B) facilitate the sharing of background check and identification data with State and local governments when the sharing of such data assists those governments in carrying out their safety, security, and law enforcement responsibilities.

(b) **LIMITATION WITH RESPECT TO VESSEL AND FACILITY SECURITY PLANS.**—The Secretary of the department in which the Coast Guard is operating shall not prohibit a State or political subdivision thereof from requiring a separate background check for entry into any area covered by a vessel or facility security plan required under subsection 70103(c) of title 46, United States Code.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS, ALCEE OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new section:

SEC. ____ . STUDY AND REPORT REGARDING EFFECTS RESULTING FROM CHANGES IN UNITED STATES IMMIGRATION POLICY TOWARD HAITI.

The Secretary of the department in which the Coast Guard is operating shall conduct a study and submit a report to Congress within 180 days after the date of the enactment of this Act examining the Coast Guard's current ability to respond to any possible short- and long-term effects resulting from changes in United States immigration policy toward Haiti. The study and report shall

examine several likely scenarios and draw upon past experiences with changes to immigration policy with regards to Haiti.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO, FRANK OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new title:

**TITLE —SERVICEMEMBER
BENEFITS IMPROVEMENT**

SEC. 01. SHORT TITLE.

This title may be cited as the “United States Coast Guard Servicemember Benefits Improvements Act”.

SEC. 02. COAST GUARD HOUSING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a study of military family housing and military unaccompanied housing available to members and officers of the Coast Guard.

(b) COMPONENTS OF THE STUDY.—The study required in subsection (a) shall include—

(1) an inventory of all military family housing and military unaccompanied housing units administered by the Coast Guard and their locations;

(2) a review of the physical condition of such units;

(3) a review of the availability of housing units administered by the Coast Guard to members and officers assigned to field units of the Coast Guard;

(4) a review of the availability of housing units administered by the other armed services to members and officers assigned to field units of the Coast Guard; and

(5) recommendations on statutory authorities that are necessary to improve availability of military housing to members and officers of the Coast Guard.

(c) REPORT.—The Secretary shall submit a report including the findings and recommendations of the study required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 03. CHILD DEVELOPMENT SERVICES.

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

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

“(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

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

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

“(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

“(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed servicemembers and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.”;

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

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

SEC. 04. CHAPLAIN ACTIVITY EXPENSE.

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

(1) in subsection (a)—

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

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

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

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

“(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

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

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

SEC. 05. COAST GUARD CROSS; SILVER STAR MEDAL.

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

“§ 491a. Coast Guard cross

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

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

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

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

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

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

“§ 492b. Distinguished flying cross”;

and

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

“§ 492a. Silver star medal

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

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

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

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

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

(1) in section 494, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” in both places it appears;

(2) in section 496—

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

(B) in subsection (b)(2), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(3) in section 497, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”.

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

(1) by inserting after the item relating to section 491 the following new item:

“491a. Coast Guard cross.”.

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

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO, FRANK OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title II, add the following:

SEC. ____ . SUPPLEMENTAL POSITIONING SYSTEM.

(a) **STUDY REQUIRED.**—The Secretary, in consultation with the Secretary of Transportation and other heads of appropriate Federal departments, shall conduct a study to determine whether there is a continued need for a supplemental air and maritime navigation system as a backup to the Global Positioning System.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of the termination of a supplemental system may have on maritime and aviation safety, including general aviation;

(2) review national navigational capabilities available in the event of a loss of the Global Positioning System;

(3) investigate the capabilities of currently available radionavigational technologies and systems, including the LORAN-C program currently operated by the Coast Guard as well as modernized LORAN systems, and costs and infrastructure requirements necessary to establish a supplemental system nationwide; and

(4) include recommendations for future courses of action.

(c) **PUBLIC COMMENT.**—The Secretary shall—

(1) publish in the Federal Register a draft report containing findings, conclusions, and recommendations from the study required by subsection (a);

(2) accept public comments regarding such draft report for a period of not less than 60 days after the date the draft report is published in the Federal Register; and

(3) consider any such public comments in the preparation of a final report under subsection (d).

(d) **FINAL REPORT.**—The Secretary shall submit a final report, including the findings and recommendations, of the study required under subsection (a) and responses to comments gathered under subsection (c) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the enactment of this Act.

(e) **SECRETARY DEFINED.**—As used in this section, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIMES,
JAMES OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

Page 232, beginning at line 13, strike section 1101 and insert the following:

SEC. ____ . AMERICA'S WATERWAY WATCH PROGRAM.

(a) **SHORT TITLE.**—This section may be cited as the “America’s Waterway Watch Act”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Homeland Security should establish, within the Department of Homeland Security, citizen watch programs that promote voluntary reporting of suspected terrorist activity and suspicious behavior.

(c) **AMERICA'S WATERWAY WATCH PROGRAM.**—

(1) **IN GENERAL.**—There is hereby established, within the Coast Guard, the America’s Waterway Watch Program (hereinafter in this section referred to as the “Program”).

(2) **PURPOSE.**—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway.

(3) **INFORMATION; TRAINING.**—

(A) **INFORMATION.**—The Secretary, acting through the Commandant, may establish, as an element of the Program, a network of individuals and community-based organizations that enhance the situational awareness within the Nation’s ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(B) **TRAINING.**—The Secretary, acting through the Commandant, may provide training in—

- (i) observing and reporting on covered activities; and
- (ii) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(4) **INSTRUCTIONAL MATERIALS.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may—

- (i) develop instructional materials that—
 - (I) provide information on inland waterways, ports and harbors, and coastal regions for a specific region, as well as specific vulnerabilities and threats common to a specific region; and
 - (II) promote voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18,

United States Code) against a vessel, facility, port, or waterway; and

(ii) distribute such materials to States, political subdivisions of the States, or non-governmental organizations that provide instruction on boating or vessel operation in conjunction with any other instruction provided.

(B) DISSEMINATION.—The Secretary, acting through the Commandant—

(i) shall ensure that such materials are made available to any person or persons; and

(ii) is authorized to require, as a condition of receipt of funding or materials, pursuant to subparagraph (A), that the recipient of such funding or materials develops a program to reach the widest possible audience.

(C) ELIGIBILITY, FEDERAL ASSISTANCE.—The receipt, use, and dissemination of such materials shall not diminish the eligibility of any State, political subdivision of such State, or non-governmental organization to receive Federal assistance or reduce the amount of Federal assistance that such State, political subdivision of such State, or non-governmental organization that otherwise receive.

(5) VOLUNTARY PARTICIPATION.—Participation in the Program—

(A) shall be wholly voluntary;

(B) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(C) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(6) DEFINITIONS.—In this subsection:

(A) The term “covered activity” means any suspicious transaction, activity, or occurrence that involves, or is directed against, a vessel or facility (as that term is defined in section 70101(2) of title 46, United States Code) indicating that an individual or individuals may be preparing to engage, or engaging, in a violation of law relating to—

(i) a threat to a vessel, facility, port, or waterway; or

(ii) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) The term “facility” has the same meaning such term has in section 70101(2) of title 46, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the purposes of this section \$3,000,000 for fiscal years 2010 through 2015. Such funds shall remain available until expended.

(d) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President’s budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Homeland Security and Governmental Affairs of the Senate and

the Committee on Homeland Security of the House of Representatives.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE,
JEFF OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 182, after line 14, insert the following:

(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety Training Grants Program pursuant to section 4502(i) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE,
JEFF OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 182, after line 14, insert the following:

(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety Research Grant Program pursuant to section 4502(j) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRKPATRICK,
ANN OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new section:

SEC. ____ . STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the strategy shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) An explanation of the Coast Guard's plan, working with other Federal agencies as appropriate, to detect and interdict such vessels.

(4) An assessment of additional personnel, technology, or other resources necessary to address such vessels.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KRATOVIL, JR., FRANK OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new section:

SEC. ____ . REPORT ON THE EFFECT OF FACILITIES INFRASTRUCTURE ON MISSION FULFILLMENT.

(a) **STUDY.**—The Commandant of the Coast Guard shall conduct a national study on the facility infrastructure requirements needed to fulfill the Coast Guard’s prescribed missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies.

(b) **REPORT.**—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) an assessment of any current shortfalls in facility infrastructure, including the extent of the use of temporary trailers and an inventory of the number and type of new facilities needed to meet the Coast Guards’s mission needs; and

(2) a plan for how the Commandant will develop the appropriate facility infrastructure, including timelines, budgets, and any additional legislative authority the Commandant determines is required to implement such plan.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NYE, GLENN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, insert the following new section:

SEC. ____ . AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS.

The provisions of this Act that relate to the Coast Guard’s marine safety mission shall not impair the authority of the Coast Guard to carry out its homeland security missions, including—

(1) protecting ports, waterways, and marine transportation systems in the United States from acts of terrorism;

(2) safeguarding the United States’ international borders from maritime intrusions by aliens seeking unlawful entry into the United States, and from individuals who aim to traffic in illegal drugs, firearms, and weapons of mass destruction in the United States;

(3) maintaining defense readiness, as one of the armed forces, to rapidly mobilize and deploy defensive security personnel during a national emergency;

(4) coordinating efforts with Federal, State, and local intelligence agencies to deter, detect, and take action against acts of terrorism;

(5) preventing human smuggling operations at ports, on waterways, and throughout the marine transportation system; and

(6) enhancing stability in the United States in support of the national security strategy of the United States as referred to

in section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title 1, add the following new section:

SEC. ____ The Commandant of the Coast Guard shall conduct a study and analysis of the feasibility of the restoring the Fresnel Lens in the Presque Isle Light House in Presque Isle, Michigan to operating condition to meet the safety needs of commerce and submit within 180 days the report to the Transportation & Infrastructure Committee after the date of enactment of this Act.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 22, add the following new section:

SEC. ____ . USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Notwithstanding title X of this Act, chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 8107. Use of force against piracy

“(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, or mariner who uses force, or authorizes the use of force, to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force to any person participating in the act of piracy.

“(b) PROMOTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to acts of piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“8107. Use of force against piracy”.