

111TH CONGRESS
1ST SESSION

H. R. 3619

AN ACT

To authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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.

TITLE I—AUTHORIZATION

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Sec. 102. Authorized levels of military strength and training.

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

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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. Laser Training System.

Sec. 214. Coast Guard vessels and aircraft.

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Sec. 218. Academy nominations.

Sec. 219. Report on sexual assaults in the Coast Guard.

Sec. 220. Home port of Coast Guard vessels in Guam.

Sec. 221. Minority serving institutions.

Sec. 222. Supplemental positioning system.

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Sec. 301. Goods and services.

Sec. 302. Seaward extension of anchorage grounds jurisdiction.

Sec. 303. Maritime Drug Law Enforcement Act amendment-simple possession.

Sec. 304. Technical amendments to tonnage measurement law.

Sec. 305. Adjustment of liability limits for natural gas deepwater ports.

Sec. 306. Period of limitations for claims against Oil Spill Liability Trust
Fund.

Sec. 307. Merchant mariner document standards.

Sec. 308. Report on Coast Guard determinations.

Sec. 309. Ship emission reduction technology demonstration project.

Sec. 310. Phaseout of vessels supporting oil and gas development.

- Sec. 311. Arctic marine shipping assessment implementation.
- Sec. 312. Loran-C signal.
- Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

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- Sec. 402. Findings.
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- Sec. 528. Guidance on excessive pass-through charges.
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- Sec. 530. Cost overruns and delays.
- Sec. 531. Report on former Coast Guard officials employed by contractors to the agency.
- Sec. 532. Department of Defense consultation.

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- Sec. 542. Improvements in Coast Guard acquisition management.
- Sec. 543. Recognition of Coast Guard personnel for excellence in acquisition.
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- Sec. 1126. Fresnel Lens in the Presque Isle Light House in Presque Isle, Michigan.

TITLE XII—ALIEN SMUGGLING

- Sec. 1201. Short title.
- Sec. 1202. Findings.
- Sec. 1203. Checks against terrorist watchlist.
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- Sec. 1205. Maritime law enforcement.
- Sec. 1206. Amendment to the sentencing guidelines.

TITLE XIII—MISCELLANEOUS PROVISIONS

- Sec. 1301. Certificate of documentation for GALLANT LADY.
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- Sec. 1303. Great Lakes Maritime Research Institute.
- Sec. 1304. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.
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- Sec. 1307. Conveyance of decommissioned Coast Guard Cutter STORIS.
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- Sec. 1321. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
- Sec. 1322. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.
- Sec. 1323. Conveyance of Coast Guard property in Cheboygan, Michigan.
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- Sec. 1331. Study and report regarding effects resulting from changes in United States immigration policy toward Haiti.
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- Sec. 1333. Authority of the Coast Guard to carry out its homeland security missions.
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1 **TITLE I—AUTHORIZATION**

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

3 Funds are authorized to be appropriated for fiscal
 4 year 2010 for necessary expenses of the Coast Guard as
 5 follows:

6 (1) For the operation and maintenance of the
 7 Coast Guard, \$6,838,291,000, of which—

8 (A) \$24,500,000 is authorized to be de-
 9 rived from the Oil Spill Liability Trust Fund to
 10 carry out the purposes of section 1012(a)(5) of

1 the Oil Pollution Act of 1990 (33 U.S.C.
2 2712(a)(5));

3 (B) \$1,110,923,000 shall be available only
4 for paying for search and rescue programs;

5 (C) \$802,423,000 shall be available only
6 for paying for marine safety programs; and

7 (D) \$2,274,312,000 shall be available only
8 for paying for ports, waterways, and coastal se-
9 curity.

10 (2) For the acquisition, construction, rebuild-
11 ing, and improvement of aids to navigation, shore
12 and offshore facilities, vessels, and aircraft, includ-
13 ing equipment related thereto, \$1,597,580,000, of
14 which—

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

20 (B) \$1,194,780,000 is authorized for the
21 Integrated Deepwater System Program; and

22 (C) \$45,000,000 is authorized for shore fa-
23 cilities and aids to navigation.

24 (3) To the Commandant of the Coast Guard for
25 research, development, test, and evaluation of tech-

1 nologies, materials, and human factors directly relat-
2 ing to improving the performance of the Coast
3 Guard's mission in search and rescue, aids to navi-
4 gation, marine safety, marine environmental protec-
5 tion, enforcement of laws and treaties, ice oper-
6 ations, oceanographic research, and defense readi-
7 ness, \$29,745,000, to remain available until ex-
8 pended, of which \$500,000 shall be derived from the
9 Oil Spill Liability Trust Fund to carry out the pur-
10 poses of section 1012(a)(5) of the Oil Pollution Act
11 of 1990.

12 (4) For retired pay (including the payment of
13 obligations otherwise chargeable to lapsed appropria-
14 tions for this purpose), payments under the Retired
15 Serviceman's Family Protection and Survivor Ben-
16 efit Plans, and payments for medical care of retired
17 personnel and their dependents under chapter 55 of
18 title 10, United States Code, \$1,361,245,000, to re-
19 main available until expended.

20 (5) For alteration or removal of bridges over
21 navigable waters of the United States constituting
22 obstructions to navigation, and for personnel and
23 administrative costs associated with the Bridge Al-
24 teration Program, \$16,000,000.

1 (6) For environmental compliance and restora-
2 tion at Coast Guard facilities (other than parts and
3 equipment associated with operation and mainte-
4 nance), \$13,198,000, to remain available until ex-
5 pended.

6 (7) For the Coast Guard Reserve program, in-
7 cluding personnel and training costs, equipment, and
8 services, \$133,632,000.

9 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
10 **AND TRAINING.**

11 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is
12 authorized an end-of-year strength for active duty per-
13 sonnel of 47,000 for the fiscal year ending on September
14 30, 2010.

15 (b) **MILITARY TRAINING STUDENT LOADS.**—For fis-
16 cal year 2010, the Coast Guard is authorized average mili-
17 tary training student loads as follows:

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

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

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

23 (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 6,700; 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, classification, and port state or
18 flag state law enforcement or oversight.”.

19 **SEC. 207. LEAVE RETENTION AUTHORITY.**

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

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

24 “With regard to a member of the Coast Guard who
25 serves on active duty, a duty assignment in support of a

1 declaration of a major disaster or emergency by the Presi-
2 dent under the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall
4 be treated, for the purpose of section 701(f)(2) of title
5 10, a duty assignment in support of a contingency oper-
6 ation.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is amended by inserting after the item relating
9 to section 425 the following new item:

“426. Emergency leave retention authority.”.

10 **SEC. 208. ENFORCEMENT AUTHORITY.**

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

14 **“§ 99. Enforcement authority**

15 “Subject to guidelines approved by the Secretary,
16 members of the Coast Guard, in the performance of offi-
17 cial duties, may—

18 “(1) carry a firearm; and

19 “(2) while at a facility (as defined in section
20 70101 of title 46)—

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

24 “(B) seize property as otherwise provided
25 by law.”.

1 (b) CONFORMING REPEAL.—The first section added
2 to title 46, United States Code, by the amendment made
3 by subsection (a) of section 801 of the Coast Guard and
4 Maritime Transportation Act of 2004 (118 Stat. 1078),
5 and the item relating to such first section enacted by the
6 amendment made by subsection (b) of such section 801,
7 are repealed.

8 (c) CLERICAL AMENDMENT.—The analysis for such
9 chapter is amended by adding at the end the following:
“99. Enforcement authority.”.

10 **SEC. 209. REPEAL.**

11 Section 216 of title 14, United States Code, and the
12 item relating to such section in the analysis for chapter
13 11 of such title, are repealed.

14 **SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COM-**
15 **MITTEE.**

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

19 **“§ 7115. Merchant Mariner Medical Advisory Com-**
20 **mittee**

21 “(a) ESTABLISHMENT.—

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

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

3 “(A) medical certification determinations
4 for issuance of merchant mariner credentials;

5 “(B) medical standards and guidelines for
6 the physical qualifications of operators of com-
7 mercial vessels;

8 “(C) medical examiner education; and

9 “(D) medical research.

10 “(b) MEMBERSHIP.—

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

14 “(A) ten who are health-care professionals
15 with particular expertise, knowledge, or experi-
16 ence regarding the medical examinations of
17 merchant mariners or occupational medicine;
18 and

19 “(B) four who are professional mariners
20 with knowledge and experience in mariner occu-
21 pational requirements.

22 “(2) STATUS OF MEMBERS.—Members of the
23 Committee shall not be considered Federal employ-
24 ees or otherwise in the service or the employment of
25 the Federal Government, except that members shall

1 be considered special Government employees, as de-
2 fined in section 202(a) of title 18, United States
3 Code, and shall be subject to any administrative
4 standards of conduct applicable to the employees of
5 the department in which the Coast Guard is oper-
6 ating.

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

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

11 “(2) TERMS.—Each member shall be appointed
12 for a term of three years, except that, of the mem-
13 bers first appointed, three members shall be ap-
14 pointed for a term of two years and three members
15 shall be appointed for a term of one year.

16 “(3) VACANCIES.—Any member appointed to
17 fill the vacancy prior to the expiration of the term
18 for which that member’s predecessor was appointed
19 shall be appointed for the remainder of that term.

20 “(d) CHAIRMAN AND VICE CHAIRMAN.—The Sec-
21 retary shall designate one member of the Committee as
22 the Chairman and one member as the Vice Chairman. The
23 Vice Chairman shall act as Chairman in the absence or
24 incapacity of, or in the event of a vacancy in the office
25 of, the Chairman.

1 tions, experience, and length of service, as the needs
2 of the Coast Guard may require, from among the
3 commissioned warrant officers, warrant officers, and
4 enlisted members of the Coast Guard, and from
5 holders of licenses issued under chapter 71 of title
6 46; and

7 “(2) in the Coast Guard Reserve in a grade,
8 not above lieutenant, appropriate to their qualifica-
9 tions, experience, and length of service, as the needs
10 of the Coast Guard may require, from among the
11 commissioned warrant officers of the Coast Guard
12 Reserve.”.

13 **SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION**
14 **SYSTEM.**

15 Chapter 11 of title 14, United States Code, is amend-
16 ed—

17 (1) in section 253(a)—

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

19 and

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

22 (2) in section 258—

23 (A) by inserting “(a) IN GENERAL.—” be-
24 fore the existing text;

1 (B) in subsection (a) (as so designated) by
2 striking the colon at the end of the material
3 preceding paragraph (1) and inserting “—”;
4 and

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

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

7 “(1) In addition to the information provided
8 pursuant to subsection (a), the Secretary may fur-
9 nish the selection board—

10 “(A) specific direction relating to the needs
11 of the Coast Guard for officers having par-
12 ticular skills, including direction relating to the
13 need for a minimum number of officers with
14 particular skills within a specialty; and

15 “(B) any other guidance that the Secretary
16 believes may be necessary to enable the board
17 to properly perform its functions.

18 “(2) Selections made based on the direction and
19 guidance provided under this subsection shall not ex-
20 ceed the maximum percentage of officers who may
21 be selected from below the announced promotion
22 zone at any given selection board convened under
23 section 251 of this title.”;

24 (3) in section 259(a), by inserting after “whom
25 the board” the following: “, giving due consideration

1 to the needs of the Coast Guard for officers with
2 particular skills so noted in specific direction fur-
3 nished to the board by the Secretary under section
4 258 of this title,”; and

5 (4) in section 260(b), by inserting after “quali-
6 fied for promotion” the following: “to meet the
7 needs of the service (as noted in specific direction
8 furnished the board by the Secretary under section
9 258 of this title)”.

10 **SEC. 213. LASER TRAINING SYSTEM.**

11 (a) IN GENERAL.—Within one year after the date of
12 enactment of this Act, the Secretary of the department
13 in which the Coast Guard is operating shall test an inte-
14 grated laser engagement system for the training of mem-
15 bers of the Coast Guard assigned to small vessels in the
16 use of individual weapons and machine guns on those ves-
17 sels. The test shall be conducted on vessels on the Great
18 Lakes using similar laser equipment used by other Federal
19 agencies. However, that equipment shall be adapted for
20 use in the marine environment.

21 (b) REPORT.—The Secretary shall submit a report to
22 the Committee on Transportation and Infrastructure and
23 the Committee on Homeland Security of the House of
24 Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate within 6

1 months after the conclusions of the test required under
2 subsection (a) on the costs and benefits of using the sys-
3 tem regionally and nationwide to train members of the
4 Coast Guard in the use of individual weapons and machine
5 guns.

6 **SEC. 214. COAST GUARD VESSELS AND AIRCRAFT.**

7 (a) **AUTHORITY TO FIRE AT OR INTO A VESSEL.**—
8 Section 637(c) of title 14, United States Code, is amend-
9 ed—

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

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

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

15 “(3) any other vessel or aircraft on government
16 noncommercial service when—

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

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

22 (b) **AUTHORITY TO DISPLAY COAST GUARD ENSIGNS**
23 **AND PENNANTS.**—Section 638(a) of title 14, United
24 States Code, is amended by striking “Coast Guard vessels

1 and aircraft” and inserting “Vessels and aircraft author-
2 ized by the Secretary”.

3 **SEC. 215. COAST GUARD DISTRICT OMBUDSMEN.**

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

7 **“§ 55. District Ombudsmen**

8 “(a) IN GENERAL.—The Commandant shall appoint
9 an employee of the Coast Guard in each Coast Guard Dis-
10 trict as a District Ombudsman to serve as a liaison be-
11 tween ports, terminal operators, shipowners, and labor
12 representatives and the Coast Guard.

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

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

18 “(2) To improve communications between and
19 among port stakeholders including, port and ter-
20 minal operators, ship owners, labor representatives,
21 and the Coast Guard.

22 “(3) To seek to resolve disputes between the
23 Coast Guard and all petitioners regarding require-
24 ments imposed or services provided by the Coast
25 Guard.

1 “(c) FUNCTIONS.—

2 “(1) COMPLAINTS.—The District Ombudsman
3 may examine complaints brought to the attention of
4 the District Ombudsman by a petitioner operating in
5 a port or by Coast Guard personnel.

6 “(2) GUIDELINES FOR DISPUTES.—

7 “(A) IN GENERAL.—The District Ombuds-
8 man shall develop guidelines regarding the
9 types of disputes with respect to which the Dis-
10 trict Ombudsman will provide assistance.

11 “(B) LIMITATION.—The District Ombuds-
12 man shall not provide assistance with respect to
13 a dispute unless it involves the impact of Coast
14 Guard requirements on port business and the
15 flow of commerce.

16 “(C) PRIORITY.—In providing such assist-
17 ance, the District Ombudsman shall give pri-
18 ority to complaints brought by petitioners who
19 believe they will suffer a significant hardship as
20 the result of implementing a Coast Guard re-
21 quirement or being denied a Coast Guard serv-
22 ice.

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

1 “(4) ACCESS TO INFORMATION.—The District
2 Ombudsman shall have access to any Coast Guard
3 document, including any record or report, that will
4 aid the District Ombudsman in obtaining the infor-
5 mation needed to conduct an investigation of a com-
6 pliant.

7 “(5) REPORTS.—At the conclusion of an inves-
8 tigation, the District Ombudsman shall submit a re-
9 port on the findings and recommendations of the
10 District Ombudsman, to the Commander of the Dis-
11 trict in which the petitioner who brought the com-
12 plaint is located or operating.

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

16 “(A) in a timely fashion; and

17 “(B) not later than 4 months after the
18 complaint is officially accepted by the District
19 Ombudsman.

20 “(d) APPOINTMENT.—The Commandant shall ap-
21 point as the District Ombudsman a civilian who has expe-
22 rience in port and transportation systems and knowledge
23 of port operations or of maritime commerce (or both).

24 “(e) ANNUAL REPORTS.—The Secretary shall report
25 annually to the Committee on Transportation and Infra-

1 structure of the House of Representatives and the Com-
 2 mittee on Commerce, Science, and Transportation of the
 3 Senate on the matters brought before the District Om-
 4 budsmen, including—

5 “(1) the number of matters brought before each
 6 District Ombudsman;

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

8 “(3) the eventual resolution of each such mat-
 9 ter.”.

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

“55. District Ombudsmen.”.

13 **SEC. 216. COAST GUARD COMMISSIONED OFFICERS: COM-**
 14 **PULSORY RETIREMENT.**

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

18 **“§ 293. Compulsory retirement**

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

24 “(b) FLAG-OFFICER GRADES.—(1) Except as pro-
 25 vided in paragraph (2), any regular commissioned officer

1 serving in a grade of rear admiral (lower half) or above
2 shall be retired on the first day of the month following
3 the month in which the officer becomes 64 years of age.

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

6 “(A) by the President, but such a deferment
7 may not extend beyond the first day of the month
8 following the month in which the officer becomes 68
9 years of age; or

10 “(B) by the Secretary of the department in
11 which the Coast Guard is operating, but such a
12 deferment may not extend beyond the first day of
13 the month following the month in which the officer
14 becomes 66 years of age.”.

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

“293. Compulsory retirement.”.

18 **SEC. 217. ENFORCEMENT OF COASTWISE TRADE LAWS.**

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

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

23 “Officers and members of the Coast Guard are au-
24 thorized to enforce chapter 551 of title 46. The Secretary
25 shall establish a program for these officers and members

1 to enforce that chapter, including the application of those
2 laws to vessels that support the exploration, development,
3 and production of oil, gas, or mineral resources in the Gulf
4 of Mexico.”.

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

“100. Enforcement of coastwise trade laws.”.

8 (c) REPORT.—The Secretary of the department in
9 which the Coast Guard is operating shall submit a report
10 to the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Senate Com-
12 mittee on Commerce, Science, and Transportation within
13 one year after the date of enactment of this Act on the
14 enforcement strategies and enforcement actions taken to
15 enforce the coastwise trade laws.

16 **SEC. 218. ACADEMY NOMINATIONS.**

17 (a) APPOINTMENT.—Section 182(a) of title 14,
18 United States Code, is amended to read as follows:

19 “(a) CORPS OF CADETS; NUMBER; NOMINATION.—

20 “(1) The authorized strength of the Corps of
21 Cadets (determined for any academic program year
22 as of the day before the last day of the academic
23 program year) is 1,000, excluding those foreign na-
24 tionals admitted for instructions pursuant to section

1 195. Subject to that limitation, cadets are selected
2 as follows:

3 “(A) Not more than 10 individuals, ap-
4 pointed by the Secretary of Homeland Security,
5 in order of merit as established by competitive
6 examination, from the children of members of
7 the Armed Forces who were killed in action or
8 died of, or have a service-connected disability at
9 not less than 100 per centum resulting from,
10 wounds or injuries received or diseases con-
11 tracted in, or preexisting injury or disease ag-
12 gravated by, active service, children of members
13 who are in a ‘missing status’ (as defined in sec-
14 tion 551(2) of title 37), and children of civilian
15 employees who are in ‘missing status’ (as de-
16 fined in section 5561(5) of title 5). The deter-
17 mination of the Department of Veterans Affairs
18 as to service connection of the cause of death
19 or disability is rated, is binding upon the Sec-
20 retary.

21 “(B) Not less than one, nominated at large
22 by the Vice President or, if there is no Vice
23 President, by the President pro tempore of the
24 Senate.

1 “(C) Not less than one, nominated by each
2 Senator.

3 “(D) Not less than one, nominated by each
4 Representative in Congress.

5 “(E) Not less than one, nominated by the
6 Delegate to the House of Representatives from
7 the District of Columbia, the Delegate in Con-
8 gress from the Virgin Islands, the Resident
9 Commissioner from Puerto Rico, the Delegate
10 in Congress from Guam, the Delegate in Con-
11 gress from American Samoa, or the Resident
12 Representative from the Commonwealth of the
13 Northern Mariana Islands.

14 Each Senator, Representative, and Delegate in Con-
15 gress, including the Resident Commissioner and the
16 Resident Representative, is entitled to nominate 10
17 persons each year. Cadets who do not graduate on
18 time shall not count against the allocations pursuant
19 to subparagraphs (B)–(E). Nominees may be sub-
20 mitted without ranking or with a principal candidate
21 and 9 ranked or unranked alternates. A nominee not
22 selected for appointment under this paragraph shall
23 be considered an alternate for the purposes of ap-
24 pointment under paragraph (2).

1 “(2) The Secretary may appoint, each academic
2 program year, individuals who are either—

3 “(A) alternates nominated pursuant to
4 paragraph (1) (C), (D), or (E); or

5 “(B) applicants who applied directly for
6 admission.

7 “(3) In addition, the Secretary may appoint,
8 each academic program year, individuals who are—

9 “(A) children of members of the Armed
10 Forces who—

11 “(i) are on active duty (other than for
12 training) and who have served continuously
13 on active duty for at least eight years;

14 “(ii) are, or who died while they were,
15 retired with pay or granted retired or re-
16 tainer pay;

17 “(iii) are serving as members of re-
18 serve components and are credited with at
19 least eight years of service;

20 “(iv) would be, or who died while they
21 would have been, entitled to retired pay,
22 except for not having attained 60 years of
23 age; or

24 “(v) have been awarded the Medal of
25 Honor;

1 the total number of whom cannot exceed 5 per-
2 cent of the class to be admitted; however, a per-
3 son who is eligible for selection under sub-
4 section (a)(1)(A) may not be selected under this
5 subparagraph;

6 “(B) enlisted members of the Coast Guard
7 or the Coast Guard Reserve, the total number
8 of whom cannot exceed 5 percent of the class
9 to be admitted;

10 “(C) graduates of the Coast Guard Schol-
11 ars program, the total number of whom cannot
12 exceed 30 percent of the class to be admitted;
13 and

14 “(D) individuals who possess qualities that
15 the Superintendent identifies to be of particular
16 value to the Academy and the Service, the total
17 number of whom cannot exceed 20 percent of
18 the class to be admitted.

19 “(4) An individual shall be qualified for nomi-
20 nation, selection, and appointment as a cadet at the
21 Academy only if the individual—

22 “(A) is a citizen or national of the United
23 States; and

24 “(B) meets such minimum requirements
25 that the Secretary may establish.

1 “(5) The Superintendent shall furnish to any
2 Member of Congress, upon the written request of
3 such Member, the name of the Congressman or
4 other nominating authority responsible for the nomi-
5 nation of any named or identified person for ap-
6 pointment to the Academy.

7 “(6) For purposes of the limitation in sub-
8 section (a)(1) establishing the aggregate authorized
9 strength of the Corps of Cadets, the Secretary may,
10 for any academic program year, permit a variance in
11 that limitation by not more than 5 percent. In ap-
12 plying that limitation, and any such variance, the
13 last day of an academic program year shall be con-
14 sidered to be graduation day.”.

15 (b) TRANSITION.—This section shall provide for the
16 nomination, selection, and appointment of individuals,
17 pursuant to section 182 of title 14, United States Code,
18 who will matriculate in academic program year 2012 and
19 thereafter, except that for—

20 (1) academic program year 2012, no less than
21 135 cadets of the corps (or 14 percent of the corps,
22 whichever is smaller) shall be from nominations
23 made pursuant to section 182(a)(1)(B)–(E);

24 (2) academic program year 2013, no less than
25 270 cadets of the corps (or 27 percent of the corps,

1 whichever is smaller) shall be from nominations
2 made pursuant to section 182(a)(1)(B)–(E); and

3 (3) academic program year 2014, no less than
4 405 cadets of the corps (or 41 percent of the corps,
5 which ever is smaller) shall be from nominations
6 made pursuant to section 182(a)(1)(B)–(E).

7 The Secretary is hereby authorized to take any additional
8 action the Secretary believes necessary and proper to pro-
9 vide for the transition to the nomination, selection, and
10 appointment process provided under this section.

11 (c) MINORITY RECRUITING PROGRAM.—

12 (1) IN GENERAL.—Chapter 9 of title 14, United
13 States Code, is amended by adding at the end the
14 following new section:

15 **“§ 199. Minority recruiting program**

16 “The Secretary of the department in which the Coast
17 Guard is operating shall establish a minority recruiting
18 program for prospective cadets at the Coast Guard Acad-
19 emy. The program may include—

20 “(1) use of minority cadets and officers to pro-
21 vide information regarding the Coast Guard and the
22 Academy to students in high schools;

23 “(2) sponsoring of trips to high school teachers
24 and guidance counselors to the Academy;

1 “(3) to the extent authorized by the Secretary
2 of the Navy, maximizing the use of the Naval Acad-
3 emy Preparatory School to prepare students to be
4 cadets at the Coast Guard Academy;

5 “(4) recruiting minority members of the Coast
6 Guard to attend the Academy;

7 “(5) establishment of a minority affairs office
8 at the Academy; and

9 “(6) use of minority officers and members of
10 the Coast Guard Reserve and Auxiliary to promote
11 the Academy.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions for that chapter is amended by adding at the
14 end the following new item:

“199. Minority recruiting program.”.

15 (d) REPORT.—Within 12 months after the date of en-
16 actment of this Act, the Comptroller General of the United
17 States shall report to Congress on the Coast Guard’s ef-
18 forts to recruit minority candidates to the Coast Guard
19 Academy. The report shall include the following:

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

22 (2) An assessment of the effectiveness of the
23 program, including the number of minority appli-
24 cants contacted by the Coast Guard Academy, the
25 number of minority candidates who completed appli-

1 cations to the Academy, the number of minority can-
2 didates offered appointments to the Academy, and
3 the number of candidates who accepted such ap-
4 pointments.

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

8 (4) Recommendations for enhancing the Coast
9 Guard's minority recruitment program.

10 (5) An assessment of the current geographic di-
11 versity of cadets currently enrolled at the Coast
12 Guard Academy including information on the num-
13 ber of candidates from each State and region of the
14 United States who were contacted by the Academy,
15 the number of candidates from each State and re-
16 gion of the United States who completed applica-
17 tions to the Academy, the number of candidates
18 from each State and region of the country offered
19 appointments to the Academy, and the number of
20 candidates from each State and region of the coun-
21 try who accepted such appointments.

22 (6) Recommendations for increasing the geo-
23 graphic diversity of the student population at the
24 Coast Guard Academy.

1 **SEC. 219. REPORT ON SEXUAL ASSAULTS IN THE COAST**
2 **GUARD.**

3 (a) IN GENERAL.—Not later than January 15 of
4 each year, the Commandant of the Coast Guard shall sub-
5 mit a report on the sexual assaults involving members of
6 the Coast Guard to the Committee on Transportation and
7 Infrastructure and the Committee on Homeland Security
8 of the House of Representatives and the Committee on
9 Commerce, Science, and Transportation of the Senate.

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

12 (1) The number of sexual assaults against
13 members of the Coast Guard, and the number of
14 sexual assaults by members of the Coast Guard, that
15 were reported to military officials during the year
16 covered by such report, and the number of the cases
17 so reported that were substantiated.

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

20 (3) The policies, procedures, and processes im-
21 plemented by the Secretary concerned during the
22 year covered by such report in response to incidents
23 of sexual assault involving members of the Coast
24 Guard concerned.

25 (4) A plan for the actions that are to be taken
26 in the year following the year covered by such report

1 on the prevention of and response to sexual assault
2 involving members of the Coast Guard concerned.

3 **SEC. 220. HOME PORT OF COAST GUARD VESSELS IN GUAM.**

4 Section 96 of title 14, United States Code, is amend-
5 ed—

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

8 (2) by inserting “or Guam” after “outside the
9 United States”.

10 **SEC. 221. MINORITY SERVING INSTITUTIONS.**

11 (a) MSI MANAGEMENT INTERNSHIP PROGRAM.—

12 (1) ESTABLISHMENT AND PURPOSE.—The
13 Commandant of the Coast Guard shall establish a
14 two part management internship program for stu-
15 dents at minority serving institutions (MSI) to in-
16 tern at Coast Guard headquarters or a Coast Guard
17 regional office, to be known as the “MSI Manage-
18 ment Internship Program”, to develop a cadre of ci-
19 vilian, career mid-level and senior managers for the
20 Coast Guard.

21 (2) OPERATION.—The MSI Management In-
22 ternship Program shall be managed by the Secretary
23 of Homeland Security, acting through the Com-
24 mandant of the Coast Guard, in coordination with
25 National Association for Equal Opportunity in High-

1 er Education, the Hispanic Association of Colleges
2 and Universities, and the American Indian Higher
3 Education Consortium and other non-profit edu-
4 cational organizations that can undertake effective
5 recruitment efforts to attract minority students and
6 students with disabilities.

7 (3) CRITERIA FOR SELECTION.—Participation
8 in the MSI Management Internship Program shall
9 be open to sophomores, juniors, and seniors at mi-
10 nority serving institutions, with an emphasis on such
11 students who are majoring in management or busi-
12 ness administration, international affairs, political
13 science, marine sciences, criminal justice, or any
14 other major related to homeland security.

15 (4) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated \$2,000,000
17 to the Commandant to carry out this subsection.

18 (b) MSI INITIATIVES.—

19 (1) ESTABLISHMENT OF MSI STUDENT PRE-
20 COMMISSIONING INITIATIVE.—The Commandant of
21 the Coast Guard shall establish an MSI component
22 of the College Student Pre-Commissioning Initiative
23 (to be known as the “MSI Student Pre-Commis-
24 sioning Initiative Program”) to ensure greater par-

1 participation by students from MSIs in the College Stu-
2 dent Pre-Commissioning Initiative.

3 (2) PARTICIPATION IN OFFICER CANDIDATE
4 SCHOOL.—The Commandant of the Coast Guard
5 shall ensure that graduates of the MSI Student Pre-
6 Commissioning Initiative Program are included in
7 the first enrollment for Officer Candidate School
8 that commences after the date of enactment of this
9 Act and each enrollment period thereafter.

10 (3) REPORTS.—Not later than 90 days after
11 the conclusion of each academic year with respect to
12 which the College Student Pre-Commissioning Initia-
13 tive and the MSI Student Pre-Commissioning Initia-
14 tive Program is carried out beginning with the first
15 full academic year after the date of the enactment
16 of this Act, the Commandant shall submit to the
17 Committee on Transportation and Infrastructure
18 and the Committee on Homeland Security of the
19 House of Representatives and the Committee on
20 Commerce of the Senate a report on the number of
21 students in the College Student Pre-Commissioning
22 Initiative and the number of students in the MSI
23 Student Pre-Commissioning Initiative Program, out-
24 reach efforts, and demographic information of en-
25 rollees including, age, gender, race, and disability.

1 (4) ESTABLISHMENT OF MSI AVIATION OFFICER
2 CORPS INITIATIVE.—The Commandant of the Coast
3 Guard shall establish an MSI Aviation Officer Corps
4 Initiative to increase the diversity of the Coast
5 Guard Aviation Officer Corps through an integrated
6 recruiting, accession, training, and assignment pro-
7 cess that offers guaranteed flight school opportunities
8 to students from minority serving institutions.

9 (5) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated \$3,000,000
11 to the Commandant to carry out this subsection.

12 (c) COAST GUARD-MSI COOPERATIVE TECHNOLOGY
13 PROGRAM.—

14 (1) ESTABLISHMENT.—The Commandant of
15 the Coast Guard shall establish a Coast Guard Lab-
16 oratory of Excellence-MSI Cooperative Technology
17 Program at three minority serving institutions to
18 focus on priority security areas for the Coast Guard,
19 such as global maritime surveillance, resilience, and
20 recovery.

21 (2) COLLABORATION.—The Commandant shall
22 encourage collaboration among the minority serving
23 institutions selected under paragraph (1) and insti-
24 tutions of higher education with institutional re-

1 search and academic program resources and experi-
2 ence.

3 (3) PARTNERSHIPS.—The heads of the labora-
4 tories established at the minority serving institutions
5 pursuant to paragraph (1) may seek to establish
6 partnerships with the private sector, especially small,
7 disadvantaged businesses, to—

8 (A) develop increased research and devel-
9 opment capacity;

10 (B) increase the number of baccalaureate
11 and graduate degree holders in science, tech-
12 nology, engineering, mathematics (STEM), and
13 information technology or other fields critical to
14 the mission of the Coast Guard; and

15 (C) strengthen instructional ability among
16 faculty.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated \$2,500,000
19 to the Commandant to carry out this subsection, in-
20 cluding for instrumentation acquisition and funding
21 undergraduate student scholarships, graduate fellow-
22 ships, and faculty-post doctoral study.

23 (d) DEFINITION.—For purposes of this section, the
24 terms “minority serving institution”, “minority serving in-
25 stitutions”, and “MSI” mean a historically Black college

1 or university (as defined in section 322 of the Higher Edu-
2 cation Act of 1965), a Hispanic-serving institution (as de-
3 fined in section 502 of such Act), a Tribal College or Uni-
4 versity (as defined in section 316 of such Act), a Predomi-
5 nantly Black institution (as defined in section 499A(c) of
6 such Act), a Native American-serving nontribal institution
7 (as defined in section 499A(c) of such Act), or an Asian
8 American and a Native American Pacific Islander-serving
9 institution (as defined in section 320 of such Act).

10 **SEC. 222. SUPPLEMENTAL POSITIONING SYSTEM.**

11 (a) **STUDY REQUIRED.**—The Secretary, in consulta-
12 tion with the Secretary of Transportation and other heads
13 of appropriate Federal departments, shall conduct a study
14 to determine whether there is a continued need for a sup-
15 plemental air and maritime navigation system as a backup
16 to the Global Positioning System.

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

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

21 (2) review national navigational capabilities
22 available in the event of a loss of the Global Posi-
23 tioning System;

24 (3) investigate the capabilities of currently
25 available radionavigational technologies and systems,

1 including the LORAN-C program currently operated
2 by the Coast Guard as well as modernized LORAN
3 systems, and costs and infrastructure requirements
4 necessary to establish a supplemental system nation-
5 wide; and

6 (4) include recommendations for future courses
7 of action.

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

9 (1) publish in the Federal Register a draft re-
10 port containing findings, conclusions, and rec-
11 ommendations from the study required by subsection
12 (a);

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

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

19 (d) FINAL REPORT.—The Secretary shall submit a
20 final report, including the findings and recommendations,
21 of the study required under subsection (a) and responses
22 to comments gathered under subsection (c) to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate not later than
2 1 year after the enactment of this Act.

3 (e) SECRETARY DEFINED.—As used in this section,
4 the term “Secretary” means the Secretary of the depart-
5 ment in which the Coast Guard is operating.

6 **TITLE III—SHIPPING AND** 7 **NAVIGATION**

8 **SEC. 301. GOODS AND SERVICES.**

9 Section 4(b) of the Act of July 5, 1884, commonly
10 known as the Rivers and Harbors Appropriation Act of
11 1884 (33 U.S.C. 5(b)), is amended—

12 (1) by striking “or” at the end of paragraph

13 (2)(C);

14 (2) by striking the period at the end of para-
15 graph (3) and inserting “; or”; and

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

17 “(4) sales taxes on goods and services provided
18 to or by vessels or watercraft (other than vessels or
19 watercraft primarily engaged in foreign com-
20 merce).”.

21 **SEC. 302. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**

22 **JURISDICTION.**

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

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

3 “(a) IN GENERAL.—The”.

4 (2) in subsection (a) (as designated by para-
5 graph (1)) by striking “\$100; and the” and insert-
6 ing “up to \$10,000. Each day during which a viola-
7 tion continues shall constitute a separate violation.
8 The”; and

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

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

14 **SEC. 303. MARITIME DRUG LAW ENFORCEMENT ACT**
15 **AMENDMENT—SIMPLE POSSESSION.**

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

18 “(c) SIMPLE POSSESSION.—

19 “(1) IN GENERAL.—Any individual on a vessel
20 subject to the jurisdiction of the United States who
21 is found by the Secretary, after notice and an oppor-
22 tunity for a hearing, to have knowingly or inten-
23 tionally possessed a controlled substance within the
24 meaning of the Controlled Substances Act (21
25 U.S.C. 812) shall be liable to the United States for

1 a civil penalty of not to exceed \$10,000 for each vio-
2 lation. The Secretary shall notify the individual in
3 writing of the amount of the civil penalty.

4 “(2) DETERMINATION OF AMOUNT.—In deter-
5 mining the amount of the penalty, the Secretary
6 shall consider the nature, circumstances, extent, and
7 gravity of the prohibited acts committed and, with
8 respect to the violator, the degree of culpability, any
9 history of prior offenses, ability to pay, and other
10 matters that justice requires.

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

17 **SEC. 304. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
18 **UREMENT LAW.**

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

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

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

25 (3) in subparagraph (B)—

1 (A) by striking “making” and inserting
2 “that makes”; and

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

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

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

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

12 (c) APPLICATION.—Section 14301 of that title is
13 amended—

14 (1) by amending subsection (a) to read as fol-
15 lows:

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

20 (2) in subsection (b)—

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

1 (B) in paragraph (3), by inserting “of
2 United States or Canadian registry or nation-
3 ality, or a vessel operated under the authority
4 of the United States or Canada, and that is”
5 after “vessel”;

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

11 (D) by striking paragraph (5);

12 (E) by redesignating paragraph (6) as
13 paragraph (5); and

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

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

20 (3) by striking subsection (c);

21 (4) by redesignating subsections (d) and (e) as
22 subsections (c) and (d), respectively; and

23 (5) in subsection (c), as redesignated, by strik-
24 ing “After July 18, 1994, an existing vessel (except
25 an existing vessel referred to in subsection (b)(5)(A)

1 or (B) of this section)” and inserting “An existing
2 vessel that has not undergone a change that the Sec-
3 retary finds substantially affects the vessel’s gross
4 tonnage (or a vessel to which IMO Resolutions
5 A.494 (XII) of November 19, 1981, A.540 (XIII) of
6 November 17, 1983, or A.541 (XIII) of November
7 17, 1983, apply)”.

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

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

12 (e) TONNAGE CERTIFICATE.—

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

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

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

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

24 (2) MAINTENANCE.—Section 14503 of that title
25 is amended—

1 (A) by designating the existing text as sub-
2 section (a); and

3 (B) by adding at the end the following new
4 subsection:

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

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

“14303. Tonnage Certificate.”.

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

17 (g) APPLICATION.—Section 14501 of that title is
18 amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

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

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

3 (h) DUAL TONNAGE MEASUREMENT.—Section
4 14513(c) of that title is amended—

5 (1) in paragraph (1)—

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

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

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

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

20 “§ 14514. **Reciprocity for foreign vessels**

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

1 accept the measurement and certificate of a vessel of that
2 foreign country as complying with this chapter and the
3 regulations prescribed under this chapter.”.

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

“14514. Reciprocity for foreign vessels.”.

7 **SEC. 305. ADJUSTMENT OF LIABILITY LIMITS FOR NAT-**
8 **URAL GAS DEEPWATER PORTS.**

9 Section 1004(d)(2) of the Oil Pollution Act of 1990
10 (33 U.S.C. 2704(d)(2)) is amended by adding at the end
11 the following:

12 “(D) The Secretary may establish, by reg-
13 ulation, a limit of liability of not less than
14 \$12,000,000 for a deepwater port used only in
15 connection with transportation of natural gas.”.

16 **SEC. 306. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST**
17 **OIL SPILL LIABILITY TRUST FUND.**

18 Section 1012(h)(1) of the Oil Pollution Act of 1990
19 (33 U.S.C. 2712(h)(1)) is amended by striking “6” and
20 inserting “3”.

21 **SEC. 307. MERCHANT MARINER DOCUMENT STANDARDS.**

22 Not later than 270 days after the date of enactment
23 of this Act, the Secretary of the department in which the
24 Coast Guard is operating shall submit to the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate—

3 (1) a plan to ensure that the process for an ap-
4 plication, by an individual who has, or has applied
5 for, a transportation security card under section
6 70105 of title 46, United States Code, for a mer-
7 chant mariner document can be completed entirely
8 by mail; and

9 (2) a report on the feasibility of, and a timeline
10 to, redesign the merchant mariner document to com-
11 ply with the requirements of such section, including
12 a biometric identifier, and all relevant international
13 conventions, including the International Labour Or-
14 ganization Convention Number 185 concerning the
15 seafarers identity document, and include a review on
16 whether or not such redesign will eliminate the need
17 for separate credentials and background screening
18 and streamline the application process for mariners.

19 **SEC. 308. REPORT ON COAST GUARD DETERMINATIONS.**

20 Not later than 180 days after enactment of this Act,
21 the Secretary of Homeland Security shall provide to the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 on the loss of United States shipyard jobs and industrial

1 base expertise as a result of rebuild, conversion, and dou-
2 ble-hull work on United States-flag vessels eligible to en-
3 gage in the coastwise trade being performed in foreign
4 shipyards, enforcement of the Coast Guard's foreign re-
5 build determination regulations, and recommendations for
6 improving the transparency in the Coast Guard's foreign
7 rebuild determination process.

8 **SEC. 309. SHIP EMISSION REDUCTION TECHNOLOGY DEM-**
9 **ONSTRATION PROJECT.**

10 (a) STUDY.—The Commandant of the Coast Guard,
11 in conjunction with the Administrator of the Environ-
12 mental Protection Agency, shall conduct a study—

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

17 (2) that identifies the impediments, including
18 any laws or regulations, to demonstrating the tech-
19 nology identified in paragraph (1).

20 (b) REPORT.—Within 180 days after the date of en-
21 actment of this Act, the Commandant shall submit a re-
22 port on the results of the study conducted under sub-
23 section (a) to the Committee on Transportation and Infra-
24 structure and the Committee on Energy and Commerce
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation and the Com-
2 mittee on Environment and Public Works of the Senate.

3 **SEC. 310. PHASEOUT OF VESSELS SUPPORTING OIL AND**
4 **GAS DEVELOPMENT.**

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

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

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

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

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

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

1 (c) LESSEE DEFINED.—In this section, the term
2 “lessee” means the holder of a lease (as defined in section
3 1331(e) of title 43, United States Code), who, prior to
4 giving the written notice in subsection (a)(1), has entered
5 into a binding agreement to employ a suitable vessel docu-
6 mented or to be documented under 12111(d) of title 46,
7 United States Code.

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

12 **SEC. 311. ARCTIC MARINE SHIPPING ASSESSMENT IMPLE-**
13 **MENTATION.**

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

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

1 Norway, and Denmark and other seafaring and Arctic na-
2 tions to ensure, in the Arctic—

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

5 (2) appropriate marine safety, tug, and salvage
6 capabilities;

7 (3) oil spill prevention and response capability;

8 (4) maritime domain awareness, including long-
9 range vessel tracking; and

10 (5) search and rescue.

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

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

1 (e) ICEBREAKING.—The Secretary of the department
2 in which the Coast Guard is operating shall promote safe
3 maritime navigation by means of icebreaking where need-
4 ed to carry out the purposes of this section.

5 (f) DEMONSTRATION PROJECTS.—The Secretary of
6 Transportation may enter into cooperative agreements,
7 contracts, or other agreements with, or make grants to,
8 individuals to conduct demonstration projects to reduce
9 emissions (including black carbon and other emissions
10 that could contribute to climate change) or discharges
11 from vessels operating in the Arctic.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated—

14 (1) to the Secretary of the department in which
15 the Coast Guard is operating—

16 (A) \$5,000,000 for each of fiscal years
17 2011 through 2015 for seasonal operations in
18 the Arctic; and

19 (B) \$10,000,000 for each of fiscal years
20 2012 through 2015 to carry out agreements es-
21 tablished under subsection (d); and

22 (2) to the Secretary of Transportation
23 \$5,000,000 for each of fiscal years 2011 through
24 2015 to conduct demonstration projects under sub-
25 section (f).

1 (h) ICEBREAKERS.—

2 (1) ANALYSES.—Not later than 90 days after
3 the date of enactment of this Act or the date of com-
4 pletion of the ongoing High Latitude Study to assess
5 Arctic polar ice-breaking mission requirements,
6 which ever occurs later, the Commandant of the
7 Coast Guard shall—

8 (A) conduct a comparative cost-benefit
9 analysis of—

10 (i) rebuilding, renovating, or improv-
11 ing the existing fleet of icebreakers for op-
12 eration by the Coast Guard,

13 (ii) constructing new icebreakers for
14 operation by the Coast Guard, and

15 (iii) any combination of the activities
16 described in clauses (i) and (ii), to carry
17 out the missions of the Coast Guard; and

18 (B) conduct an analysis of the impact on
19 mission capacity and the ability of the United
20 States to maintain a presence in the Arctic re-
21 gions through the year 2020 if recapitalization
22 of the icebreaker fleet, either by constructing
23 new icebreakers or rebuilding, renovating, or
24 improving the existing fleet of icebreakers, is
25 not fully funded.

1 (2) REPORTS TO CONGRESS.—

2 (A) Not later than 90 days after the date
3 of enactment of this Act or the date of comple-
4 tion of the ongoing High Latitude Study to as-
5 sess Arctic ice-breaking mission requirements,
6 which ever occurs later, the Commandant of the
7 Coast Guard shall submit a report containing
8 the results of the study, together with rec-
9 ommendations the Commandant deems appro-
10 priate under section 93(a)(24) of title 14,
11 United States Code, to the Senate Committee
12 on Commerce, Science, and Transportation and
13 the House of Representatives Committee on
14 Transportation and Infrastructure.

15 (B) Not later than 1 year after the date of
16 enactment of this Act, the Commandant shall
17 submit reports containing the results of the
18 analyses required under subparagraphs (A) and
19 (B) of paragraph (1), together with rec-
20 ommendations the Commandant deems appro-
21 priate under section 93(a)(24) of title 14,
22 United States Code, to the Senate Committee
23 on Commerce, Science, and Transportation and
24 the House of Representatives Committee on
25 Transportation and Infrastructure.

1 (i) ARCTIC DEFINITION.—In this section the term
2 “Arctic” has the same meaning as in section 112 of the
3 Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

4 **SEC. 312. LORAN-C SIGNAL.**

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

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

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

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

18 (c) If the Commandant makes the certifications de-
19 scribed in subsection (b), the Coast Guard shall, com-
20 mencing January 4, 2010, terminate the operation of the
21 Loran-C signal and commence a phased decommissioning
22 of the Loran-C system infrastructure.

23 (d) Not later than 30 days after such certifications
24 made pursuant to subsection (b), the Commandant shall
25 submit to the Committee on Transportation and Infra-

1 structure of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate a report setting forth a proposed schedule for the
4 phased decommissioning of the Loran-C system infra-
5 structure in the event of the decommissioning of such in-
6 frastructure in accordance with subsection (c).

7 (e) If the Commandant makes the certifications de-
8 scribed in subsection (b), the Secretary of Homeland Secu-
9 rity, acting through the Commandant of the Coast Guard,
10 may, notwithstanding any other provision of law, sell any
11 real and personal property under the administrative con-
12 trol of the Coast Guard and used for the Loran-C system,
13 by directing the Administrator of General Services to sell
14 such real and personal property, subject to such terms and
15 conditions that the Secretary believes to be necessary to
16 protect government interests and program requirements of
17 the Coast Guard.

18 **SEC. 313. DUAL ESCORT VESSELS FOR DOUBLE HULLED**
19 **TANKERS IN PRINCE WILLIAM SOUND, ALAS-**
20 **KA.**

21 (a) IN GENERAL.—Section 4116(c) of the Oil Pollu-
22 tion Act of 1990 (46 U.S.C. 3703 note; Public Law 101–
23 380) is amended—

24 (1) by striking “Not later than 6 months” and
25 inserting the following:

1 “(1) IN GENERAL.—Not later than 180 days”;

2 and

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

4 “(2) PRINCE WILLIAM SOUND, ALASKA.—The
5 requirement in paragraph (1) relating to single
6 hulled tankers in Prince William Sound, Alaska, de-
7 scribed in that paragraph being escorted by at least
8 2 towing vessels or other vessels considered to be ap-
9 propriate by the Secretary (including regulations
10 promulgated in accordance with section 3703(a)(3)
11 of title 46, United States Code, as set forth in part
12 168 of title 33, Code of Federal Regulations (as in
13 effect on March 1, 2009), implementing this sub-
14 section with respect to those tankers) shall apply to
15 double hulled tankers over 5,000 gross tons trans-
16 porting oil in bulk in Prince William Sound, Alas-
17 ka.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) take effect on the date that is 90 days after
20 the date of enactment of this Act.

21 (c) RULEMAKING.—

22 (1) INTERIM FINAL RULE AUTHORITY.—The
23 Secretary shall issue an interim final rule as a tem-
24 porary regulation implementing this section (includ-
25 ing the amendments made by this section) as soon

1 as practicable after the date of enactment of this
2 section, without regard to the provisions of chapter
3 5 of title 5, United States Code. All regulations pre-
4 scribed under the authority of this paragraph that
5 are not earlier superseded by final regulations shall
6 expire not later than 1 year after the date of enact-
7 ment of this Act.

8 (2) INITIATION OF RULEMAKING.—The Sec-
9 retary may initiate a rulemaking to implement this
10 section (including the amendments made by this sec-
11 tion) as soon as practicable after the date of enact-
12 ment of this section. The final rule issued pursuant
13 to that rulemaking may supersede the interim final
14 rule promulgated under this subsection.

15 **TITLE IV—GREAT LAKES**

16 **ICEBREAKER**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Great Lakes Ice-
19 breaker Replacement Act”.

20 **SEC. 402. FINDINGS.**

21 Congress finds that—

22 (1) five of the Coast Guard’s Great Lakes ice-
23 breakers are nearing the end of their useful lives;

24 (2) two other Coast Guard icebreaking assets
25 have experienced difficulty in heavy ice conditions;

1 (3) during the spring of 2008, United States-
2 flag vessels operating on the Great Lakes suffered
3 more than \$1,300,000 in damages to their hulls be-
4 cause the Coast Guard did not have enough assets
5 available to keep Great Lakes shipping lanes open;

6 (4) during the 2006–2007 ice season, ship-
7 ments of iron ore, coal, and limestone on the Great
8 Lakes exceeded 20,000,000 tons;

9 (5) during the 2006–2007 ice season, the trans-
10 portation of 10,400,000 tons of iron ore on the
11 Great Lakes helped support 100,000 jobs at steel
12 mills and 300,000 jobs at supplier industries by
13 keeping those industries working during the winter
14 season; and

15 (6) the 6,400,000 tons of coal shipped on the
16 Great Lakes during the 2006–2007 ice season kept
17 the Great Lakes region supplied with electricity.

18 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated \$153,000,000
20 for necessary expenses of the Coast Guard for the design,
21 acquisition, and construction of a combined buoy tender-
22 icebreaker to replace icebreaking capacity on the Great
23 Lakes, to remain available until expended.

1 **TITLE V—ACQUISITION REFORM**

2 **SEC. 501. SHORT TITLE.**

3 This title may be cited as the “Coast Guard Acquisi-
4 tion Reform Act of 2009”.

5 **SEC. 502. DEFINITIONS.**

6 In this title, the following definitions apply:

7 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
8 **TEES.**—The term “appropriate congressional com-
9 mittees” means the Committee on Transportation
10 and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and
12 Transportation of the Senate.

13 (2) **COMMANDANT.**—The term “Commandant”
14 means the Commandant of the Coast Guard.

15 (3) **LEVEL 1 ACQUISITION.**—The term “Level 1
16 acquisition” means—

17 (A) an acquisition by the Coast Guard—

18 (i) the estimated life-cycle costs of
19 which exceed \$1,000,000,000; or

20 (ii) the estimated total acquisition
21 costs of which exceed \$300,000,000; or

22 (B) any acquisition that the Chief Acquisi-
23 tion Officer of the Coast Guard determines to
24 have a special interest—

25 (i) due to—

- 1 (I) the experimental or tech-
2 nically immature nature of the asset;
3 (II) the technological complexity
4 of the asset;
5 (III) the commitment of re-
6 sources; or
7 (IV) the nature of the capability
8 or set of capabilities to be achieved; or
9 (ii) because such acquisition is a joint
10 acquisition.

11 (4) LEVEL 2 ACQUISITION.—The term “Level 2
12 acquisition” means an acquisition by the Coast
13 Guard—

14 (A) the estimated life-cycle costs of which
15 are equal to or less than \$1,000,000,000, but
16 greater than \$300,000,000; or

17 (B) the estimated total acquisition costs of
18 which are equal to or less than \$300,000,000,
19 but greater than \$100,000,000.

20 (5) LIFE-CYCLE COST.—The term “life-cycle
21 cost” means all costs for development, procurement,
22 construction, and operations and support for a par-
23 ticular capability or asset, without regard to funding
24 source or management control.

1 **Subtitle A—Restrictions on the Use**
2 **of Lead Systems Integrators**

3 **SEC. 511. PROCUREMENT STRUCTURE.**

4 (a) IN GENERAL.—

5 (1) USE OF LEAD SYSTEMS INTEGRATOR.—EX-
6 cept as provided in subsection (b), the Commandant
7 may not use a private sector entity as a lead systems
8 integrator for an acquisition contract awarded or de-
9 livery order or task order issued after the end of the
10 180-day period beginning on the date of enactment
11 of this Act.

12 (2) FULL AND OPEN COMPETITION.—The Com-
13 mandant and any lead systems integrator engaged
14 by the Coast Guard shall use full and open competi-
15 tion for any acquisition contract awarded after the
16 date of enactment of this Act, unless otherwise ex-
17 cepted in accordance with Federal acquisition laws
18 and regulations promulgated under those laws, in-
19 cluding the Federal Acquisition Regulation.

20 (3) NO EFFECT ON SMALL BUSINESS ACT.—
21 Nothing in this subsection shall be construed to su-
22 persede or otherwise affect the authorities provided
23 by and under the Small Business Act (15 U.S.C.
24 631 et seq.).

25 (b) EXCEPTIONS.—

1 (1) NATIONAL DISTRESS AND RESPONSE SYS-
2 TEM MODERNIZATION PROGRAM; NATIONAL SECUR-
3 RITY CUTTERS 2 AND 3.—Notwithstanding sub-
4 sections (a) and (e), the Commandant may use a
5 private sector entity as a lead systems integrator for
6 the Coast Guard to complete the National Distress
7 and Response System Modernization Program (oth-
8 erwise known as the “Rescue 21” program) and Na-
9 tional Security Cutters 2 and 3.

10 (2) COMPLETION OF ACQUISITION BY LEAD
11 SYSTEMS INTEGRATOR.—Notwithstanding subsection
12 (a), the Commandant may use a private sector enti-
13 ty as a lead systems integrator for the Coast
14 Guard—

15 (A) to complete any delivery order or task
16 order, including the exercise of previously estab-
17 lished options on a delivery order or task order
18 that was issued to a lead systems integrator on
19 or before the date that is 180 days after the
20 date of enactment of this Act without any
21 change in the quantity of capabilities or assets
22 or the specific type of capabilities or assets cov-
23 ered by the order;

24 (B) for a contract awarded after the date
25 that is 180 days after the date of enactment of

1 this Act for acquisition of, or in support of, the
2 HC-130J aircraft, the HH-65 aircraft, or the
3 C4ISR system, if the requirements of sub-
4 section (c) are met with respect to such acqui-
5 sions;

6 (C) for a contract awarded after the date
7 that is 180 days after the date of enactment of
8 this Act for acquisition of, or in support of,
9 Maritime Patrol Aircraft, if the requirements of
10 subsection (c) are met with respect to such an
11 acquisition; and

12 (D) for the acquisition of, or in support of,
13 additional National Security Cutters or Mari-
14 time Patrol Aircraft, if the Commandant deter-
15 mines that—

16 (i) the acquisition is in accordance
17 with Federal acquisition laws and regula-
18 tions promulgated under those laws, in-
19 cluding the Federal Acquisition Regula-
20 tion;

21 (ii) the acquisition and the use of a
22 private sector entity as a lead systems inte-
23 grator for the acquisition are in the best
24 interest of the Federal Government; and

1 (iii) the requirements of subsection (c)
2 are met with respect to such acquisition.

3 (3) REPORT ON DECISIONMAKING PROCESS.—If
4 the Commandant determines under subparagraph
5 (B), (C), or (D) of subsection (b)(2) that the Coast
6 Guard will use a private sector lead systems inte-
7 grator for an acquisition, the Commandant shall no-
8 tify in writing the appropriate congressional commit-
9 tees of the Commandant's determination and shall
10 provide a detailed rationale for the determination, at
11 least 30 days before the award of a contract or
12 issuance of a delivery order or task order, using a
13 private sector lead systems integrator, including a
14 comparison of the cost of the acquisition through the
15 private sector lead systems integrator with the ex-
16 pected cost if the acquisition were awarded directly
17 to the manufacturer or shipyard. For purposes of
18 that comparison, the cost of award directly to a
19 manufacturer or shipyard shall include the costs of
20 Government contract management and oversight.

21 (c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—
22 Neither an entity performing lead systems integrator func-
23 tions for a Coast Guard acquisition nor a Tier 1 subcon-
24 tractor for any acquisition described in subparagraph (B),
25 (C), or (D) of subsection (b)(2) may have a financial inter-

1 est in a subcontractor below the Tier 1 subcontractor level
2 unless—

3 (1) the subcontractor was selected by the prime
4 contractor through full and open competition for
5 such procurement;

6 (2) the procurement was awarded by the lead
7 systems integrator or a subcontractor through full
8 and open competition;

9 (3) the procurement was awarded by a subcon-
10 tractor through a process over which the lead sys-
11 tems integrator or a Tier 1 subcontractor exercised
12 no control; or

13 (4) the Commandant has determined that the
14 procurement was awarded in a manner consistent
15 with Federal acquisition laws and regulations pro-
16 mulgated under those laws, including the Federal
17 Acquisition Regulation.

18 (d) RULE OF CONSTRUCTION.—The limitation in
19 subsection (b)(1)(A) on the quantity and specific type of
20 assets to which subsection (b) applies shall not be con-
21 strued to apply to the modification of the number or type
22 of any sub-systems or other components of a vessel or air-
23 craft described in subparagraph (B), (C), or (D) of sub-
24 section (b)(2).

1 (e) TERMINATION DATE FOR EXCEPTIONS.—Except
2 as described in subsection (b)(1), the Commandant may
3 not use a private sector entity as a lead systems integrator
4 for acquisition contracts awarded, or task orders or deliv-
5 ery orders issued, after the earlier of—

- 6 (1) September 30, 2011; or
7 (2) the date on which the Commandant certifies
8 in writing to the appropriate congressional commit-
9 tees that the Coast Guard has available and can re-
10 tain sufficient acquisition workforce personnel and
11 expertise within the Coast Guard, through an ar-
12 rangement with other Federal agencies, or through
13 contracts or other arrangements with private sector
14 entities, to perform the functions and responsibilities
15 of the lead systems integrator in an efficient and
16 cost-effective manner.

17 **Subtitle B—Coast Guard**
18 **Acquisition Policy**

19 **SEC. 521. OPERATIONAL REQUIREMENTS.**

20 (a) IN GENERAL.—No Level 1 or Level 2 acquisition
21 program may be initiated by the Coast Guard, and no pro-
22 duction contract may be awarded for such an acquisition,
23 unless the Commandant has approved an operational re-
24 quirement for such acquisition.

1 (b) OPERATIONAL REQUIREMENT FOR ACQUISITION
2 PROGRAMS.—

3 (1) IN GENERAL.—The Commandant shall es-
4 tablish mature and stable operational requirements
5 for acquisition programs.

6 (2) ELEMENTS.—Prior to establishing oper-
7 ational requirements under paragraph (1), the Com-
8 mandant shall—

9 (A) prepare a preliminary statement of
10 need, a concept of operations, an analysis of al-
11 ternatives or the equivalent, an estimate of life-
12 cycle costs, and requirements for interoper-
13 ability with other capabilities and assets within
14 and external to the Coast Guard; and

15 (B) in preparing the concept of operations
16 under subparagraph (A), coordinate with acqui-
17 sition and support professionals, requirements
18 officials, operational users and maintainers, and
19 resource officials who can ensure the appro-
20 priate consideration of performance, cost,
21 schedule and risk trade-offs.

22 (c) CONSIDERATION OF TRADE-OFFS.—In estab-
23 lishing operational requirements under subsection (a), the
24 Commandant shall develop and implement mechanisms to
25 ensure that trade-offs among performance, cost, schedule,

1 and risk are considered in the establishment of operational
2 requirements for development and production of a Level
3 1 or Level 2 acquisition.

4 (d) ELEMENTS.—The mechanisms required under
5 this section shall ensure at a minimum that Coast Guard
6 officials responsible for acquisition management, budget,
7 and cost estimating functions have the authority to de-
8 velop cost estimates and raise cost and schedule matters
9 at any point in the process of establishing operational re-
10 quirements for a Level 1 or Level 2 acquisition.

11 **SEC. 522. REQUIRED CONTRACT TERMS.**

12 (a) IN GENERAL.—The Commandant shall ensure
13 that a contract awarded or a delivery order or task order
14 issued for an acquisition of a capability or an asset with
15 an expected service life of 10 or more years and with a
16 total acquisition cost that is equal to or exceeds
17 \$10,000,000 awarded or issued by the Coast Guard after
18 the date of enactment of this Act—

19 (1) provides that all certifications for an end-
20 state capability or asset under such contract, deliv-
21 ery order, or task order, respectively, will be con-
22 ducted by the Commandant or an independent third
23 party, and that self-certification by a contractor or
24 subcontractor is not allowed;

1 (2) requires that the Commandant shall main-
2 tain the authority to establish, approve, and main-
3 tain technical requirements;

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

9 (4) specifies that, for the acquisition or upgrade
10 of air, surface, or shore capabilities and assets for
11 which compliance with TEMPEST certification is a
12 requirement, the standard for determining such com-
13 pliance will be the air, surface, or shore standard
14 then used by the Department of the Navy for that
15 type of capability or asset; and

16 (5) for any contract awarded to acquire an Off-
17 shore Patrol Cutter, includes provisions specifying
18 the service life, fatigue life, and days underway in
19 general Atlantic and North Pacific Sea conditions,
20 maximum range, and maximum speed the cutter will
21 be built to achieve.

22 (b) PROHIBITED CONTRACT PROVISIONS.—The Com-
23 mandant shall ensure that any contract awarded or deliv-
24 ery order or task order issued by the Coast Guard after
25 the date of enactment of this Act does not include any

1 provision allowing for equitable adjustment that differs
2 from the Federal Acquisition Regulation.

3 (c) EXTENSION OF PROGRAM.—Any contract, con-
4 tract modification, or award term extending a contract
5 with a lead systems integrator—

6 (1) shall not include any minimum require-
7 ments for the purchase of a given or determinable
8 number of specific capabilities or assets; and

9 (2) shall be reviewed by an independent third
10 party with expertise in acquisition management, and
11 the results of that review shall be submitted to the
12 appropriate congressional committees at least 60
13 days prior to the award of the contract, contract
14 modification, or award term.

15 **SEC. 523. LIFE-CYCLE COST ESTIMATES.**

16 (a) IN GENERAL.—The Commandant shall imple-
17 ment mechanisms to ensure the development and regular
18 updating of life-cycle cost estimates for each acquisition
19 with a total acquisition cost that equals or exceeds
20 \$10,000,000 and an expected service life of 10 or more
21 years, and to ensure that these estimates are considered
22 in decisions to develop or produce new or enhanced capa-
23 bilities and assets.

24 (b) TYPES OF ESTIMATES.—In addition to life-cycle
25 cost estimates that may be developed by acquisition pro-

1 gram offices, the Commandant shall require that an inde-
2 pendent life-cycle cost estimate be developed for each
3 Level 1 or Level 2 acquisition program or project.

4 (c) REQUIRED UPDATES.—For each Level 1 or Level
5 2 acquisition program or project the Commandant shall
6 require that life-cycle cost estimates shall be updated be-
7 fore each milestone decision is concluded and the program
8 or project enters a new acquisition phase.

9 **SEC. 524. TEST AND EVALUATION.**

10 (a) TEST AND EVALUATION MASTER PLAN.—

11 (1) IN GENERAL.—For any Level 1 or Level 2
12 acquisition program or project the Coast Guard
13 Chief Acquisition Officer must approve a Test and
14 Evaluation Master Plan specific to the acquisition
15 program or project for the capability, asset, or sub-
16 systems of the capability or asset and intended to
17 minimize technical, cost, and schedule risk as early
18 as practicable in the development of the program or
19 project.

20 (2) TEST AND EVALUATION STRATEGY.—The
21 TEMP shall—

22 (A) set forth an integrated test and evalua-
23 tion strategy that will verify that capability-level
24 or asset-level and sub-system-level design and
25 development, including performance and

1 supportability, have been sufficiently proven be-
2 fore the capability, asset, or sub-system 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 TEMP.—At a min-
10 imum, the TEMP shall identify—

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

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

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

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

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

25 (F) operational test and evaluation phases;

1 (G) an estimate of the resources, including
2 funds, that will be required for all test, evalua-
3 tion, assessment, modeling, and simulation ac-
4 tivities; and

5 (H) the Government entity or independent
6 entity that will perform the test, evaluation, as-
7 sessment, modeling, and simulation activities.

8 (4) UPDATE.—The Coast Guard Chief Acquisi-
9 tion Officer shall approve an updated TEMP when-
10 ever there is a revision to program or project test
11 and evaluation strategy, scope, or phasing.

12 (5) LIMITATION.—The Coast Guard may not—

13 (A) proceed past that phase of the acquisi-
14 tion process that entails approving the sup-
15 porting acquisition of a capability or asset be-
16 fore the TEMP is approved by the Coast Guard
17 Chief Acquisition Officer; or

18 (B) award any production contract for a
19 capability, asset, or sub-system for which a
20 TEMP is required under this subsection before
21 the TEMP is approved by the Coast Guard
22 Chief Acquisition Officer.

23 (b) TESTS AND EVALUATIONS.—

24 (1) IN GENERAL.—The Commandant shall en-
25 sure that the Coast Guard conducts developmental

1 tests and evaluations and operational tests and eval-
2 uations of a capability or asset and the sub-systems
3 of the capability or asset for which a TEMP has
4 been prepared under subsection (a).

5 (2) USE OF THIRD PARTIES.—The Com-
6 mandant shall ensure that the Coast Guard uses
7 third parties with expertise in testing and evaluating
8 the capabilities or assets and the sub-systems of the
9 capabilities or assets being acquired to conduct de-
10 velopmental tests and evaluations and operational
11 tests and evaluations whenever the Coast Guard
12 lacks the capability to conduct the tests and evalua-
13 tions required by a TEMP.

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 sub-systems 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 sub-systems concerned and to the Coast Guard Chief
2 Acquisition 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 concern is corrected or mitigated. The report
17 shall also include an explanation of the actions that
18 will be taken to correct or mitigate the safety con-
19 cern, the date by which those actions will be taken,
20 and the adequacy of current funding to correct or
21 mitigate the safety concern.

22 (5) ASSET ALREADY IN LOW, INITIAL, OR FULL-
23 RATE PRODUCTION.—If operational test and evalua-
24 tion on a capability or asset already in low, initial,
25 or full-rate production identifies a safety concern

1 with the capability or asset or any sub-systems of
2 the capability or asset not previously identified dur-
3 ing developmental or operational test and evaluation,
4 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 appropriate congressional
12 Committee of the safety concern not later than
13 30 days after notification is made to the pro-
14 gram manager and Chief Acquisition Officer,
15 and include in such notification—

16 (i) an explanation of the actions that
17 will be taken to correct or mitigate the
18 safety concern in all capabilities or assets
19 and sub-systems of the capabilities or as-
20 sets yet to be produced, and the date by
21 which those actions will be taken;

22 (ii) an explanation of the actions that
23 will be taken to correct or mitigate the
24 safety concern in previously produced ca-
25 pabilities or assets and sub-systems of the

1 capabilities or assets, and the date by
2 which those actions will be taken; and

3 (iii) an assessment of the adequacy of
4 current funding to correct or mitigate the
5 safety concern in capabilities or assets and
6 sub-systems of the capabilities or assets
7 and in previously produced capabilities or
8 assets and sub-systems.

9 (c) DEFINITIONS.—In this section:

10 (1) DEVELOPMENTAL TEST AND EVALUA-
11 TION.—The term “developmental test and evalua-
12 tion” means—

13 (A) the testing of a capability or asset and
14 the sub-systems of the capability or asset to de-
15 termine whether they meet all contractual per-
16 formance requirements, including technical per-
17 formance requirements, supportability require-
18 ments, and interoperability requirements and
19 related specifications; and

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

22 (2) OPERATIONAL TEST AND EVALUATION.—
23 The term “operational test and evaluation” means—

24 (A) the testing of a capability or asset and
25 the sub-systems 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 sub-systems for use by typical Coast
6 Guard users to conduct those missions for
7 which the capability or asset and sub-systems
8 are intended to be used; and

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

11 (3) SAFETY CONCERN.—The term “safety con-
12 cern” means any hazard associated with a capability
13 or asset or a sub-system of a capability or asset that
14 is likely to cause serious bodily injury or death to a
15 typical Coast Guard user in testing, maintaining, re-
16 pairing, or operating the capability, asset, or sub-
17 system or any hazard associated with the capability,
18 asset, or sub-system that is likely to cause major
19 damage to the capability, asset, or sub-system dur-
20 ing the course of its normal operation by a typical
21 Coast Guard user.

22 (4) TEMP.—The term “TEMP” means a Test
23 and Evaluation Master Plan for which approval is
24 required under this section.

1 **SEC. 525. CAPABILITY STANDARDS.**

2 (a) CUTTER CLASSIFICATION.—The Commandant
3 shall cause each cutter, other than a National Security
4 Cutter, acquired by the Coast Guard and delivered after
5 the date of enactment of this Act to be classed by the
6 American Bureau of Shipping before final acceptance.

7 (b) TEMPEST TESTING.—The Commandant shall—

8 (1) cause all electronics on all aircraft, surface,
9 and shore capabilities and assets that require TEM-
10 PEST certification and that are delivered after the
11 date of enactment of this Act to be tested in accord-
12 ance with TEMPEST standards and communication
13 security (COMSEC) standards by an independent
14 third party that is authorized by the Federal Gov-
15 ernment to perform such testing; and

16 (2) certify that the capabilities and assets meet
17 all applicable TEMPEST requirements.

18 (c) NATIONAL SECURITY CUTTERS.—

19 (1) NATIONAL SECURITY CUTTERS 1 AND 2.—
20 Not later than 90 days before the Coast Guard
21 awards any contract or issues any delivery order or
22 task order to strengthen the hull of either of Na-
23 tional Security Cutter 1 or 2 to resolve the struc-
24 tural design and performance issues identified in the
25 Department of Homeland Security Inspector Gen-
26 eral's report OIG-07-23 dated January 2007, the

1 Commandant shall submit to the appropriate con-
2 gressional committees and the Committee on Home-
3 land Security of the House of Representatives all re-
4 sults of an assessment of the proposed hull strength-
5 ening design conducted by the Coast Guard, includ-
6 ing—

7 (A) a description in detail of the extent to
8 which the hull strengthening measures to be im-
9 plemented on those cutters will enable the cut-
10 ters to meet contract and performance require-
11 ments;

12 (B) a cost benefit analysis of the proposed
13 hull strengthening measures for National Secu-
14 rity Cutters 1 and 2; and

15 (C) a description of any operational re-
16 strictions that would have to be applied to ei-
17 ther National Security Cutter 1 or 2 if the pro-
18 posed hull strengthening measures were not im-
19 plemented on either cutter.

20 (2) OTHER VESSELS.—The Commandant shall
21 cause the design and construction of each National
22 Security Cutter, other than National Security Cut-
23 ters 1, 2, and 3, to be assessed by an independent
24 third party with expertise in vessel design and con-
25 struction certification.

1 (d) AIRCRAFT AIRWORTHINESS.—The Commandant
2 shall cause all aircraft and aircraft engines acquired by
3 the Coast Guard and delivered after the date of enactment
4 of this Act to be assessed for airworthiness by an inde-
5 pendent third party with expertise in aircraft and aircraft
6 engine certification, before final acceptance.

7 **SEC. 526. ACQUISITION PROGRAM REPORTS.**

8 Any Coast Guard Level 1 or Level 2 acquisition pro-
9 gram or project may not begin to obtain any capability
10 or asset or proceed beyond that phase of its development
11 that entails approving the supporting acquisition until the
12 Commandant submits to the appropriate congressional
13 committees the following:

14 (1) The key performance parameters, the key
15 system attributes, and the operational performance
16 attributes of the capability and asset to be acquired
17 under the proposed acquisition program or project
18 will be built to achieve.

19 (2) A detailed list of the systems or other capa-
20 bilities with which the capability or asset to be ac-
21 quired is intended to be interoperable, including an
22 explanation of the attributes of interoperability.

23 (3) The anticipated acquisition program base-
24 line and acquisition unit cost for the capability or

1 asset to be produced and deployed under the pro-
2 gram or project.

3 (4) A detailed schedule for the acquisition proc-
4 ess showing when all capability and asset acquisi-
5 tions are to be completed and when all acquired ca-
6 pabilities and assets are to be initially and fully de-
7 ployed.

8 **SEC. 527. UNDEFINITIZED CONTRACTUAL ACTIONS.**

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

13 (b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL
14 ACTIONS.—Any request to the Head of Contracting Activ-
15 ity for approval of an undefinitized contractual action cov-
16 ered under subsection (a) must include a description of
17 the anticipated effect on requirements of the Coast Guard
18 if a delay is incurred for the purposes of determining con-
19 tractual terms, specifications, and price before perform-
20 ance is begun under the contractual action.

21 (c) REQUIREMENTS FOR UNDEFINITIZED CONTRAC-
22 TUAL ACTIONS.—

23 (1) DEADLINE FOR AGREEMENT ON TERMS,
24 SPECIFICATIONS, AND PRICE.—A contracting officer
25 of the Coast Guard may not enter into an

1 undefined contractual action unless the contrac-
2 tual action provides for agreement upon contractual
3 terms, specification, and price by the earlier of—

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

8 (B) the date on which the amount of funds
9 obligated under the contractual action is equal
10 to more than 50 percent of the negotiated over-
11 all ceiling price for the contractual action.

12 (2) LIMITATION ON OBLIGATIONS.—

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

21 (B) EXCEPTION.—Notwithstanding sub-
22 paragraph (A), if a contractor submits a quali-
23 fying proposal to definitize an undefined
24 contractual action before an amount that ex-
25 ceeds 50 percent of the negotiated overall ceil-

1 ing price is obligated on such action, the con-
2 tracting officer for such action may not obligate
3 with respect to such contractual action an
4 amount that exceeds 75 percent of the nego-
5 tiated overall ceiling price until the contractual
6 terms, specifications, and price are definitized
7 for such contractual action.

8 (3) WAIVER.—The Commandant may waive the
9 application of this subsection with respect to a con-
10 tract if the Commandant determines that the waiver
11 is necessary to support—

12 (A) a contingency operation (as that term
13 is defined in section 101(a)(13) of title 10,
14 United States Code);

15 (B) an operation in response to an emer-
16 gency that poses an unacceptable threat to
17 human health or safety or to the marine envi-
18 ronment; or

19 (C) an operation in response to a natural
20 disaster or major disaster or emergency des-
21 ignated by the President under the Robert T.
22 Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5121 et seq.).

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

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

11 (1) good business practice; and

12 (2) in the best interests of the United States.

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

17 (1) good business practice; and

18 (2) in the best interests of the United States.

19 (f) ALLOWABLE PROFIT.—The Commandant shall
20 ensure that the profit allowed on an undefinitized contrac-
21 tual action for which the final price is negotiated after
22 a substantial portion of the performance required is com-
23 pleted reflects—

24 (1) the possible reduced cost risk of the con-
25 tractor with respect to costs incurred during per-

1 performance of the contract before the final price is ne-
2 gotiated; and

3 (2) the reduced cost risk of the contractor with
4 respect to costs incurred during performance of the
5 remaining portion of the contract.

6 (g) DEFINITIONS.—In this section:

7 (1) UNDEFINITIZED CONTRACTUAL ACTION.—

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

15 (B) EXCLUSION.—Such term does not in-
16 clude contractual actions with respect to the fol-
17 lowing:

18 (i) Foreign military sales.

19 (ii) Purchases in an amount not in ex-
20 cess of the amount of the simplified acqui-
21 sition threshold.

22 (iii) Special access programs.

23 (2) QUALIFYING PROPOSAL.—The term “quali-
24 fying proposal” means a proposal that contains suf-
25 ficient information to enable complete and meaning-

1 ful audits of the information contained in the pro-
2 posal as determined by the contracting officer.

3 **SEC. 528. GUIDANCE ON EXCESSIVE PASS-THROUGH**
4 **CHARGES.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Commandant shall issue
7 guidance to ensure that pass-through charges on con-
8 tracts, subcontracts, delivery orders, and task orders that
9 are entered into with a private entity acting as a lead sys-
10 tems integrator by or on behalf of the Coast Guard are
11 not excessive in relation to the cost of work performed by
12 the relevant contractor or subcontractor. The guidance
13 shall, at a minimum—

14 (1) set forth clear standards for determining
15 when no, or negligible, value has been added to a
16 contract by a contractor or subcontractor;

17 (2) set forth procedures for preventing the pay-
18 ment by the Government of excessive pass-through
19 charges; and

20 (3) identify any exceptions determined by the
21 Commandant to be in the best interest of the Gov-
22 ernment.

23 (b) EXCESSIVE PASS-THROUGH CHARGE DE-
24 FINED.—In this section the term “excessive pass-through
25 charge”, with respect to a contractor or subcontractor that

1 adds no, or negligible, value to a contract or subcontract,
2 means a charge to the Government by the contractor or
3 subcontractor that is for overhead or profit on work per-
4 formed by a lower-tier contractor or subcontractor, other
5 than reasonable charges for the direct costs of managing
6 lower-tier contractors and subcontracts and overhead and
7 profit based on such direct costs.

8 (c) APPLICATION OF GUIDANCE.—The guidance
9 under this subsection shall apply to contracts awarded to
10 a private entity acting as a lead systems integrator by or
11 on behalf of the Coast Guard on or after the date that
12 is 360 days after the date of enactment of this Act.

13 **SEC. 529. ACQUISITION OF MAJOR CAPABILITIES: ALTER-**
14 **NATIVES ANALYSIS.**

15 The Coast Guard may not acquire an experimental
16 or technically immature capability or asset or implement
17 a Level 1 or Level 2 acquisition, unless it has conducted
18 an alternatives analysis for the capability or asset to be
19 acquired in the concept and technology development phase
20 of the acquisition process for the capability or asset. Such
21 analysis shall be conducted by a federally funded research
22 and development center, a qualified entity of the Depart-
23 ment of Defense, or a similar independent third party enti-
24 ty that has appropriate acquisition expertise. Such alter-
25 natives analysis shall include—

- 1 (1) an assessment of the technical maturity of
2 the capability or asset and technical and other risks;
- 3 (2) an examination of capability, interoper-
4 ability, and other advantages and disadvantages;
- 5 (3) an evaluation of whether different combina-
6 tions or quantities of specific capabilities or assets
7 could meet the Coast Guard’s overall performance
8 needs;
- 9 (4) a discussion of key assumptions and vari-
10 ables, and sensitivity to change in such assumptions
11 and variables;
- 12 (5) when an alternative is an existing capa-
13 bility, asset, or prototype, an evaluation of relevant
14 safety and performance records and costs;
- 15 (6) a calculation of life-cycle costs, including—
 - 16 (A) an examination of development costs
17 and the levels of uncertainty associated with
18 such estimated costs;
 - 19 (B) an examination of likely production
20 and deployment costs and the levels of uncer-
21 tainty associated with such estimated costs;
 - 22 (C) an examination of likely operating and
23 support costs and the levels of uncertainty asso-
24 ciated with such estimated costs;

1 (D) if they are likely to be significant, an
2 examination of likely disposal costs and the lev-
3 els of uncertainty associated with such esti-
4 mated costs; and

5 (E) such additional measures the Com-
6 mandant determines to be necessary for appro-
7 priate evaluation of the capability or asset; and

8 (7) the business case for each viable alternative.

9 **SEC. 530. COST OVERRUNS AND DELAYS.**

10 (a) IN GENERAL.—The Commandant shall submit a
11 report to the appropriate congressional committees as
12 soon as possible, but not later than 30 days, after the
13 Chief Acquisition Officer of the Coast Guard becomes
14 aware of the breach of an acquisition program baseline
15 for any Level 1 or Level 2 acquisition program, by—

16 (1) a likely cost overrun greater than 15 per-
17 cent of the acquisition program baseline for that in-
18 dividual capability or asset or a class of capabilities
19 or assets;

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

23 (3) an anticipated failure for any individual ca-
24 pability or asset or class of capabilities or assets to

1 satisfy any key performance threshold or parameter
2 under the acquisition program baseline.

3 (b) CONTENT.—The report submitted under sub-
4 section (a) shall include—

5 (1) a detailed description of the breach and an
6 explanation of its cause;

7 (2) the projected impact to performance, cost,
8 and schedule;

9 (3) an updated acquisition program baseline
10 and the complete history of changes to the original
11 acquisition program baseline;

12 (4) the updated acquisition schedule and the
13 complete history of changes to the original schedule;

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

16 (6) a remediation plan identifying corrective ac-
17 tions and any resulting issues or risks; and

18 (7) a description of how progress in the remedi-
19 ation plan will be measured and monitored.

20 (c) SUBSTANTIAL VARIANCES IN COSTS OR SCHED-
21 ULE.—If a likely cost overrun is greater than 20 percent
22 or a likely delay is greater than 12 months from the costs
23 and schedule described in the acquisition program baseline
24 for any Level 1 or Level 2 acquisition program or project
25 of the Coast Guard, the Commandant shall include in the

1 report a written certification, with a supporting expla-
2 nation, that—

3 (1) the capability or asset or capability or asset
4 class to be acquired under the program or project is
5 essential to the accomplishment of Coast Guard mis-
6 sions;

7 (2) there are no alternatives to such capability
8 or asset or capability or asset class which will pro-
9 vide equal or greater capability in both a more cost-
10 effective and timely manner;

11 (3) the new acquisition schedule and estimates
12 for total acquisition cost are reasonable; and

13 (4) the management structure for the acquisi-
14 tion program is adequate to manage and control per-
15 formance, cost, and schedule.

16 **SEC. 531. REPORT ON FORMER COAST GUARD OFFICIALS**
17 **EMPLOYED BY CONTRACTORS TO THE AGEN-**
18 **CY.**

19 (a) REPORT REQUIRED.—Not later than December
20 31, 2009, and annually thereafter, the Comptroller Gen-
21 eral of the United States shall submit a report to the ap-
22 propriate congressional committees on the employment
23 during the preceding year by Coast Guard contractors of
24 individuals who were Coast Guard officials in the previous
25 5-year period. The report shall assess the extent to which

1 former Coast Guard officials were provided compensation
2 by Coast Guard contractors in the preceding calendar
3 year.

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

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

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

21 (e) DEFINITIONS.—In this section:

22 (1) COAST GUARD CONTRACTOR.—The term
23 “Coast Guard contractor” includes any person that
24 received at least \$10,000,000 in contractor awards

1 from the Coast Guard in the calendar year covered
2 by the annual report.

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

14 **SEC. 532. DEPARTMENT OF DEFENSE CONSULTATION.**

15 (a) IN GENERAL.—The Commandant shall make ar-
16 rangements as appropriate with the Secretary of Defense
17 for support in contracting and management of Coast
18 Guard acquisition programs. The Commandant shall also
19 seek opportunities to make use of Department of Defense
20 contracts, and contracts of other appropriate agencies, to
21 obtain the best possible price for capabilities and assets
22 acquired for the Coast Guard.

23 (b) INTER-SERVICE TECHNICAL ASSISTANCE.—The
24 Commandant may enter into a memorandum of under-
25 standing or a memorandum of agreement with the Sec-

1 retary of the Navy to obtain the assistance of the Office
2 of the Assistant Secretary of the Navy for Research, De-
3 velopment, and Acquisition, including the Navy Systems
4 Commands, with the oversight of Coast Guard major ac-
5 quisition programs. Such memorandum of understanding
6 or memorandum of agreement shall, at a minimum, pro-
7 vide for—

8 (1) the exchange of technical assistance and
9 support that the Coast Guard Chief Acquisition Offi-
10 cer, Coast Guard Chief Engineer, and the Coast
11 Guard Chief Information Officer may identify;

12 (2) the use, as appropriate, of Navy technical
13 expertise; and

14 (3) the temporary assignment or exchange of
15 personnel between the Coast Guard and the Office
16 of the Assistant Secretary of the Navy for Research,
17 Development, and Acquisition, including Naval Sys-
18 tems Commands, to facilitate the development of or-
19 ganic capabilities in the Coast Guard.

20 (c) TECHNICAL REQUIREMENT APPROVAL PROCE-
21 DURES.—The Coast Guard Chief Acquisition Officer shall
22 adopt, to the extent practicable, procedures that are simi-
23 lar to those used by the senior procurement executive of
24 the Department of the Navy to approve all technical re-
25 quirements.

1 (d) ASSESSMENT.—Within 180 days after the date
2 of enactment of this Act, the Comptroller General shall
3 transmit a report to the appropriate congressional com-
4 mittees that—

5 (1) contains an assessment of current Coast
6 Guard acquisition and management capabilities to
7 manage Level 1 and Level 2 acquisitions;

8 (2) includes recommendations as to how the
9 Coast Guard can improve its acquisition manage-
10 ment, either through internal reforms or by seeking
11 acquisition expertise from the Department of De-
12 fense; and

13 (3) addresses specifically the question of wheth-
14 er the Coast Guard can better leverage Department
15 of Defense or other agencies' contracts that would
16 meet the needs of Level 1 or Level 2 acquisitions in
17 order to obtain the best possible price.

18 **Subtitle C—Coast Guard Personnel**

19 **SEC. 541. CHIEF ACQUISITION OFFICER.**

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

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

24 “(a) ESTABLISHMENT OF CHIEF ACQUISITION OFFI-
25 CER.—There shall be in the Coast Guard a Chief Acquisi-

1 tion Officer selected by the Commandant who shall be a
2 Rear Admiral or civilian from the Senior Executive Service
3 (career reserved) and who meets the qualifications set
4 forth under subsection (b). The Chief Acquisition Officer
5 shall serve at the Assistant Commandant level and have
6 acquisition management as that individual's primary duty.

7 “(b) QUALIFICATIONS.—

8 “(1) The Chief Acquisition Officer and any
9 Flag Officer serving in the Acquisitions Directorate
10 shall be an acquisition professional with a program
11 manager level III certification and must have at
12 least 10 years experience in an acquisition position,
13 of which at least 4 years were spent in one of the
14 following qualifying positions:

15 “(A) Program executive officer.

16 “(B) Program manager of a Level 1 or
17 Level 2 acquisition.

18 “(C) Deputy program manager of a Level
19 1 or Level 2 acquisition.

20 “(D) Project manager for a Level 1 or
21 Level 2 acquisition.

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

1 “(2) The Commandant shall periodically publish
2 a list of the positions designated under this sub-
3 section.

4 “(c) AUTHORITY AND FUNCTIONS OF THE CHIEF AC-
5 QUISSION OFFICER.—The functions of the Chief Acquisi-
6 tion Officer shall include—

7 “(1) monitoring the performance of programs
8 and projects on the basis of applicable performance
9 measurements and advising the Commandant,
10 through the chain of command, regarding the appro-
11 priate business strategy to achieve the missions of
12 the Coast Guard;

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

24 “(3) making acquisition decisions in concur-
25 rence with the technical authority of the Coast

1 Guard, as designated by the Commandant, and con-
2 sistent with all other applicable laws and decisions
3 establishing procedures within the Coast Guard;

4 “(4) ensuring the use of detailed performance
5 specifications in instances in which performance
6 based contracting is used;

7 “(5) managing the direction of acquisition poli-
8 cy for the Coast Guard, including implementation of
9 the unique acquisition policies, regulations, and
10 standards of the Coast Guard;

11 “(6) developing and maintaining an acquisition
12 career management program in the Coast Guard to
13 ensure that there is an adequate acquisition work-
14 force;

15 “(7) assessing the requirements established for
16 Coast Guard personnel regarding knowledge and
17 skill in acquisition resources and management and
18 the adequacy of such requirements for facilitating
19 the achievement of the performance goals established
20 for acquisition management;

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

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

1 (b) APPLICATION OF QUALIFICATION REQUIRE-
2 MENT.—Section 56(b) of title 14, United States Code, as
3 amended by this section, shall apply beginning October 1,
4 2011.

5 (c) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is further amended by
7 adding at the end the following:

“Sec. 56. Chief Acquisition Officer.”.

8 (d) ELEVATION OF DISPUTES TO THE CHIEF ACQUI-
9 SITION OFFICER.—Within 45 days after the elevation to
10 the Chief Acquisition Officer of any design or other dis-
11 pute regarding a Level 1 or Level 2 acquisition, the Com-
12 mandant shall provide to the appropriate congressional
13 committees a detailed description of the issue and the ra-
14 tionale underlying the decision taken by the Chief Acquisi-
15 tion Officer to resolve the issue.

16 (e) SPECIAL RATE SUPPLEMENTS.—

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

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

4 **SEC. 542. IMPROVEMENTS IN COAST GUARD ACQUISITION**
5 **MANAGEMENT.**

6 (a) PROGRAM AND PROJECT MANAGERS.—An indi-
7 vidual may not be assigned as the program manager for
8 a Level 1 acquisition unless the individual holds a Level
9 III acquisition certification as a program manager.

10 (b) INTEGRATED PRODUCT TEAMS.—Integrated
11 product teams, and all teams that oversee integrated prod-
12 uct teams, shall be chaired by officers, members, or em-
13 ployees of the Coast Guard.

14 (c) TECHNICAL AUTHORITY.—The Commandant
15 shall maintain or designate the technical authority to es-
16 tablish, approve, and maintain technical requirements.
17 Any such designation shall be made in writing and may
18 not be delegated to the authority of the Chief Acquisition
19 Officer established by section 55 of title 14, United States
20 Code.

21 (d) DESIGNATION OF POSITIONS IN THE ACQUISI-
22 TION WORKFORCE.—

23 (1) IN GENERAL.—The Commandant shall des-
24 ignate a sufficient number of positions to be in the
25 Coast Guard's acquisition workforce to perform ac-

1 quisition-related functions at Coast Guard head-
2 quarters and field activities.

3 (2) REQUIRED POSITIONS.—In designating po-
4 sitions under subsection (a), the Commandant shall
5 include, at a minimum, positions encompassing the
6 following competencies and functions:

7 (A) Program management.

8 (B) Systems planning, research, develop-
9 ment, engineering, and testing.

10 (C) Procurement, including contracting.

11 (D) Industrial and contract property man-
12 agement.

13 (E) Life-cycle logistics.

14 (F) Quality control and assurance.

15 (G) Manufacturing and production.

16 (H) Business, cost estimating, financial
17 management, and auditing.

18 (I) Acquisition education, training, and ca-
19 reer development.

20 (J) Construction and facilities engineering.

21 (K) Testing and evaluation.

22 (3) ACQUISITION MANAGEMENT HEADQUARTER
23 ACTIVITIES.—The Commandant shall also designate
24 as positions in the acquisition workforce under para-

1 graph (1) those acquisition-related positions located
2 at Coast Guard headquarters units.

3 (4) APPROPRIATE EXPERTISE REQUIRED.—The
4 Commandant shall ensure that each individual as-
5 signed to a position in the acquisition workforce has
6 the appropriate expertise to carry out the respon-
7 sibilities of that position.

8 (e) MANAGEMENT INFORMATION SYSTEM.—

9 (1) IN GENERAL.—The Commandant shall es-
10 tablish a management information system capability
11 to improve acquisition workforce management and
12 reporting.

13 (2) INFORMATION MAINTAINED.—Information
14 maintained with such capability shall include the fol-
15 lowing standardized information on individuals as-
16 signed to positions in the workforce:

17 (A) Qualifications, assignment history, and
18 tenure of those individuals assigned to positions
19 in the acquisition workforce or holding acquisi-
20 tion-related certifications.

21 (B) Promotion rates for officers and mem-
22 bers of the Coast Guard in the acquisition
23 workforce.

24 (f) REPORT ON ADEQUACY OF ACQUISITION WORK-
25 FORCE.—

1 (1) IN GENERAL.—The Commandant shall re-
2 port to the Congress by July 1 of each year on the
3 scope of the acquisition activities to be performed in
4 the next fiscal year and on the adequacy of the cur-
5 rent acquisition workforce to meet that anticipated
6 workload.

7 (2) CONTENTS.—The report shall—

8 (A) specify the number of officers, mem-
9 bers, and employees of the Coast Guard cur-
10 rently and planned to be assigned to each posi-
11 tion designated under subsection (d); and

12 (B) identify positions that are understaffed
13 to meet the anticipated acquisition workload,
14 and actions that will be taken to correct such
15 understaffing.

16 (g) APPOINTMENTS TO ACQUISITION POSITIONS.—
17 The Commandant shall ensure that no requirement or
18 preference for officers or members of the Coast Guard is
19 used in the consideration of persons for positions in the
20 acquisition workforce.

21 (h) CAREER PATHS.—

22 (1) IDENTIFICATION OF CAREER PATHS.—To
23 establish acquisition management as a core com-
24 petency of the Coast Guard, the Commandant
25 shall—

1 (A) ensure that career paths for officers,
2 members, and employees of the Coast Guard
3 who wish to pursue careers in acquisition are
4 identified in terms of the education, training,
5 experience, and assignments necessary for ca-
6 reer progression of those officers, members, and
7 employees to the most senior positions in the
8 acquisition workforce; and

9 (B) publish information on such career
10 paths.

11 (2) PROMOTION PARITY.—The Commandant
12 shall ensure that promotion parity is established for
13 officers and members of the Coast Guard who have
14 been assigned to the acquisition workforce relative to
15 officers and members who have not been assigned to
16 the acquisition workforce.

17 (i) BALANCED WORKFORCE POLICY.—In the devel-
18 opment of acquisition workforce policies under this section
19 with respect to any civilian employees or applicants for
20 employment, the Commandant shall, consistent with the
21 merit system principles set out in paragraphs (1) and (2)
22 of section 2301(b) of title 5, United States Code, take into
23 consideration the need to maintain a balanced workforce
24 in which women and members of racial and ethnic minor-

1 ity groups are appropriately represented in Government
2 service.

3 (j) GUIDANCE ON TENURE AND ACCOUNTABILITY OF
4 PROGRAM MANAGERS.—

5 (1) ISSUANCE OF GUIDANCE.—Not later than 1
6 year after the date of enactment of this Act, the
7 Commandant shall issue guidance to address the
8 qualifications, resources, responsibilities, tenure, and
9 accountability of program managers for the manage-
10 ment of acquisition programs and projects. The
11 guidance shall address, at a minimum—

12 (A) the qualifications that shall be required
13 of program managers, including the number of
14 years of acquisition experience and the profes-
15 sional training levels to be required of those ap-
16 pointed to program management positions;

17 (B) authorities available to program man-
18 agers, including, to the extent appropriate, the
19 authority to object to the addition of new pro-
20 gram requirements that would be inconsistent
21 with the parameters established for an acquisi-
22 tion program; and

23 (C) the extent to which a program man-
24 ager who initiates a new program or project will
25 continue in management of that program or

1 project without interruption until the delivery of
2 the first production units of the program.

3 (2) STRATEGY.—

4 (A) IN GENERAL.—Not later than 18
5 months after the date of enactment of this Act,
6 the Commandant shall develop a comprehensive
7 strategy for enhancing the role of Coast Guard
8 program managers in developing and carrying
9 out acquisition programs.

10 (B) MATTERS TO BE ADDRESSED.—The
11 strategy required by this section shall address,
12 at a minimum—

13 (i) the creation of a specific career
14 path and career opportunities for individ-
15 uals who are or may become program man-
16 agers, including the rotational assignments
17 that will be provided to program managers;

18 (ii) the provision of enhanced training
19 and educational opportunities for individ-
20 uals who are or may become program man-
21 agers;

22 (iii) the provision of mentoring sup-
23 port to current and future program man-
24 agers by experienced senior executives and
25 program managers within the Coast

1 Guard, and through rotational assignments
2 to the Department of Defense;

3 (iv) the methods by which the Coast
4 Guard will collect and disseminate best
5 practices and lessons learned on systems
6 acquisition to enhance program manage-
7 ment throughout the Coast Guard;

8 (v) the templates and tools that will
9 be used to support improved data gath-
10 ering and analysis for program manage-
11 ment and oversight purposes, including the
12 metrics that will be utilized to assess the
13 effectiveness of Coast Guard program
14 managers in managing systems acquisition
15 efforts;

16 (vi) a description in detail of how the
17 Coast Guard will promote a balanced work-
18 force in which women and members of ra-
19 cial and ethnic minority groups are appro-
20 priately represented in Government service;
21 and

22 (vii) the methods by which the ac-
23 countability of program managers for the
24 results of acquisition programs will be in-
25 creased.

1 **SEC. 543. RECOGNITION OF COAST GUARD PERSONNEL**
2 **FOR EXCELLENCE IN ACQUISITION.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Commandant shall com-
5 mence implementation of a program to recognize excellent
6 performance by individuals and teams comprised of offi-
7 cers, members, and employees of the Coast Guard that
8 contributed to the long-term success of a Coast Guard ac-
9 quisition program or project.

10 (b) ELEMENTS.—The program required by sub-
11 section (a) shall include the following:

12 (1) Specific award categories, criteria, and eligi-
13 bility and manners of recognition.

14 (2) Procedures for the nomination by personnel
15 of the Coast Guard of individuals and teams com-
16 prised of officers, members, and employees of the
17 Coast Guard for recognition under the program.

18 (3) Procedures for the evaluation of nomina-
19 tions for recognition under the program by one or
20 more panels of individuals from the Government,
21 academia, and the private sector who have such ex-
22 pertise and are appointed in such manner as the
23 Commandant shall establish for the purposes of this
24 program.

25 (c) AWARD OF CASH BONUSES.—As part of the pro-
26 gram required by subsection (a), the Commandant, sub-

1 ject to the availability of appropriations, may award to any
2 individual recognized pursuant to the program a cash
3 bonus to the extent that the performance of such indi-
4 vidual so recognized warrants the award of such bonus.

5 **SEC. 544. COAST GUARD ACQUISITION WORKFORCE EXPE-**
6 **DITED HIRING AUTHORITY.**

7 (a) IN GENERAL.—For purposes of sections 3304,
8 5333, and 5753 of title 5, United States Code, the Com-
9 mandant may—

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

13 (2) use the authorities in such sections to re-
14 cruit and appoint highly qualified persons directly to
15 positions so designated.

16 (b) LIMITATION.—The Commandant may not ap-
17 point a person to a position of employment under this sub-
18 section after September 30, 2012.

19 **TITLE VI—MARITIME**
20 **WORKFORCE DEVELOPMENT**

21 **SEC. 601. SHORT TITLE.**

22 This title may be cited as the “Maritime Workforce
23 Development Act”.

1 **SEC. 602. MARITIME EDUCATION LOAN PROGRAM.**

2 (a) IN GENERAL.—Chapter 517 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 51705. Maritime career training loan program**

6 “(a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish a maritime career training loan pro-
8 gram (in this section referred to as the ‘program’) in ac-
9 cordance with the requirements of this section.

10 “(b) PURPOSE.—The purpose of the program shall
11 be to make maritime career training loans available to eli-
12 gible students to provide for the training of United States
13 mariners.

14 “(c) ADMINISTRATION.—The program shall be car-
15 ried out by the Secretary, acting through the Adminis-
16 trator of the Maritime Administration.

17 “(d) DUTIES.—The Secretary shall—

18 “(1) allocate, on an annual basis, the award of
19 loans under the program based on the needs of stu-
20 dents;

21 “(2) develop an application process and eligi-
22 bility criteria for the award of loans under the pro-
23 gram;

24 “(3) approve applications for loans under the
25 program based on the eligibility criteria and alloca-
26 tions made under paragraph (1); and

1 “(4) designate maritime training institutions at
2 which loans made under the program may be used.

3 “(e) DESIGNATION OF MARITIME TRAINING INSTITU-
4 TIONS.—

5 “(1) IN GENERAL.—In designating maritime
6 training institutions under subsection (d)(4), the
7 Secretary—

8 “(A) may include Federal, State, and com-
9 mercial training institutions and nonprofit
10 training organizations, except that under-
11 graduate students at the United States Mer-
12 chant Marine Academy shall not be eligible for
13 loans under the program;

14 “(B) shall designate institutions based on
15 geographic diversity and scope of classes of-
16 fered;

17 “(C) shall ensure that designated institu-
18 tions have the ability to administer the pro-
19 gram; and

20 “(D) shall ensure that designated institu-
21 tions meet requirements to provide training in-
22 struction for appropriate Coast Guard-approved
23 training instruction.

24 “(2) EXCLUSIONS.—The Secretary—

1 “(A) may exclude from participation in the
2 program a maritime training institution that
3 has had severe performance deficiencies, includ-
4 ing deficiencies demonstrated by audits or pro-
5 gram reviews conducted during the 5 calendar
6 years immediately preceding the present year;

7 “(B) shall exclude from participation in
8 the program a maritime training institution
9 that has delinquent or outstanding debts to the
10 United States, unless such debts are being re-
11 paid under or in accordance with a repayment
12 arrangement satisfactory to the United States,
13 or the Secretary in the Secretary’s discretion
14 determines that the existence or amount of any
15 such debts has not been finally determined by
16 the appropriate Federal agency;

17 “(C) may exclude from participation in the
18 program a maritime training institution that
19 has failed to comply with quality standards es-
20 tablished by the Department of Labor, the
21 Coast Guard, or a State; and

22 “(D) may establish such other criteria as
23 the Secretary determines will protect the finan-
24 cial interest of the United States and promote
25 the purposes of this section.

1 “(f) STATE MARITIME ACADEMIES.—

2 “(1) USE OF FUNDS FOR LOANS TO STUDENTS
3 ATTENDING STATE MARITIME ACADEMIES.—The
4 Secretary may obligate not more than 50 percent of
5 the amounts appropriated to carry out this section
6 for a fiscal year for loans to undergraduate students
7 attending State maritime academies receiving assist-
8 ance under chapter 515 of this title.

9 “(2) ACADEMIC STANDARDS FOR STUDENTS.—
10 Students at State maritime academies receiving
11 loans under the program shall maintain satisfactory
12 progress toward the completion of their course of
13 study as evidenced by the maintenance of a cumu-
14 lative C average, or its equivalent, or academic
15 standing consistent with the requirements for grad-
16 uation, as determined by the institution.

17 “(g) LOAN AMOUNTS AND USE.—

18 “(1) MAXIMUM AMOUNTS.—The Secretary may
19 not make loans to a student under the program in
20 an amount that exceeds \$15,000 in a calendar year
21 or \$60,000 in the aggregate.

22 “(2) USE OF LOAN PROCEEDS.—A student who
23 receives a loan under the program may use the pro-
24 ceeds of the loan only for postsecondary expenses in-
25 curred at an institution designated by the Secretary

1 under subsection (d)(4) for books, tuition, required
2 fees, travel to and from training facilities, and room
3 and board.

4 “(h) STUDENT ELIGIBILITY.—To be eligible to re-
5 ceive a loan under the program, a student shall—

6 “(1) be eligible to hold a license or merchant
7 mariner document issued by the Coast Guard;

8 “(2) provide to the Secretary such information
9 as the Secretary may require, including all current
10 Coast Guard documents, certifications, proof of
11 United States citizenship or permanent legal status,
12 and a statement of intent to enter a maritime ca-
13 reer;

14 “(3) meet the enrollment requirements of a
15 maritime training institution designated by the Sec-
16 retary under subsection (d)(4); and

17 “(4) sign an agreement to—

18 “(A) complete a course of instruction at
19 such a maritime training institution; and

20 “(B)(i) maintain a license and serve as an
21 officer in the merchant marine on a docu-
22 mented vessel or a vessel owned and operated
23 by the United States for at least 18 months of
24 service at sea following the date of graduation

1 from the maritime program for which the loan
2 proceeds will be used; or

3 “(ii) serve as an unlicensed merchant mar-
4 iner on a documented vessel or a vessel owned
5 and operated by the United States for at least
6 18 months of service at sea following the date
7 of graduation from the maritime program for
8 which the loan proceeds will be used.

9 “(i) ADMINISTRATION OF LOANS.—

10 “(1) CONTENTS OF LOAN AGREEMENTS.—Any
11 agreement between the Secretary and a student bor-
12 rower for a loan under the program shall—

13 “(A) be evidenced by a note or other writ-
14 ten instrument that provides for the repayment
15 of the principal amount of the loan and any
16 origination fee, together with interest thereon,
17 in equal installments (or, if the student bor-
18 rower so requests, in graduated periodic install-
19 ments determined in accordance with such
20 schedules as may be approved by the Secretary)
21 payable quarterly, bimonthly, or monthly, at the
22 option of the student borrower, over a period
23 beginning 9 months from the date on which the
24 student borrower completes study or discon-
25 tinues attendance at the maritime program for

1 which the loans are used at the institution ap-
2 proved by the Secretary and not exceeding 10
3 years;

4 “(B) include provision for acceleration of
5 repayment of the whole, or any part, of such
6 loan, at the option of the student borrower;

7 “(C) provide the loan without security and
8 without endorsement;

9 “(D) provide that the liability to repay the
10 loan shall be canceled upon the death of the
11 student borrower, or if the student borrower be-
12 comes permanently and totally disabled, as de-
13 termined in accordance with regulations to be
14 issued by the Secretary;

15 “(E) contain a notice of the system of dis-
16 closure of information concerning default on
17 such loan to credit bureau organizations; and

18 “(F) include provisions for deferral of re-
19 payment, as determined by the Secretary.

20 “(2) RATE OF INTEREST.—A student borrower
21 who receives a loan under the program on or after
22 January 1, 2010, and before October 1, 2015, shall
23 be obligated to repay the loan amount to the Sec-
24 retary, together with interest beginning in the period

1 referred to in paragraph (1)(A), at a rate to be de-
2 termined as follows:

3 “(A) For a loan for which the first dis-
4 bursement is made on or after January 1,
5 2010, and before October 1, 2011, 5.6 percent
6 on the unpaid principal balance of the loan.

7 “(B) For a loan for which the first dis-
8 bursement is made on or after October 1, 2011,
9 and before October 1, 2012, 4.5 percent on the
10 unpaid principal balance of the loan.

11 “(C) For a loan for which the first dis-
12 bursement is made on or after October 1, 2012,
13 3.4 percent on the unpaid principal balance of
14 the loan.

15 “(3) DISCLOSURE REQUIRED PRIOR TO DIS-
16 BURSEMENT.—

17 “(A) IN GENERAL.—The Secretary shall at
18 or prior to the time the Secretary makes a loan
19 to a student borrower under the program, pro-
20 vide thorough and adequate loan information on
21 such loan to the student borrower. The dislo-
22 sures required by this paragraph may be made
23 as part of the written application material pro-
24 vided to the student borrower, as part of the
25 promissory note evidencing the loan, or on a

1 separate written form provided to the student
2 borrower.

3 “(B) CONTENTS.—The disclosures shall
4 include—

5 “(i) the address to which communica-
6 tions and payments should be sent;

7 “(ii) the principal amount of the loan;

8 “(iii) the amount of any charges col-
9 lected at or prior to the disbursal of the
10 loan and whether such charges are to be
11 deducted from the proceeds of the loan or
12 paid separately by the student borrower;

13 “(iv) the stated interest rate on the
14 loan;

15 “(v) the yearly and cumulative max-
16 imum amounts that may be borrowed;

17 “(vi) an explanation of when repay-
18 ment of the loan will be required and when
19 the student borrower will be obligated to
20 pay interest that accrues on the loan;

21 “(vii) a statement as to the minimum
22 and maximum repayment term that the
23 Secretary may impose, and the minimum
24 monthly payment required by law and a
25 description of any penalty imposed as a

1 consequence of default, such as liability for
2 expenses reasonably incurred in attempts
3 by the Secretary to collect on a loan;

4 “(viii) a statement of the total cumu-
5 lative balance, including the loan applied
6 for, owed by the student borrower to the
7 Secretary, and an estimate of the projected
8 monthly payment, given such cumulative
9 balance;

10 “(ix) an explanation of any special op-
11 tions the student borrower may have for
12 loan consolidation or other refinancing of
13 the loan;

14 “(x) a statement that the student bor-
15 rower has the right to prepay all or part
16 of the loan, at any time, without penalty;

17 “(xi) a statement summarizing cir-
18 cumstances in which repayment of the loan
19 or interest that accrues on the loan may be
20 deferred, and a brief notice of the program
21 for repayment of loans, on the basis of
22 military service, pursuant to the Depart-
23 ment of Defense educational loan repay-
24 ment program (10 U.S.C. 16302);

1 “(xii) a definition of default and the
2 consequences to the student borrower if
3 the student borrower defaults, together
4 with a statement that the disbursement of,
5 and the default on, a loan under this part
6 shall be reported to a credit bureau or
7 credit reporting agency;

8 “(xiii) to the extent practicable, the
9 effect of accepting the loan on the eligi-
10 bility of the student borrower for other
11 forms of student assistance; and

12 “(xiv) an explanation of any cost the
13 student borrower may incur in the making
14 or collection of the loan.

15 “(C) INFORMATION TO BE PROVIDED
16 WITHOUT COST.—The information provided
17 under this paragraph shall be available to the
18 Secretary without cost to the student borrower.

19 “(4) REPAYMENT AFTER DEFAULT.—The Sec-
20 retary may require any student borrower who has
21 defaulted on a loan made under the program to—

22 “(A) pay all reasonable collection costs as-
23 sociated with such loan; and

24 “(B) repay the loan pursuant to an income
25 contingent repayment plan.

1 “(5) AUTHORIZATION TO REDUCE RATES AND
2 FEES.—Notwithstanding any other provision of this
3 section, the Secretary may prescribe by regulation
4 any reductions in the interest rate or origination fee
5 paid by a student borrower of a loan made under the
6 program as the Secretary determines appropriate to
7 encourage ontime repayment of the loan. Such re-
8 ductions may be offered only if the Secretary deter-
9 mines the reductions are cost neutral and in the best
10 financial interest of the United States.

11 “(6) COLLECTION OF REPAYMENTS.—The Sec-
12 retary shall collect repayments made under the pro-
13 gram and exercise due diligence in such collection,
14 including maintenance of all necessary records to en-
15 sure that maximum repayments are made. Collection
16 and servicing of repayments under the program shall
17 be pursued to the full extent of the law, including
18 wage garnishment if necessary. The Secretary of the
19 Department in which the Coast Guard is operating
20 shall provide the Secretary of Transportation with
21 any information regarding a mariner that may aid
22 in the collection of repayments under this section.

23 “(7) REPAYMENT SCHEDULE.—A student bor-
24 rower who receives a loan under the program shall
25 repay the loan quarterly, bimonthly, or monthly, at

1 the option of the student borrower, over a period be-
2 ginning 9 months from the date the student bor-
3 rower completes study or discontinues attendance at
4 the maritime program for which the loan proceeds
5 are used and ending not more than 10 years after
6 the date repayment begins. Provisions for deferral of
7 repayment shall be determined by the Secretary.

8 “(8) CONTRACTS FOR SERVICING AND COLLEC-
9 TION OF LOANS.—The Secretary may—

10 “(A) enter into a contract or other ar-
11 rangement with State or nonprofit agencies
12 and, on a competitive basis, with collection
13 agencies for servicing and collection of loans
14 under this section; and

15 “(B) conduct litigation necessary to carry
16 out this section.

17 “(j) REVOLVING LOAN FUND.—

18 “(1) ESTABLISHMENT.—The Secretary shall es-
19 tablish a revolving loan fund consisting of amounts
20 deposited in the fund under paragraph (2).

21 “(2) DEPOSITS.—The Secretary shall deposit in
22 the fund—

23 “(A) receipts from the payment of prin-
24 cipal and interest on loans made under the pro-
25 gram; and

1 “(B) any other monies paid to the Sec-
2 retary by or on behalf of individuals under the
3 program.

4 “(3) AVAILABILITY OF AMOUNTS.—Amounts in
5 the fund shall be available to the Secretary, without
6 further appropriation—

7 “(A) to cover the administrative costs of
8 the program, including the maintenance of
9 records and making collections under this sec-
10 tion; and

11 “(B) to the extent that amounts remain
12 available after paying such administrative costs,
13 to make loans under the program.

14 “(4) MAINTENANCE OF RECORDS.—The Sec-
15 retary shall maintain accurate records of the admin-
16 istrative costs referred to in paragraph (3)(A).

17 “(k) ANNUAL REPORT.—The Secretary, on an an-
18 nual basis, shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report on the program, including—

22 “(1) the total amount of loans made under the
23 program in the preceding year;

24 “(2) the number of students receiving loans
25 under the program in the preceding year; and

1 “(3) the total amount of loans made under pro-
2 gram that are in default as of the date of the report.

3 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for each of fiscal years
5 2010 through 2015—

6 “(1) \$10,000,000 for making loans under the
7 program; and

8 “(2) \$1,000,000 for administrative expenses of
9 the Secretary in carrying out the program.

10 **“§ 51706. Maritime recruitment, training, and reten-**
11 **tion grant program**

12 “(a) STRATEGIC PLAN.—

13 “(1) IN GENERAL.—Not later than one year
14 after the date of enactment of this section, and at
15 least once every 3 years thereafter, the Secretary of
16 Transportation, acting through the Administrator of
17 the Maritime Administration, shall publish in the
18 Federal Register a plan that describes the dem-
19 onstration, research, and multistate project priorities
20 of the Department of Transportation concerning
21 merchant mariner recruitment, training, and reten-
22 tion for the 3-year period following the date of publi-
23 cation of the plan.

24 “(2) CONTENTS.—A plan published under para-
25 graph (1) shall contain strategies and identify poten-

1 tial projects to address merchant mariner recruit-
2 ment, training, and retention issues in the United
3 States.

4 “(3) FACTORS.—In developing a plan under
5 paragraph (1), the Secretary shall take into account,
6 at a minimum—

7 “(A) the availability of existing research
8 (as of the date of publication of the plan);

9 “(B) the need to ensure results that have
10 broad applicability;

11 “(C) the benefits of economies of scale and
12 the efficiency of potential projects; and

13 “(D) the likelihood that the results of po-
14 tential projects will be useful to policymakers
15 and stakeholders in addressing merchant mar-
16 iner recruitment, training, and retention issues.

17 “(4) CONSULTATION.—In developing a plan
18 under paragraph (1), the Secretary shall consult
19 with representatives of the maritime industry, labor
20 organizations, and other governmental entities and
21 parties with an interest in the maritime industry.

22 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
23 retary shall transmit copies of a plan published
24 under paragraph (1) 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 “(b) DEMONSTRATION PROJECTS.—

4 “(1) IN GENERAL.—The Secretary may award
5 grants to a maritime training institution to carry
6 out demonstration projects that implement the prior-
7 ities identified in the plan prepared under subsection
8 (a)(1), for the purpose of developing and imple-
9 menting methods to address merchant mariner re-
10 cruitment, training, and retention issues.

11 “(2) GRANT AWARDS.—Grants shall be awarded
12 under this subsection on a competitive basis under
13 guidelines and requirements to be established by the
14 Secretary.

15 “(3) APPLICATIONS.—To be eligible to receive a
16 grant for a project under this subsection, a maritime
17 training institution shall submit to the Secretary a
18 grant proposal that includes, at a minimum—

19 “(A) information demonstrating the esti-
20 mated effectiveness of the project; and

21 “(B) a method for evaluating the effective-
22 ness of the project.

23 “(4) ELIGIBLE PROJECTS.—Projects eligible for
24 grants under this subsection may include—

1 “(A) the establishment of maritime tech-
2 nology skill centers developed through local
3 partnerships of industry, labor, education, com-
4 munity-based organizations, economic develop-
5 ment organizations, or Federal, State, and local
6 government agencies to meet unmet skills needs
7 of the maritime industry;

8 “(B) projects that provide training to up-
9 grade the skills of workers who are employed in
10 the maritime industry;

11 “(C) projects that promote the use of dis-
12 tance learning, enabling students to take
13 courses through the use of media technology,
14 such as videos, teleconferencing, and the Inter-
15 net;

16 “(D) projects that assist in providing serv-
17 ices to address maritime recruitment and train-
18 ing of youth residing in targeted high poverty
19 areas within empowerment zones and enterprise
20 communities;

21 “(E) the establishment of partnerships
22 with national and regional organizations with
23 special expertise in developing, organizing, and
24 administering merchant mariner recruitment
25 and training services; and

1 “(F) the establishment of maritime train-
2 ing programs that foster technical skills and
3 operational productivity in communities in
4 which economies are related to or dependent
5 upon the maritime industry.

6 “(c) PROJECTS AUTHORIZED.—

7 “(1) PROJECTS.—The Secretary may award
8 grants to carry out projects identified in a plan pub-
9 lished under subsection (a)(1) under which the
10 project sponsor will—

11 “(A) design, develop, and test an array of
12 approaches to providing recruitment, training,
13 or retention services to one or more targeted
14 populations;

15 “(B) in conjunction with employers, orga-
16 nized labor, other groups (such as community
17 coalitions), and Federal, State, or local agen-
18 cies, design, develop, and test various training
19 approaches in order to determine effective prac-
20 tices; or

21 “(C) assist in the development and replica-
22 tion of effective service delivery strategies for
23 the national maritime industry as a whole.

24 “(2) RESEARCH PROJECTS.—The Secretary
25 may award grants to carry out research projects

1 identified in a plan published under subsection
2 (a)(1) that will contribute to the solution of mari-
3 time industry recruitment, training, and retention
4 issues in the United States.

5 “(3) MULTISTATE OR REGIONAL PROJECTS.—
6 The Secretary may award grants to carry out
7 multistate or regional projects identified in a plan
8 published under subsection (a)(1) to effectively dis-
9 seminate best practices and models for implementing
10 maritime recruitment, training, and retention serv-
11 ices designed to address industry-wide skill short-
12 ages.

13 “(4) GRANT AWARDS.—Grants shall be awarded
14 under this subsection on a competitive basis under
15 guidelines and requirements to be established by the
16 Secretary.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for each of fiscal years
19 2010 through 2015—

20 “(1) \$10,000,000 for making grants under this
21 section; and

22 “(2) \$1,000,000 for administrative expenses of
23 the Secretary in carrying out this section.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 such chapter is amended by adding at the end the fol-
 3 lowing:

“Sec. 51705. Maritime career training loan program.

“Sec. 51706. Maritime recruitment, training, and retention grant program.”.

4 **TITLE VII—COAST GUARD**
 5 **MODERNIZATION**

6 **SEC. 701. SHORT TITLE.**

7 This title may be cited as the “Coast Guard Mod-
 8 ernization Act of 2009”.

9 **Subtitle A—Coast Guard**
 10 **Leadership**

11 **SEC. 711. ADMIRALS AND VICE ADMIRALS.**

12 (a) ADMIRALS.—Section 41 of title 14, United States
 13 Code, is amended by striking “an admiral,” and inserting
 14 “admirals;”.

15 (b) VICE COMMANDANT.—Section 47 of title 14,
 16 United States Code, is amended—

17 (1) in the section heading by striking “**assign-**
 18 **ment**” and inserting “**appointment**”; and

19 (2) in the text by striking “vice admiral” and
 20 inserting “admiral”.

21 (c) VICE ADMIRALS.—

22 (1) IN GENERAL.—Section 50 of title 14,
 23 United States Code, is amended to read as follows:

1 **“§ 50. Vice admirals**

2 “(a)(1) The President may designate 4 positions of
3 importance and responsibility that shall be held by officers
4 who—

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

8 “(B) shall perform any duties as the Com-
9 mandant may prescribe.

10 “(2) The 4 vice admiral positions authorized under
11 paragraph (1) are, respectively, the following:

12 “(A) The Deputy Commandant for Mission
13 Support.

14 “(B) The Deputy Commandant for Operations
15 Policy.

16 “(C) The Commander, Force Readiness Com-
17 mand.

18 “(D) The Commander, Operations Command.

19 “(3) The President may appoint, by and with the ad-
20 vice and consent of the Senate, and reappoint, by and with
21 the advice and consent of the Senate, to each of the posi-
22 tions designated under paragraph (1) an officer of the
23 Coast Guard who is serving on active duty above the grade
24 of captain. The Commandant shall make recommendations
25 for those appointments.

1 “(4)(A) Except as provided in subparagraph (B), the
2 Deputy Commandant for Operations Policy must have at
3 least 10 years experience in vessel inspection, marine cas-
4 ualty investigations, mariner licensing, or an equivalent
5 technical expertise in the design and construction of com-
6 mercial vessels, with at least 4 years of leadership experi-
7 ence at a staff or unit carrying out marine safety func-
8 tions.

9 “(B) The requirements of subparagraph (A) do not
10 apply to such Deputy Commandant if the subordinate offi-
11 cer serving in the grade of rear admiral with responsibil-
12 ities for marine safety, security, and stewardship possesses
13 that experience.

14 “(b)(1) The appointment and the grade of vice admi-
15 ral under this section shall be effective on the date the
16 officer assumes that duty and, except as provided in para-
17 graph (2) of this subsection or in section 51(d) of this
18 title, shall terminate on the date the officer is detached
19 from that duty.

20 “(2) An officer who is appointed to a position des-
21 ignated under subsection (a) shall continue to hold the
22 grade of vice admiral—

23 “(A) while under orders transferring the officer
24 to another position designated under subsection (a),
25 beginning on the date the officer is detached from

1 duty and terminating on the date before the day the
2 officer assumes the subsequent duty, but not for
3 more than 60 days;

4 “(B) while hospitalized, beginning on the day of
5 the hospitalization and ending on the day the officer
6 is discharged from the hospital, but not for more
7 than 180 days; and

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

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

15 “(2) An officer serving in a grade above rear admiral
16 who holds the permanent grade of rear admiral (lower
17 half) shall be considered for promotion to the permanent
18 grade of rear admiral as if the officer was serving in the
19 officer’s permanent grade.

20 “(d) Whenever a vacancy occurs in a position des-
21 ignated under subsection (a), the Commandant shall in-
22 form the President of the qualifications needed by an offi-
23 cer serving in that position to carry out effectively the du-
24 ties and responsibilities of that position.”.

1 (2) APPLICATION OF DEPUTY COMMANDANT
2 QUALIFICATION REQUIREMENT.—The requirement
3 under section 50(a)(4)(A) of title 14, United States
4 Code, as amended by this subsection, shall apply on
5 and after October 1, 2011.

6 (d) REPEAL.—Section 50a of title 14, United States
7 Code, is repealed.

8 (e) CONFORMING AMENDMENT.—Section 51 of that
9 title is amended—

10 (1) by amending subsections (a), (b), and (c) to
11 read as follows:

12 “(a) An officer, other than the Commandant, who,
13 while serving in the grade of admiral or vice admiral, is
14 retired for physical disability shall be placed on the retired
15 list with the highest grade in which that officer served.

16 “(b) An officer, other than the Commandant, who is
17 retired while serving in the grade of admiral or vice admiral,
18 or who, after serving at least two and one-half years
19 in the grade of admiral or vice admiral, is retired while
20 serving in a lower grade, may in the discretion of the
21 President, be retired with the highest grade in which that
22 officer served.

23 “(c) An officer, other than the Commandant, who,
24 after serving less than two and one-half years in the grade

1 of admiral or vice admiral, is retired while serving in a
2 lower grade, shall be retired in his permanent grade.”; and

3 (2) in subsection (d)(2) by striking “Area Com-
4 mander, or Chief of Staff” and inserting “or Vice
5 Admirals”.

6 (f) CONTINUITY OF GRADE.—Section 52 of title 14,
7 United States Code, is amended—

8 (1) in the section heading by inserting “**and**
9 **admirals**” after “**Vice admirals**”; and

10 (2) in the text by inserting “or admiral” after
11 “vice admiral” the first time that term appears.

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

21 (h) TREATMENT OF INCUMBENTS; TRANSITION.—

22 (1) VICE COMMANDANT.—Notwithstanding any
23 other provision of law, the officer who, on the date
24 of enactment of this Act, is serving in the Coast
25 Guard as Vice Commandant—

1 (A) shall continue to serve as Vice Com-
2 mandant;

3 (B) shall have the grade of admiral with
4 pay and allowances of that grade; and

5 (C) shall not be required to be reappointed
6 by reason of the enactment of this Act.

7 (2) CHIEF OF STAFF, COMMANDER, ATLANTIC
8 AREA, OR COMMANDER, PACIFIC AREA.—Notwith-
9 standing any other provision of law, an officer who,
10 on the date of enactment of this Act, is serving in
11 the Coast Guard as Chief of Staff, Commander, At-
12 lantic Area, or Commander, Pacific Area—

13 (A) shall continue to have the grade of vice
14 admiral with pay and allowance of that grade
15 until such time that the officer is relieved of his
16 or her duties and appointed and confirmed to
17 another position as a vice admiral or admiral;
18 and

19 (B) for the purposes of transition, may
20 continue, for not more than one year after the
21 date of enactment of this Act, to perform the
22 duties of the officer's former position and any
23 other such duties that the Commandant pre-
24 scribes.

25 (i) CLERICAL AMENDMENTS.—

1 (1) The table of sections at the beginning of
2 chapter 3 of title 14, United States Code, is amend-
3 ed—

4 (A) by striking the item relating to section
5 47 and inserting the following:

“47. Vice Commandant; appointment.”;

6 (B) by striking the item relating to section
7 50 and inserting the following:

“50. Vice admirals.”;

8 (C) by striking the item relating to section
9 50a; and

10 (D) by striking the item relating to section
11 52 and inserting the following:

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

12 (j) TECHNICAL CORRECTION.—Section 47 of title 14,
13 United States Code, is further amended in the fifth sen-
14 tence by striking “subsection” and inserting “section”.

15 **Subtitle B—Marine Safety**
16 **Administration**

17 **SEC. 721. MARINE SAFETY.**

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

1 **“§ 101. Marine safety**

2 “To protect life, property, and the environment on,
3 under, and over waters subject to the jurisdiction of the
4 United States and on vessels subject to the jurisdiction
5 of the United States, the Commandant shall promote mar-
6 itime safety as follows:

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

10 “(2) Based on the following priorities:

11 “(A) Preventing marine casualties and
12 threats to the environment.

13 “(B) Minimizing the impacts of marine
14 casualties and environmental threats.

15 “(C) Maximizing lives and property saved
16 and environment protected in the event of a
17 marine casualty.”.

18 (b) CLERICAL AMENDMENT.—The analysis at the be-
19 ginning of such chapter is further amended by adding at
20 the end the following new item:

“101. Marine safety.”.

21 **SEC. 722. MARINE SAFETY STAFF.**

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

1 **“§ 57. Marine safety workforce**

2 “(a) DESIGNATION OF MARINE SAFETY WORK-
3 FORCE.—

4 “(1) IN GENERAL.—The Secretary, acting
5 through the Commandant, shall designate those po-
6 sitions in the Coast Guard that constitute the ma-
7 rine safety workforce.

8 “(2) REQUIRED POSITIONS.—In designating po-
9 sitions under paragraph (1), the Secretary shall in-
10 clude, at a minimum, the following marine safety-re-
11 lated positions:

12 “(A) Program oversight.

13 “(B) Vessel and facility inspection.

14 “(C) Casualty investigation.

15 “(D) Pollution investigation.

16 “(E) Merchant Mariner licensing, docu-
17 mentation, and registry.

18 “(F) Marine safety engineering or other
19 technical activities.

20 “(3) MARINE SAFETY MANAGEMENT HEAD-
21 QUARTER ACTIVITIES.—The Secretary shall also des-
22 ignate under paragraph (1) those marine safety-re-
23 lated positions located at Coast Guard headquarters
24 units, including the Marine Safety Center and the
25 National Maritime Center.

1 “(b) CAREER PATHS.—The Secretary, acting
2 through the Commandant, shall ensure that appropriate
3 career paths for civilian and military Coast Guard per-
4 sonnel who wish to pursue careers in marine safety are
5 identified in terms of the education, training, experience,
6 and assignments necessary for career progression of civil-
7 ians and members of the Armed Forces to the most senior
8 marine safety positions. The Secretary shall make avail-
9 able published information on such career paths.

10 “(c) QUALIFICATIONS.—With regard to the marine
11 safety workforce, an officer, member, or civilian employee
12 of the Coast Guard assigned as a—

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

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

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

3 “(A) the construction and operation of
4 commercial vessels;

5 “(B) judging the character, strength, sta-
6 bility, and safety qualities of such vessels and
7 their equipment; or

8 “(C) the qualifications and training of ves-
9 sel personnel.

10 “(d) APPRENTICESHIP REQUIREMENT.—Any officer,
11 member, or employee of the Coast Guard in training to
12 become a marine inspector, marine casualty investigator,
13 or a marine safety engineer shall serve a minimum of one-
14 year apprenticeship, unless otherwise directed by the Com-
15 mandant, under the guidance of a qualified marine inspec-
16 tor, marine casualty investigator, or marine safety engi-
17 neer. The Commandant may authorize shorter apprentice-
18 ship periods for certain qualifications, as appropriate.

19 “(e) BALANCED WORKFORCE POLICY.—In the devel-
20 opment of marine safety workforce policies under this sec-
21 tion with respect to any civilian employees or applicants
22 for employment with the Coast Guard, the Secretary shall,
23 consistent with the merit system principles set out in para-
24 graphs (1) and (2) of section 2301(b) of title 5, take into
25 consideration the need to maintain a balanced workforce

1 in which women and members of racial and ethnic minor-
2 ity groups are appropriately represented in Government
3 service.

4 “(f) MANAGEMENT INFORMATION SYSTEM.—The
5 Secretary, acting through the Commandant, shall estab-
6 lish a management information system for the marine
7 safety workforce that shall provide, at a minimum, the fol-
8 lowing standardized information on persons serving in ma-
9 rine safety positions:

10 “(1) Qualifications, assignment history, and
11 tenure in assignments of persons in the marine safe-
12 ty workforce.

13 “(2) Promotion rates for military and civilian
14 personnel in the marine safety workforce.

15 “(g) ASSESSMENT OF ADEQUACY OF MARINE SAFE-
16 TY WORKFORCE.—

17 “(1) REPORT.—The Secretary, acting through
18 the Commandant, shall report to the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate by De-
22 cember 1 of each year on the adequacy of the cur-
23 rent marine safety workforce to meet that antici-
24 pated workload.

1 “(2) CONTENTS.—The report shall specify the
2 number of civilian and military Coast Guard per-
3 sonnel currently assigned to marine safety positions
4 and shall identify positions that are understaffed to
5 meet the anticipated marine safety workload.

6 “(h) SECTOR CHIEF OF MARINE SAFETY.—

7 “(1) IN GENERAL.—There shall be in each
8 Coast Guard sector a Chief of Marine Safety who
9 shall be at least a Lieutenant Commander or civilian
10 employee within the grade GS–13 of the General
11 Schedule, and who shall be a—

12 “(A) marine inspector, qualified to inspect
13 vessels, vessel systems, and equipment com-
14 monly found in the sector; and

15 “(B) qualified marine casualty investigator
16 or marine safety engineer.

17 “(2) FUNCTIONS.—The Chief of Marine Safety
18 for a sector—

19 “(A) is responsible for all individuals who,
20 on behalf of the Coast Guard, inspect or exam-
21 ine vessels, conduct marine casualty investiga-
22 tions; and

23 “(B) if not the Coast Guard officer in
24 command of that sector, is the principal advisor

1 to the Sector Commander regarding marine
2 safety matters in that sector.

3 “(i) SIGNATORIES OF LETTER OF QUALIFICATION.—
4 Each individual signing a letter of qualification for marine
5 safety personnel must hold a letter of qualification for the
6 type being certified.

7 **“§ 58. Centers of Expertise for Marine Safety**

8 “(a) ESTABLISHMENT.—The Commandant of the
9 Coast Guard may establish and operate one or more Cen-
10 ters of Expertise for Marine Safety (in this section re-
11 ferred to as a ‘Center’).

12 “(b) MISSIONS.—The Centers shall—

13 “(1) be used to provide and facilitate education,
14 training, and research in marine safety including
15 vessel inspection and causality investigation;

16 “(2) develop a repository of information on ma-
17 rine safety; and

18 “(3) perform any other missions as the Com-
19 mandant may specify.

20 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
21 TUTION AUTHORIZED.—The Commandant may enter into
22 an agreement with an appropriate official of an institution
23 of higher education to—

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

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

4 “(d) ACCEPTANCE OF DONATIONS.—(1) Except as
5 provided in paragraph (2), the Commandant may accept,
6 on behalf of a Center, donations to be used to defray the
7 costs of the Center or to enhance the operation of the Cen-
8 ter. Those donations may be accepted from any State or
9 local government, any foreign government, any foundation
10 or other charitable organization (including any that is or-
11 ganized or operates under the laws of a foreign country),
12 or any individual.

13 “(2) The Commandant may not accept a donation
14 under paragraph (1) if the acceptance of the donation
15 would compromise or appear to compromise—

16 “(A) the ability of the Coast Guard or the de-
17 partment in which the Coast Guard is operating, any
18 employee of the Coast Guard or the department, or
19 any member of the Armed Forces to carry out any
20 responsibility or duty in a fair and objective manner;
21 or

22 “(B) the integrity of any program of the Coast
23 Guard, the department in which the Coast Guard is
24 operating, or of any person involved in such a pro-
25 gram.

1 “(3) The Commandant shall prescribe written guid-
2 ance setting forth the criteria to be used in determining
3 whether or not the acceptance of a donation from a foreign
4 source would have a result described in paragraph (2).

5 **“§ 59. Marine industry training program**

6 “(a) IN GENERAL.—The Commandant shall, by pol-
7 icy, establish a program under which an officer, member,
8 or employee of the Coast Guard may be assigned to a pri-
9 vate entity to further the institutional interests of the
10 Coast Guard with regard to marine safety, including for
11 the purpose of providing training to an officer, member,
12 or employee. Policies to carry out the program—

13 “(1) with regard to an employee of the Coast
14 Guard, shall include provisions, consistent with sec-
15 tions 3702 through 3704 of title 5, as to matters
16 concerning—

17 “(A) the duration and termination of as-
18 signments;

19 “(B) reimbursements; and

20 “(C) status, entitlements, benefits, and ob-
21 ligations of program participants; and

22 “(2) shall require the Commandant, before ap-
23 proving the assignment of an officer, member, or
24 employee of the Coast Guard to a private entity, to
25 determine that the assignment is an effective use of

1 the Coast Guard’s funds, taking into account the
2 best interests of the Coast Guard and the costs and
3 benefits of alternative methods of achieving the same
4 results and objectives.

5 “(b) ANNUAL REPORT.—Not later than the date of
6 the submission each year of the President’s budget request
7 under section 1105 of title 31, the Commandant shall sub-
8 mit to the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report that describes—

12 “(1) the number of officers, members, and em-
13 ployees of the Coast Guard assigned to private enti-
14 ties under this section; and

15 “(2) the specific benefit that accrues to the
16 Coast Guard for each assignment.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is further amended by
19 adding at the end the following new items:

“57. Marine safety workforce.

“58. Centers of Expertise for Marine Safety.

“59. Marine industry training program.”.

20 **SEC. 723. MARINE SAFETY MISSION PRIORITIES AND LONG-**
21 **TERM GOALS.**

22 (a) IN GENERAL.—Chapter 21 of title 46, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 2116. Marine safety strategy, goals, and perform-**
2 **ance assessments**

3 “(a) LONG-TERM STRATEGY AND GOALS.—In con-
4 junction with existing federally required strategic planning
5 efforts, the Secretary shall develop a long-term strategy
6 for improving vessel safety and the safety of individuals
7 on vessels. The strategy shall include the issuance each
8 year of an annual plan and schedule for achieving the fol-
9 lowing goals:

10 “(1) Reducing the number and rates of marine
11 casualties.

12 “(2) Improving the consistency and effective-
13 ness of vessel and operator enforcement and compli-
14 ance programs.

15 “(3) Identifying and targeting enforcement ef-
16 forts at high-risk vessels and operators.

17 “(4) Improving research efforts to enhance and
18 promote vessel and operator safety and performance.

19 “(b) CONTENTS OF STRATEGY AND ANNUAL
20 PLANS.—

21 “(1) MEASURABLE GOALS.—The strategy and
22 annual plans shall include specific numeric or meas-
23 urable goals designed to achieve the goals set forth
24 in subsection (a). The purposes of the numeric or
25 measurable goals are the following:

1 “(A) To increase the number of safety ex-
2 aminations on all high-risk vessels.

3 “(B) To eliminate the backlog of marine
4 safety-related rulemakings.

5 “(C) To improve the quality and effective-
6 ness of marine safety information databases by
7 ensuring that all Coast Guard personnel accu-
8 rately and effectively report all safety, casualty,
9 and injury information.

10 “(D) To provide for a sufficient number of
11 Coast Guard marine safety personnel, and pro-
12 vide adequate facilities and equipment to carry
13 out the functions referred to in section 93(c).

14 “(2) RESOURCE NEEDS.—The strategy and an-
15 nual plans shall include estimates of—

16 “(A) the funds and staff resources needed
17 to accomplish each activity included in the
18 strategy and plans; and

19 “(B) the staff skills and training needed
20 for timely and effective accomplishment of each
21 goal.

22 “(c) SUBMISSION WITH THE PRESIDENT’S BUDG-
23 ET.—Beginning with fiscal year 2011 and each fiscal year
24 thereafter, the Secretary shall submit to Congress the
25 strategy and annual plan not later than 60 days following

1 the transmission of the President’s budget submission
2 under section 1105 of title 31.

3 “(d) ACHIEVEMENT OF GOALS.—

4 “(1) PROGRESS ASSESSMENT.—No less fre-
5 quently than semiannually, the Coast Guard Com-
6 mandant shall assess the progress of the Coast
7 Guard toward achieving the goals set forth in sub-
8 section (b). The Commandant shall convey the Com-
9 mandant’s assessment to the employees of the ma-
10 rine safety workforce and shall identify any defi-
11 ciencies that should be remedied before the next
12 progress assessment.

13 “(2) REPORT TO CONGRESS.—The Secretary
14 shall report annually to the Committee on Transpor-
15 tation and Infrastructure of the House of Represent-
16 atives and the Committee on Commerce, Science,
17 and Transportation of the Senate—

18 “(A) on the performance of the marine
19 safety program in achieving the goals of the
20 marine safety strategy and annual plan under
21 subsection (a) for the year covered by the re-
22 port;

23 “(B) on the program’s mission perform-
24 ance in achieving numerical measurable goals
25 established under subsection (b); and

1 “(C) recommendations on how to improve
2 performance of the program.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 chapter is amended by adding at the end the following
5 new item:

“Sec. 2116. Marine safety strategy, goals, and performance assessments.”.

6 (c) CERTIFICATES OF INSPECTION.—Section 3309 of
7 title 46, United States Code, is amended by adding at the
8 end the following:

9 “(d) A certificate of inspection issued under this sec-
10 tion shall be signed by the senior Coast Guard member
11 or civilian employee who inspected the vessel, in addition
12 to the officer in charge of marine inspection.”.

13 **SEC. 724. POWERS AND DUTIES.**

14 Section 93 of title 14, United States Code, is amend-
15 ed by adding at the end the following new subsections:

16 “(c) MARINE SAFETY RESPONSIBILITIES.—In exer-
17 cising the Commandant’s duties and responsibilities with
18 regard to marine safety, the individual with the highest
19 rank who meets the experience qualifications set forth in
20 section 50(a)(4) shall serve as the principal advisor to the
21 Commandant regarding—

22 “(1) the operation, regulation, inspection, iden-
23 tification, manning, and measurement of vessels, in-
24 cluding plan approval and the application of load
25 lines;

1 “(2) approval of materials, equipment, appli-
2 ances, and associated equipment;

3 “(3) the reporting and investigation of marine
4 casualties and accidents;

5 “(4) the licensing, certification, documentation,
6 protection and relief of merchant seamen;

7 “(5) suspension and revocation of licenses and
8 certificates;

9 “(6) enforcement of manning requirements, citi-
10 zenship requirements, control of log books;

11 “(7) documentation and numbering of vessels;

12 “(8) State boating safety programs;

13 “(9) commercial instruments and maritime
14 liens;

15 “(10) the administration of bridge safety;

16 “(11) administration of the navigation rules;

17 “(12) the prevention of pollution from vessels;

18 “(13) ports and waterways safety;

19 “(14) waterways management; including regula-
20 tion for regattas and marine parades;

21 “(15) aids to navigation; and

22 “(16) other duties and powers of the Secretary
23 related to marine safety and stewardship.

24 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
25 in subsection (c) affects—

1 “(1) the authority of Coast Guard officers and
2 members to enforce marine safety regulations using
3 authority under section 89 of this title; or

4 “(2) the exercise of authority under section 91
5 of this title and the provisions of law codified at sec-
6 tions 191 through 195 of title 50 on the date of en-
7 actment of this paragraph.”.

8 **SEC. 725. APPEALS AND WAIVERS.**

9 (a) IN GENERAL.—Chapter 5 of title 14, United
10 States Code, is further amended by inserting at the end
11 the following new section:

12 **“§ 102. Appeals and waivers**

13 “Except for the Commandant of the Coast Guard,
14 any individual adjudicating an appeal or waiver of a deci-
15 sion regarding marine safety, including inspection or man-
16 ning and threats to the environment, shall—

17 “(1) be a qualified specialist with the training,
18 experience, and qualifications in marine safety to ef-
19 fectively judge the facts and circumstances involved
20 in the appeal and make a judgment regarding the
21 merits of the appeal; or

22 “(2) have a senior staff member who—

23 “(A) meets the requirements of paragraph
24 (1);

1 “(B) actively advises the individual adjudi-
2 cating the appeal; and

3 “(C) concurs in writing on the decision on
4 appeal.”.

5 (b) CLERICAL AMENDMENT.—The analysis for such
6 chapter is further amended by adding at the end the fol-
7 lowing new item:

“102. Appeals and waivers.”.

8 **SEC. 726. COAST GUARD ACADEMY.**

9 (a) IN GENERAL.—Chapter 9 of title 14, United
10 States Code, is further amended by adding at the end the
11 following new section:

12 **“§ 200. Marine safety curriculum**

13 “The Commandant of the Coast Guard shall ensure
14 that professional courses of study in marine safety are
15 provided at the Coast Guard Academy, and during other
16 officer accession programs, to give Coast Guard cadets
17 and other officer candidates a background and under-
18 standing of the marine safety program. These courses may
19 include such topics as program history, vessel design and
20 construction, vessel inspection, casualty investigation, and
21 administrative law and regulations.”.

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

“200. Marine safety curriculum.”.

1 **SEC. 727. REPORT REGARDING CIVILIAN MARINE INSPEC-**
2 **TORS.**

3 Not later than one year after the date of enactment
4 of this Act, the Commandant of the Coast Guard shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report on Coast Guard's efforts to recruit and
9 retain civilian marine inspectors and investigators and the
10 impact of such recruitment and retention efforts on Coast
11 Guard organizational performance.

12 **TITLE VIII—MARINE SAFETY**

13 **SEC. 801. SHORT TITLE.**

14 This title may be cited as the “Maritime Safety Act
15 of 2009”.

16 **SEC. 802. VESSEL SIZE LIMITS.**

17 (a) **LENGTH, TONNAGE, AND HORSEPOWER.**—Sec-
18 tion 12113(d)(2) of title 46, United States Code, is
19 amended—

20 (1) by inserting “and” after the semicolon at
21 the end of subparagraph (A)(i);

22 (2) by striking “and” at the end of subpara-
23 graph (A)(ii);

24 (3) by striking subparagraph (A)(iii);

25 (4) by striking the period at the end of sub-
26 paragraph (B) and inserting “; or”; and

1 (5) by inserting at the end the following:

2 “(C) the vessel is either a rebuilt vessel or
3 a replacement vessel under section 208(g) of
4 the American Fisheries Act (title II of division
5 C of Public Law 105–277; 112 Stat. 2681–
6 627) and is eligible for a fishery endorsement
7 under this section.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) VESSEL REBUILDING AND REPLACE-
10 MENT.—Section 208(g) of the American Fisheries
11 Act (title II of division C of Public Law 105–277;
12 112 Stat. 2681–627) is amended to read as follows:

13 “(g) VESSEL REBUILDING AND REPLACEMENT.—

14 “(1) IN GENERAL.—

15 “(A) REBUILD OR REPLACE.—Notwith-
16 standing any limitation to the contrary on re-
17 placing, rebuilding, or lengthening vessels or
18 transferring permits or licenses to a replace-
19 ment vessel contained in sections 679.2 and
20 679.4 of title 50, Code of Federal Regulations,
21 as in effect on the date of enactment of the
22 Maritime Safety Act of 2009 and except as pro-
23 vided in paragraph (4), the owner of a vessel el-
24 igible under subsection (a), (b), (c), (d), or (e)
25 (other than paragraph (21)), in order to im-

1 prove vessel safety and operational efficiencies
2 (including fuel efficiency), may rebuild or re-
3 place that vessel (including fuel efficiency) with
4 a vessel documented with a fishery endorsement
5 under section 12113 of title 46, United States
6 Code.

7 “(B) SAME REQUIREMENTS.—The rebuilt
8 or replacement vessel shall be eligible in the
9 same manner and subject to the same restric-
10 tions and limitations under such subsection as
11 the vessel being rebuilt or replaced.

12 “(C) TRANSFER OF PERMITS AND LI-
13 CENSES.—Each fishing permit and license held
14 by the owner of a vessel or vessels to be rebuilt
15 or replaced under subparagraph (A) shall be
16 transferred to the rebuilt or replacement vessel.

17 “(2) RECOMMENDATIONS OF NORTH PACIFIC
18 FISHERY MANAGEMENT COUNCIL.—The North Pa-
19 cific Fishery Management Council may recommend
20 for approval by the Secretary such conservation and
21 management measures, including size limits and
22 measures to control fishing capacity, in accordance
23 with the Magnuson-Stevens Act as it considers nec-
24 essary to ensure that this subsection does not dimin-
25 ish the effectiveness of fishery management plans of

1 the Bering Sea and Aleutian Islands Management
2 Area or the Gulf of Alaska.

3 “(3) SPECIAL RULE FOR REPLACEMENT OF
4 CERTAIN VESSELS.—

5 “(A) IN GENERAL.—Notwithstanding the
6 requirements of subsections (b)(2), (c)(1), and
7 (c)(2) of section 12113 of title 46, United
8 States Code, a vessel that is eligible under sub-
9 section (a), (b), (c), (d), or (e) (other than
10 paragraph (21)) and that qualifies to be docu-
11 mented with a fishery endorsement pursuant to
12 section 203(g) or 213(g) may be replaced with
13 a replacement vessel under paragraph (1) if the
14 vessel that is replaced is validly documented
15 with a fishery endorsement pursuant to section
16 203(g) or 213(g) before the replacement vessel
17 is documented with a fishery endorsement
18 under section 12113 of title 46, United States
19 Code.

20 “(B) APPLICABILITY.—A replacement ves-
21 sel under subparagraph (A) and its owner and
22 mortgagee are subject to the same limitations
23 under section 203(g) or 213(g) that are appli-
24 cable to the vessel that has been replaced and
25 its owner and mortgagee.

1 “(4) SPECIAL RULES FOR CERTAIN CATCHER
2 VESSELS.—

3 “(A) IN GENERAL.—A replacement for a
4 covered vessel described in subparagraph (B) is
5 prohibited from harvesting fish in any fishery
6 (except for the Pacific whiting fishery) managed
7 under the authority of any Regional Fishery
8 Management Council (other than the North Pa-
9 cific Fishery Management Council) established
10 under section 302(a) of the Magnuson-Stevens
11 Act.

12 “(B) COVERED VESSELS.—A covered ves-
13 sel referred to in subparagraph (A) is—

14 “(i) a vessel eligible under subsection
15 (a), (b), or (c) that is replaced under para-
16 graph (1); or

17 “(ii) a vessel eligible under subsection
18 (a), (b), or (c) that is rebuilt to increase
19 its registered length, gross tonnage, or
20 shaft horsepower.

21 “(5) LIMITATION ON FISHERY ENDORSE-
22 MENTS.—Any vessel that is replaced under this sub-
23 section shall thereafter not be eligible for a fishery
24 endorsement under section 12113 of title 46, United

1 States Code, unless that vessel is also a replacement
2 vessel described in paragraph (1).

3 “(6) GULF OF ALASKA LIMITATION.—Notwith-
4 standing paragraph (1), the Secretary shall prohibit
5 from participation in the groundfish fisheries of the
6 Gulf of Alaska any vessel that is rebuilt or replaced
7 under this subsection and that exceeds the maximum
8 length overall specified on the license that authorizes
9 fishing for groundfish pursuant to the license limita-
10 tion program under part 679 of title 50, Code of
11 Federal Regulations, as in effect on the date of en-
12 actment of the Maritime Safety Act of 2009.

13 “(7) AUTHORITY OF PACIFIC COUNCIL.—Noth-
14 ing in this section shall be construed to diminish or
15 otherwise affect the authority of the Pacific Council
16 to recommend to the Secretary conservation and
17 management measures to protect fisheries under its
18 jurisdiction (including the Pacific whiting fishery)
19 and participants in such fisheries from adverse im-
20 pacts caused by this Act.”.

21 (2) EXEMPTION OF CERTAIN VESSELS.—Sec-
22 tion 203(g) of the American Fisheries Act (title II
23 of division C of Public Law 105–277; 112 Stat.
24 2681–620) is amended—

1 (A) by inserting “and” after “(United
2 States official number 651041)”;

3 (B) by striking “, NORTHERN TRAV-
4 ELER (United States official number 635986),
5 and NORTHERN VOYAGER (United States
6 official number 637398) (or a replacement ves-
7 sel for the NORTHERN VOYAGER that com-
8 plies with paragraphs (2), (5), and (6) of sec-
9 tion 208(g) of this Act)”;

10 (C) by striking “, in the case of the
11 NORTHERN” and all that follows through
12 “PHOENIX,”.

13 (3) FISHERY COOPERATIVE EXIT PROVI-
14 SIONS.—Section 210(b) of the American Fisheries
15 Act (title II of division C of Public Law 105–277;
16 112 Stat. 2681–629) is amended—

17 (A) by moving the matter beginning with
18 “the Secretary shall” in paragraph (1) 2 ems to
19 the right; and

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

21 “(7) FISHERY COOPERATIVE EXIT PROVI-
22 SIONS.—

23 “(A) FISHING ALLOWANCE DETERMINA-
24 TION.—For purposes of determining the aggre-
25 gate percentage of directed fishing allowances

1 under paragraph (1), when a catcher vessel is
2 removed from the directed pollock fishery, the
3 fishery allowance for pollock for the vessel being
4 removed—

5 “(i) shall be based on the catch his-
6 tory determination for the vessel made
7 pursuant to section 679.62 of title 50,
8 Code of Federal Regulations, as in effect
9 on the date of enactment of the Maritime
10 Safety Act of 2009; and

11 “(ii) shall be assigned, for all pur-
12 poses under this title, in the manner speci-
13 fied by the owner of the vessel being re-
14 moved to any other catcher vessel or
15 among other catcher vessels participating
16 in the fishery cooperative if such vessel or
17 vessels remain in the fishery cooperative
18 for at least one year after the date on
19 which the vessel being removed leaves the
20 directed pollock fishery.

21 “(B) ELIGIBILITY FOR FISHERY ENDORSE-
22 MENT.—Except as provided in subparagraph
23 (C), a vessel that is removed pursuant to this
24 paragraph shall be permanently ineligible for a
25 fishery endorsement, and any claim (including

1 relating to catch history) associated with such
2 vessel that could qualify any owner of such ves-
3 sel for any permit to participate in any fishery
4 within the exclusive economic zone of the
5 United States shall be extinguished, unless such
6 removed vessel is thereafter designated to re-
7 place a vessel to be removed pursuant to this
8 paragraph.

9 “(C) LIMITATIONS ON STATUTORY CON-
10 STRUCTION.—Nothing in this paragraph shall
11 be construed—

12 “(i) to make the vessels AJ (United
13 States official number 905625), DONA
14 MARTITA (United States official number
15 651751), NORDIC EXPLORER (United
16 States official number 678234), and
17 PROVIDIAN (United States official num-
18 ber 1062183) ineligible for a fishery en-
19 dorsement or any permit necessary to par-
20 ticipate in any fishery under the authority
21 of the New England Fishery Management
22 Council or the Mid-Atlantic Fishery Man-
23 agement Council established, respectively,
24 under subparagraphs (A) and (B) of sec-

1 tion 302(a)(1) of the Magnuson-Stevens
2 Act; or

3 “(ii) to allow the vessels referred to in
4 clause (i) to participate in any fishery
5 under the authority of the Councils re-
6 ferred to in clause (i) in any manner that
7 is not consistent with the fishery manage-
8 ment plan for the fishery developed by the
9 Councils under section 303 of the Magnu-
10 son-Stevens Act.”.

11 **SEC. 803. COLD WEATHER SURVIVAL TRAINING.**

12 The Commandant of the Coast Guard shall report to
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Com-
15 merce, Science, and Transportation of the Senate on the
16 efficacy of cold weather survival training conducted by the
17 Coast Guard in Coast Guard District 17 over the pre-
18 ceding 5 years. The report shall include plans for con-
19 ducting such training in fiscal years 2010 through 2013.

20 **SEC. 804. FISHING VESSEL SAFETY.**

21 (a) SAFETY STANDARDS.—Section 4502 of title 46,
22 United States Code, is amended—

23 (1) in subsection (a), by—

24 (A) striking paragraphs (6) and (7) and
25 inserting the following:

1 “(6) other equipment required to minimize the
2 risk of injury to the crew during vessel operations,
3 if the Secretary determines that a risk of serious in-
4 jury exists that can be eliminated or mitigated by
5 that equipment; and”;

6 (B) redesignating paragraph (8) as para-
7 graph (7);

8 (2) in subsection (b)—

9 (A) in paragraph (1) in the matter pre-
10 ceding subparagraph (A), by striking “docu-
11 mented”;

12 (B) in paragraph (1)(A), by striking “the
13 Boundary Line” and inserting “3 nautical miles
14 from the baseline from which the territorial sea
15 of the United States is measured or beyond 3
16 nautical miles from the coastline of the Great
17 Lakes”;

18 (C) in paragraph (2)(B), by striking “life-
19 boats or liferafts” and inserting “a survival
20 craft that ensures that no part of an individual
21 is immersed in water”;

22 (D) in paragraph (2)(D), by inserting
23 “marine” before “radio”;

24 (E) in paragraph (2)(E), by striking
25 “radar reflectors, nautical charts, and anchors”

1 and inserting “nautical charts, and publica-
2 tions”;

3 (F) in paragraph (2)(F), by striking “, in-
4 cluding medicine chests” and inserting “and
5 medical supplies sufficient for the size and area
6 of operation of the vessel”; and

7 (G) by amending paragraph (2)(G) to read
8 as follows:

9 “(G) ground tackle sufficient for the vessel.”;

10 (3) by amending subsection (f) to read as fol-
11 lows:

12 “(f) To ensure compliance with the requirements of
13 this chapter, the Secretary—

14 “(1) shall require the individual in charge of a
15 vessel described in subsection (b) to keep a record
16 of equipment maintenance, and required instruction
17 and drills; and

18 “(2) shall examine at dockside a vessel de-
19 scribed in subsection (b) at least once every 2 years,
20 and shall issue a certificate of compliance to a vessel
21 meeting the requirements of this chapter.”; and

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

23 “(g)(1) The individual in charge of a vessel described
24 in subsection (b) must pass a training program approved
25 by the Secretary that meets the requirements in para-

1 graph (2) of this subsection and hold a valid certificate
2 issued under that program.

3 “(2) The training program shall—

4 “(A) be based on professional knowledge and
5 skill obtained through sea service and hands-on
6 training, including training in seamanship, stability,
7 collision prevention, navigation, fire fighting and
8 prevention, damage control, personal survival, emer-
9 gency medical care, emergency drills, and weather;

10 “(B) require an individual to demonstrate abil-
11 ity to communicate in an emergency situation and
12 understand information found in navigation publica-
13 tions;

14 “(C) recognize and give credit for recent past
15 experience in fishing vessel operation; and

16 “(D) provide for issuance of a certificate to an
17 individual that has successfully completed the pro-
18 gram.

19 “(3) The Secretary shall prescribe regulations imple-
20 menting this subsection. The regulations shall require that
21 individuals who are issued a certificate under paragraph
22 (2)(D) must complete refresher training at least once
23 every 5 years as a condition of maintaining the validity
24 of the certificate.

1 “(4) The Secretary shall establish a publicly acces-
2 sible electronic database listing the names of individuals
3 who have participated in and received a certificate con-
4 firming successful completion of a training program ap-
5 proved by the Secretary under this section.

6 “(h) A vessel to which this chapter applies shall be
7 constructed in a manner that provides a level of safety
8 equivalent to the minimum safety standards the Secretary
9 may establish for recreational vessels under section 4302,
10 if—

11 “(1) subsection (b) of this section applies to the
12 vessel;

13 “(2) the vessel is less than 50 feet overall in
14 length; and

15 “(3) the vessel is built after January 1, 2010.

16 “(i)(1) The Secretary shall establish a Fishing Safety
17 Training Grants Program to provide funding to munici-
18 palities, port authorities, other appropriate public entities,
19 not-for-profit organizations, and other qualified persons
20 that provide commercial fishing safety training—

21 “(A) to conduct fishing vessel safety training
22 for vessel operators and crewmembers that—

23 “(i) in the case of vessel operators, meets
24 the requirements of subsection (g); and

1 “(ii) in the case of crewmembers, meets
2 the requirements of subsection (g)(2)(A), such
3 requirements of subsection (g)(2)(B) as are ap-
4 propriate for crewmembers, and the require-
5 ments of subsections (g)(2)(D), (g)(3), and
6 (g)(4); and

7 “(B) for purchase of safety equipment and
8 training aids for use in those fishing vessel safety
9 training programs.

10 “(2) The Secretary shall award grants under this
11 subsection on a competitive basis.

12 “(3) The Federal share of the cost of any activity
13 carried out with a grant under this subsection shall not
14 exceed 75 percent.

15 “(4) There is authorized to be appropriated
16 \$3,000,000 for each of fiscal years 2010 through 2014
17 for grants under this subsection.

18 “(j)(1) The Secretary shall establish a Fishing Safety
19 Research Grant Program to provide funding to individuals
20 in academia, members of non-profit organizations and
21 businesses involved in fishing and maritime matters, and
22 other persons with expertise in fishing safety, to conduct
23 research on methods of improving the safety of the com-
24 mercial fishing industry, including vessel design, emer-
25 gency and survival equipment, enhancement of vessel mon-

1 itoring systems, communications devices, de-icing tech-
2 nology, and severe weather detection.

3 “(2) The Secretary shall award grants under this
4 subsection on a competitive basis.

5 “(3) The Federal share of the cost of any activity
6 carried out with a grant under this subsection shall not
7 exceed 75 percent.

8 “(4) There is authorized to be appropriated
9 \$3,000,000 for each fiscal years 2010 through 2014 for
10 activities under this subsection.”.

11 (b) CONFORMING AMENDMENT.—Section 4506(b) of
12 title 46, United States Code, is repealed.

13 (c) ADVISORY COMMITTEE.—

14 (1) CHANGE OF NAME.—Section 4508 of title
15 46, United States Code, is amended—

16 (A) by striking the section heading and in-
17 serting the following:

18 “§ 4508. **Commercial Fishing Safety Advisory Com-**
19 **mittee**”;

20 and

21 (B) in subsection (a) by striking “Industry
22 Vessel”.

23 (2) MEMBERSHIP REQUIREMENTS.—Section
24 4508(b)(1) of that title is amended—

1 (A) by striking “seventeen” and inserting
2 “eighteen”;

3 (B) in subparagraph (A)—

4 (i) in the matter preceding clause (i),
5 by striking “from the commercial fishing
6 industry who—” and inserting “who shall
7 represent the commercial fishing industry
8 and who—”; and

9 (ii) in clause (ii), by striking “an
10 uninspected” and inserting “a”;

11 (C) by striking subparagraph (B) and in-
12 serting the following:

13 “(B) three members who shall represent the
14 general public, including, whenever possible—

15 “(i) an independent expert or consultant in
16 maritime safety;

17 “(ii) a marine surveyor who provides serv-
18 ices to vessels to which this chapter applies; and

19 “(iii) a person familiar with issues affect-
20 ing fishing communities and families of fisher-
21 men;”; and

22 (D) in subparagraph (C)—

23 (i) in the matter preceding clause (i),
24 by striking “representing each of—”

1 and inserting “each of whom shall rep-
2 resent—”;

3 (ii) in clause (i), by striking “or ma-
4 rine surveyors;” and inserting “and marine
5 engineers;”;

6 (iii) in clause (iii), by striking “and”
7 after the semicolon at the end;

8 (iv) in clause (iv), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (v) by adding at the end the following
11 new clause:

12 “(v) owners of vessels to which this
13 chapter applies.”.

14 (3) TERMINATION.—Section 4508(e)(1) of that
15 title is amended by striking “September 30, 2010.”
16 and inserting “September 30, 2020.”.

17 (4) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 45 of title 46,
19 United States Code, is amended by striking the item
20 relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

21 (d) LOADLINES FOR VESSELS 79 FEET OR GREATER
22 IN LENGTH.—Section 5102(b)(3) of title 46, United
23 States Code, is amended by inserting after “vessel” the
24 following “, unless the vessel is built or undergoes a sub-

1 stantial change to the dimension of or type of the vessel
2 completed after July 1, 2010”.

3 (e) CLASSING OF VESSELS.—

4 (1) IN GENERAL.—Section 4503 of title 46,
5 United States Code, is amended—

6 (A) by striking the section heading and in-
7 serting the following:

8 **“§ 4503. Fishing, fish tender, and fish processing ves-**
9 **sel certification”;**

10 (B) in subsection (a) by striking “fish
11 processing”; and

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

13 “(c) This section applies to a vessel to which section
14 4502(b) of this title applies that is at least 50 feet overall
15 in length and—

16 “(1) is built after July 1, 2010; or

17 “(2) undergoes a substantial change to the di-
18 mension of or type of the vessel completed after that
19 date.

20 “(d)(1) After January 1, 2020, a fishing vessel, fish
21 processing vessel, or fish tender vessel to which section
22 4502(b) of this title applies shall comply with an alternate
23 safety compliance program that is developed in coopera-
24 tion with the commercial fishing industry and prescribed
25 by the Secretary, if the vessel—

1 “(A) is at least 50 feet overall in length;

2 “(B) is built before July 1, 2010; and

3 “(C) is 25 years of age or older.

4 “(2) Alternative safety compliance programs may be
5 developed for purposes of paragraph (1) for specific re-
6 gions and fisheries.

7 “(3) A fishing vessel, fish processing vessel, or fish
8 tender vessel to which section 4502(b) of this title applies
9 that was classed before July 1, 2010, shall—

10 “(A) remain subject to the requirements of a
11 classification society approved by the Secretary; and

12 “(B) have on board a certificate from that soci-
13 ety.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 45 of title 46,
16 United States Code, is amended by striking the item
17 relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

18 (f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—
19 No later than January 1, 2017, the Secretary of the de-
20 partment in which the Coast Guard is operating shall pre-
21 scribe an alternative safety compliance program referred
22 to in section 4503(d) of the title 46, United States Code,
23 as amended by this section.

24 (g) PROHIBITION ON EARMARKS.—None of the funds
25 appropriated for the Fishing Safety Training Grants Pro-

1 gram pursuant to section 4502(i) of title 46, United
2 States Code, as amended by this section, may be used for
3 a Congressional earmark as defined in clause 9(d) of rule
4 XXI of the Rules of the House of Representatives.

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

11 **SEC. 805. MARINER RECORDS.**

12 Section 7502 of title 46, United States Code, is
13 amended—

14 (1) by inserting “(a)” before “The”;

15 (2) by striking “computerized records” and in-
16 serting “records, including electronic records,”; and

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

18 “(b) The Secretary may prescribe regulations requir-
19 ing a vessel owner or managing operator of a commercial
20 vessel, or the employer of a seaman on that vessel, to
21 maintain records of each individual engaged on the vessel
22 on matters of engagement, discharge, and service for not
23 less than 5 years after the date of the completion of the
24 service of that individual on the vessel. The regulations
25 may require that a vessel owner, managing operator, or

1 employer shall make these records available to the indi-
2 vidual and the Coast Guard on request.

3 “(c) A person violating this section, or a regulation
4 prescribed under this section, is liable to the United States
5 Government for a civil penalty of not more than \$5,000.”.

6 **SEC. 806. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
7 **MENT FOR OPERATORS OF CERTAIN TOWING**
8 **VESSELS.**

9 Section 8905 of title 46, United States Code, is
10 amended—

11 (1) by striking subsection (b); and

12 (2) by redesignating subsection (c) as sub-
13 section (b).

14 **SEC. 807. LOG BOOKS.**

15 (a) IN GENERAL.—Chapter 113 of title 46, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 11304. Additional logbook and entry requirements**

19 “(a) A vessel of the United States that is subject to
20 inspection under section 3301 of this title, except a vessel
21 on a voyage from a port in the United States to a port
22 in Canada, shall have an official logbook, which shall be
23 kept available for review by the Secretary on request.

24 “(b) The log book required by subsection (a) shall
25 include the following entries:

1 “(1) The time when each seaman and each offi-
2 cer assumed or relieved the watch.

3 “(2) The number of hours in service to the ves-
4 sels of each seaman and each officer.

5 “(3) An account of each accident, illness, and
6 injury that occurs during each watch.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by adding
9 at the end the following:

 “11304. Additional logbook and entry requirements.”.

10 **SEC. 808. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

11 (a) IN GENERAL.—Chapter 21 of title 46, United
12 States Code, is further amended by adding at the end the
13 following new sections:

14 **“§ 2117. Termination for unsafe operation**

15 “An individual authorized to enforce this title—

16 “(1) may remove a certificate required by this
17 title from a vessel that is operating in a condition
18 that does not comply with the provisions of the cer-
19 tificate;

20 “(2) may order the individual in charge of a
21 vessel that is operating that does not have on board
22 the certificate required by this title to return the
23 vessel to a mooring and to remain there until the
24 vessel is in compliance with this title; and

1 “(3) may direct the individual in charge of a
2 vessel to which this title applies to immediately take
3 reasonable steps necessary for the safety of individ-
4 uals on board the vessel if the official observes the
5 vessel being operated in an unsafe condition that the
6 official believes creates an especially hazardous con-
7 dition, including ordering the individual in charge to
8 return the vessel to a mooring and to remain there
9 until the situation creating the hazard is corrected
10 or ended.

11 **“§ 2118. Establishment of equipment standards**

12 “(a) In establishing standards for approved equip-
13 ment required on vessels subject to part B of this title,
14 the Secretary shall establish standards that are—

15 “(1) based on performance using the best avail-
16 able technology that is economically achievable; and

17 “(2) operationally practical.

18 “(b) Using the standards established under sub-
19 section (a), the Secretary may also certify lifesaving equip-
20 ment that is not required to be carried on vessels subject
21 to part B of this title to ensure that such equipment is
22 suitable for its intended purpose.

23 “(c) At least once every 10 years the Secretary shall
24 review and revise the standards established under sub-

1 section (a) to ensure that the standards meet the require-
2 ments of this section.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is further amended by
5 adding at the end the following:

“Sec. 2117. Termination for unsafe operation.

“Sec. 2118. Establishment of equipment standards.”.

6 **SEC. 809. APPROVAL OF SURVIVAL CRAFT.**

7 (a) IN GENERAL.—Chapter 31 of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 3104. Survival craft**

11 “(a) Except as provided in subsection (b), the Sec-
12 retary may not approve a survival craft as a safety device
13 for purposes of this part, unless the craft ensures that
14 no part of an individual is immersed in water.

15 “(b) The Secretary may authorize a survival craft
16 that does not provide protection described in subsection
17 (a) to remain in service until not later than January 1,
18 2015, if—

19 “(1) it was approved by the Secretary before
20 January 1, 2010; and

21 “(2) it is in serviceable condition.”.

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:

“3104. Survival craft.”.

4 **SEC. 810. SAFETY MANAGEMENT.**

5 (a) VESSELS TO WHICH REQUIREMENTS APPLY.—
6 Section 3202 of title 46, United States Code, is amend-
7 ed—

8 (1) in subsection (a) by striking the heading
9 and inserting “FOREIGN VOYAGES AND FOREIGN
10 VESSELS.—”;

11 (2) by redesignating subsections (b) and (c) as
12 subsections (c) and (d), respectively;

13 (3) by inserting after subsection (a) the fol-
14 lowing:

15 “(b) OTHER PASSENGER VESSELS.—This chapter
16 applies to a vessel that is—

17 “(1) a passenger vessel or small passenger ves-
18 sel; and

19 “(2) is transporting more passengers than a
20 number prescribed by the Secretary based on the
21 number of individuals on the vessel that could be
22 killed or injured in a marine casualty.”;

23 (4) in subsection (d), as so redesignated, by
24 striking “subsection (b)” and inserting “subsection
25 (c)”; and

1 (5) in subsection (d)(4), as so redesignated, by
2 inserting “that is not described in subsection (b) of
3 this section” after “waters”.

4 (b) SAFETY MANAGEMENT SYSTEM.—Section 3203
5 of title 46, United States Code, is amended by adding at
6 the end the following new subsection:

7 “(c) In prescribing regulations for passenger vessels
8 and small passenger vessels, the Secretary shall con-
9 sider—

10 “(1) the characteristics, methods of operation,
11 and nature of the service of these vessels; and

12 “(2) with respect to vessels that are ferries, the
13 sizes of the ferry systems within which the vessels
14 operate.”.

15 **SEC. 811. PROTECTION AGAINST DISCRIMINATION.**

16 (a) IN GENERAL.—Section 2114 of title 46, United
17 States Code, is amended—

18 (1) in subsection (a)(1)(A), by striking “or”
19 after the semicolon;

20 (2) in subsection (a)(1)(B), by striking the pe-
21 riod at the end and inserting a semicolon;

22 (3) by adding at the end of subsection (a)(1)
23 the following new subparagraphs:

1 “(C) the seaman testified in a proceeding
2 brought to enforce a maritime safety law or regula-
3 tion prescribed under that law;

4 “(D) the seaman notified, or attempted to no-
5 tify, the vessel owner or the Secretary of a work-re-
6 lated personal injury or work-related illness of a sea-
7 man;

8 “(E) the seaman cooperated with a safety in-
9 vestigation by the Secretary or the National Trans-
10 portation Safety Board;

11 “(F) the seaman furnished information to the
12 Secretary, the National Transportation Safety
13 Board, or any other public official as to the facts re-
14 lating to any marine casualty resulting in injury or
15 death to an individual or damage to property occur-
16 ring in connection with vessel transportation; or

17 “(G) the seaman accurately reported hours of
18 duty under this part.”; and

19 (4) by amending subsection (b) to read as fol-
20 lows:

21 “(b) A seaman alleging discharge or discrimination
22 in violation of subsection (a) of this section, or another
23 person at the seaman’s request, may file a complaint with
24 respect to such allegation in the same manner as a com-
25 plaint may be filed under subsection (b) of section 31105

1 of title 49. Such complaint shall be subject to the proce-
2 dures, requirements, and rights described in that section,
3 including with respect to the right to file an objection, the
4 right of a person to file for a petition for review under
5 subsection (c) of that section, and the requirement to
6 bring a civil action under subsection (d) of that section.”.

7 (b) EXISTING ACTIONS.—This section shall not affect
8 the application of section 2114(b) of title 46, United
9 States Code, as in effect before the date of enactment of
10 this Act, to an action filed under that section before that
11 date.

12 **SEC. 812. OIL FUEL TANK PROTECTION.**

13 Section 3306 of title 46, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(k)(1) Each vessel of the United States that is con-
17 structed under a contract entered into after the date of
18 enactment of the Maritime Safety Act of 2009, or that
19 is delivered after January 1, 2011, with an aggregate ca-
20 pacity of 600 cubic meters or more of oil fuel, shall comply
21 with the requirements of Regulation 12A under Annex I
22 to the Protocol of 1978 relating to the International Con-
23 vention for the Prevention of Pollution from Ships, 1973,
24 entitled ‘Oil Fuel Tank Protection’.

1 “(2) The Secretary may prescribe regulations to
2 apply the requirements described in Regulation 12A to
3 vessels described in paragraph (1) that are not otherwise
4 subject to that convention. Any such regulation shall be
5 considered to be an interpretive rule for the purposes of
6 section 553 of title 5.

7 “(3) In this subsection the term ‘oil fuel’ means any
8 oil used as fuel in connection with the propulsion and aux-
9 iliary machinery of the vessel in which such oil is carried.”.

10 **SEC. 813. OATHS.**

11 Sections 7105 and 7305 of title 46, United States
12 Code, and the items relating to such sections in the anal-
13 ysis for chapters 71 and 73 of such title, are repealed.

14 **SEC. 814. DURATION OF CREDENTIALS.**

15 (a) **MERCHANT MARINER’S DOCUMENTS.**—Section
16 7302(f) of title 46, United States Code, is amended to
17 read as follows:

18 “(f) **PERIODS OF VALIDITY AND RENEWAL OF MER-**
19 **CHANT MARINERS’ DOCUMENTS.**—

20 “(1) **IN GENERAL.**—Except as provided in sub-
21 section (g), a merchant mariner’s document issued
22 under this chapter is valid for a 5-year period and
23 may be renewed for additional 5-year periods.

24 “(2) **ADVANCE RENEWALS.**—A renewed mer-
25 chant mariner’s document may be issued under this

1 chapter up to 8 months in advance but is not effective
2 until the date that the previously issued merchant
3 mariner's document expires or until the completion
4 of any active suspension or revocation of that
5 previously issued merchant mariner's document,
6 whichever is later.”.

7 (b) DURATION OF LICENSES.—Section 7106 of such
8 title is amended to read as follows:

9 **“§ 7106. Duration of licenses**

10 “(a) IN GENERAL.—A license issued under this part
11 is valid for a 5-year period and may be renewed for additional
12 5-year periods; except that the validity of a license
13 issued to a radio officer is conditioned on the continuous
14 possession by the holder of a first-class or second-class radiotelegraph
15 operator license issued by the Federal Communications
16 Commission.

17 “(b) ADVANCE RENEWALS.—A renewed license
18 issued under this part may be issued up to 8 months in
19 advance but is not effective until the date that the previously
20 issued license expires or until the completion of
21 any active suspension or revocation of that previously
22 issued merchant mariner's document, whichever is later.”.

23 (c) CERTIFICATES OF REGISTRY.—Section 7107 of
24 such title is amended to read as follows:

1 **“§ 7107. Duration of certificates of registry**

2 “(a) IN GENERAL.—A certificate of registry issued
3 under this part is valid for a 5-year period and may be
4 renewed for additional 5-year periods; except that the va-
5 lidity of a certificate issued to a medical doctor or profes-
6 sional nurse is conditioned on the continuous possession
7 by the holder of a license as a medical doctor or registered
8 nurse, respectively, issued by a State.

9 “(b) ADVANCE RENEWALS.—A renewed certificate of
10 registry issued under this part may be issued up to 8
11 months in advance but is not effective until the date that
12 the previously issued certificate of registry expires or until
13 the completion of any active suspension or revocation of
14 that previously issued merchant mariner’s document,
15 whichever is later.”.

16 **SEC. 815. FINGERPRINTING.**

17 (a) MERCHANT MARINER LICENSES AND DOCU-
18 MENTS.—Chapter 75 of title 46, United States Code, is
19 amended by adding at the end the following:

20 **“§ 7507. Fingerprinting**

21 “The Secretary of the department in which the Coast
22 Guard is operating may not require an individual to be
23 fingerprinted for the issuance or renewal of a license, a
24 certificate of registry, or a merchant mariner’s document
25 under chapter 71 or 73 if the individual was fingerprinted

1 when the individual applied for a transportation security
2 card under section 70105.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 chapter is amended by adding at the end the following:
“7507. Fingerprinting.”.

5 **SEC. 816. AUTHORIZATION TO EXTEND THE DURATION OF**
6 **LICENSES, CERTIFICATES OF REGISTRY, AND**
7 **MERCHANT MARINERS’ DOCUMENTS.**

8 (a) MERCHANT MARINER LICENSES AND DOCU-
9 MENTS.—Chapter 75 of title 46, United States Code, as
10 amended by section 815(a) of this title, is further amended
11 by adding at the end the following:

12 **“§ 7508. Authority to extend the duration of licenses,**
13 **certificates of registry, and merchant**
14 **mariner documents**

15 “(a) LICENSES AND CERTIFICATES OF REGISTRY.—
16 Notwithstanding sections 7106 and 7107, the Secretary
17 of the department in which the Coast Guard is operating
18 may—

19 “(1) extend for not more than one year an ex-
20 piring license or certificate of registry issued for an
21 individual under chapter 71 if the Secretary deter-
22 mines that the extension is required to enable the
23 Coast Guard to eliminate a backlog in processing ap-
24 plications for those licenses or certificates of registry

1 or in response to a national emergency or natural
2 disaster, as deemed necessary by the Secretary; or

3 “(2) issue for not more than five years an ex-
4 piring license or certificate of registry issued for an
5 individual under chapter 71 for the exclusive pur-
6 pose of aligning the expiration date of such license
7 or certificate of registry with the expiration date of
8 a merchant mariner’s document.

9 “(b) MERCHANT MARINER DOCUMENTS.—Notwith-
10 standing section 7302(g), the Secretary may—

11 “(1) extend for not more than one year an ex-
12 piring merchant mariner’s document issued for an
13 individual under chapter 71 if the Secretary deter-
14 mines that the extension is required to enable the
15 Coast Guard to eliminate a backlog in processing ap-
16 plications for those licenses or certificates of registry
17 or in response to a national emergency or natural
18 disaster, as deemed necessary by the Secretary; or

19 “(2) issue for not more than five years an ex-
20 piring merchant mariner’s document issued for an
21 individual under chapter 71 for the exclusive pur-
22 pose of aligning the expiration date of such mer-
23 chant mariner’s document with the expiration date
24 of a merchant mariner’s document.

1 “(c) MANNER OF EXTENSION.—Any extensions
2 granted under this section may be granted to individual
3 seamen or a specifically identified group of seamen.”.

4 (b) CLERICAL AMENDMENT.—The analysis for such
5 chapter, as amended by section 815(b), is further amend-
6 ed by adding at the end the following:

“7508. Authority to extend the duration of licenses, certificates of registry, and
merchant mariner documents.”.

7 **SEC. 817. MERCHANT MARINER DOCUMENTATION.**

8 (a) INTERIM CLEARANCE PROCESS.—Not later than
9 180 days after the date of enactment of this Act, the Sec-
10 retary of the department in which the Coast Guard is op-
11 erating shall develop an interim clearance process for
12 issuance of a merchant mariner document to enable a
13 newly hired seaman to begin working on an offshore sup-
14 ply vessel or towing vessel if the Secretary makes an initial
15 determination that the seaman does not pose a safety and
16 security risk.

17 (b) CONTENTS OF PROCESS.—The process under
18 subsection (a) shall include a check against the consoli-
19 dated and integrated terrorist watch list maintained by the
20 Federal Government, review of the seaman’s criminal
21 record, and review of the results of testing the seaman
22 for use of a dangerous drug (as defined in section 2101
23 of title 46, United States Code) in violation of law or Fed-
24 eral regulation.

1 **SEC. 818. MERCHANT MARINER ASSISTANCE REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Commandant of the Coast Guard shall
4 submit to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate a report regarding the feasibility of—

8 (1) expanding the streamlined evaluation proc-
9 ess program that was affiliated with the Houston
10 Regional Examination Center of the Coast Guard to
11 all processing centers of the Coast Guard nation-
12 wide;

13 (2) including proposals to simplify the applica-
14 tion process for a license as an officer, staff officer,
15 or operator and for a merchant mariner's document
16 to help eliminate errors by merchant mariners when
17 completing the application form (CG-719B), includ-
18 ing instructions attached to the application form and
19 a modified application form for renewals with ques-
20 tions pertaining only to the period of time since the
21 previous application;

22 (3) providing notice to an applicant of the sta-
23 tus of the pending application, including a process to
24 allow the applicant to check on the status of the ap-
25 plication by electronic means; and

1 (4) ensuring that all information collected with
2 respect to applications for new or renewed licenses,
3 merchant mariner documents, and certificates of
4 registry is retained in a secure electronic format.

5 **SEC. 819. OFFSHORE SUPPLY VESSELS.**

6 (a) DEFINITION.—Section 2101(19) of title 46,
7 United States Code, is amended by striking “of more than
8 15 gross tons but less than 500 gross tons as measured
9 under section 14502 of this title, or an alternate tonnage
10 measured under section 14302 of this title as prescribed
11 by the Secretary under section 14104 of this title”.

12 (b) EXEMPTION.—Section 5209(b)(1) of the Oceans
13 Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note)
14 is amended by inserting before the period at the end the
15 following: “of less than 500 gross tons as measured under
16 section 14502, or an alternate tonnage measured under
17 section 14302 of this title as prescribed by the Secretary
18 under section 14104 of this title”.

19 (c) REMOVAL OF TONNAGE LIMITS.—

20 (1) ABLE SEAMEN-OFFSHORE SUPPLY VES-
21 SELS.—Section 7310 of title 46, United States
22 Code, is amended by striking “of less than 500 gross
23 tons as measured under section 14502 of this title,
24 or an alternate tonnage measured under section

1 14302 of this title as prescribed by the Secretary
2 under section 14104 of this title”.

3 (2) SCALE OF EMPLOYMENT: ABLE SEAMEN.—
4 Section 7312(d) of title 46, United States Code, is
5 amended by striking “of less than 500 gross tons as
6 measured under section 14502 of this title, or an al-
7 ternate tonnage measured under section 14302 of
8 this title as prescribed by the Secretary under sec-
9 tion 14104 of this title”.

10 (d) WATCHES.—Section 8104 of title 46, United
11 States Code, is amended—

12 (1) in subsection (g), by inserting after “off-
13 shore supply vessel” the following: “of less than 500
14 gross tons as measured under section 14502 of this
15 title, or less than 6,000 gross tons as measured
16 under section 14302 of this title as prescribed by the
17 Secretary under section 14104 of this title”;

18 (2) in subsection (d), by inserting “(1)” after
19 “(d)”, and by adding at the end the following:

20 “(2) Paragraph (1) does not apply to an offshore sup-
21 ply vessel of at least 6,000 gross tons as measured under
22 section 14302 of this title if the individuals engaged on
23 the vessel are in compliance with hours of service require-
24 ments (including recording and record-keeping of that
25 service) prescribed by the Secretary.”; and

1 (3) in subsection (e), by striking “subsection
2 (d)” and inserting “subsection (d)(1)”.

3 (e) MINIMUM NUMBER OF LICENSED INDIVID-
4 UALS.—Section 8301(b) of title 46, United States Code,
5 is amended to read as follows:

6 “(b)(1) An offshore supply vessel of less than 6,000
7 gross tons, as measured under section 14302 of this title,
8 on a voyage of less than 600 miles shall have at least one
9 licensed mate. Such a vessel on a voyage of 600 miles or
10 more shall have two licensed mates.

11 “(2) An offshore supply vessel of more than 200
12 gross tons as measured under section 14502 of this title,
13 or an alternate tonnage measured under section 14302 of
14 this title as prescribed by the Secretary under section
15 14104 of this title, may not be operated without a licensed
16 engineer.

17 “(3) An offshore supply vessel shall have at least one
18 mate. Additional mates on an offshore supply vessel of at
19 least 6,000 gross tons as measured under section 14302
20 of this title shall be prescribe in accordance with hours
21 of service requirements (including recording and record-
22 keeping of that service) prescribed by the Secretary.”.

23 (f) REGULATIONS.—

24 (1) IN GENERAL.—The Secretary of the depart-
25 ment in which the Coast Guard is operating shall

1 promulgate regulations to implement the amend-
2 ments enacted by this section and chapter 37 of title
3 46, United States Code, for offshore supply vessels
4 of at least 6,000 gross tons, before January 1, 2010.

5 (2) INTERIM FINAL RULE AUTHORITY.—The
6 Secretary shall issue an interim final rule as a tem-
7 porary regulation implementing this section (includ-
8 ing the amendments made by this section), and
9 chapter 37 of title 46, United States Code, for off-
10 shore supply vessels of at least 6,000 gross tons, as
11 soon as practicable after the date of enactment of
12 this section, without regard to the provisions of
13 chapter 5 of title 5, United States Code. All regula-
14 tions prescribed under the authority of this para-
15 graph that are not earlier superseded by final regu-
16 lations shall expire not later than 1 year after the
17 date of enactment of this Act.

18 (3) INITIATION OF RULEMAKING.—The Sec-
19 retary may initiate a rulemaking to implement this
20 section (including the amendments made by this sec-
21 tion), and chapter 37 of title 46, United States
22 Code, for offshore supply vessels of at least 6,000
23 gross tons, as soon as practicable after the date of
24 enactment of this section. The final rule issued pur-

1 suant to that rulemaking may supersede the interim
2 final rule promulgated under this subsection.

3 (4) INTERIM PERIOD.—After the date of enact-
4 ment of this Act and prior to the effective date of
5 the regulations promulgated to implement the
6 amendments enacted by this section under para-
7 graph (2), and notwithstanding the tonnage limits of
8 applicable regulations promulgated prior to the date
9 of enactment of this Act, the Secretary may—

10 (A) issue a certificate of inspection under
11 section 3309 of title 46, United States Code, to
12 an offshore supply vessel of at least 500 gross
13 tons as measured under section 14502 of title
14 46, United States Code, or of at least 6,000
15 gross tons as measured under section 14302 of
16 title 46, United States Code, if the Secretary
17 determines that such vessel’s arrangements,
18 equipment, classification, and certifications pro-
19 vide for the safe carriage of individuals in addi-
20 tion to the crew and oil and hazardous sub-
21 stances, taking into consideration the character-
22 istics of offshore supply vessels, their methods
23 of operation, and their service in support of ex-
24 ploration, exploitation, or production of offshore
25 mineral or energy resources;

1 (B) for the purpose of enforcing chapter
2 37 of title 46, United States Code, use tank
3 vessel standards for offshore supply vessels of
4 at least 6,000 gross tons after considering the
5 characteristics, methods of operation, and na-
6 ture of the service of the vessel; and

7 (C) authorize a master, mate, or engineer
8 whom the Secretary decides possesses the expe-
9 rience on an offshore supply vessel under 6,000
10 gross tons to serve on an offshore supply vessel
11 over at least 6,000 gross tons.

12 **SEC. 820. ASSOCIATED EQUIPMENT.**

13 Section 2101(1)(B) of title 46, United States Code,
14 is amended by inserting “with the exception of emergency
15 locator beacons,” before “does”.

16 **SEC. 821. LIFESAVING DEVICES ON UNINSPECTED VESSELS.**

17 Section 4102(b) of title 46, United States Code, is
18 amended to read as follows:

19 “(b) The Secretary shall prescribe regulations requir-
20 ing the installation, maintenance, and use of life pre-
21 servers and other lifesaving devices for individuals on
22 board uninspected vessels.”.

23 **SEC. 822. STUDY OF BLENDED FUELS IN MARINE APPLICA-**
24 **TION.**

25 (a) SURVEY.—

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. 823. 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 to Establish a Towing Safety Advisory Committee in
18 the Department of Transportation (33 U.S.C. 1231a) is
19 amended—

20 (1) by striking subsection (a) and inserting the
21 following:

22 “(a) There is established a Towing Safety Advisory
23 Committee (hereinafter referred to as the ‘Committee’).
24 The Committee shall consist of eighteen members with
25 particular expertise, knowledge, and experience regarding

1 shallow-draft inland and coastal waterway navigation and
2 towing safety as follows:

3 “(1) Seven members representing the barge and
4 towing industry, reflecting a regional geographic bal-
5 ance.

6 “(2) One member representing the offshore
7 mineral and oil supply vessel industry.

8 “(3) One member representing holders of active
9 licensed Masters or Pilots of towing vessels with ex-
10 perience on the Western Rivers and the Gulf Intra-
11 coastal Waterway.

12 “(4) One member representing the holders of
13 active licensed Masters of towing vessels in offshore
14 service.

15 “(5) One member representing Masters who are
16 active ship-docking or harbor towing vessel.

17 “(6) One member representing licensed or unli-
18 censed towing vessel engineers with formal training
19 and experience.

20 “(7) Two members representing each of the fol-
21 lowing groups:

22 “(A) Port districts, authorities, or terminal
23 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 **SEC. 824. PILOT REQUIRED.**

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

14 (1) in paragraph (1), by inserting “and Buz-
15 zards Bay, Massachusetts” before “, if any,”; and

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

17 “(3) In any area of Buzzards Bay, Massachu-
18 setts, where a single-hull tanker or tank vessel car-
19 rying 5,000 or more barrels of oil or other haz-
20 ardous material is required to be under the direction
21 and control of a Federal first class pilot, the pilot
22 may not be a member of the crew of that vessel, and
23 shall be a pilot licensed—

1 “(A) by the State of Massachusetts who is
2 operating under a Federal first class pilot’s li-
3 cense; or

4 “(B) under section 7101 of this title as a
5 Federal first class pilot who has made at least
6 20 round trips on a vessel as a quartermaster,
7 wheelsman, able seaman, or apprentice pilot, or
8 in an equivalent capacity, including—

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

12 “(ii) if the vessel will be navigating in
13 periods of darkness in an area of Buzzards
14 Bay where a vessel is required by regula-
15 tion to have a pilot, at least 5 round trips
16 through Buzzards Bay during periods of
17 darkness.”.

18 **SEC. 825. DELEGATION OF AUTHORITY TO CLASSIFICATION**
19 **SOCIETIES REGARDING OFFSHORE FACILI-**
20 **TIES.**

21 (a) IN GENERAL.—Section 3316 of title 46, United
22 States Code, is amended by adding at the end the fol-
23 lowing new subsection:

24 “(d)(1) The Secretary may delegate to the American
25 Bureau of Shipping or another classification society recog-

1 nized by the Secretary as meeting acceptable standards
2 for such a society, for a United States offshore facility,
3 the authority to—

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

10 “(B) conduct inspections and examinations.

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

13 “(A) the foreign society has offices and main-
14 tains records in the United States; and

15 “(B)(i) the government of the foreign country
16 in which the foreign society is headquartered dele-
17 gates that authority to the American Bureau of
18 Shipping; or

19 “(ii) the Secretary has entered into an agree-
20 ment with the government of the foreign country in
21 which the foreign society is headquartered that—

22 “(I) ensures the government of the foreign
23 country will accept plan review, inspections, or
24 examinations conducted by the American Bu-
25 reau of Shipping and provide equivalent access

1 to inspect, certify, and provide related services
2 to offshore facilities located in that country or
3 operating under the authority of that country;
4 and

5 “(II) is in full accord with principles of
6 reciprocity in regards to any delegation con-
7 templated by the Secretary under paragraph
8 (1).

9 “(3) If an inspection or examination is conducted
10 under authority delegated under this subsection, the per-
11 son to which the authority was delegated—

12 “(A) shall maintain in the United States com-
13 plete files of all information derived from or nec-
14 essarily connected with the inspection or examina-
15 tion for at least 2 years after the United States off-
16 shore facility ceases to be certified; and

17 “(B) shall permit access to those files at all
18 reasonable times to any officer, employee, or mem-
19 ber of the Coast Guard designated—

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

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

24 “(4) For purposes of this subsection—

1 “(A) the term ‘offshore facility’ means any in-
2 stallation, structure, or other device (including any
3 vessel not documented under chapter 121 of this
4 title or the laws of another country), fixed or float-
5 ing, that dynamically holds position or is temporarily
6 or permanently attached to the seabed or subsoil
7 under the sea; and

8 “(B) the term ‘United States offshore facility’
9 means any offshore facility, fixed or floating, that
10 dynamically holds position or is temporarily or per-
11 manently attached to the seabed or subsoil under the
12 territorial sea of the United States or the outer Con-
13 tinental Shelf (as that term is defined in section 2
14 of the Outer Continental Shelf Lands Act (43
15 U.S.C. 1331)), including any vessel, rig, platform, or
16 other vehicle or structure subject to regulation under
17 section 30 of the Outer Continental Shelf Lands Act
18 (43 U.S.C. 1356).”.

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

23 “(c)(1) A classification society (including an em-
24 ployee or agent of that society) may not review, examine,
25 survey, or certify the construction, repair, or alteration of

1 a vessel in the United States unless the society has applied
2 for approval under this subsection and the Secretary has
3 reviewed and approved that society with respect to the
4 conduct of that society under paragraph (2).”.

5 **TITLE IX—CRUISE VESSEL**
6 **SAFETY**

7 **SEC. 901. SHORT TITLE.**

8 This title may be cited as the “Cruise Vessel Security
9 and Safety Act of 2009”.

10 **SEC. 902. FINDINGS.**

11 The Congress makes the following findings:

12 (1) There are approximately 200 overnight
13 ocean-going cruise vessels worldwide. The average
14 ocean-going cruise vessel carries 2,000 passengers
15 with a crew of 950 people.

16 (2) In 2007 alone, approximately 12,000,000
17 passengers were projected to take a cruise world-
18 wide.

19 (3) Passengers on cruise vessels have an inad-
20 equate appreciation of their potential vulnerability to
21 crime while on ocean voyages, and those who may be
22 victimized lack the information they need to under-
23 stand their legal rights or to know whom to contact
24 for help in the immediate aftermath of the crime.

1 (4) Sexual violence, the disappearance of pas-
2 sengers from vessels on the high seas, and other se-
3 rious crimes have occurred during luxury cruises.

4 (5) Over the last 5 years, sexual assault and
5 physical assaults on cruise vessels were the leading
6 crimes investigated by the Federal Bureau of Inves-
7 tigation with regard to cruise vessel incidents.

8 (6) These crimes at sea can involve attacks
9 both by passengers and crew members on other pas-
10 sengers and crew members.

11 (7) Except for United States flagged vessels, or
12 foreign flagged vessels operating in an area subject
13 to the direct jurisdiction of the United States, there
14 are no Federal statutes or regulations that explicitly
15 require cruise lines to report alleged crimes to
16 United States Government officials.

17 (8) It is not known precisely how often crimes
18 occur on cruise vessels or exactly how many people
19 have disappeared during ocean voyages because
20 cruise line companies do not make comprehensive,
21 crime-related data readily available to the public.

22 (9) Obtaining reliable crime-related cruise data
23 from governmental sources can be difficult, because
24 multiple countries may be involved when a crime oc-
25 curs on the high seas, including the flag country for

1 the vessel, the country of citizenship of particular
2 passengers, and any countries having special or mar-
3 itime jurisdiction.

4 (10) It can be difficult for professional crime
5 investigators to immediately secure an alleged crime
6 scene on a cruise vessel, recover evidence of an on-
7 board offense, and identify or interview potential
8 witnesses to the alleged crime.

9 (11) Most cruise vessels that operate into and
10 out of United States ports are registered under the
11 laws of another country, and investigations and
12 prosecutions of crimes against passengers and crew
13 members may involve the laws and authorities of
14 multiple nations.

15 (12) The Coast Guard has found it necessary to
16 establish 500-yard security zones around cruise ves-
17 sels to limit the risk of terrorist attack. Recently pi-
18 racy has dramatically increased throughout the
19 world.

20 (13) To enhance the safety of cruise pas-
21 sengers, the owners of cruise vessels could upgrade,
22 modernize, and retrofit the safety and security infra-
23 structure on such vessels by installing peep holes in
24 passenger room doors, installing security video cam-
25 eras in targeted areas, limiting access to passenger

1 rooms to select staff during specific times, and in-
2 stalling acoustic hailing and warning devices capable
3 of communicating over distances.

4 **SEC. 903. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**
5 **MENTS.**

6 (a) IN GENERAL.—Chapter 35 of title 46, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 3507. Passenger vessel security and safety require-**
10 **ments**

11 “(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,
12 AND RETROFITTING REQUIREMENTS.—

13 “(1) IN GENERAL.—Each vessel to which this
14 subsection applies shall comply with the following
15 design and construction standards:

16 “(A) The vessel shall be equipped with
17 ship rails that are located not less than 42
18 inches above the cabin deck.

19 “(B) Each passenger stateroom and crew
20 cabin shall be equipped with entry doors that
21 include peep holes or other means of visual
22 identification.

23 “(C) For any vessel the keel of which is
24 laid after the date of enactment of the Cruise
25 Vessel Security and Safety Act of 2009, each

1 passenger stateroom and crew cabin shall be
2 equipped with—

3 “(i) security latches; and

4 “(ii) time-sensitive key technology.

5 “(D) The vessel shall integrate technology
6 that can be used for capturing images of pas-
7 sengers or detecting passengers who have fallen
8 overboard, to the extent that such technology is
9 available.

10 “(E) The vessel shall be equipped with a
11 sufficient number of operable acoustic hailing
12 or other such warning devices to provide com-
13 munication capability around the entire vessel
14 when operating in high risk areas (as defined
15 by the Coast Guard).

16 “(2) FIRE SAFETY CODES.—In administering
17 the requirements of paragraph (1)(C), the Secretary
18 shall take into consideration fire safety and other
19 applicable emergency requirements established by
20 the Coast Guard and under international law, as ap-
21 propriate.

22 “(3) EFFECTIVE DATE.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the requirements of para-
25 graph (1) shall take effect 18 months after the

1 date of enactment of the Cruise Vessel Security
2 and Safety Act of 2009.

3 “(B) LATCH AND KEY REQUIREMENTS.—
4 The requirements of paragraph (1)(C) take ef-
5 fect on the date of enactment of the Cruise Ves-
6 sel Security and Safety Act of 2009.

7 “(b) VIDEO RECORDING.—

8 “(1) REQUIREMENT TO MAINTAIN SURVEIL-
9 LANCE.—The owner of a vessel to which this section
10 applies shall maintain a video surveillance system to
11 assist in documenting crimes on the vessel and in
12 providing evidence for the prosecution of such
13 crimes, as determined by the Secretary.

14 “(2) ACCESS TO VIDEO RECORDS.—The owner
15 of a vessel to which this section applies shall provide
16 to any law enforcement official performing official
17 duties in the course and scope of an investigation,
18 upon request, a copy of all records of video surveil-
19 lance that the official believes may provide evidence
20 of a crime reported to law enforcement officials.

21 “(c) SAFETY INFORMATION.—The owner of a vessel
22 to which this section applies shall provide in each pas-
23 senger stateroom, and post in a location readily accessible
24 to all crew and in other places specified by the Secretary,
25 information regarding the locations of the United States

1 embassy and each consulate of the United States for each
2 country the vessel will visit during the course of the voy-
3 age.

4 “(d) SEXUAL ASSAULT.—The owner of a vessel to
5 which this section applies shall—

6 “(1) maintain on the vessel adequate, in-date
7 supplies of anti-retroviral medications and other
8 medications designed to prevent sexually transmitted
9 diseases after a sexual assault;

10 “(2) maintain on the vessel equipment and ma-
11 terials for performing a medical examination in sex-
12 ual assault cases to evaluate the patient for trauma,
13 provide medical care, and preserve relevant medical
14 evidence;

15 “(3) make available on the vessel at all times
16 medical staff who have undergone a credentialing
17 process to verify that he or she—

18 “(A) possesses a current physician’s or
19 registered nurse’s license and—

20 “(i) has at least 3 years of post-grad-
21 uate or post-registration clinical practice in
22 general and emergency medicine; or

23 “(ii) holds board certification in emer-
24 gency medicine, family practice medicine,
25 or internal medicine;

1 “(B) is able to provide assistance in the
2 event of an alleged sexual assault, has received
3 training in conducting forensic sexual assault
4 examination, and is able to promptly perform
5 such an examination upon request and provide
6 proper medical treatment of a victim, including
7 administration of anti-retroviral medications
8 and other medications that may prevent the
9 transmission of human immunodeficiency virus
10 and other sexually transmitted diseases; and

11 “(C) meets guidelines established by the
12 American College of Emergency Physicians re-
13 lating to the treatment and care of victims of
14 sexual assault;

15 “(4) prepare, provide to the patient, and main-
16 tain written documentation of the findings of such
17 examination that is signed by the patient; and

18 “(5) provide the patient free and immediate ac-
19 cess to—

20 “(A) contact information for local law en-
21 forcement, the Federal Bureau of Investigation,
22 the Coast Guard, the nearest United States
23 consulate or embassy, and the National Sexual
24 Assault Hotline program or other third party
25 victim advocacy hotline service; and

1 “(B) a private telephone line and Internet-
2 accessible computer terminal by which the indi-
3 vidual may confidentially access law enforce-
4 ment officials, an attorney, and the information
5 and support services available through the Na-
6 tional Sexual Assault Hotline program or other
7 third party victim advocacy hotline service.

8 “(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-
9 INATION AND SUPPORT INFORMATION.—The master or
10 other individual in charge of a vessel to which this section
11 applies shall—

12 “(1) treat all information concerning an exam-
13 ination under subsection (d) confidential, so that no
14 medical information may be released to the cruise
15 line or other owner of the vessel or any legal rep-
16 resentative thereof without the prior knowledge and
17 approval in writing of the patient, or, if the patient
18 is unable to provide written authorization, the pa-
19 tient’s next-of-kin, except that nothing in this para-
20 graph prohibits the release of—

21 “(A) information, other than medical find-
22 ings, necessary for the owner or master of the
23 vessel to comply with the provisions of sub-
24 section (g) or other applicable incident report-
25 ing laws;

1 “(B) information to secure the safety of
2 passengers or crew on board the vessel; or

3 “(C) any information to law enforcement
4 officials performing official duties in the course
5 and scope of an investigation; and

6 “(2) treat any information derived from, or ob-
7 tained in connection with, post-assault counseling or
8 other supportive services confidential, so no such in-
9 formation may be released to the cruise line or any
10 legal representative thereof without the prior knowl-
11 edge and approval in writing of the patient, or, if
12 the patient is unable to provide written authoriza-
13 tion, the patient’s next-of-kin.

14 “(f) CREW ACCESS TO PASSENGER STATEROOMS.—
15 The owner of a vessel to which this section applies shall—

16 “(1) establish and implement procedures and
17 restrictions concerning—

18 “(A) which crew members have access to
19 passenger staterooms; and

20 “(B) the periods during which they have
21 that access; and

22 “(2) ensure that the procedures and restrictions
23 are fully and properly implemented and periodically
24 reviewed.

25 “(g) LOG BOOK AND REPORTING REQUIREMENTS.—

1 “(1) IN GENERAL.—The owner of a vessel to
2 which this section applies shall—

3 “(A) record in a log book, either electroni-
4 cally or otherwise, in a centralized location
5 readily accessible to law enforcement personnel,
6 a report on—

7 “(i) all complaints of crimes described
8 in paragraph (3)(A)(i),

9 “(ii) all complaints of theft of prop-
10 erty valued in excess of \$1,000, and

11 “(iii) all complaints of other crimes,
12 committed on any voyage that embarks or dis-
13 embarks passengers in the United States; and

14 “(B) make such log book available upon
15 request to any agent of the Federal Bureau of
16 Investigation, any member of the Coast Guard,
17 and any law enforcement officer performing of-
18 ficial duties in the course and scope of an inves-
19 tigation.

20 “(2) DETAILS REQUIRED.—The information re-
21 corded under paragraph (1) shall include, at a min-
22 imum—

23 “(A) the vessel operator;

24 “(B) the name of the cruise line;

1 “(C) the flag under which the vessel was
2 operating at the time the reported incident oc-
3 curred;

4 “(D) the age and gender of the victim and
5 the accused assailant;

6 “(E) the nature of the alleged crime or
7 complaint, as applicable, including whether the
8 alleged perpetrator was a passenger or a crew
9 member;

10 “(F) the vessel’s position at the time of the
11 incident, if known, or the position of the vessel
12 at the time of the initial report;

13 “(G) the time, date, and method of the ini-
14 tial report and the law enforcement authority to
15 which the initial report was made;

16 “(H) the time and date the incident oc-
17 curred, if known;

18 “(I) the total number of passengers and
19 the total number of crew members on the voy-
20 age; and

21 “(J) the case number or other identifier
22 provided by the law enforcement authority to
23 which the initial report was made.

24 “(3) REQUIREMENT TO REPORT CRIMES AND
25 OTHER INFORMATION.—

1 “(A) IN GENERAL.—The owner of a vessel
2 to which this section applies (or the owner’s
3 designee)—

4 “(i) shall contact the nearest Federal
5 Bureau of Investigation Field Office or
6 Legal Attache by telephone as soon as pos-
7 sible after the occurrence on board the ves-
8 sel of an incident involving homicide, sus-
9 picious death, a missing United States na-
10 tional, kidnapping, assault with serious
11 bodily injury, any offense to which section
12 2241, 2242, 2243, or 2244 (a) or (c) of
13 title 18 applies, firing or tampering with
14 the vessel, or theft of money or property in
15 excess of \$10,000 to report the incident;

16 “(ii) shall furnish a written report of
17 the incident to the Secretary via an Inter-
18 net based portal;

19 “(iii) may report any serious incident
20 that does not meet the reporting require-
21 ments of clause (i) and that does not re-
22 quire immediate attention by the Federal
23 Bureau of Investigation via the Internet
24 based portal maintained by the Secretary
25 of Transportation; and

1 “(iv) may report any other criminal
2 incident involving passengers or crew mem-
3 bers, or both, to the proper State or local
4 government law enforcement authority.

5 “(B) INCIDENTS TO WHICH SUBPARA-
6 GRAPH (A) APPLIES.—Subparagraph (A) ap-
7 plies to an incident involving criminal activity
8 if—

9 “(i) the vessel, regardless of registry,
10 is owned, in whole or in part, by a United
11 States person, regardless of the nationality
12 of the victim or perpetrator, and the inci-
13 dent occurs when the vessel is within the
14 admiralty and maritime jurisdiction of the
15 United States and outside the jurisdiction
16 of any State;

17 “(ii) the incident concerns an offense
18 by or against a United States national
19 committed outside the jurisdiction of any
20 nation;

21 “(iii) the incident occurs in the Terri-
22 torial Sea of the United States, regardless
23 of the nationality of the vessel, the victim,
24 or the perpetrator; or

1 “(iv) the incident concerns a victim or
2 perpetrator who is a United States na-
3 tional on a vessel during a voyage that de-
4 parted from or will arrive at a United
5 States port.

6 “(4) AVAILABILITY OF INCIDENT DATA VIA
7 INTERNET.—

8 “(A) WEBSITE.—The Secretary of Trans-
9 portation shall maintain a statistical compila-
10 tion of all incidents described in paragraph
11 (3)(A)(i) on an Internet site that provides a nu-
12 merical accounting of the missing persons and
13 alleged crimes recorded in each report filed
14 under paragraph (3)(A)(i) that are no longer
15 under investigation by the Federal Bureau of
16 Investigation. The data shall be updated no less
17 frequently than quarterly, aggregated by—

18 “(i) cruise line, with each cruise line
19 identified by name; and

20 “(ii) whether each crime was com-
21 mitted by a passenger or a crew member.

22 “(B) ACCESS TO WEBSITE.—Each cruise
23 line taking on or discharging passengers in the
24 United States shall include a link on its Inter-

1 net website to the website maintained by the
2 Secretary under subparagraph (A).

3 “(h) ENFORCEMENT.—

4 “(1) PENALTIES.—

5 “(A) CIVIL PENALTY.—Any person that
6 violates this section or a regulation under this
7 section shall be liable for a civil penalty of not
8 more than \$25,000 for each day during which
9 the violation continues, except that the max-
10 imum penalty for a continuing violation is
11 \$50,000.

12 “(B) CRIMINAL PENALTY.—Any person
13 that willfully violates the log book or reporting
14 requirements required under subsection (g)
15 shall be fined not more than \$250,000 or im-
16 prisoned not more than 1 year, or both.

17 “(2) DENIAL OF ENTRY.—The Secretary may
18 deny entry into the United States to a vessel to
19 which this section applies if the owner of the ves-
20 sel—

21 “(A) commits an act or omission for which
22 a penalty may be imposed under this sub-
23 section; or

24 “(B) fails to pay a penalty imposed on the
25 owner under this subsection.

1 “(i) PROCEDURES.—Within 6 months after the date
2 of enactment of the Cruise Vessel Security and Safety Act
3 of 2009, the Secretary shall issue guidelines, training cur-
4 ricula, and inspection and certification procedures nec-
5 essary to carry out the requirements of this section.

6 “(j) REGULATIONS.—The Secretary of Transpor-
7 tation and the Commandant shall each issue such regula-
8 tions as are necessary to implement this section.

9 “(k) APPLICATION.—

10 “(1) IN GENERAL.—This section and section
11 3508 apply to a passenger vessel (as defined in sec-
12 tion 2101(22)) that—

13 “(A) is authorized to carry at least 250
14 passengers;

15 “(B) has onboard sleeping facilities for
16 each passenger;

17 “(C) is on a voyage that embarks or dis-
18 embarks passengers in the United States; and

19 “(D) is not engaged on a coastwise voyage.

20 “(2) FEDERAL AND STATE VESSELS.—This sec-
21 tion and section 3508 do not apply to a vessel that
22 is owned and operated by the United States Govern-
23 ment or a vessel that is owned and operated by a
24 State.

1 enforcement and security guidelines, policies, and pro-
2 cedures, including recommendations for incor-
3 porating a background check process for personnel
4 trained and certified in foreign countries;

5 “(2) the training of students and instructors in
6 all aspects of prevention, detection, evidence preser-
7 vation, and reporting of criminal activities in the
8 international maritime environment; and

9 “(3) the provision or recognition of off-site
10 training and certification courses in the United
11 States and foreign countries to develop and provide
12 the required training and certification described in
13 subsection (a) and to enhance security awareness
14 and security practices related to the preservation of
15 evidence in response to crimes on board passenger
16 vessels.

17 “(c) CERTIFICATION REQUIREMENT.—Beginning 2
18 years after the standards are established under subsection
19 (b), no vessel to which this section applies may enter a
20 United States port on a voyage (or voyage segment) on
21 which a United States citizen is a passenger unless there
22 is at least 1 crew member onboard who is certified as hav-
23 ing successfully completed training in the prevention, de-
24 tection, evidence preservation, and reporting of criminal

1 activities in the international maritime environment on
2 passenger vessels under subsection (a).

3 “(d) INTERIM TRAINING REQUIREMENT.—No vessel
4 to which this section applies may enter a United States
5 port on a voyage (or voyage segment) on which a United
6 States citizen is a passenger unless there is at least 1 crew
7 member onboard who has been properly trained in the pre-
8 vention, detection, evidence preservation and the reporting
9 requirements of criminal activities in the international
10 maritime environment. The owner of such a vessel shall
11 maintain certification or other documentation, as pre-
12 scribed by the Secretary, verifying the training of such in-
13 dividual and provide such documentation upon request for
14 inspection in connection with enforcement of the provi-
15 sions of this section. This subsection shall take effect 1
16 year after the date of enactment of the Cruise Vessel Safe-
17 ty and Security Act of 2009 and shall remain in effect
18 until superseded by the requirements of subsection (e).

19 “(e) CIVIL PENALTY.—Any person that violates this
20 section or a regulation under this section shall be liable
21 for a civil penalty of not more than \$50,000.

22 “(f) DENIAL OF ENTRY.—The Secretary may deny
23 entry into the United States to a vessel to which this sec-
24 tion applies if the owner of the vessel—

1 “(1) commits an act or omission for which a
2 penalty may be imposed under subsection (e); or

3 “(2) fails to pay a penalty imposed on the
4 owner under subsection (e).”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 for such chapter is amended by adding at the end the fol-
7 lowing:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

8 **SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF**
9 **PASSENGER VESSELS.**

10 (a) IN GENERAL.—Within 3 months after the date
11 of enactment of this Act, the Secretary of the department
12 in which the Coast Guard is operating shall conduct a
13 study of the security needs of passenger vessels depending
14 on number of passengers on the vessels, and report to the
15 Congress findings of the study and recommendations for
16 improving security on those vessels.

17 (b) REPORT CONTENTS.—In recommending appro-
18 priate security on those vessels, the report shall take into
19 account typical crew member shifts, working conditions of
20 crew members, and length of voyages.

1 **TITLE X—UNITED STATES**
2 **MARINER PROTECTION**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “United States Mariner
5 and Vessel Protection Act of 2009”.

6 **SEC. 1002. USE FORCE AGAINST PIRACY.**

7 (a) **IN GENERAL.**—Chapter 81 of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 8107. Use of force against piracy**

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

19 (b) **CLERICAL AMENDMENT.**—The analysis at the be-
20 ginning of such chapter is amended by adding at the end
21 the following new item:

 “8107. Use of force against piracy.”.

22 **SEC. 1003. AGREEMENTS.**

23 To carry out the purpose of this title, the Secretary
24 of the department in which the Coast Guard is operating

1 shall work through the International Maritime Organiza-
2 tion to establish agreements to promote coordinated action
3 among flag- and port-states to deter, protect against, and
4 rapidly respond to acts of piracy against the vessels of,
5 and in the waters under the jurisdiction of, those nations,
6 and to ensure limitations on liability similar to those es-
7 tablished by section 8107 of title 46, United States Code,
8 as amended by this title.

9 **TITLE XI—PORT SECURITY**

10 **SEC. 1101. AMERICA’S WATERWAY WATCH PROGRAM.**

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

13 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
14 gress that the Secretary of Homeland Security should es-
15 tablish, within the Department of Homeland Security, cit-
16 izen watch programs that promote voluntary reporting of
17 suspected terrorist activity and suspicious behavior.

18 (c) **AMERICA’S WATERWAY WATCH PROGRAM.**—

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

23 (2) **PURPOSE.**—The Secretary of Homeland Se-
24 curity, acting through the Commandant of the Coast
25 Guard, shall administer the Program in a manner

1 that promotes voluntary reporting of activities that
2 may indicate that a person or persons may be pre-
3 paring to engage or engaging in a violation of law
4 relating to a threat or an act of terrorism (as that
5 term is defined in section 3077 of title 18, United
6 States Code) against a vessel, facility, port, or wa-
7 terway.

8 (3) INFORMATION; TRAINING.—

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

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

21 (i) observing and reporting on covered
22 activities; and

23 (ii) sharing such reports and coordi-
24 nating the response by Federal, State, and
25 local law enforcement agencies.

1 (4) INSTRUCTIONAL MATERIALS.—

2 (A) IN GENERAL.—The Secretary of
3 Homeland Security, acting through the Com-
4 mandant of the Coast Guard, may—

5 (i) develop instructional materials
6 that—

7 (I) provide information on inland
8 waterways, ports and harbors, and
9 coastal regions for a specific region,
10 as well as specific vulnerabilities and
11 threats common to a specific region;
12 and

13 (II) promote voluntary reporting
14 of activities that may indicate that a
15 person or persons may be preparing
16 to engage or engaging in a violation of
17 law relating to a threat or an act of
18 terrorism (as that term is defined in
19 section 3077 of title 18, United States
20 Code) against a vessel, facility, port,
21 or waterway; and

22 (ii) distribute such materials to
23 States, political subdivisions of the States,
24 or non-governmental organization that pro-
25 vide instruction on boating or vessel oper-

1 ation in conjunction with any other in-
2 struction provided.

3 (B) DISSEMINATION.—The Secretary, act-
4 ing through the Commandant—

5 (i) shall ensure that such materials
6 are made available to any person or per-
7 sons; and

8 (ii) is authorized to require, as a con-
9 dition of receipt of funding or materials,
10 pursuant to subparagraph (A), that the re-
11 cipient of such funding or materials devel-
12 ops a program to reach the widest possible
13 audience.

14 (C) ELIGIBILITY, FEDERAL ASSISTANCE.—
15 The receipt, use, and dissemination of such ma-
16 terials shall not diminish the eligibility of any
17 State, political subdivision of such State, or
18 non-governmental organization to receive Fed-
19 eral assistance or reduce the amount of Federal
20 assistance that such State, political subdivision
21 of such State, or non-governmental organization
22 that otherwise receive.

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

25 (A) shall be wholly voluntary;

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

5 (C) shall not require disclosure of informa-
6 tion regarding the individual reporting covered
7 activities or, for proprietary purposes, the loca-
8 tion of such individual.

9 (6) DEFINITIONS.—In this subsection:

10 (A) The term “covered activity” means any
11 suspicious transaction, activity, or occurrence
12 that involves, or is directed against, a vessel or
13 facility (as that term is defined in section
14 70101(2) of title 46, United States Code) indi-
15 cating that an individual or individuals may be
16 preparing to engage, or engaging, in a violation
17 of law relating to—

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

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

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

1 (7) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for the pur-
3 poses of this section \$3,000,000 for fiscal years
4 2010 through 2015. Such funds shall remain avail-
5 able until expended.

6 (d) COORDINATION.— The Secretary shall coordinate
7 the Program with other like watch programs. The Sec-
8 retary shall submit, concurrent with the President’s budg-
9 et submission for each fiscal year, a report on coordination
10 of the Program and like watch programs within the De-
11 partment of Homeland Security to the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate and the Committee on Homeland Security of the
14 House of Representatives.

15 **SEC. 1102. TRANSPORTATION WORKER IDENTIFICATION**
16 **CREDENTIAL.**

17 (a) IN GENERAL.—Not later than 120 days after
18 completing the pilot program under section 70105(k)(1)
19 of title 46, United States Code, to test TWIC access con-
20 trol technologies at port facilities and vessels nationwide,
21 the Secretary of Homeland Security shall submit to the
22 Committee on Homeland Security and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives, the Committee on Commerce, Science, and
25 Transportation of the Senate, and the Committee on

1 Homeland Security and Governmental Affairs of the Sen-
2 ate and to the Comptroller General a report containing
3 an assessment of the results of the pilot. The report shall
4 include—

5 (1) the findings of the pilot program with re-
6 spect to key technical and operational aspects of im-
7 plementing TWIC technologies in the maritime sec-
8 tor;

9 (2) a comprehensive listing of the extent to
10 which established metrics were achieved during the
11 pilot program; and

12 (3) an analysis of the viability of those tech-
13 nologies for use in the maritime environment, includ-
14 ing any challenges to implementing those tech-
15 nologies and strategies for mitigating identified chal-
16 lenges.

17 (b) GAO ASSESSMENT.—The Comptroller General
18 shall review the report and submit to the Committee on
19 Homeland Security and the Committee on Transportation
20 and Infrastructure of the House of Representatives, the
21 Committee on Commerce, Science, and Transportation of
22 the Senate, and the Committee on Homeland Security and
23 Governmental Affairs of the Senate an assessment of the
24 report’s findings and recommendations.

1 **SEC. 1103. REVIEW OF INTERAGENCY OPERATIONAL CEN-**
2 **TERS.**

3 (a) **IN GENERAL.**—Within 180 days of enactment of
4 this Act, the Department of Homeland Security Inspector
5 General shall provide a report to the Committee on Home-
6 land Security and the Committee on Transportation and
7 Infrastructure of the House of Representatives and the
8 Committees on Homeland Security and Governmental Af-
9 fairs and Commerce, Science, and Transportation of the
10 Senate concerning the establishment of Interagency Oper-
11 ational Centers for Port Security required by section 108
12 of the SAFE Port Act (Public Law 109–347).

13 (b) **REPORT.**—The report shall include—

14 (1) an examination of the Department’s efforts
15 to establish the Interagency Operational Centers;

16 (2) a timeline for construction;

17 (3) a detailed breakdown, by center, as to the
18 incorporation of those representatives required by
19 section 70107A(b)(3) of title 46, United States
20 Code;

21 (4) an analysis of the hurdles faced by the De-
22 partment in developing these centers;

23 (5) information on the number of security clear-
24 ances attained by State, local, and tribal officials
25 participating in the program; and

1 (6) an examination of the relationship between
2 the Interagency Operational Centers and State,
3 local, and regional fusion centers participating in the
4 Department of Homeland Security’s State, Local,
5 and Regional Fusion Center Initiative under section
6 511 of the Implementing the Recommendations of
7 the 9/11 Commission Act of 2007 (Public Law 110–
8 53), with a particular emphasis on—

9 (A) how the centers collaborate and coordi-
10 nate their efforts;

11 (B) the resources allocated by the Coast
12 Guard to both initiatives; and

13 (C) architecture for integrated interagency
14 targeting.

15 **SEC. 1104. MARITIME SECURITY RESPONSE TEAMS.**

16 (a) **IN GENERAL.**—Section 70106 of title 46, United
17 States Code, is amended by striking subsection (c) and
18 inserting the following:

19 “(c) **MARITIME SECURITY RESPONSE TEAMS.**—

20 “(1) **IN GENERAL.**—In addition to the maritime
21 safety and security teams, the Secretary shall estab-
22 lish no less than two maritime security response
23 teams to act as the Coast Guard’s rapidly deployable
24 counterterrorism and law enforcement response

1 units that can apply advanced interdiction skills in
2 response to threats of maritime terrorism.

3 “(2) MINIMIZATION OF RESPONSE TIME.—The
4 maritime security response teams shall be stationed
5 in such a way to minimize, to the extent practicable,
6 the response time to any reported maritime terrorist
7 threat.

8 “(d) COORDINATION WITH OTHER AGENCIES.—To
9 the maximum extent feasible, each maritime safety and
10 security team and maritime security response team shall
11 coordinate its activities with other Federal, State, and
12 local law enforcement and emergency response agencies.”.

13 **SEC. 1105. COAST GUARD DETECTION CANINE TEAM PRO-**
14 **GRAM EXPANSION.**

15 (a) DEFINITIONS.—For purposes of this section:

16 (1) CANINE DETECTION TEAM.—The term “de-
17 tection canine team” means a canine and a canine
18 handler that are trained to detect narcotics or explo-
19 sives, or other threats as defined by the Secretary.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of Homeland Security.

22 (b) DETECTION CANINE TEAMS.—

23 (1) INCREASED CAPACITY.—Not later than 240
24 days after the date of enactment of this Act, the
25 Secretary shall—

1 (A) begin to increase the number of detec-
2 tion canine teams certified by the Coast Guard
3 for the purposes of maritime-related security by
4 no fewer than 10 canine teams annually
5 through fiscal year 2012; and

6 (B) encourage owners and operators of
7 port facilities, passenger cruise liners, ocean-
8 going cargo vessels, and other vessels identified
9 by the Secretary to strengthen security through
10 the use of highly trained detection canine
11 teams.

12 (2) CANINE PROCUREMENT.—The Secretary,
13 acting through the Commandant of the Coast
14 Guard, shall—

15 (A) procure detection canine teams as effi-
16 ciently as possible, including, to the greatest ex-
17 tent possible, through increased domestic breed-
18 ing, while meeting the performance needs and
19 criteria established by the Commandant;

20 (B) support expansion and upgrading of
21 existing canine training facilities operated by
22 the Department of Homeland Security; and

23 (C) as appropriate, partner with other
24 Federal, State, or local agencies, nonprofit or-
25 ganizations, universities, or the private sector to

1 increase the breeding and training capacity for
2 Coast Guard canine detection teams.

3 (c) DEPLOYMENT.—The Secretary shall prioritize de-
4 ployment of the additional canine teams to ports based
5 on risk, consistent with the Security and Accountability
6 For Every Port Act of 2006 (Public Law 109–347).

7 (d) AUTHORIZATION.—There are authorized to be ap-
8 propriated to the Secretary such sums as may be nec-
9 essary to carry out this section for fiscal years 2010
10 through 2012.

11 **SEC. 1106. COAST GUARD PORT ASSISTANCE PROGRAM.**

12 (a) IN GENERAL.—Section 70110 of title 46, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(f) COAST GUARD ASSISTANCE PROGRAM.—

16 “(1) IN GENERAL.—The Secretary may lend,
17 lease, donate, or otherwise provide equipment, and
18 provide technical training and support, to the owner
19 or operator of a foreign port or facility—

20 “(A) to assist in bringing the port or facil-
21 ity into compliance with applicable International
22 Ship and Port Facility Code standards;

23 “(B) to assist the port or facility in meet-
24 ing standards established under section 70109A
25 of this chapter; and

1 “(C) to assist the port or facility in exceed-
2 ing the standards described in subparagraphs
3 (A) and (B).

4 “(2) CONDITIONS.—The Secretary—

5 “(A) shall provide such assistance based
6 upon an assessment of the risks to the security
7 of the United States and the inability of the
8 owner or operator of the port or facility other-
9 wise to bring the port or facility into compli-
10 ance with those standards and to maintain com-
11 pliance with them;

12 “(B) may not provide such assistance un-
13 less the port or facility has been subjected to a
14 comprehensive port security assessment by the
15 Coast Guard or a third party entity certified by
16 the Secretary under section 70110A(b) to vali-
17 date foreign port or facility compliance with
18 International Ship and Port Facility Code
19 standards; and

20 “(C) may only lend, lease, or otherwise
21 provide equipment that the Secretary has first
22 determined is not required by the Coast Guard
23 for the performance of its missions.”.

24 (b) SAFETY AND SECURITY ASSISTANCE FOR FOR-
25 EIGN PORTS.—

1 (1) IN GENERAL.—Section 70110(e)(1) of title
2 46, United States Code, is amended by striking the
3 second sentence and inserting the following: “The
4 Secretary shall establish a strategic plan to utilize
5 those assistance programs to assist ports and facili-
6 ties that are found by the Secretary under sub-
7 section (a) not to maintain effective antiterrorism
8 measures in the implementation of port security
9 antiterrorism measures.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 70110 of title 46, United
12 States Code, is amended—

13 (i) by inserting “**or facilities**” after
14 “**ports**” in the section heading;

15 (ii) by inserting “or facility” after
16 “port” each place it appears; and

17 (iii) by striking “PORTS” in the head-
18 ing for subsection (e) and inserting
19 “PORTS, FACILITIES,”.

20 (B) The chapter analysis for chapter 701
21 of title 46, United States Code, is amended by
22 striking the item relating to section 70110 and
23 inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories.”.

1 **SEC. 1107. MARITIME BIOMETRIC IDENTIFICATION.**

2 (a) IN GENERAL.—Within one year after the date of
3 the enactment of this Act, the Secretary of Homeland Se-
4 curity, acting through the Commandant of the Coast
5 Guard, shall conduct, in the maritime environment, a pro-
6 gram for the mobile biometric identification of suspected
7 individuals, including terrorists, to enhance border secu-
8 rity and for other purposes.

9 (b) REQUIREMENTS.—The Secretary shall ensure the
10 program required in this section is coordinated with other
11 biometric identification programs within the Department
12 of Homeland Security.

13 (c) COST ANALYSIS.—Within 90 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the Committees on Appropriations and Homeland Secu-
16 rity of the House of Representatives and the Committees
17 on Appropriations and Homeland Security and Govern-
18 mental Affairs of the Senate an analysis of the cost of
19 expanding the Coast Guard’s biometric identification ca-
20 pabilities for use by the Coast Guards Deployable Oper-
21 ations Group, cutters, stations, and other deployable mari-
22 time teams considered appropriate by the Secretary, and
23 any other appropriate Department of Homeland Security
24 maritime vessels and units. The analysis may include a
25 tiered plan for the deployment of this program that gives
26 priority to vessels and units more likely to encounter indi-

1 viduals suspected of making illegal border crossings
2 through the maritime environment.

3 (d) DEFINITION.—For the purposes of this section,
4 the term “biometric identification” means use of finger-
5 print and digital photography images and facial and iris
6 scan technology.

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

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

14 (A) increased accuracy of facial recogni-
15 tion;

16 (B) enhancement of existing iris recogni-
17 tion technology; and

18 (C) establishment of integrated face and
19 iris features for accurate identification of indi-
20 viduals.

21 (2) PURPOSE OF STUDY.—The purpose of the
22 study required by paragraph (1) is to facilitate the
23 use of a combination of facial and iris recognition to
24 provide a higher probability of success in identifica-
25 tion than either approach on its own and to achieve

1 transformational advances in the flexibility, authen-
2 ticity, and overall capability of integrated biometric
3 detectors and satisfy one of major issues with war
4 against terrorists. The operational goal of the study
5 should be to provide the capability to nonintrusively
6 collect biometrics (face image, iris) in an accurate
7 and expeditious manner to assist the Coast Guard in
8 fulfilling its mission to protect and support national
9 security.

10 **SEC. 1108. REVIEW OF POTENTIAL THREATS.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary of Homeland Security shall sub-
13 mit to the Committee on Homeland Security and the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report ana-
17 lyzing the threat, vulnerability, and consequence of a ter-
18 rorist attack on gasoline and chemical cargo shipments in
19 port activity areas in the United States.

20 **SEC. 1109. PORT SECURITY PILOT.**

21 The Secretary of Homeland Security shall establish
22 a pilot program to test and deploy preventive radiological
23 or nuclear detection equipment on Coast Guard vessels
24 and other locations in select port regions to enhance bor-
25 der security and for other purposes. The pilot program

1 shall leverage existing Federal grant funding to support
2 this program and the procurement of additional equip-
3 ment.

4 **SEC. 1110. SEASONAL WORKERS.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall conduct a study on the effects that the Trans-
7 portation Worker Identification Credential (in this section
8 referred to as “TWIC”) required by section 70105 of title
9 46, United States Code, has on companies that employ
10 seasonal employees.

11 (b) REPORT.—Not later than one year after the date
12 of enactment of this Act, the Comptroller General shall
13 submit a report to the Committee on Homeland Security
14 and the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Senate on
17 the results of the study, including—

18 (1) costs associated in requiring seasonal em-
19 ployees to obtain TWIC cards on companies;

20 (2) whether the Coast Guard and Transpor-
21 tation Security Administration are processing TWIC
22 applications quickly enough for seasonal workers to
23 obtain TWIC certification;

24 (3) whether TWIC compliance costs or other
25 factors have led to a reduction in service;

1 (4) the impact of TWIC on the recruiting and
2 hiring of seasonal and other temporary employees;
3 and

4 (5) an assessment of possible alternatives to
5 TWIC certification that may be used for seasonal
6 employees including any security vulnerabilities cre-
7 ated by those alternatives.

8 **SEC. 1111. PILOT PROGRAM FOR FINGERPRINTING OF MAR-**
9 **ITIME WORKERS.**

10 (a) **IN GENERAL.**—Within 180 days after the date
11 of enactment of this Act, the Secretary of Homeland Secu-
12 rity shall establish procedures providing for an individual
13 who is required to be fingerprinted for purposes of obtain-
14 ing a transportation security card under section 70105 of
15 title 46, United States Code, to be fingerprinted at any
16 facility operated by or under contract with an agency of
17 the Department of Homeland Security that fingerprints
18 the public for the Department.

19 (b) **EXPIRATION.**—This section expires on December
20 31, 2012.

21 **SEC. 1112. TRANSPORTATION SECURITY CARDS ON VES-**
22 **SELS.**

23 Section 70105(b)(2) of title 46, United States Code,
24 is amended—

1 (1) in subparagraph (B), by inserting after
2 “title” the following: “allowed unescorted access to
3 a secure area designated in a vessel security plan ap-
4 proved under section 70103 of this title”; and

5 (2) in subparagraph (D), by inserting after
6 “tank vessel” the following: “allowed unescorted ac-
7 cess to a secure area designated in a vessel security
8 plan approved under section 70103 of this title”.

9 **SEC. 1113. INTERNATIONAL LABOR STUDY.**

10 The Comptroller General of the United States shall
11 conduct a study of methods to conduct a background secu-
12 rity investigation of an individual who possesses a biomet-
13 ric identification card that complies with International
14 Labor Convention number 185 that are equivalent to the
15 investigation conducted on individuals applying for a visa
16 to enter the United States. The Comptroller General shall
17 submit a report on the study within 180 days after the
18 date of enactment of this Act to the Committee on Trans-
19 portation and Infrastructure and the Committee on
20 Homeland Security of the House of Representatives and
21 the Committee on Commerce, Science, and Transportation
22 of the Senate.

23 **SEC. 1114. MARITIME SECURITY ADVISORY COMMITTEES.**

24 Section 70112 of title 46, United States Code, is
25 amended—

1 (1) by amending subsection (b)(5) to read as
2 follows:

3 “(5)(A) The National Maritime Security Advisory
4 Committee shall be composed of—

5 “(i) at least 1 individual who represents the in-
6 terests of the port authorities;

7 “(ii) at least 1 individual who represents the in-
8 terests of the facilities owners or operators;

9 “(iii) at least 1 individual who represents the
10 interests of the terminal owners or operators;

11 “(iv) at least 1 individual who represents the
12 interests of the vessel owners or operators;

13 “(v) at least 1 individual who represents the in-
14 terests of the maritime labor organizations;

15 “(vi) at least 1 individual who represents the
16 interests of the academic community;

17 “(vii) at least 1 individual who represents the
18 interests of State or local governments; and

19 “(viii) at least 1 individual who represents the
20 interests of the maritime industry.

21 “(B) Each Area Maritime Security Advisory Com-
22 mittee shall be composed of individuals who represents the
23 interests of the port industry, terminal operators, port
24 labor organizations, and other users of the port areas.”;
25 and

1 (2) in subsection (g)—

2 (A) in paragraph (1)(A), by striking
3 “2008;” and inserting “2010;”;

4 (B) by repealing paragraph (2);

5 (C) by striking “(1)”; and

6 (D) by redesignating subparagraphs (A)
7 and (B) as paragraphs (1) and (2).

8 **SEC. 1115. SEAMEN’S SHORESIDE ACCESS.**

9 Each facility security plan approved under section
10 70103(c) of title 46, United States Code, shall provide a
11 system for seamen assigned to a vessel at that facility,
12 pilots, and representatives of seamen’s welfare and labor
13 organizations to board and depart the vessel through the
14 facility in a timely manner at no cost to the individual.

15 **SEC. 1116. WATERSIDE SECURITY OF CERTAIN DANGEROUS**
16 **CARGO.**

17 (a) NATIONAL STUDY.—

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

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

24 (B) coordinate with other Federal agen-
25 cies, the National Maritime Security Advisory

1 Committee, and appropriate State and local
2 government officials through the Area Maritime
3 Security Committees and other existing coordi-
4 nating committees, to evaluate the waterside se-
5 curity of vessels carrying, and waterfront facili-
6 ties handling, certain dangerous cargo.

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

9 (A) an analysis of existing risk assessment
10 information relating to waterside security gen-
11 erated by the Coast Guard and Area Maritime
12 Security Committees as part of the Maritime
13 Security Risk Assessment Model;

14 (B) a review and analysis of appropriate
15 roles and responsibilities of maritime stake-
16 holders, including Federal, State, and local law
17 enforcement and industry security personnel,
18 responsible for waterside security of vessels car-
19 rying, and waterfront facilities handling, certain
20 dangerous cargo, including—

21 (i) the number of ports in which State
22 and local law enforcement entities are pro-
23 viding any services to enforce Coast
24 Guard-imposed security zones around ves-
25 sels transiting to, through, or from United

1 States ports or to conduct security patrols
2 in United States ports;

3 (ii) the number of formal agreements
4 entered into between the Coast Guard and
5 State and local law enforcement entities to
6 engage State and local law enforcement en-
7 tities in the enforcement of Coast Guard-
8 imposed security zones around vessels
9 transiting to, through, or from United
10 States ports or the conduct of port security
11 patrols in United States ports, the dura-
12 tion of those agreements, and the aid that
13 State and local entities are engaged to pro-
14 vide through such agreements;

15 (iii) the extent to which the Coast
16 Guard has set national standards for train-
17 ing, equipment, and resources to ensure
18 that State and local law enforcement enti-
19 ties engaged in enforcing Coast Guard-im-
20 posed security zones around vessels
21 transiting to, through, or from United
22 States ports or in conducting port security
23 patrols in United States ports (or both)
24 can deter to the maximum extent prac-
25 ticable a transportation security incident;

1 (iv) the extent to which the Coast
2 Guard has assessed the ability of State
3 and local law enforcement entities to carry
4 out the security assignments that they
5 have been engaged to perform, including
6 their ability to meet any national stand-
7 ards for training, equipment, and resources
8 that have been established by the Coast
9 Guard in order to ensure that those enti-
10 ties can deter to the maximum extent prac-
11 ticable a transportation security incident;

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

19 (vi) the differences in law enforcement
20 authority, and particularly boarding au-
21 thority, between the Coast Guard and
22 State and local law enforcement entities,
23 and the impact that these differences have
24 on the ability of State and local law en-
25 forcement entities to provide the same level

1 of security that the Coast Guard provides
2 during the enforcement of Coast Guard-im-
3 posed security zones and the conduct of se-
4 curity patrols in United States ports; and

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

13 (C) recommendations for risk-based secu-
14 rity measures to improve waterside security of
15 vessels carrying, and waterfront facilities han-
16 dling, certain dangerous cargo; and

17 (D) identification of security funding alter-
18 natives, including an analysis of the potential
19 for cost-sharing by the public and private sec-
20 tors as well as any challenges associated with
21 such cost-sharing.

22 (3) INFORMATION PROTECTION.—In carrying
23 out the coordination necessary to effectively com-
24 plete the study, the Commandant shall implement
25 measures to ensure the protection of any sensitive

1 security information, proprietary information, or
2 classified information collected, reviewed, or shared
3 during collaborative engagement with maritime
4 stakeholders and other Government entities, except
5 that nothing in this paragraph shall constitute au-
6 thority to withhold information from—

7 (A) the Congress; or

8 (B) first responders requiring such infor-
9 mation for the protection of life or property.

10 (4) REPORT.—Not later than 12 months after
11 the date of enactment of this Act, the Secretary, act-
12 ing through the Commandant, shall submit to the
13 Committees on Homeland Security and Transpor-
14 tation and Infrastructure of the House of Represent-
15 atives and the Committees on Commerce, Science,
16 and Transportation and Homeland Security and
17 Governmental Affairs of the Senate a report on the
18 results of the study under this subsection.

19 (b) NATIONAL STRATEGY.—Not later than 6 months
20 after submission of the report required by subsection (a),
21 the Secretary, acting through the Commandant, shall de-
22 velop, in conjunction with appropriate Federal agencies,
23 a national strategy for the waterside security of vessels
24 carrying, and waterfront facilities handling, certain dan-

1 gerous cargo. The strategy shall utilize the results of the
2 study required by subsection (a).

3 (c) SECURITY OF CERTAIN DANGEROUS CARGO.—

4 (1) ENFORCEMENT OF SECURITY ZONES.—Con-
5 sistent with other provisions of Federal law, the
6 Coast Guard shall coordinate and be responsible for
7 the enforcement of any Federal security zone estab-
8 lished by the Coast Guard around a vessel con-
9 taining certain dangerous cargo. The Coast Guard
10 shall allocate available resources so as to deter and
11 respond to a transportation security incident, to the
12 maximum extent practicable, and to protect lives or
13 protect property in danger.

14 (2) LIMITATION ON RELIANCE ON STATE AND
15 LOCAL GOVERNMENT.—Any security arrangement
16 approved after the date of enactment of this Act to
17 assist in the enforcement of any security zone estab-
18 lished by the Coast Guard around a vessel carrying
19 a certain dangerous cargo or around a waterfront fa-
20 cility handling a certain dangerous cargo may not be
21 based upon the provision of security by a State or
22 local government unless the Secretary, acting
23 through the Commandant of the Coast Guard, en-
24 sures that the waterborne patrols operated as part
25 of that security arrangement by a State or local gov-

1 ernment have the training, resources, personnel, and
2 experience necessary to carry out the security re-
3 sponsibilities that they have been engaged to per-
4 form in order, to the maximum extent practicable, to
5 deter and respond to a transportation security inci-
6 dent.

7 (3) DETERMINATION REQUIRED FOR NEW FA-
8 CILITIES.—The Secretary of Homeland Security,
9 acting through the Commandant of the Coast
10 Guard, may not approve a facility security plan
11 under section 70103 of title 46, United States Code,
12 for a new facility the construction of which is begun
13 after the date of enactment of this Act, that receives
14 or ships through maritime commerce certain dan-
15 gerous cargo unless the Secretary determines that
16 there are sufficient resources available to ensure
17 compliance with the facility security plan.

18 (4) RESOURCE DEFICIENCY REPORTING.—The
19 Secretary, acting through the Commandant of the
20 Coast Guard, shall provide to the Committees on
21 Homeland Security and Transportation and Infra-
22 structure of the House of Representatives and the
23 Committees on Commerce, Science, and Transpor-
24 tation and Homeland Security and Governmental

1 Affairs of the Senate 90 days after the end of each
2 fiscal year a report indicating—

3 (A) the number of security zones estab-
4 lished for certain dangerous cargo shipments;

5 (B) the number of certain dangerous cargo
6 shipments provided a waterborne security es-
7 cort, subdivided by Federal, State, local, or pri-
8 vate security; and

9 (C) an assessment as to any additional ves-
10 sels, personnel, infrastructure, and other re-
11 sources necessary to provide waterborne escorts
12 to those certain dangerous cargo shipments for
13 which a security zone is established.

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

16 (1) CERTAIN DANGEROUS CARGO.—The term
17 “certain dangerous cargo” means a material, or a
18 group or class of material, in a particular amount
19 and form that the Secretary, through the Com-
20 mandant, determines by regulation poses a signifi-
21 cant risk of creating a transportation security inci-
22 dent while being transported in maritime commerce.

23 (2) AREA MARITIME SECURITY COMMITTEE.—
24 The term “Area Maritime Security Committee”
25 means each of those committees responsible for pro-

1 ducing Area Maritime Transportation Security Plans
2 under chapter 701 of title 46, United States Code.

3 (3) TRANSPORTATION SECURITY INCIDENT.—

4 The term “transportation security incident” has the
5 same meaning as that term has in section 70101 of
6 title 46, United States Code.

7 **SEC. 1117. REVIEW OF LIQUEFIED NATURAL GAS FACILI-**
8 **TIES.**

9 (a) NOTICE OF RECOMMENDATION.—Consistent with
10 other provisions of law, the Secretary of Homeland Secu-
11 rity must notify the Federal Energy Regulatory Commis-
12 sion when a recommendation is made that the waterway
13 to a proposed waterside liquefied natural gas facility is
14 suitable or unsuitable for the marine traffic associated
15 with such facility.

16 (b) FEDERAL ENERGY REGULATORY COMMISSION
17 RESPONSE.—The Federal Energy Regulatory Commission
18 shall respond to the Secretary’s recommendation under
19 subsection (a) by informing the Secretary within 90 days
20 of notification or at the conclusion of any available appeal
21 process, whichever is later, of what action the Commission
22 has taken, pursuant to its authorities under the Natural
23 Gas Act, regarding a proposal to construct and operate
24 a waterside liquefied natural gas facility subject to a deter-
25 mination made under subsection (a).

1 **SEC. 1118. USE OF SECONDARY AUTHENTICATION FOR**
2 **TRANSPORTATION SECURITY CARDS.**

3 The Secretary of Homeland Security may use a sec-
4 ondary authentication system for individuals applying for
5 transportation security cards when fingerprints are not
6 able to be taken or read to enhance transportation secu-
7 rity.

8 **SEC. 1119. ASSESSMENT OF TRANSPORTATION SECURITY**
9 **CARD ENROLLMENT SITES.**

10 (a) IN GENERAL.—Not later than 30 days after the
11 date of the enactment of this Act, the Secretary of Home-
12 land Security shall prepare an assessment of the enroll-
13 ment sites for transportation security cards issued under
14 section 70105 of title 46, United States Code, including—

15 (1) the feasibility of keeping those enrollment
16 sites open after the date of enactment of this Act;
17 and

18 (2) the quality of customer service, including
19 the periods of time individuals are kept on hold on
20 the telephone, whether appointments are kept, and
21 processing times for applications.

22 (b) TIMELINES AND BENCHMARKS.—The Secretary
23 shall develop timelines and benchmarks for implementing
24 the findings of the assessment as the Secretary deems nec-
25 essary.

1 **SEC. 1120. ASSESSMENT OF THE FEASIBILITY OF EFFORTS**
2 **TO MITIGATE THE THREAT OF SMALL BOAT**
3 **ATTACK IN MAJOR PORTS.**

4 The Secretary of the department in which the Coast
5 Guard is operating shall assess and report to Congress
6 on the feasibility of efforts to mitigate the threat of small
7 boat attack in security zones of major ports, including spe-
8 cifically the use of transponders or radio frequency identi-
9 fication devices to track small boats.

10 **SEC. 1121. REPORT AND RECOMMENDATION FOR UNIFORM**
11 **SECURITY BACKGROUND CHECKS.**

12 Not later than one year after the date of enactment
13 of this Act, the Comptroller General shall submit to the
14 Committee on Homeland Security of the House of Rep-
15 resentatives a report that contains—

16 (1) a review of background checks and forms of
17 identification required under State and local trans-
18 portation security programs;

19 (2) a determination as to whether the back-
20 ground checks and forms of identification required
21 under such programs duplicate or conflict with Fed-
22 eral programs; and

23 (3) recommendations on limiting the number of
24 background checks and forms of identification re-
25 quired under such programs to reduce or eliminate
26 duplication with Federal programs.

1 **SEC. 1122. ANIMAL-PROPELLED VESSELS.**

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

6 (1) the individual has been issued a license, cer-
7 tificate of registry, or merchant mariner's document
8 under part E of subtitle II of title 46, United States
9 Code;

10 (2) the individual is not allowed unescorted ac-
11 cess to a secure area designated in a vessel or facil-
12 ity security plan approved by the Secretary; and

13 (3) the individual is engaged in the operation of
14 a live animal-propelled vessel.

15 **SEC. 1123. REQUIREMENTS FOR ISSUANCE OF TRANSPOR-**
16 **TATION SECURITY CARDS; ACCESS PENDING**
17 **ISSUANCE; REDUNDANT BACKGROUND**
18 **CHECKS.**

19 Section 70105 of title 46, United States Code, is
20 amended by adding at the end the following new sub-
21 sections:

22 “(n) ESCORTING.—The Secretary shall coordinate
23 with owners and operators subject to this section to allow
24 any individual who has a pending application for a trans-
25 portation security card under this section or is waiting for
26 reissuance of such card, including any individual whose

1 card has been lost or stolen, and who needs to perform
2 work in a secure or restricted area to have access to such
3 area for that purpose through escorting of such individual
4 in accordance with subsection (a)(1)(B) by another indi-
5 vidual who holds a transportation security card.

6 “(o) PROCESSING TIME.—The Secretary shall review
7 an initial transportation security card application and re-
8 spond to the applicant, as appropriate, including the mail-
9 ing of an Initial Determination of Threat Assessment let-
10 ter, within 30 days after receipt of the initial application.
11 The Secretary shall, to the greatest extent practicable, re-
12 view appeal and waiver requests submitted by a transpor-
13 tation security card applicant, and send a written decision
14 or request for additional information required for the ap-
15 peal or waiver determination, within 30 days after receipt
16 of the applicant’s appeal or waiver written request. For
17 an applicant that is required to submit additional informa-
18 tion for an appeal or waiver determination, the Secretary
19 shall send a written decision, to the greatest extent prac-
20 ticable, within 30 days after receipt of all requested infor-
21 mation.

22 “(p) RECEIPT OF CARDS.—Within 180 days after the
23 date of enactment of the Transportation Security Admin-
24 istration Authorization Act, the Secretary shall develop a
25 process to permit an individual approved for a transpor-

1 tation security card under this section to receive the card
2 at the individual's place of residence.

3 “(q) FINGERPRINTING.—The Secretary shall estab-
4 lish procedures providing for an individual who is required
5 to be fingerprinted for purposes of this section to be
6 fingerprinted at facilities operated by or under contract
7 with an agency of the Department of the Secretary that
8 engages in fingerprinting the public for transportation se-
9 curity or other security purposes.

10 “(r) REDUNDANT BACKGROUND CHECKS.—The Sec-
11 retary shall prohibit a State or political subdivision thereof
12 from requiring a separate security background check for
13 any purpose for which a transportation security card is
14 issued under this section. The Secretary may waive the
15 application of this subsection with respect to a State or
16 political subdivision thereof if the State or political sub-
17 division demonstrates a compelling homeland security rea-
18 son that a separate security background check is nec-
19 essary.”.

20 **SEC. 1124. HARMONIZING SECURITY CARD EXPIRATIONS.**

21 Section 70105(b) of title 46, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(6) The Secretary may extend for up to one year
25 the expiration of a biometric transportation security card

1 required by this section to align the expiration with the
2 expiration of a license, certificate of registry, or merchant
3 mariner document required under chapter 71 or 73.”.

4 **SEC. 1125. ADMINISTRATION OF MARITIME SECURITY.**

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

9 **“§ 103. Maritime security**

10 “To protect life, property, and the environment on,
11 under, and over waters subject to the jurisdiction of the
12 United States and on vessels subject to the jurisdiction
13 of the United States, the Commandant shall promote mar-
14 itime security as follows:

15 “(1) By taking actions necessary in the public
16 interest to protect such life, property, and the envi-
17 ronment.

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

20 “(A) protecting maritime borders from all
21 intrusions, reducing the risk from terrorism to
22 United States passengers at foreign and domes-
23 tic ports and in designated waterfront facilities,
24 and preventing and responding to terrorist at-
25 tacks and other homeland security threats;

1 “(B) protecting critical maritime infra-
2 structure and other key resources; and

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

6 (b) CLERICAL AMENDMENT.—The analysis at the be-
7 ginning of such chapter is further amended by adding at
8 the end the following new item:

 “Sec. 103. Maritime security.”.

9 (c) MARITIME SECURITY STAFF.—

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

13 **“§ 60. Maritime security workforce**

14 “(a) DESIGNATION OF MARITIME SECURITY WORK-
15 FORCE.—

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

20 “(2) REQUIRED POSITIONS.—In designating po-
21 sitions under paragraph (1), the Secretary shall in-
22 clude the following maritime security-related posi-
23 tions:

24 “(A) Program oversight.

25 “(B) Counterterrorism functions.

1 “(C) Counterintelligence functions.

2 “(D) Criminal investigations related to
3 maritime security.

4 “(E) Port security enforcement.

5 “(F) Any other activities that the Com-
6 mandant deems as necessary.

7 “(3) MARITIME SECURITY MANAGEMENT AC-
8 TIVITIES.—The Secretary shall also designate under
9 paragraph (1) those maritime security-related man-
10 agement positions located at Coast Guard head-
11 quarters, Coast Guard Readiness Command, Coast
12 Guard Operations Command, the Deployable Oper-
13 ations Group, and the Intelligence Coordination Cen-
14 ter.

15 “(b) CAREER PATHS.—The Secretary, acting
16 through the Commandant, may establish appropriate ca-
17 reer paths for civilian and military Coast Guard personnel
18 who wish to pursue careers in maritime security are identi-
19 fied in terms of the education, training, experience, and
20 assignments necessary for career progression of civilians
21 and member of the Armed Forces to the most senior mari-
22 time security positions. The Secretary shall make available
23 published information on such career paths.

24 “(c) BALANCED WORKFORCE POLICY.—In the devel-
25 opment of maritime security workforce policies under this

1 section with respect to any civilian employees or applicants
2 for employment with the Coast Guard, the Secretary shall,
3 consistent with the merit system principles set out in para-
4 graphs (1) and (2) of section 2301(b) of title 5, take into
5 consideration the need to maintain a balance workforce
6 in which women and members of racial and ethnic minor-
7 ity groups are appropriately represented in Government
8 service.

9 “(d) SECTOR CHIEF OF MARITIME SECURITY.—

10 “(1) IN GENERAL.—The Commandant may as-
11 sign, as appropriate, a Chief of Maritime Security
12 who shall be at least a Lieutenant Commander or ci-
13 vilian employee within the grade GS–13 of the Gen-
14 eral Schedule in each Coast Guard sector.

15 “(2) FUNCTIONS.—The Chief of Maritime Se-
16 curity for a sector—

17 “(A) is responsible for all individuals who,
18 on behalf of the Coast Guard, conduct port se-
19 curity operations, counterterrorism operations,
20 intelligence and counterintelligence operations,
21 and support national defense operations; and

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

1 “(f) SIGNATORIES OF LETTER OF QUALIFICATION.—
2 Each individual signing a letter of qualification for mari-
3 time security personnel must hold a letter of qualification
4 for the type being certified.

5 “§ 61. Centers of expertise for maritime security

6 “(a) ESTABLISHMENT.—The Commandant may es-
7 tablish and operate one or more centers of Maritime Secu-
8 rity (in this section referred to as a ‘Center’).

9 “(b) MISSIONS.—The Centers shall—

10 “(1) be used to facilitate education, training, and
11 research in maritime security including maritime do-
12 main awareness, counterterrorism policy and oper-
13 ations, and intelligence collection, fusion, and dis-
14 semination;

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

17 “(3) perform any other function as the Com-
18 mandant may specify.

19 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
20 TUTION AUTHORIZED.—The Commandant may enter into
21 an agreement with an appropriate official of an institution
22 of higher education to—

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

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

4 “(d) ACCEPTANCE OF DONATIONS.—

5 “(1) IN GENERAL.—The Commandant may ac-
6 cept, on behalf of a center, donations to be used to
7 defray the costs of the Center or to enhance the op-
8 eration of the Center.

9 “(2) GUIDANCE.—The Commandant shall pre-
10 scribe written guidance setting forth the criteria to
11 be used in determining if the acceptance of a dona-
12 tion is appropriate.”.

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

“Sec. 60. Maritime security workforce.

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

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

19 “(e) In exercising the Commandant’s duties and re-
20 sponsibilities with regard to maritime security, the Com-
21 mandant shall designate a flag officer to serve as the prin-
22 cipal advisor to the Commandant for maritime security.
23 The designee shall have at least 10 years combined experi-
24 ence in operations, intelligence, counterterrorism, counter-

1 intelligence, port security, criminal investigations (except
2 maritime casualty investigations), and port security or
3 other maritime security functions, and at least four years
4 of leadership experience at a staff or unit carrying out
5 maritime security functions.”.

6 **SEC. 1126. FRESNEL LENS IN THE PRESQUE ISLE LIGHT**
7 **HOUSE IN PRESQUE ISLE, MICHIGAN.**

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

15 **TITLE XII—ALIEN SMUGGLING**

16 **SEC. 1201. SHORT TITLE.**

17 This title may be cited as the “Alien Smuggling and
18 Terrorism Prevention Act of 2009”.

19 **SEC. 1202. FINDINGS.**

20 The Congress makes the following findings:

21 (1) Alien smuggling by land, air and sea is a
22 transnational crime that violates the integrity of
23 United States borders, compromises our Nation’s
24 sovereignty, places the country at risk of terrorist
25 activity, and contravenes the rule of law.

1 (2) Aggressive enforcement activity against
2 alien smuggling is needed to protect our borders and
3 ensure the security of our Nation. The border secu-
4 rity and anti-smuggling efforts of the men and
5 women on the Nation's front line of defense are to
6 be commended. Special recognition is due the De-
7 partment of Homeland Security through the United
8 States Border Patrol, Coast Guard, Customs and
9 Border Protection, and Immigration and Customs
10 Enforcement, and the Department of Justice
11 through the Federal Bureau of Investigation.

12 (3) The law enforcement community must be
13 given the statutory tools necessary to address this
14 security threat. Only through effective alien smug-
15 gling statutes can the Justice Department, through
16 the United States Attorneys' Offices and the Domes-
17 tic Security Section of the Criminal Division, pros-
18 ecute these cases successfully.

19 (4) Alien smuggling has a destabilizing effect
20 on border communities. State and local law enforce-
21 ment, medical personnel, social service providers,
22 and the faith community play important roles in
23 combating smuggling and responding to its effects.

1 (5) Existing penalties for alien smuggling are
2 insufficient to provide appropriate punishment for
3 alien smugglers.

4 (6) Existing alien smuggling laws often fail to
5 reach the conduct of alien smugglers, transporters,
6 recruiters, guides, and boat captains.

7 (7) Existing laws concerning failure to heave to
8 are insufficient to appropriately punish boat opera-
9 tors and crew who engage in the reckless transpor-
10 tation of aliens on the high seas and seek to evade
11 capture.

12 (8) Much of the conduct in alien smuggling
13 rings occurs outside of the United States.
14 Extraterritorial jurisdiction is needed to ensure that
15 smuggling rings can be brought to justice for re-
16 cruiting, sending, and facilitating the movement of
17 those who seek to enter the United States without
18 lawful authority.

19 (9) Alien smuggling can include unsafe or reck-
20 lessly dangerous conditions that expose individuals
21 to particularly high risk of injury or death.

22 **SEC. 1203. CHECKS AGAINST TERRORIST WATCHLIST.**

23 The Secretary of Homeland Security shall, to the ex-
24 tent practicable, check against all available terrorist
25 watchlists those persons suspected of alien smuggling and

1 smuggled individuals who are interdicted at the land, air,
2 and sea borders of the United States.

3 **SEC. 1204. STRENGTHENING PROSECUTION AND PUNISH-**
4 **MENT OF ALIEN SMUGGLERS.**

5 Section 274(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1324(a)) is amended—

7 (1) by amending the subsection heading to read
8 as follows: “BRINGING IN, HARBORING, AND SMUG-
9 GLING OF UNLAWFUL AND TERRORIST ALIENS.—”;

10 (2) by amending paragraphs (1) through (2) to
11 read as follows:

12 “(1)(A) Whoever, knowing or in reckless disregard of
13 the fact that an individual is an alien who lacks lawful
14 authority to come to, enter, or reside in the United States,
15 knowingly—

16 “(i) brings that individual to the United States
17 in any manner whatsoever regardless of any future
18 official action which may be taken with respect to
19 such individual;

20 “(ii) recruits, encourages, or induces that indi-
21 vidual to come to, enter, or reside in the United
22 States;

23 “(iii) transports or moves that individual in the
24 United States, in furtherance of their unlawful pres-
25 ence; or

1 “(iv) harbors, conceals, or shields from detec-
2 tion the individual in any place in the United States,
3 including any building or any means of transpor-
4 tation;
5 or attempts or conspires to do so, shall be punished as
6 provided in subparagraph (C).

7 “(B) Whoever, knowing that an individual is an alien,
8 brings that individual to the United States in any manner
9 whatsoever at a place, other than a designated port of
10 entry or place designated by the Secretary of Homeland
11 Security, regardless of whether such individual has re-
12 ceived prior official authorization to come to, enter, or re-
13 side in the United States and regardless of any future offi-
14 cial action which may be taken with respect to such indi-
15 vidual, or attempts or conspires to do so, shall be punished
16 as provided in subparagraph (C).

17 “(C) Whoever commits an offense under this para-
18 graph shall, for each individual in respect to whom such
19 a violation occurs—

20 “(i) if the offense results in the death of any
21 person, be fined under title 18, United States Code,
22 and subject to the penalty of death or imprisonment
23 for any term of years or for life;

24 “(ii) if the offense involves kidnapping, an at-
25 tempt to kidnap, the conduct required for aggra-

1 vated sexual abuse (as defined in section 2241 of
2 title 18, United States Code, without regard to
3 where it takes place), or an attempt to commit such
4 abuse, or an attempt to kill, be fined under title 18,
5 United States Code, or imprisoned for any term of
6 years or life, or both;

7 “(iii) if the offense involves an individual who
8 the defendant knew was engaged in or intended to
9 engage in terrorist activity (as defined in section
10 212(a)(3)(B)), be fined under title 18, United States
11 Code, or imprisoned not more than 30 years, or
12 both;

13 “(iv) if the offense results in serious bodily in-
14 jury (as defined in section 1365 of title 18, United
15 States Code) or places in jeopardy the life of any
16 person, be fined under title 18, United States Code,
17 or imprisoned not more than 20 years, or both;

18 “(v) if the offense is a violation of paragraph
19 (1)(A)(i) and was committed for the purpose of prof-
20 it, commercial advantage, or private financial gain,
21 or if the offense was committed with the intent or
22 reason to believe that the individual unlawfully
23 brought into the United States will commit an of-
24 fense against the United States or any State that is
25 punishable by imprisonment for more than 1 year,

1 be fined under title 18, United States Code, and im-
2 prisoned, in the case of a first or second violation,
3 not less than 3 nor more than 10 years, and for any
4 other violation, not less than 5 nor more than 15
5 years;

6 “(vi) if the offense is a violation of paragraph
7 (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and
8 was committed for the purpose of profit, commercial
9 advantage, or private financial gain, be fined under
10 title 18, United States Code, or imprisoned not more
11 than 10 years, or both;

12 “(vii) if the offense involves the transit of the
13 defendant’s spouse, child, sibling, parent, grand-
14 parent, or niece or nephew, and the offense is not
15 described in any of clauses (i) through (vi), be fined
16 under title 18, United States Code, or imprisoned
17 not more than 1 year, or both; and

18 “(viii) in any other case, be fined under title
19 18, United States Code, or imprisoned not more
20 than 5 years, or both.

21 “(2)(A) There is extraterritorial jurisdiction over the
22 offenses described in paragraph (1).

23 “(B) In a prosecution for a violation of, or an attempt
24 or conspiracy to violate, subsection (a)(1)(A)(i),
25 (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas,

1 no defense based on necessity can be raised unless the de-
2 fendant—

3 “(i) as soon as practicable, reported to the
4 Coast Guard the circumstances of the necessity, and
5 if a rescue is claimed, the name, description, registry
6 number, and location of the vessel engaging in the
7 rescue; and

8 “(ii) did not bring, attempt to bring, or in any
9 manner intentionally facilitate the entry of any alien
10 into the land territory of the United States without
11 lawful authority, unless exigent circumstances ex-
12 isted that placed the life of that alien in danger, in
13 which case the reporting requirement set forth in
14 clause (i) is satisfied by notifying the Coast Guard
15 as soon as practicable after delivering the alien to
16 emergency medical or law enforcement personnel
17 ashore.

18 “(C) It is not a violation of, or an attempt or con-
19 spiracy to violate, clause (iii) or (iv) of paragraph (1)(A),
20 or paragraph (1)(A)(ii) (except if a person recruits, en-
21 courages, or induces an alien to come to or enter the
22 United States), for a religious denomination having a bona
23 fide nonprofit, religious organization in the United States,
24 or the agents or officer of such denomination or organiza-
25 tion, to encourage, invite, call, allow, or enable an alien

1 who is present in the United States to perform the voca-
2 tion of a minister or missionary for the denomination or
3 organization in the United States as a volunteer who is
4 not compensated as an employee, notwithstanding the pro-
5 vision of room, board, travel, medical assistance, and other
6 basic living expenses, provided the minister or missionary
7 has been a member of the denomination for at least one
8 year.

9 “(D) For purposes of this paragraph and paragraph
10 (1)—

11 “(i) the term ‘United States’ means the several
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, Guam, American Samoa, the United
14 States Virgin Islands, the Commonwealth of the
15 Northern Mariana Islands, and any other territory
16 or possession of the United States; and

17 “(ii) the term ‘lawful authority’ means permis-
18 sion, authorization, or waiver that is expressly pro-
19 vided for in the immigration laws of the United
20 States or the regulations prescribed under those
21 laws and does not include any such authority se-
22 cured by fraud or otherwise obtained in violation of
23 law or authority that has been sought but not ap-
24 proved.”.

1 **SEC. 1205. MARITIME LAW ENFORCEMENT.**

2 (a) PENALTIES.—Subsection (b) of section 2237 of
3 title 18, United States Code, is amended to read as fol-
4 lows:

5 “(b) Whoever intentionally violates this section
6 shall—

7 “(1) if the offense results in death or involves
8 kidnapping, an attempt to kidnap, the conduct re-
9 quired for aggravated sexual abuse (as defined in
10 section 2241 without regard to where it takes place),
11 or an attempt to commit such abuse, or an attempt
12 to kill, be fined under such title or imprisoned for
13 any term of years or life, or both;

14 “(2) if the offense results in serious bodily in-
15 jury (as defined in section 1365 of this title) or
16 transportation under inhumane conditions, be fined
17 under this title, imprisoned not more than 15 years,
18 or both;

19 “(3) if the offense is committed in the course
20 of a violation of section 274 of the Immigration and
21 Nationality Act (alien smuggling); chapter 77 (peon-
22 age, slavery, and trafficking in persons), section 111
23 (shipping), 111A (interference with vessels), 113
24 (stolen property), or 117 (transportation for illegal
25 sexual activity) of this title; chapter 705 (maritime
26 drug law enforcement) of title 46, or title II of the

1 Act of June 15, 1917 (Chapter 30; 40 Stat. 220),
2 be fined under this title or imprisoned for not more
3 than 10 years, or both; and

4 “(4) in any other case, be fined under this title
5 or imprisoned for not more than 5 years, or both.”.

6 (b) LIMITATION ON NECESSITY DEFENSE.—Section
7 2237(c) of title 18, United States Code, is amended—

8 (1) by inserting “(1)” after “(c)”;

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

10 “(2) In a prosecution for a violation of this section,
11 no defense based on necessity can be raised unless the de-
12 fendant—

13 “(A) as soon as practicable upon reaching
14 shore, delivered the person with respect to which the
15 necessity arose to emergency medical or law enforce-
16 ment personnel;

17 “(B) as soon as practicable, reported to the
18 Coast Guard the circumstances of the necessity re-
19 sulting giving rise to the defense; and

20 “(C) did not bring, attempt to bring, or in any
21 manner intentionally facilitate the entry of any alien,
22 as that term is defined in section 101(a)(3) of the
23 Immigration and Nationality Act (8 U.S.C. 1101
24 (a)(3)), into the land territory of the United States
25 without lawful authority, unless exigent cir-

1 cumstances existed that placed the life of that alien
2 in danger, in which case the reporting requirement
3 of subparagraph (B) is satisfied by notifying the
4 Coast Guard as soon as practicable after delivering
5 that person to emergency medical or law enforce-
6 ment personnel ashore.”.

7 (c) DEFINITION.—Section 2237(e) of title 18, United
8 States Code, is amended—

9 (1) by striking “and” at the end of paragraph
10 (3);

11 (2) by striking the period at the end of para-
12 graph (4) and inserting “; and”; and

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

14 “(5) the term ‘transportation under inhumane
15 conditions’ means the transportation of persons in
16 an engine compartment, storage compartment, or
17 other confined space, transportation at an excessive
18 speed, transportation of a number of persons in ex-
19 cess of the rated capacity of the means of transpor-
20 tation, or intentionally grounding a vessel in which
21 persons are being transported.”.

22 **SEC. 1206. AMENDMENT TO THE SENTENCING GUIDELINES.**

23 (a) IN GENERAL.—Pursuant to its authority under
24 section 994 of title 28, United States Code, and in accord-
25 ance with this section, the United States Sentencing Com-

1 mission shall review and, if appropriate, amend the sen-
2 tencing guidelines and policy statements applicable to per-
3 sons convicted of alien smuggling offenses and criminal
4 failure to heave to or obstruction of boarding.

5 (b) CONSIDERATIONS.—In carrying out this section,
6 the Sentencing Commission, shall—

7 (1) consider providing sentencing enhancements
8 or stiffening existing enhancements for those con-
9 victed of offenses described in subsection (a) that—

10 (A) involve a pattern of continued and fla-
11 grant violations;

12 (B) are part of an ongoing commercial or-
13 ganization or enterprise;

14 (C) involve aliens who were transported in
15 groups of 10 or more;

16 (D) involve the transportation or abandon-
17 ment of aliens in a manner that endangered
18 their lives; or

19 (E) involve the facilitation of terrorist ac-
20 tivity; and

21 (2) consider cross-references to the guidelines
22 for Criminal Sexual Abuse and Attempted Murder.

23 (c) EXPEDITED PROCEDURES.—The Commission
24 may promulgate the guidelines or amendments under this
25 section in accordance with the procedures set forth in sec-

1 tion 21(a) of the Sentencing Act of 1987, as though the
2 authority under that Act had not expired.

3 **TITLE XIII—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 1301. CERTIFICATE OF DOCUMENTATION FOR GAL-**
6 **LANT LADY.**

7 Section 1120(c) of the Coast Guard Authorization
8 Act of 1996 (110 Stat. 3977) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “of Transportation” and
11 inserting “of the department in which the Coast
12 Guard is operating”; and

13 (B) by striking subparagraph (A) and in-
14 serting the following:

15 “(A) the vessel GALLANT LADY
16 (Feadship hull number 672, approximately 168
17 feet in length).”;

18 (2) by striking paragraphs (3) and (4) and re-
19 designating paragraph (5) as paragraph (3); and

20 (3) in paragraph (3) (as so redesignated) by
21 striking all after “shall expire” and inserting “on
22 the date of the sale of the vessel by the owner.”.

23 **SEC. 1302. WAIVERS.**

24 (a) IN GENERAL.—Notwithstanding section 12112
25 and chapter 551 of title 46, United States Code, the Sec-

1 retary of the department in which the Coast Guard is op-
2 erating may issue a certificate of documentation with a
3 coastwise endorsement for the following vessels:

4 (1) OCEAN VERITAS (IMO Number
5 7366805).

6 (2) MAYA (United States official number
7 11073).

8 (3) ZIPPER (State of New York regulation
9 number NY3205EB).

10 (4) GULF DIVER IV (United States official
11 number 553457).

12 (5) M/V GEYSIR (United States official num-
13 ber 622178).

14 (6) St. Mary's Cement (United States official
15 number 699114).

16 (b) DRYDOCK WAIVER.—Notwithstanding sections
17 12112, 55102, and 55103 of title 46, United States Code,
18 the Secretary of the department in which the Coast Guard
19 is operating may issue a certificate of documentation the
20 appropriate endorsement for engaging in the coastwise
21 trade in Ketchikan, Alaska, for the Dry Dock #2, State
22 of Alaska registration AIDEA FDD-2.

23 **SEC. 1303. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

24 Section 605 of the Coast Guard and Maritime Trans-
25 portation Act of 2004 (118 Stat. 1052) is amended—

1 (1) in subsection (b)(1)—

2 (A) by striking “The Secretary of Trans-
3 portation shall conduct a study that” and in-
4 serting “The Institute shall conduct maritime
5 transportation studies of the Great Lakes re-
6 gion, including studies that”;

7 (B) in subparagraphs (A), (B), (C), (E),
8 (F), (H), (I), and (J) by striking “evaluates”
9 and inserting “evaluate”;

10 (C) in subparagraphs (D) and (G) by
11 striking “analyzes” and inserting “analyze”;

12 (D) by striking “and” at the end of sub-
13 paragraph (I);

14 (E) by striking the period at the end of
15 subparagraph (J) and inserting a semicolon;

16 (F) by adding at the end the following:

17 “(K) identify ways to improve the integra-
18 tion of the Great Lakes marine transportation
19 system into the national transportation system;

20 “(L) evaluate the employment base sup-
21 ported by the Great Lakes marine transpor-
22 tation system, including the number and types
23 of jobs, and general demographics about the
24 employees holding those jobs, such as their gen-
25 der and age;

1 “(M) examine the potential of expanded
2 operations on the Great Lakes marine transpor-
3 tation system;

4 “(N) identify ways to include intelligent
5 transportation applications into the Great
6 Lakes marine transportation system;

7 “(O) analyze the effects and impacts of
8 aging infrastructure and port corrosion on the
9 Great Lakes marine transportation system;

10 “(P) establish and maintain a model Great
11 Lakes marine transportation system database;
12 and

13 “(Q) identify market opportunities for, and
14 impediments to, the use of United States-flag
15 vessels in trade with Canada on the Great
16 Lakes.”; and

17 (2) by striking subsection (b)(4) and inserting
18 the following:

19 “(4) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 paragraph (1)—

22 “(A) \$2,400,000 for fiscal year 2010;

23 “(B) \$2,500,000 for fiscal year 2011;

24 “(C) \$2,600,000 for fiscal year 2012; and

25 “(D) \$2,700,000 for fiscal year 2013.”.

1 **SEC. 1304. CONVEYANCE OF COAST GUARD BOAT HOUSE,**
2 **NANTUCKET, MASSACHUSETTS.**

3 (a) STATION BRANT POINT BOAT HOUSE.—

4 (1) REQUIREMENT.—The Secretary of the de-
5 partment in which the Coast Guard is operating
6 shall convey to the town of Nantucket, Massachu-
7 setts, all right, title, and interest of the United
8 States in and to the buildings known as the Station
9 Brant Point Boat House located at Coast Guard
10 Station Brant Point, Nantucket, Massachusetts, for
11 use for a public purpose.

12 (2) TERMS OF CONVEYANCE.—A conveyance of
13 the building under paragraph (1) shall be made—

14 (A) without the payment of consideration;
15 and

16 (B) subject to appropriate terms and con-
17 ditions the Secretary considers necessary.

18 (3) REVERSIONARY INTEREST.—All right, title,
19 and interest in property conveyed under this sub-
20 section shall revert to the United States if any por-
21 tion of the property is used other than for a public
22 purpose.

23 (b) LEASE.—

24 (1) REQUIREMENT.—The Secretary of the de-
25 partment in which the Coast Guard is operating
26 shall enter into a lease with the town of Nantucket

1 that authorizes the town of Nantucket to occupy the
 2 land on which the buildings conveyed under sub-
 3 section (a) are located, subject to appropriate terms
 4 and conditions the Secretary considers necessary.

5 (2) LEASE TERM.—A lease under this sub-
 6 section shall not expire before January 31, 2033.

7 (3) TERMINATION OF LEASE.—If the Secretary
 8 determines that the property leased under paragraph
 9 (1) is necessary for purposes of the Coast Guard,
 10 the Secretary—

11 (A) may terminate the lease without pay-
 12 ment of compensation; and

13 (B) shall provide the town of Nantucket
 14 not less than 12 months notice of the require-
 15 ment to vacate the site and move the buildings
 16 conveyed under subsection (a) to another loca-
 17 tion.

18 **SEC. 1305. CREW WAGES ON PASSENGER VESSELS.**

19 (a) FOREIGN AND INTERCOASTAL VOYAGES.—

20 (1) CAP ON PENALTY WAGES.—Section
 21 10313(g) of title 46, United States Code, is amend-
 22 ed—

23 (A) by striking “When” and inserting “(1)
 24 Subject to paragraph (2), when”; and

25 (B) by adding at the end the following:

1 “(2) The total amount required to be paid under
2 paragraph (1) with respect to all claims in a class action
3 suit by seamen on a passenger vessel capable of carrying
4 more than 500 passengers for wages under this section
5 against a vessel master, owner, or operator or the em-
6 ployer of the seamen shall not exceed ten times the unpaid
7 wages that are the subject of the claims.

8 “(3) A class action suit for wages under this sub-
9 section must be commenced within three years after the
10 later of—

11 “(A) the date of the end of the last voyage for
12 which the wages are claimed; or

13 “(B) the receipt, by a seaman who is a claimant
14 in the suit, of a payment of wages that are the sub-
15 ject of the suit that is made in the ordinary course
16 of employment.”.

17 (2) DEPOSITS.—Section 10315 of such title is
18 amended by adding at the end the following:

19 “(f) DEPOSITS IN SEAMAN ACCOUNT.—By written
20 request signed by the seaman, a seaman employed on a
21 passenger vessel capable of carrying more than 500 pas-
22 sengers may authorize the master, owner, or operator of
23 the vessel, or the employer of the seaman, to make depos-
24 its of wages of the seaman into a checking, savings, invest-

1 ment, or retirement account, or other account to secure
2 a payroll or debit card for the seaman if—

3 “(1) the wages designated by the seaman for
4 such deposit are deposited in a United States or
5 international financial institution designated by the
6 seaman;

7 “(2) such deposits in the financial institution
8 are fully guaranteed under commonly accepted inter-
9 national standards by the government of the country
10 in which the financial institution is licensed;

11 “(3) a written wage statement or pay stub, in-
12 cluding an accounting of any direct deposit, is deliv-
13 ered to the seaman no less often than monthly; and

14 “(4) while on board the vessel on which the sea-
15 man is employed, the seaman is able to arrange for
16 withdrawal of all funds on deposit in the account in
17 which the wages are deposited.”

18 (b) COASTWISE VOYAGES.—

19 (1) CAP ON PENALTY WAGES.—Section
20 10504(c) of such title is amended—

21 (A) by striking “When” and inserting “(1)
22 Subject to subsection (d), and except as pro-
23 vided in paragraph (2), when”; and

24 (B) by inserting at the end the following:

1 “(2) The total amount required to be paid under
2 paragraph (1) with respect to all claims in a class action
3 suit by seamen on a passenger vessel capable of carrying
4 more than 500 passengers for wages under this section
5 against a vessel master, owner, or operator or the em-
6 ployer of the seamen shall not exceed ten times the unpaid
7 wages that are the subject of the claims.

8 “(3) A class action suit for wages under this sub-
9 section must be commenced within three years after the
10 later of—

11 “(A) the date of the end of the last voyage for
12 which the wages are claimed; or

13 “(B) the receipt, by a seaman who is a claimant
14 in the suit, of a payment of wages that are the sub-
15 ject of the suit that is made in the ordinary course
16 of employment.”.

17 (2) DEPOSITS.—Section 10504 of such title is
18 amended by adding at the end the following:

19 “(f) DEPOSITS IN SEAMAN ACCOUNT.—On written
20 request signed by the seaman, a seaman employed on a
21 passenger vessel capable of carrying more than 500 pas-
22 sengers may authorize, the master, owner, or operator of
23 the vessel, or the employer of the seaman, to make depos-
24 its of wages of the seaman into a checking, savings, invest-

1 ment, or retirement account, or other account to secure
2 a payroll or debit card for the seaman if—

3 “(1) the wages designated by the seaman for
4 such deposit are deposited in a United States or
5 international financial institution designated by the
6 seaman;

7 “(2) such deposits in the financial institution
8 are fully guaranteed under commonly accepted inter-
9 national standards by the government of the country
10 in which the financial institution is licensed;

11 “(3) a written wage statement or pay stub, in-
12 cluding an accounting of any direct deposit, is deliv-
13 ered to the seaman no less often than monthly; and

14 “(4) while on board the vessel on which the sea-
15 man is employed, the seaman is able to arrange for
16 withdrawal of all funds on deposit in the account in
17 which the wages are deposited.”.

18 **SEC. 1306. TECHNICAL CORRECTIONS.**

19 (a) COAST GUARD AND MARITIME TRANSPORTATION
20 ACT OF 2006.—Effective with enactment of the Coast
21 Guard and Maritime Transportation Act of 2006 (Public
22 Law 109–241), such Act is amended—

23 (1) in section 311(b) (120 Stat. 530) by insert-
24 ing “paragraphs (1) and (2) of” before “section
25 8104(o)”;

1 (2) in section 603(a)(2) (120 Stat. 554) by
2 striking “33 U.S.C. 2794(a)(2)” and inserting “33
3 U.S.C. 2704(a)(2)”;

4 (3) in section 901(r)(2) (120 Stat. 566) by
5 striking “the” the second place it appears;

6 (4) in section 902(c) (120 Stat. 566) by insert-
7 ing “of the United States” after “Revised Statutes”;

8 (5) in section 902(e) (120 Stat. 567) is amend-
9 ed—

10 (A) by inserting “and” after the semicolon
11 at the end of paragraph (1);

12 (B) by striking “and” at the end of para-
13 graph (2)(A); and

14 (C) by redesignating paragraphs (3) and
15 (4) as subparagraphs (C) and (D) of paragraph
16 (2), respectively, and aligning the left margin of
17 such subparagraphs with the left margin of
18 subparagraph (A) of paragraph (2);

19 (6) in section 902(e)(2)(C) (as so redesignated)
20 by striking “this section” and inserting “this para-
21 graph”;

22 (7) in section 902(e)(2)(D) (as so redesignated)
23 by striking “this section” and inserting “this para-
24 graph”;

25 (8) in section 902(h)(1) (120 Stat. 567)—

1 (A) by striking “Bisti/De-Na-Zin” and all
2 that follows through “Protection” and inserting
3 “Omnibus Parks and Public Lands Manage-
4 ment”; and

5 (B) by inserting a period after “Com-
6 mandant of the Coast Guard”; and

7 (9) in section 902(k) (120 Stat. 568) is amend-
8 ed—

9 (A) by inserting “the Act of March 23,
10 1906, commonly known as” before “the General
11 Bridge”;

12 (B) by striking “491)” and inserting
13 “494),”; and

14 (C) by inserting “each place it appears”
15 before “and inserting”.

16 (b) TITLE 14.—

17 (1) The analysis for chapter 7 of title 14,
18 United States Code, is amended by adding a period
19 at the end of the item relating to section 149.

20 (2) The analysis for chapter 17 of title 14,
21 United States Code, is amended by adding a period
22 at the end of the item relating to section 677.

23 (3) The analysis for chapter 9 of title 14,
24 United States Code, is amended by adding a period
25 at the end of the item relating to section 198.

1 (c) TITLE 46.—

2 (1) The analysis for chapter 81 of title 46,
3 United States Code, is amended by adding a period
4 at the end of the item relating to section 8106.

5 (2) Section 70105(c)(3)(C) of such title is
6 amended by striking “National Intelligence Direc-
7 tor” and inserting “Director of National Intel-
8 ligence”.

9 (d) DEEPWATER PORT ACT OF 1974.—Section
10 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C.
11 1504(c)(2)) is amended by aligning the left margin of sub-
12 paragraph (K) with the left margin of subparagraph (L).

13 (e) OIL POLLUTION ACT OF 1990.—

14 (1) Section 1004(a)(2) of the Oil Pollution Act
15 of 1990 (33 U.S.C. 2704(a)(2)) is amended by strik-
16 ing the first comma following “\$800,000”.

17 (2) The table of sections in section 2 of such
18 Act is amended by inserting a period at the end of
19 the item relating to section 7002.

20 (f) COAST GUARD AUTHORIZATION ACT OF 1996.—

21 The table of sections in section 2 of the Coast Guard Au-
22 thorization Act of 1996 is amended in the item relating
23 to section 103 by striking “reports” and inserting “re-
24 port”.

1 **SEC. 1307. CONVEYANCE OF DECOMMISSIONED COAST**
2 **GUARD CUTTER STORIS.**

3 (a) IN GENERAL.—Upon the scheduled decommis-
4 sioning of the Coast Guard Cutter STORIS, the Com-
5 mandant of the Coast Guard shall convey, without consid-
6 eration, all right, title, and interest of the United States
7 in and to that vessel to the USCG Cutter STORIS Mu-
8 seum and Maritime Education Center, LLC, located in the
9 State of Alaska if the recipient—

10 (1) agrees—

11 (A) to use the vessel for purposes of a mu-
12 seum and historical display;

13 (B) not to use the vessel for commercial
14 transportation purposes;

15 (C) to make the vessel available to the
16 United States Government if needed for use by
17 the Commandant in time of war or a national
18 emergency; and

19 (D) to hold the Government harmless for
20 any claims arising from exposure to hazardous
21 materials, including asbestos and poly-
22 chlorinated biphenyls, after conveyance of the
23 vessel, except for claims arising from the use by
24 the Government under subparagraph (C);

25 (2) has funds available that will be committed
26 to operate and maintain in good working condition

1 the vessel conveyed, in the form of cash, liquid as-
2 sets, or a written loan commitment and in an
3 amount of at least \$700,000; and

4 (3) agrees to any other conditions the Com-
5 mandant considers appropriate.

6 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

7 (1) MAINTENANCE.—Before conveyance of the
8 vessel under this section, the Commandant shall
9 make, to the extent practical and subject to other
10 Coast Guard mission requirements, every effort to
11 maintain the integrity of the vessel and its equip-
12 ment until the time of delivery.

13 (2) DELIVERY.—If a conveyance is made under
14 this section, the Commandant shall deliver the vessel
15 to a suitable mooring in the local area in its present
16 condition.

17 (3) TREATMENT OF CONVEYANCE.—The con-
18 veyance of the vessel under this section shall not be
19 considered a distribution in commerce for purposes
20 of section 6(e) of Public Law 94–469 (15 U.S.C.
21 2605(e)).

22 (c) OTHER EXCESS EQUIPMENT.—The Commandant
23 may convey to the recipient of a conveyance under sub-
24 section (a) any excess equipment or parts from other de-
25 commissioned Coast Guard vessels for use to enhance the

1 operability and function of the vessel conveyed under sub-
2 section (a) for purposes of a museum and historical dis-
3 play.

4 **SEC. 1308. CONVEYANCE OF COAST GUARD HU-25 FALCON**
5 **JET AIRCRAFT.**

6 (a) **AUTHORITY TO CONVEY.**—Notwithstanding any
7 other law, the Commandant of the Coast Guard may con-
8 vey to the Elizabeth City State University (in this section
9 referred to as the “University”), a public university lo-
10 cated in the State of North Carolina, without consider-
11 ation all right, title, and interest of the United States in
12 an HU-25 Falcon Jet aircraft under the administrative
13 jurisdiction of the Coast Guard that the Commandant de-
14 termines—

15 (1) is appropriate for use by the University;

16 and

17 (2) is excess to the needs of the Coast Guard.

18 (b) **CONDITIONS.**—

19 (1) **IN GENERAL.**—As a condition of conveying
20 an aircraft to the University under subsection (a),
21 the Commandant shall enter into an agreement with
22 the University under which the University agrees—

23 (A) to utilize the aircraft for educational
24 purposes or other public purposes as jointly

1 agreed upon by the Commandant and the Uni-
2 versity before conveyance; and

3 (B) to hold the United States harmless for
4 any claim arising with respect to the aircraft
5 after conveyance of the aircraft.

6 (2) REVERSIONARY INTEREST.—If the Com-
7 mandant determines that the recipient violated sub-
8 paragraph (A) or (B) of paragraph (1), then—

9 (A) all right, title, and interest in the air-
10 craft shall revert to the United States;

11 (B) the United States shall have the right
12 to immediate possession of the aircraft; and

13 (C) the recipient shall pay the United
14 States for its costs incurred in recovering the
15 aircraft for such violation.

16 (c) LIMITATION ON FUTURE TRANSFERS.—

17 (1) IN GENERAL.—The Commandant shall in-
18 clude in the instruments for the conveyance a re-
19 quirement that any further conveyance of an interest
20 in the aircraft may not be made without the ap-
21 proval in advance of the Commandant.

22 (2) REVERSIONARY INTEREST.—If the Com-
23 mandant determines that an interest in the aircraft
24 was conveyed without such approval, then—

1 (A) all right, title, and interest in the air-
2 craft shall revert to the United States;

3 (B) the United States shall have the right
4 to immediate possession of the aircraft; and

5 (C) the recipient shall pay the United
6 States for its costs incurred in recovering the
7 aircraft for such a violation.

8 (d) DELIVERY OF AIRCRAFT.—The Commandant
9 shall deliver the aircraft conveyed under subsection (a)—

10 (1) at the place where the aircraft is located on
11 the date of the conveyance;

12 (2) in its condition on the date of conveyance;

13 and

14 (3) without cost to the United States.

15 (e) ADDITIONAL TERMS AND CONDITIONS.—The
16 Commandant may require such additional terms and con-
17 ditions in connection with the conveyance required by sub-
18 section (a) as the Commandant considers appropriate to
19 protect the interests of the United States.

20 **SEC. 1309. DECOMMISSIONED COAST GUARD VESSELS FOR**
21 **HAITI.**

22 (a) IN GENERAL.—Notwithstanding any other law,
23 upon the scheduled decommissioning of any Coast Guard
24 41-foot patrol boat, the Commandant of the Coast Guard
25 shall give the Government of Haiti a right-of-first-refusal

1 for conveyance of that vessel to the Government of Haiti,
2 if that Government of Haiti agrees—

3 (1) to use the vessel for the Coast Guard of
4 Haiti;

5 (2) to make the vessel available to the United
6 States Government if needed for use by the Com-
7 mandant in time of war or national emergency;

8 (3) to hold the United States Government
9 harmless for any claims arising from exposure to
10 hazardous materials, including asbestos and poly-
11 chlorinated biphenyls, after conveyance of the vessel,
12 except for claims arising from the use by the United
13 States Government under paragraph (2); and

14 (4) to any other conditions the Commandant
15 considers appropriate.

16 (b) LIMITATION.—The Commandant may not convey
17 more than 10 vessels to the Government of Haiti pursuant
18 to this section.

19 (c) MAINTENANCE AND DELIVERY OF VESSEL.—

20 (1) MAINTENANCE.—Before conveyance of a
21 vessel under this section, the Commandant shall
22 make, to the extent practical and subject to other
23 Coast Guard mission requirements, every effort to
24 maintain the integrity of the vessel and its equip-
25 ment until the time of delivery.

1 (2) DELIVERY.—If a conveyance is made under
2 this section, the Commandant shall deliver a vessel
3 to a suitable mooring in the local area in its present
4 condition.

5 (3) TREATMENT OF CONVEYANCE.—The con-
6 veyance of a vessel under this section shall not be
7 considered a distribution in commerce for purposes
8 of section 6(e) of Public Law 94–469 (15 U.S.C.
9 2605(e)).

10 **SEC. 1310. PHASEOUT OF VESSELS SUPPORTING OIL AND**
11 **GAS DEVELOPMENT.**

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

23 (1) for a 1-year period from the date the lessee
24 gives the Secretary of Transportation written notice
25 of the commencement of such exploration drilling if

1 the Secretary determines, after publishing notice in
2 the Federal Register, that insufficient vessels docu-
3 mented under section 12111(d) of title 46, United
4 States Code, are reasonably available and suitable
5 for these support operations and all such reasonably
6 available and suitable vessels are employed in sup-
7 port of such operations; and

8 (2) for an additional period until such vessels
9 are available if the Secretary of Transportation de-
10 termines—

11 (A) that, by April 30 of the year following
12 the commencement of exploration drilling, the
13 lessee has entered into a binding agreement to
14 employ a suitable vessel or vessels to be docu-
15 mented under section 12111(d) of title 46,
16 United States Code, in sufficient numbers and
17 with sufficient suitability to replace any foreign-
18 flag vessel or vessels operating under this sec-
19 tion; and

20 (B) after publishing notice in the Federal
21 Register, that insufficient vessels documented
22 under section 12111(d) of title 46, United
23 States Code, are reasonably available and suit-
24 able for these support operations and all such

1 reasonably available and suitable vessels are
2 employed in support of such operations.

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

9 (c) LESSEE DEFINED.—In this section, the term
10 “lessee” means the holder of a lease (as defined in section
11 1331(c) of title 43, United States Code), who, prior to
12 giving the written notice in subsection (a)(1), has entered
13 into a binding agreement to employ a suitable vessel docu-
14 mented or to be documented under section 12111(d) of
15 title 46, United States Code.

16 (d) SAVINGS PROVISION.—Nothing in subsection (a)
17 may be construed to authorize the employment in the
18 coastwise trade of a vessel that does not meet the require-
19 ments of section 12112 of title 46, United States Code.

20 **SEC. 1311. VESSEL TRAFFIC RISK ASSESSMENT.**

21 (a) REQUIREMENT.—The Commandant of the Coast
22 Guard, acting through the appropriate Area Committee
23 established under section 311(j)(4) of the Federal Water
24 Pollution Control Act, shall prepare a vessel traffic risk

1 assessment for Cook Inlet, Alaska, within one year after
2 the date of enactment of this Act.

3 (b) CONTENTS.—The assessment shall describe, for
4 the region covered by the assessment—

5 (1) the amount and character of present and
6 estimated future shipping traffic in the region; and

7 (2) the current and projected use and effective-
8 ness in reducing risk, of—

9 (A) traffic separation schemes and routing
10 measures;

11 (B) long-range vessel tracking systems de-
12 veloped under section 70115 of title 46, United
13 States Code;

14 (C) towing, response, or escort tugs;

15 (D) vessel traffic services;

16 (E) emergency towing packages on vessels;

17 (F) increased spill response equipment in-
18 cluding equipment appropriate for severe weath-
19 er and sea conditions;

20 (G) the Automatic Identification System
21 developed under section 70114 of title 46,
22 United States Code;

23 (H) particularly sensitive sea areas, areas
24 to be avoided, and other traffic exclusion zones;

25 (I) aids to navigation; and

1 (J) vessel response plans.

2 (c) RECOMMENDATIONS.—

3 (1) IN GENERAL.—The assessment shall include
4 any appropriate recommendations to enhance the
5 safety, or lessen potential adverse environmental im-
6 pacts, of marine shipping.

7 (2) CONSULTATION.—Before making any rec-
8 ommendations under paragraph (1) for a region, the
9 Area Committee shall consult with affected local,
10 State, and Federal government agencies, representa-
11 tives of the fishing industry, Alaska Natives from
12 the region, the conservation community, and the
13 merchant shipping and oil transportation industries.

14 (d) PROVISION TO CONGRESS.—The Commandant
15 shall provide a copy of the assessment to the Committee
16 on Transportation and Infrastructure of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Commandant
21 \$1,000,000 for fiscal year 2010 to the conduct the assess-
22 ment.

1 **SEC. 1312. CONVEYANCE OF COAST GUARD VESSELS TO**
2 **MISSISSIPPI.**

3 (a) **AUTHORITY TO CONVEY.**—Notwithstanding the
4 Federal Property and Administrative Services Act of
5 1949, the Commandant of the Coast Guard may convey
6 to each recipient described in subsection (b) (in this sec-
7 tion referred to as the “Sheriff’s Department”), without
8 consideration all right, title, and interest of the United
9 States in and to a Coast Guard trailerable boat, ranging
10 from 17 feet to 30 feet in size, that the Commandant de-
11 termines—

12 (1) is appropriate for use by the Sheriff’s De-
13 partment; and

14 (2) is excess to the needs of the Coast Guard
15 and the Department of Homeland Security.

16 (b) **RECIPIENTS.**—The recipients referred to in sub-
17 section (a) are the following:

18 (1) The Sheriff’s Department of Coahoma
19 County, Mississippi.

20 (2) The Sheriff’s Department of Warren Coun-
21 ty, Mississippi.

22 (3) The Sheriff’s Department of Washington
23 County, Mississippi.

24 (c) **CONDITION.**—As a condition of conveying a vessel
25 under the authority provided in subsection (a), the Com-
26 mandant shall enter into an agreement with the Sheriff’s

1 Department under which the Sheriff's Department
2 agrees—

3 (1) to utilize the vessel for homeland security
4 and other appropriate purposes as jointly agreed
5 upon by the Commandant and the Sheriff's Depart-
6 ment before conveyance; and

7 (2) to take the vessel “as is” and to hold the
8 United States harmless for any claim arising with
9 respect to that vessel after conveyance of the vessel,
10 including any claims arising from the condition of
11 the vessel and its equipment or exposure to haz-
12 ardous materials.

13 (d) DELIVERY OF VESSEL.—The Commandant shall
14 deliver the vessel conveyed under the authority provided
15 in subsection (a)—

16 (1) at the place where the vessel is located on
17 the date of the conveyance;

18 (2) in its condition on the date of conveyance;

19 and

20 (3) without cost to the United States.

21 (e) OTHER EXCESS EQUIPMENT.—The Commandant
22 may further convey any excess equipment or parts from
23 other Coast Guard vessels, which are excess to the needs
24 of the Coast Guard and the Department of Homeland Se-
25 curity, to the Sheriff's Department for use to enhance the

1 operability of the vessel conveyed under the authority pro-
2 vided in subsection (a).

3 (f) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Commandant may require such additional terms and con-
5 ditions in connection with the conveyance authorized by
6 subsection (a) as the Commandant considers appropriate
7 to protect the interests of the United States.

8 **SEC. 1313. COAST GUARD ASSETS FOR UNITED STATES VIR-**
9 **GIN ISLANDS.**

10 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
11 rity may station additional Coast Guard assets in the
12 United States Virgin Islands for port security and other
13 associated purposes.

14 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
15 are authorized to be appropriated to the Secretary for fis-
16 cal year 2010 such sums as are necessary to carry out
17 this section.

18 **SEC. 1314. OFFICER REQUIREMENTS FOR DISTANT WATER**
19 **TUNA VESSELS.**

20 Section 8103 of title 46, United States Code, is
21 amended by adding at the end the follow new subsection:

22 “(1) **OFFICER REQUIREMENTS FOR DISTANT WATER**
23 **TUNA VESSELS.**—

24 “(1) **CITIZENSHIP.**—Notwithstanding sub-
25 section (a), a purse seine tuna fishing vessel docu-

1 mented under chapter 121 fishing exclusively for
2 highly migratory species under a fishing license
3 issued pursuant to the 1987 Treaty on Fisheries Be-
4 tween the Governments of Certain Pacific Islands
5 States and the Government of the United States of
6 America in the treaty area (as that term is used in
7 that treaty), or transiting to or from the treaty area
8 exclusively for such purpose, may engage an indi-
9 vidual who is not a citizen of the United States to
10 fill a vacancy in a position referred to in subsection
11 (a) (except for the master) if, after timely public no-
12 tice of the vacancy, no United States citizens are
13 readily available to fill the vacancy.

14 “(2) RESTRICTIONS.—

15 “(A) IN GENERAL.—An individual may not
16 be engaged under paragraph (1) unless the in-
17 dividual holds a valid license or certificate
18 issued—

19 “(i) in accordance with the standards
20 established by the 1995 amendments to
21 the Convention on Standards of Training,
22 Certification and Watchkeeping for Sea-
23 farers, 1978 (STCW 95); and

24 “(ii) by an authority that the Sec-
25 retary of the department in which the

1 Coast Guard is operating recognizes as im-
2 posing competency and training standards
3 equivalent to or exceeding those required
4 for a issued under chapter 71.

5 “(B) LIMITATION ON APPLICATION.—
6 Paragraph (1) applies only to engagement of an
7 individual on a vessel that—

8 “(i) is homeported in American
9 Samoa, Guam, or the Northern Mariana
10 Islands; and

11 “(ii) has passed an annual commercial
12 fishing vessel safety exam administered by
13 a individual authorized to enforce this title.

14 “(3) TREATMENT OF EQUIVALENT LICENSE.—
15 The Secretary of the department in which the Coast
16 Guard is operating shall treat a license held by an
17 individual engaged under paragraph (1) that was
18 issued by a foreign government as meeting the re-
19 quirements of section 8304 with respect to that en-
20 gagement, if the Secretary determines that the
21 standards for issuing that license are equivalent to
22 the standards that apply under that section.”.

1 **SEC. 1315. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
2 **GUARD PRESENCE IN HIGH LATITUDE RE-**
3 **GIONS.**

4 Within 270 days after the date of enactment of this
5 Act, the Secretary of the department in which the Coast
6 Guard is operating shall submit a report to the Committee
7 on Commerce, Science, and Transportation of the Senate
8 and the Committee on Transportation and Infrastructure
9 of the House of Representatives assessing the need for ad-
10 ditional Coast Guard prevention and response capability
11 in the high latitude regions. The assessment shall address
12 needs for all Coast Guard mission areas, including search
13 and rescue, marine pollution response and prevention,
14 fisheries enforcement, and maritime commerce. The Sec-
15 retary shall include in the report—

16 (1) an assessment of the high latitude operating
17 capabilities of all current Coast Guard assets, in-
18 cluding assets acquired under the Deepwater pro-
19 gram;

20 (2) an assessment of projected needs for Coast
21 Guard forward operating bases in the high latitude
22 regions;

23 (3) an assessment of shore infrastructure, per-
24 sonnel, logistics, communications, and resources re-
25 quirements to support Coast Guard forward oper-
26 ating bases in the high latitude regions;

1 (4) an assessment of the need for high latitude
2 icebreaking capability and the capability of the cur-
3 rent high latitude icebreaking assets of the Coast
4 Guard, including—

5 (A) whether the Coast Guard’s high lati-
6 tude icebreaking fleet is meeting current mis-
7 sion performance goals;

8 (B) whether the fleet is capable of meeting
9 projected mission performance goals; and

10 (C) an assessment of the material condi-
11 tion, safety, and working conditions aboard
12 high latitude icebreaking assets, including the
13 effect of those conditions on mission perform-
14 ance;

15 (5) a detailed estimate of acquisition costs for
16 each of the assets (including shore infrastructure)
17 necessary for additional prevention and response ca-
18 pability in high latitude regions for all Coast Guard
19 mission areas, and an estimate of operations and
20 maintenance costs for such assets for the initial 10-
21 year period of operations; and

22 (6) detailed cost estimates (including operating
23 and maintenance for a period of 10 years) for high
24 latitude icebreaking capability to ensure current and

1 projected future mission performance goals are met,
2 including estimates of the costs to—

3 (A) renovate and modernize the Coast
4 Guard’s existing high latitude icebreaking fleet;
5 and

6 (B) replace the Coast Guard’s existing
7 high latitude icebreaking fleet.

8 **SEC. 1316. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

9 The Secretary of Transportation shall submit to the
10 Committee on Commerce, Science, and Transportation of
11 the Senate and the Committee on Transportation and In-
12 frastructure of the House of Representatives a comprehen-
13 sive study on the proposed construction or alteration of
14 any bridge, drawbridge, or causeway over navigable waters
15 with a channel depth of 25 feet or greater of the United
16 States that may impede or obstruct future navigation to
17 or from port facilities.

18 **SEC. 1317. LIMITATION ON JURISDICTION OF STATES TO**
19 **TAX CERTAIN SEAMEN.**

20 Section 11108(b)(2)(B) of title 46, United States
21 Code, is amended to read as follows:

22 “(B) who performs regularly assigned du-
23 ties while engaged as a master, officer, or crew-
24 man on a vessel operating on navigable waters
25 in 2 or more States.”.

1 **SEC. 1318. DECOMMISSIONED COAST GUARD VESSELS FOR**
2 **BERMUDA.**

3 (a) IN GENERAL.—Notwithstanding any other law,
4 upon the scheduled decommissioning of any Coast Guard
5 41-foot patrol boat and after the Government of Haiti has
6 exercised all of their options under section 1309, the Com-
7 mandant of the Coast Guard shall give the Government
8 of Bermuda a right-of-first-refusal for conveyance of that
9 vessel to the Government of Bermuda, if that Government
10 of Bermuda agrees—

11 (1) to use the vessel for the Coast Guard of
12 Bermuda;

13 (2) to make the vessel available to the United
14 States Government if needed for use by the Com-
15 mandant in time of war or national emergency;

16 (3) to hold the United States Government
17 harmless for any claims arising from exposure to
18 hazardous materials, including asbestos and poly-
19 chlorinated biphenyls, after conveyance of the vessel,
20 except for claims arising from the use by the United
21 States Government under paragraph (2); and

22 (4) to any other conditions the Commandant
23 considers appropriate.

24 (b) LIMITATION.—The Commandant may not convey
25 more than 3 vessels to the Government of Bermuda pursu-
26 ant to this section.

1 (c) MAINTENANCE AND DELIVERY OF VESSEL.—

2 (1) MAINTENANCE.—Before conveyance of a
3 vessel under this section, the Commandant shall
4 make, to the extent practical and subject to other
5 Coast Guard mission requirements, every effort to
6 maintain the integrity of the vessel and its equip-
7 ment until the time of delivery.

8 (2) DELIVERY.—If a conveyance is made under
9 this section, the Commandant shall deliver a vessel
10 to a suitable mooring in the local area in its present
11 condition.

12 (3) TREATMENT OF CONVEYANCE.—The con-
13 veyance of a vessel under this section shall not be
14 considered a distribution in commerce for purposes
15 of section 6(e) of Public Law 94–469 (15 U.S.C.
16 2605(e)).

17 **SEC. 1319. CONVEYANCE OF COAST GUARD VESSELS TO**
18 **NASSAU COUNTY, NEW YORK.**

19 (a) AUTHORITY TO CONVEY.—Notwithstanding the
20 Federal Property and Administrative Services Act of
21 1949, the Commandant of the Coast Guard may convey
22 to the Police Department of Nassau County, New York
23 (in this section referred to as the “Police Department”),
24 without consideration all right, title, and interest of the

1 United States in and to two Coast Guard 41-foot patrol
2 boats that the Commandant determines—

3 (1) is appropriate for use by the Police Depart-
4 ment; and

5 (2) is excess to the needs of the Coast Guard
6 and the Department of Homeland Security.

7 (b) CONDITION.—As a condition of conveying a vessel
8 under the authority provided in subsection (a), the Com-
9 mandant shall enter into an agreement with the Police De-
10 partment under which the Police Department agrees—

11 (1) to utilize the vessel for homeland security
12 and other appropriate purposes as jointly agreed
13 upon by the Commandant and the Police Depart-
14 ment before conveyance; and

15 (2) to take the vessel “as is” and to hold the
16 United States harmless for any claim arising with
17 respect to that vessel after conveyance of the vessel,
18 including any claims arising from the condition of
19 the vessel and its equipment or exposure to haz-
20 ardous materials.

21 (c) DELIVERY OF VESSEL.—The Commandant shall
22 deliver a vessel conveyed under the authority provided in
23 subsection (a)—

24 (1) at the place where the vessel is located on
25 the date of the conveyance;

1 (2) in its condition on the date of conveyance;

2 and

3 (3) without cost to the United States.

4 (d) **OTHER EXCESS EQUIPMENT.**—The Commandant
5 may further convey any excess equipment or parts from
6 other Coast Guard vessels, which are excess to the needs
7 of the Coast Guard and the Department of Homeland Se-
8 curity, to the Police Department for use to enhance the
9 operability of a vessel conveyed under the authority pro-
10 vided in subsection (a).

11 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
12 Commandant may require such additional terms and con-
13 ditions in connection with a conveyance authorized by sub-
14 section (a) as the Commandant considers appropriate to
15 protect the interests of the United States.

16 **SEC. 1320. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

17 (a) **STUDY.**—The Administrator of the Environ-
18 mental Protection Agency shall conduct a study on the
19 public health, safety, and environmental concerns related
20 to the underground petroleum spill on the Brooklyn shore-
21 line of Newtown Creek, New York City, New York, in
22 Greenpoint, Brooklyn, New York.

23 (b) **FULL-SITE CHARACTERIZATION AND COLLEC-**
24 **TION OF NEW FIELD EVIDENCE.**—In carrying out the
25 study under this section, the Administrator shall conduct

1 a full-site characterization of the underground petroleum
2 spill, including the investigation, collection, and analysis
3 of new and updated data and field evidence on the extent
4 of the petroleum spill, including any portion of the spill
5 that has been diluted into surrounding waters, and any
6 surrounding soil contamination or soil vapor contamina-
7 tion.

8 (c) REPORT.—Not later than one year after the date
9 of enactment of this Act, the Administrator shall submit
10 a report containing the results of the study to the Com-
11 mittee on Environment and Public Works and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate and the Committee on Transportation and Infra-
14 structure of the House of Representatives.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$5,000,000.

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

1 **SEC. 1321. LAND CONVEYANCE, COAST GUARD PROPERTY**
2 **IN MARQUETTE COUNTY, MICHIGAN, TO THE**
3 **CITY OF MARQUETTE, MICHIGAN.**

4 (a) CONVEYANCE AUTHORIZED.—(1) The Com-
5 mandant of the Coast Guard may convey as surplus prop-
6 erty, under section 550 of title 40, United States Code,
7 and other relevant Federal Laws governing the disposal
8 of Federal surplus property, to the City of Marquette,
9 Michigan (in this section referred to as the “City”), all
10 right, title, and interest of the United States in and to
11 a parcel of real property, together with any improvements
12 thereon, located in Marquette County, Michigan, that is
13 under the administrative control of the Coast Guard, con-
14 sisting of approximately 5.5 acres of real property, as de-
15 picted on the Van Neste survey (#204072), dated Sep-
16 tember 7, 2006, together with the land between the inter-
17 mediate traverse line as shown on such survey and the
18 ordinary high water mark, the total comprising 9 acres,
19 more or less, and commonly identified as Coast Guard
20 Station Marquette and Lighthouse Point.

21 (2) COSTS OF CONVEYANCE.—The City shall be re-
22 sponsible for all reasonable and necessary costs, including
23 real estate transaction and environmental documentation
24 costs, associated with the transaction.

25 (b) RETENTION OF CERTAIN EASEMENTS.—In con-
26 veying the property under subsection (a), the Com-

1 mandant of the Coast Guard may retain such easements
2 over the property as the Commandant considers appro-
3 priate for access to aids to navigation.

4 (c) LIMITATIONS.—The property to be conveyed
5 under subsection (a) may not be conveyed under that sub-
6 section until—

7 (1) the Coast Guard has relocated Coast Guard
8 Station Marquette to a newly constructed station;

9 (2) any environmental remediation required
10 under Federal law with respect to the property has
11 been completed; and

12 (3) the Commandant of the Coast Guard deter-
13 mines that retention of the property by the United
14 States is not required to carry out Coast Guard mis-
15 sions or functions.

16 (d) CONDITIONS OF TRANSFER.—All conditions
17 placed within the deed of title of the property to be con-
18 veyed under subsection (a) shall be construed as covenants
19 running with the land.

20 (e) DESCRIPTION OF PROPERTY.—The exact acreage
21 and legal description of the property to be conveyed under
22 subsection (a) shall be determined by a survey satisfactory
23 to the Commandant of the Coast Guard.

24 (f) ADDITIONAL TERMS AND CONDITIONS.—The
25 Commandant of the Coast Guard may require such addi-

1 tional terms and conditions in connection with the convey-
2 ance authorized by subsection (a) as the Commandant
3 considers appropriate to protect the interests of the
4 United States.

5 **SEC. 1322. MISSION REQUIREMENT ANALYSIS FOR NAVI-**
6 **GABLE PORTIONS OF THE RIO GRANDE**
7 **RIVER, TEXAS, INTERNATIONAL WATER**
8 **BOUNDARY.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of the department in which
11 the Coast Guard is operating shall prepare a mission re-
12 quirement analysis for the navigable portions of the Rio
13 Grande River, Texas, international water boundary. The
14 analysis shall take into account the Coast Guard's involve-
15 ment on the Rio Grande River by assessing Coast Guard
16 missions, assets, and personnel assigned along the Rio
17 Grande River. The analysis shall also identify what would
18 be needed for the Coast Guard to increase search and res-
19 cue operations, migrant interdiction operations, and drug
20 interdiction operations. In carrying out this section, the
21 Secretary shall work with all appropriate entities to facili-
22 tate the collection of information under this section as nec-
23 essary and shall report the analysis to the Congress.

1 **SEC. 1323. CONVEYANCE OF COAST GUARD PROPERTY IN**
2 **CHEBOYGAN, MICHIGAN.**

3 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
4 any other provision of law, the Commandant of the Coast
5 Guard is authorized to convey, at fair market value, all
6 right, title, and interest of the United States in and to
7 a parcel of real property, consisting of approximately 3
8 acres, more or less, that is under the administrative con-
9 trol of the Coast Guard and located at 900 S. Western
10 Avenue in Cheboygan, Michigan.

11 (b) RIGHT OF FIRST REFUSAL.—The Cornerstone
12 Christian Academy, located in Cheboygan, MI, shall have
13 the right of first refusal to purchase, at fair market value,
14 all or a portion of the real property described in subsection
15 (a).

16 (c) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of the property to be conveyed under
18 subsection (a) shall be determined by a survey satisfactory
19 to the Commandant of the Coast Guard.

20 (d) FAIR MARKET VALUE.—The fair market value
21 of the property shall be—

22 (1) determined by appraisal, in accordance with
23 the Uniform Appraisal Standards for Federal Land
24 Acquisitions and the Uniform Standards of Profes-
25 sional Appraisal Practice; and

26 (2) subject to the approval of the Commandant.

1 (e) COSTS OF CONVEYANCE.—The purchaser shall be
2 responsible for all reasonable and necessary costs, includ-
3 ing real estate transaction and environmental documenta-
4 tion costs, associated with the transaction.

5 (f) CREDIT OF FUNDS.—Notwithstanding any other
6 provision of law, the net proceeds of a conveyance, author-
7 ized under subsection (a), shall—

8 (1) be credited to the Coast Guard Environ-
9 mental Compliance and Restoration appropriations
10 account current at the time collection is made;

11 (2) be made available, subject to appropriation,
12 for environmental compliance and restoration pur-
13 poses in conjunction with any disposal of any prop-
14 erty under the administrative control of the Coast
15 Guard; and

16 (3) remain available for such purposes until ex-
17 pended.

18 (g) ADDITIONAL TERMS AND CONDITIONS.—The
19 Commandant of the Coast Guard may require such addi-
20 tional terms and conditions in connection with the convey-
21 ance under subsection (a) as is considered appropriate to
22 protect the interests of the United States.

1 **SEC. 1324. DISCHARGES INCIDENTAL TO NORMAL OPER-**
2 **ATION OF VESSELS.**

3 Public Law 110–299 (122 Stat. 2995, 33 U.S.C.
4 1342 note) is amended in section 2(a) by striking “during
5 the 2-year period beginning on the date of enactment of
6 this Act” and inserting “during the period beginning on
7 the date of enactment of this Act and ending December
8 18, 2013”.

9 **SEC. 1325. TALL SHIP CHALLENGE RACE.**

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

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

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

16 (3) the ships will also promote water conserva-
17 tion education and training of youth; and

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

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

1 **SEC. 1326. HAITIAN MARITIME CADETS.**

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

4 “(e) HAITI.—The Secretary of Transportation, with
5 the approval of the Secretary of State, may appoint indi-
6 viduals from Haiti to receive instruction at the Academy.
7 Individuals appointed under this subsection are in addition
8 to those appointed under any other provision of this chap-
9 ter.”.

10 **SEC. 1327. ALTERNATIVE LICENSING PROGRAM FOR OPER-**
11 **ATORS OF UNINSPECTED PASSENGER VES-**
12 **SELS ON LAKE TEXOMA IN TEXAS AND OKLA-**
13 **HOMA.**

14 (a) IN GENERAL.—Upon the request of the Governor
15 of the State of Texas or the Governor of the State of Okla-
16 homa, the Secretary of the department in which the Coast
17 Guard is operating shall enter into an agreement with the
18 Governor of the State whereby the State shall license oper-
19 ators of uninspected passenger vessels operating on Lake
20 Texoma in Texas and Oklahoma in lieu of the Secretary
21 issuing the license pursuant to section 8903 of title 46,
22 United States Code, and the regulations issued there-
23 under, but only if the State plan for licensing the opera-
24 tors of uninspected passenger vessels—

25 (1) meets the equivalent standards of safety
26 and protection of the environment as those con-

1 tained in subtitle II of title 46, United States Code,
2 and regulations issued thereunder;

3 (2) includes—

4 (A) standards for chemical testing for such
5 operators;

6 (B) physical standards for such operators;

7 (C) professional service and training re-
8 quirements for such operators; and

9 (D) criminal history background check for
10 such operators;

11 (3) provides for the suspension and revocation
12 of State licenses;

13 (4) makes an individual, who is ineligible for a
14 license issued under title 46, United States Code, in-
15 eligible for a State license; and

16 (5) provides for a report that includes—

17 (A) the number of applications that, for
18 the preceding year, the State rejected due to
19 failure to—

20 (i) meet chemical testing standards;

21 (ii) meet physical standards;

22 (iii) meet professional service and
23 training requirements; and

24 (iv) pass criminal history background
25 check for such operators;

1 (B) the number of licenses that, for the
2 preceding year, the State issued;

3 (C) the number of license investigations
4 that, for the preceding year, the State con-
5 ducted;

6 (D) the number of licenses that, for the
7 preceding year, the State suspended or revoked,
8 and the cause for such suspensions or revoca-
9 tions; and

10 (E) the number of injuries, deaths, colli-
11 sions, and loss or damage associated with
12 uninspected passenger vessels operations that,
13 for the preceding year, the State investigated.

14 (b) ADMINISTRATION.—

15 (1) The Governor of the State may delegate the
16 execution and enforcement of the State plan, includ-
17 ing the authority to license and the duty to report
18 information pursuant to subsection (a), to any sub-
19 ordinate State officer. The Governor shall provide,
20 to the Secretary, written notice of any delegation.

21 (2) The Governor (or the Governor's designee)
22 shall provide written notice of any amendment to the
23 State plan no less than 45 days prior to the effective
24 date of such amendment.

1 (3) At the request of the Secretary, the Gov-
2 ernor of the State (or the Governor's designee) shall
3 grant, on a biennial basis, the Secretary access to
4 State records and State personnel for the purpose of
5 auditing State execution and enforcement of the
6 State plan.

7 (c) APPLICATION.—

8 (1) The requirements of section 8903 of title
9 46, United States Code, and the regulations issued
10 thereunder shall not apply to any person operating
11 under the authority of a State license issued pursu-
12 ant to an agreement under this section.

13 (2) The State shall not compel a person, oper-
14 ating under the authority of a license issued either
15 by another State, pursuant to a valid agreement
16 under this section, or by the Secretary, pursuant to
17 section 8903 of title 46, United States Code, to—

18 (A) hold a license issued by the State, pur-
19 suant to an agreement under this section; or

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

24 Nothing in this paragraph shall limit the authority
25 of the State to impose requirements or fees for privi-

1 leges, other than licensing, that are associated with
2 the operation of uninspected passenger vessels on
3 Lake Texoma.

4 (3) For the purpose of enforcement, if an indi-
5 vidual is issued a license—

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

8 (B) by the Secretary, pursuant to section
9 8903 of title 46, United States Code,

10 then the individual shall be entitled to lawfully oper-
11 ate an uninspected passenger vessel on Lake
12 Texoma in Texas and Oklahoma without further re-
13 quirement to hold an additional operator's license.

14 (d) TERMINATION.—

15 (1) If—

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

19 (i) does not meet the equivalent
20 standards of safety and protection of the
21 environment as those contained in subtitle
22 II of title 46, United States Code, and reg-
23 ulations issued thereunder;

24 (ii) does not include—

1 (I) standards for chemical testing
2 for such operators,

3 (II) physical standards for such
4 operators,

5 (III) professional service and
6 training requirements for such opera-
7 tors, or

8 (IV) background and criminal in-
9 vestigations for such operators;

10 (iii) does not provide for the suspen-
11 sion and revocation of State licenses; or

12 (iv) does not make an individual, who
13 is ineligible for a license issued under title
14 46, United States Code, ineligible for a
15 State license; or

16 (B) the Governor (or the Governor's des-
17 ignee) fails to report pursuant to subsection (b),
18 the Secretary shall terminate the agreement author-
19 ized by this section, provided that the Secretary pro-
20 vides written notice to the Governor of the State 60
21 days in advance of termination. The findings of fact
22 and conclusions of the Secretary, if based on a pre-
23 ponderance of the evidence, shall be conclusive.

24 (2) The Governor of the State may terminate
25 the agreement authorized by this section, provided

1 that the Governor provides written notice to the Sec-
2 retary 60 days in advance of the termination date.

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

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

11 **SEC. 1328. IMPROVEMENTS TO REDUCE HUMAN ERROR**
12 **AND NEAR-MISS INCIDENTS.**

13 (a) REPORT.—Within 1 year after the date of enact-
14 ment of this Act, the Secretary of the department in which
15 the Coast Guard is operating shall transmit a report to
16 the House of Representatives Committee on Transpor-
17 tation and Infrastructure and the Senate Committee on
18 Commerce, Science, and Transportation that, using avail-
19 able data—

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

24 (2) identifies the most frequent types of near-
25 miss oil spill incidents involving vessels such as colli-

1 sions, groundings, and loss of propulsion in the past
2 10 years;

3 (3) describes the extent to which there are gaps
4 in the data with respect to the information required
5 under paragraphs (1) and (2) and explains the rea-
6 son for those gaps; and

7 (4) includes recommendations by the Secretary
8 to address the identified types of errors and inci-
9 dents to address any such gaps in the data.

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

15 **SEC. 1329. CONVEYANCE OF COAST GUARD PROPERTY IN**
16 **PORTLAND, MAINE.**

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

20 (1) in subsection (c)(1), by striking “December
21 31, 2009” and inserting “December 31, 2011”;

22 (2) in subsection (d)(1), by striking “its pro-
23 posed public aquarium” and inserting “a new build-
24 ing in compliance with the waterfront provisions of

1 the City of Portland Code of Ordinances adjacent to
2 the pier and bulkhead”; and

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

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

13 **SEC. 1330. TUG ESCORTS FOR LADEN OIL TANKERS.**

14 Within 1 year after the date of enactment of this Act,
15 the Secretary of State, in consultation with the Com-
16 mandant of the Coast Guard, is encouraged to enter into
17 negotiations with the Government of Canada to ensure
18 that tugboat escorts are required for all tank ships with
19 a capacity over 40,000 deadweight tons in the Strait of
20 Juan de Fuca, Strait of Georgia, and in Haro Strait. The
21 Commandant shall consult with the State of Washington
22 and affected tribal governments during negotiations with
23 the Government of Canada.

1 **SEC. 1331. STUDY AND REPORT REGARDING EFFECTS RE-**
2 **SULTING FROM CHANGES IN UNITED STATES**
3 **IMMIGRATION POLICY TOWARD HAITI.**

4 The Secretary of the department in which the Coast
5 Guard is operating shall conduct a study and submit a
6 report to Congress within 180 days after the date of the
7 enactment of this Act examining the Coast Guard's current
8 ability to respond to any possible short- and long-term ef-
9 fects resulting from changes in United States immigration
10 policy toward Haiti. The study and report shall examine
11 several likely scenarios and draw upon past experiences
12 with changes to immigration policy with regards to Haiti.

13 **SEC. 1332. STRATEGY REGARDING DRUG TRAFFICKING**
14 **VESSELS.**

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

25 (1) An assessment of the threats posed by sub-
26 mersible and semi-submersible vessels, including the

1 number of such vessels that have been detected or
2 interdicted.

3 (2) Information regarding the Federal per-
4 sonnel, technology and other resources available to
5 detect and interdict such vessels.

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

9 (4) An assessment of additional personnel, tech-
10 nology, or other resources necessary to address such
11 vessels.

12 **SEC. 1333. AUTHORITY OF THE COAST GUARD TO CARRY**
13 **OUT ITS HOMELAND SECURITY MISSIONS.**

14 The provisions of this Act that relate to the Coast
15 Guard's marine safety mission shall not impair the author-
16 ity of the Coast Guard to carry out its homeland security
17 missions, including—

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

21 (2) safeguarding the United States' inter-
22 national borders from maritime intrusions by aliens
23 seeking unlawful entry into the United States, and
24 from individuals who aim to traffic in illegal drugs,

1 firearms, and weapons of mass destruction in the
2 United States;

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

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

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

12 (6) enhancing stability in the United States in
13 support of the national security strategy of the
14 United States as referred to in section 108 of the
15 National Security Act of 1947 (50 U.S.C. 404a).

16 **SEC. 1334. USE OF FORCE AGAINST PIRACY.**

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

20 **“§ 8107. Use of force against piracy**

21 “(a) LIMITATION ON LIABILITY.—An owner, oper-
22 ator, time charterer, master, or mariner who uses force,
23 or authorizes the use of force, to defend a vessel of the
24 United States against an act of piracy shall not be liable

1 for any injury or death caused by such force to any person
2 participating in the act of piracy.

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

13 (b) CLERICAL AMENDMENT.—The analysis at the be-
14 ginning of such chapter is amended by adding at the end
15 the following new item:

“8107. Use of force against piracy.”.

16 **SEC. 1335. REPORT ON THE EFFECT OF FACILITIES INFRA-**
17 **STRUCTURE ON MISSION FULFILLMENT.**

18 (a) STUDY.—The Commandant of the Coast Guard
19 shall conduct a national study on the facility infrastruc-
20 ture requirements needed to fulfill the Coast Guard’s pre-
21 scribed missions and capabilities, and ensure that the de-
22 partment in which the Coast Guard is operating maintains
23 the ability to utilize the latest technologies.

24 (b) REPORT.—Within 180 days after the date of en-
25 actment of this Act, the Commandant shall submit a re-

1 port on the results of the study conducted under sub-
2 section (a) to the Committee on Transportation and Infra-
3 structure of the House of Representatives and the Com-
4 mittee on Commerce, Science, and Transportation of the
5 Senate. The report shall include—

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

11 (2) a plan for how the Commandant will de-
12 velop the appropriate facility infrastructure, includ-
13 ing timelines, budgets, and any additional legislative
14 authority the Commandant determines is required to
15 implement such plan.

16 **TITLE XIV—SERVICEMEMBER**
17 **BENEFITS IMPROVEMENT**

18 **SEC. 1401. SHORT TITLE.**

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

21 **SEC. 1402. COAST GUARD HOUSING.**

22 (a) **IN GENERAL.**—The Secretary of the department
23 in which the Coast Guard is operating shall conduct a
24 study of military family housing and military unaccom-

1 panied housing available to members and officers of the
2 Coast Guard.

3 (b) COMPONENTS OF THE STUDY.—The study re-
4 quired in subsection (a) shall include—

5 (1) an inventory of all military family housing
6 and military unaccompanied housing units adminis-
7 tered by the Coast Guard and their locations;

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

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

13 (4) a review of the availability of housing units
14 administered by the other armed services to mem-
15 bers and officers assigned to field units of the Coast
16 Guard; and

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

20 (c) REPORT.—The Secretary shall submit a report in-
21 cluding the findings and recommendations of the study re-
22 quired under subsection (a) to the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate not later than 1 year after
2 the date of enactment of this Act.

3 **SEC. 1403. CHILD DEVELOPMENT SERVICES.**

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

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

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

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

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

19 “(C) The Commandant is authorized to collect and
20 expend fees, established pursuant to this subparagraph,
21 and such fees shall, without further appropriation, remain
22 available until expended for the purpose of providing serv-
23 ices, including the compensation of employees and the pur-
24 chase of consumable and disposable items, at Coast Guard
25 child development centers.

1 “(3) The Commandant is authorized to use appro-
2 priated funds available to the Coast Guard to provide as-
3 sistance to family home daycare providers so that family
4 home daycare services can be provided to uniformed
5 servicemembers and civilian employees of the Coast Guard
6 at a cost comparable to the cost of services provided by
7 Coast Guard child development centers.”;

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

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

11 **SEC. 1404. CHAPLAIN ACTIVITY EXPENSE.**

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

14 (1) in subsection (a)—

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

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

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

21 “(4) detail personnel from the Chaplain Corps
22 to provide services, pursuant to section 1789 of title
23 10, to the Coast Guard.”; and

24 (2) by adding at the end the following new sub-
25 section:

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

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

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

18 **SEC. 1405. COAST GUARD CROSS; SILVER STAR MEDAL.**

19 (a) COAST GUARD CROSS.—Chapter 13 of title 14,
20 United States Code, is amended by inserting after section
21 491 the following new section:

22 **“§ 491a. Coast Guard cross**

23 “The President may award a Coast Guard cross of
24 appropriate design, with ribbons and appurtenances, to a
25 person who, while serving in any capacity with the Coast

1 Guard, when the Coast Guard is not operating under the
2 Department of the Navy, distinguishes himself or herself
3 by extraordinary heroism not justifying the award of a
4 medal of honor—

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

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

10 “(3) while serving with friendly foreign forces
11 engaged in an armed conflict against an opposing
12 armed force in which the United States is not a bel-
13 ligerent party.”.

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

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

18 “§ 492b. Distinguished flying cross”;

19 and

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

22 “§ 492a. Silver star medal

23 “The President may award a silver star medal of ap-
24 propriate design, with ribbons and appurtenances, to a
25 person who, while serving in any capacity with the Coast

1 Guard, when the Coast Guard is not operating under the
2 Department of the Navy, is cited for gallantry in action
3 that does not warrant a medal of honor or Coast Guard
4 cross—

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

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

10 “(3) while serving with friendly foreign forces
11 engaged in an armed conflict against an opposing
12 armed force in which the United States is not a bel-
13 ligerent party.”.

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

16 (1) in section 494, by striking “distinguished
17 service medal, distinguished flying cross,” and in-
18 serting “Coast Guard cross, distinguished service
19 medal, silver star medal, distinguished flying cross,”
20 in both places it appears;

21 (2) in section 496—

22 (A) in the matter preceding paragraph (1)
23 of subsection (a), by striking “distinguished
24 service medal, distinguished flying cross,” and
25 inserting “Coast Guard cross, distinguished

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

3 (B) in subsection (b)(2), by striking “dis-
4 tinguished service medal, distinguished flying
5 cross,” and inserting “Coast Guard cross, dis-
6 tinguished service medal, silver star medal, dis-
7 tinguished flying cross,”; and

8 (3) in section 497, by striking “distinguished
9 service medal, distinguished flying cross,” and in-
10 sserting “Coast Guard cross, distinguished service
11 medal, silver star medal, distinguished flying cross,”.

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

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

“491a. Coast Guard cross.”.

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

“492a. Silver star medal.”.

Passed the House of Representatives October 23,
2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 3619

AN ACT

To authorize appropriations for the Coast Guard
for fiscal year 2010, and for other purposes.