

111TH CONGRESS
1ST SESSION

H. R. 3619

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

Mr. OBERSTAR (for himself and Mr. CUMMINGS) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

TITLE II—COAST GUARD

- Sec. 201. Appointment of civilian Coast Guard judges.
- Sec. 202. Industrial activities.
- Sec. 203. Reimbursement for medical-related travel expenses.
- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Emergency 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.
- Sec. 215. Coast Guard District Ombudsmen.
- Sec. 216. Coast Guard commissioned officers: compulsory retirement.
- Sec. 217. Enforcement of coastwise trade laws.
- 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.

TITLE III—SHIPPING AND NAVIGATION

- 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. Supplemental positioning system.
- Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

TITLE IV—GREAT LAKES ICEBREAKER

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Authorization of appropriations.

TITLE V—ACQUISITION REFORM

- Sec. 501. Short title.
- Sec. 502. Definitions.

Subtitle A—Restrictions on the Use of Lead Systems Integrators

- Sec. 511. Procurement structure.

Subtitle B—Coast Guard Acquisition Policy

- Sec. 521. Operational requirements.
- Sec. 522. Required contract terms.
- Sec. 523. Life-cycle cost estimates.
- Sec. 524. Test and evaluation.
- Sec. 525. Capability standards.
- Sec. 526. Acquisition program reports.
- Sec. 527. Undefined contractual actions.
- Sec. 528. Guidance on excessive pass-through charges.
- Sec. 529. Acquisition of major capabilities: Alternatives analysis.
- 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.

Subtitle C—Coast Guard Personnel

- Sec. 541. Chief Acquisition Officer.
- Sec. 542. Improvements in Coast Guard acquisition management.
- Sec. 543. Recognition of Coast Guard personnel for excellence in acquisition.
- Sec. 544. Enhanced status quo officer promotion system.
- Sec. 545. Coast Guard acquisition workforce expedited hiring authority.

TITLE VI—MARITIME WORKFORCE DEVELOPMENT

- Sec. 601. Short title.
- Sec. 602. Maritime education loan program.

TITLE VII—COAST GUARD MODERNIZATION

- Sec. 701. Short title.

Subtitle A—Coast Guard Leadership

- Sec. 711. Admirals and Vice Admirals.

Subtitle B—Marine Safety Administration

- Sec. 721. Marine safety.
- Sec. 722. Marine safety staff.
- Sec. 723. Marine safety mission priorities and long-term goals.
- Sec. 724. Powers and duties.
- Sec. 725. Appeals and waivers.
- Sec. 726. Coast Guard Academy.
- Sec. 727. Report regarding civilian marine inspectors.

TITLE VIII—MARINE SAFETY

- Sec. 801. Short title.
- Sec. 802. Vessel size limits.
- Sec. 803. Cold weather survival training.
- Sec. 804. Fishing vessel safety.
- Sec. 805. Mariner records.
- Sec. 806. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 807. Log books.
- Sec. 808. Safe operations and equipment standards.
- Sec. 809. Approval of survival craft.
- Sec. 810. Safety management.

- Sec. 811. Protection against discrimination.
- Sec. 812. Oil fuel tank protection.
- Sec. 813. Oaths.
- Sec. 814. Duration of credentials.
- Sec. 815. Fingerprinting.
- Sec. 816. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 817. Merchant mariner documentation.
- Sec. 818. Merchant mariner assistance report.
- Sec. 819. Offshore supply vessels.
- Sec. 820. Associated equipment.
- Sec. 821. Lifesaving devices on uninspected vessels.
- Sec. 822. Study of blended fuels in marine application.
- Sec. 823. Renewal of advisory committees.

TITLE IX—CRUISE VESSEL SAFETY

- Sec. 901. Short title.
- Sec. 902. Findings.
- Sec. 903. Cruise vessel security and safety requirements.
- Sec. 904. Study and report on the security needs of passenger vessels.

TITLE X—UNITED STATES MARINER PROTECTION

- Sec. 1001. Short title.
- Sec. 1002. Use force against piracy.
- Sec. 1003. Agreements.

TITLE XI—MISCELLANEOUS PROVISIONS

- Sec. 1101. Certificate of documentation for GALLANT LADY.
- Sec. 1102. Waivers.
- Sec. 1103. Great Lakes Maritime Research Institute.
- Sec. 1104. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.
- Sec. 1105. Crew wages on passenger vessels.
- Sec. 1106. Technical corrections.
- Sec. 1107. Conveyance of decommissioned Coast Guard Cutter STORIS.
- Sec. 1108. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
- Sec. 1109. Decommissioned Coast Guard vessels for Haiti.
- Sec. 1110. Phaseout of vessels supporting oil and gas development.
- Sec. 1111. Vessel traffic risk assessment.
- Sec. 1112. Study of relocation of Coast Guard Sector Buffalo facilities.
- Sec. 1113. Conveyance of Coast Guard vessels to Mississippi.
- Sec. 1114. Coast Guard assets for United States Virgin Islands.
- Sec. 1115. Officer requirements for distant water tuna vessels.
- Sec. 1116. Assessment of needs for additional Coast Guard presence in high latitude regions.
- Sec. 1117. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
- Sec. 1118. Study of bridges over navigable waters.
- Sec. 1119. Limitation on jurisdiction of States to tax certain seamen.
- Sec. 1120. Decommissioned Coast Guard vessels for Bermuda.
- Sec. 1121. Conveyance of Coast Guard vessels to Nassau County, New York.
- Sec. 1122. Newtown Creek, New York City, New York.
- Sec. 1123. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.

Sec. 1124. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

Sec. 1125. Conveyance of Coast Guard property in Cheboygan, Michigan.

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
11 the Oil Pollution Act of 1990 (33 U.S.C.
12 2712(a)(5));

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

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

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

20 (2) For the acquisition, construction, rebuild-
21 ing, and improvement of aids to navigation, shore
22 and offshore facilities, vessels, and aircraft, includ-
23 ing equipment related thereto, \$1,597,580,000, of
24 which—

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

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

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

10 (3) To the Commandant of the Coast Guard for
11 research, development, test, and evaluation of tech-
12 nologies, materials, and human factors directly relat-
13 ing to improving the performance of the Coast
14 Guard's mission in search and rescue, aids to navi-
15 gation, marine safety, marine environmental protec-
16 tion, enforcement of laws and treaties, ice oper-
17 ations, oceanographic research, and defense readi-
18 ness, \$29,745,000, to remain available until ex-
19 pended, of which \$500,000 shall be derived from the
20 Oil Spill Liability Trust Fund to carry out the pur-
21 poses of section 1012(a)(5) of the Oil Pollution Act
22 of 1990.

23 (4) For retired pay (including the payment of
24 obligations otherwise chargeable to lapsed appropri-
25 ations for this purpose), payments under the Retired

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

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

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

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

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

10 **TITLE II—COAST GUARD**

11 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**

12 **JUDGES.**

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

16 **“§ 153. Appointment of judges**

17 “The Secretary may appoint civilian employees of the
 18 Department in which the Coast Guard is operating as ap-
 19 pellate military judges, available for assignment to the
 20 Coast Guard Court of Criminal Appeals as provided for
 21 in section 866(a) of title 10.”.

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

“153. Appointment of judges.”.

1 **SEC. 202. INDUSTRIAL ACTIVITIES.**

2 Section 151 of title 14, United States Code, is
3 amended—

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

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

7 “(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL
8 ACTIVITIES.—Under this section, the Coast Guard indus-
9 trial activities may accept orders from and enter into reim-
10 bursable agreements with establishments, agencies, and
11 departments of the Department of Defense.”.

12 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
13 **EL EXPENSES.**

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

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

20 “In any case in which a covered beneficiary (as de-
21 fined in section 1072(5) of title 10) resides on an island
22 that is located in the 48 contiguous States and the District
23 of Columbia and that lacks public access roads to the
24 mainland and is referred by a primary care physician to
25 a specialty care provider (as defined in section 1074i(b)
26 of title 10) on the mainland who provides services less

1 than 100 miles from the location where the beneficiary re-
 2 sides, the Secretary shall reimburse the reasonable travel
 3 expenses of the covered beneficiary and, when accompani-
 4 ment by an adult is necessary, for a parent or guardian
 5 of the covered beneficiary or another member of the cov-
 6 ered beneficiary's family who is at least 21 years of age.”.

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

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

9 **SEC. 204. COMMISSIONED OFFICERS.**

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

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

15 “(a) MAXIMUM TOTAL NUMBER.—The total number
 16 of Coast Guard commissioned officers on the active duty
 17 promotion list, excluding warrant officers, shall not exceed
 18 6,700; except that the Commandant may temporarily in-
 19 crease that number by up to 2 percent for no more than
 20 60 days following the date of the commissioning of a Coast
 21 Guard Academy class.

22 “(b) DISTRIBUTION PERCENTAGES BY GRADE.—

23 “(1) REQUIRED.—The total number of commis-
 24 sioned officers authorized by this section shall be

1 distributed in grade in the following percentages:
2 0.375 percent for rear admiral; 0.375 percent for
3 rear admiral (lower half); 6.0 percent for captain;
4 15.0 percent for commander; and 22.0 percent for
5 lieutenant commander.

6 “(2) DISCRETIONARY.—The Secretary shall
7 prescribe the percentages applicable to the grades of
8 lieutenant, lieutenant (junior grade), and ensign.

9 “(3) AUTHORITY OF SECRETARY TO REDUCE
10 PERCENTAGE.—The Secretary—

11 “(A) may reduce, as the needs of the Coast
12 Guard require, any of the percentages set forth
13 in paragraph (1); and

14 “(B) shall apply that total percentage re-
15 duction to any other lower grade or combination
16 of lower grades.

17 “(c) COMPUTATIONS.—

18 “(1) IN GENERAL.—The Secretary shall com-
19 pute, at least once each year, the total number of
20 commissioned officers authorized to serve in each
21 grade by applying the grade distribution percentages
22 established by or under this section to the total
23 number of commissioned officers listed on the cur-
24 rent active duty promotion list.

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

5 “(3) TREATMENT OF OFFICERS SERVING OUT-
6 SIDE COAST GUARD.—The number of commissioned
7 officers on the active duty promotion list below the
8 rank of rear admiral (lower half) serving with other
9 Federal departments or agencies on a reimbursable
10 basis or excluded under section 324(d) of title 49
11 shall not be counted against the total number of
12 commissioned officers authorized to serve in each
13 grade.

14 “(d) USE OF NUMBERS; TEMPORARY INCREASES.—
15 The numbers resulting from computations under sub-
16 section (c) shall be, for all purposes, the authorized num-
17 ber in each grade; except that the authorized number for
18 a grade is temporarily increased during the period between
19 one computation and the next by the number of officers
20 originally appointed in that grade during that period and
21 the number of officers of that grade for whom vacancies
22 exist in the next higher grade but whose promotion has
23 been delayed for any reason.

24 “(e) OFFICERS SERVING COAST GUARD ACADEMY
25 AND RESERVE.—The number of officers authorized to be

1 serving on active duty in each grade of the permanent
 2 commissioned teaching staff of the Coast Guard Academy
 3 and of the Reserve serving in connection with organizing,
 4 administering, recruiting, instructing, or training the re-
 5 serve components shall be prescribed by the Secretary.”.

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

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

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

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

14 (1) by striking paragraph (4);

15 (2) in paragraph (5)—

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

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

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

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

23 (3) by adding at the end of paragraph (6) the
 24 following:

1 “(E) The Master Chief Petty Officer of the
2 Coast Guard.”.

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

5 (A) in subsection (a) by inserting “or, in the
6 case of the Coast Guard, the Commandant” after
7 “concerned”; and

8 (B) by striking subsection (c).

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

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

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

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

17 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
18 **ZATIONS.**

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

21 “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-
22 NIZATIONS.—After consultation with the Secretary of
23 State, the Commandant may make grants to, or enter into
24 cooperative agreements, contracts, or other agreements
25 with, international maritime organizations for the purpose

1 of acquiring information or data about merchant vessel in-
2 spections, security, safety, classification, and port state or
3 flag state law enforcement or oversight.”.

4 **SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.**

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

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

9 “With regard to a member of the Coast Guard who
10 serves on active duty, a duty assignment in support of a
11 declaration of a major disaster or emergency by the Presi-
12 dent under the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall
14 be treated, for the purpose of section 701(f)(2) of title
15 10, a duty assignment in support of a contingency oper-
16 ation.”.

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

“426. Emergency leave retention authority.”.

20 **SEC. 208. ENFORCEMENT AUTHORITY.**

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

1 **“§ 99. Enforcement authority**

2 “Subject to guidelines approved by the Secretary,
3 members of the Coast Guard, in the performance of offi-
4 cial duties, may—

5 “(1) carry a firearm; and

6 “(2) while at a facility (as defined in section
7 70101 of title 46)—

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

11 “(B) seize property as otherwise provided
12 by law.”.

13 (b) **CONFORMING REPEAL.**—The first section added
14 to title 46, United States Code, by the amendment made
15 by subsection (a) of section 801 of the Coast Guard and
16 Maritime Transportation Act of 2004 (118 Stat. 1078),
17 and the item relating to such first section enacted by the
18 amendment made by subsection (b) of such section 801,
19 are repealed.

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

“99. Enforcement authority.”.

22 **SEC. 209. REPEAL.**

23 Section 216 of title 14, United States Code, and the
24 item relating to such section in the analysis for chapter
25 11 of such title, are repealed.

1 **SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COM-**
2 **MITTEE.**

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

6 **“§ 7115. Merchant Mariner Medical Advisory Com-**
7 **mittee**

8 “(a) ESTABLISHMENT.—

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

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

14 “(A) medical certification determinations
15 for issuance of merchant mariner credentials;

16 “(B) medical standards and guidelines for
17 the physical qualifications of operators of com-
18 mercial vessels;

19 “(C) medical examiner education; and

20 “(D) medical research.

21 “(b) MEMBERSHIP.—

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

25 “(A) ten who are health-care professionals
26 with particular expertise, knowledge, or experi-

1 ence regarding the medical examinations of
2 merchant mariners or occupational medicine;
3 and

4 “(B) four who are professional mariners
5 with knowledge and experience in mariner occu-
6 pational requirements.

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

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

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

21 “(2) TERMS.—Each member shall be appointed
22 for a term of three years, except that, of the mem-
23 bers first appointed, three members shall be ap-
24 pointed for a term of two years and three members
25 shall be appointed for a term of one year.

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

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

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

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

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

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

“7115. Merchant Mariner Medical Advisory Committee.”.

4 **SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO**
5 **LIEUTENANT PROGRAM.**

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

8 “(a) The president may appoint temporary commis-
9 sioned officers—

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

18 “(2) in the Coast Guard Reserve in a grade,
19 not above lieutenant, appropriate to their qualifica-
20 tions, experience, and length of service, as the needs
21 of the Coast Guard may require, from among the
22 commissioned warrant officers of the Coast Guard
23 Reserve.”.

1 **SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION**
2 **SYSTEM.**

3 Chapter 11 of title 14, United States Code, is amend-
4 ed—

5 (1) in section 253(a)—

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

7 and

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

10 (2) in section 258—

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

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

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

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

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

22 “(A) specific direction relating to the needs
23 of the Coast Guard for officers having par-
24 ticular skills, including direction relating to the
25 need for a minimum number of officers with
26 particular skills within a specialty; and

1 “(B) any other guidance that the Secretary
2 believes may be necessary to enable the board
3 to properly perform its functions.

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

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

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

21 **SEC. 213. LASER TRAINING SYSTEM.**

22 (a) IN GENERAL.—Within one year after the date of
23 enactment of this Act, the Secretary of the department
24 in which the Coast Guard shall test an integrated laser
25 engagement system for the training of members of the

1 Coast Guard assigned to small vessels in the use of indi-
2 vidual weapons and machine guns on those vessels. The
3 test shall be conducted on vessels on the Great Lakes
4 using similar laser equipment used by other Federal agen-
5 cies. However, that equipment shall be adapted for use
6 in the marine environment.

7 (b) REPORT.—The Secretary shall submit a report to
8 the Committee on Transportation and Infrastructure and
9 the Committee on Homeland Security of the House of
10 Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate within 6
12 months after the conclusions of the test required under
13 subsection (a) on the costs and benefits of using the sys-
14 tem regionally and nationwide to train members of the
15 Coast Guard in the use of individual weapons and machine
16 guns.

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

18 (a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—
19 Section 637(e) of title 14, United States Code, is amend-
20 ed—

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

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

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

1 “(3) any other vessel or aircraft on government
2 noncommercial service when—

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

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

8 (b) **AUTHORITY TO DISPLAY COAST GUARD ENSIGNS**
9 **AND PENNANTS.**—Section 638(a) of title 14, United
10 States Code, is amended by striking “Coast Guard vessels
11 and aircraft” and inserting “Vessels and aircraft author-
12 ized by the Secretary”.

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

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

17 **“§ 55. District Ombudsmen**

18 “(a) **IN GENERAL.**—The Commandant shall appoint
19 an employee of the Coast Guard in each Coast Guard Dis-
20 trict as a District Ombudsman to serve as a liaison be-
21 tween ports, terminal operators, shipowners, and labor
22 representatives and the Coast Guard.

23 “(b) **PURPOSE.**—The purpose of the District Om-
24 budsman shall be the following:

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

4 “(2) To improve communications between and
5 among port stakeholders including, port and ter-
6 minal operators, ship owners, labor representatives,
7 and the Coast Guard.

8 “(3) To seek to resolve disputes between the
9 Coast Guard and all petitioners regarding require-
10 ments imposed or services provided by the Coast
11 Guard.

12 “(c) FUNCTIONS.—

13 “(1) COMPLAINTS.—The District Ombudsman
14 may examine complaints brought to the attention of
15 the District Ombudsman by a petitioner operating in
16 a port or by Coast Guard personnel.

17 “(2) GUIDELINES FOR DISPUTES.—

18 “(A) IN GENERAL.—The District Ombuds-
19 man shall develop guidelines regarding the
20 types of disputes with respect to which the Dis-
21 trict Ombudsman will provide assistance.

22 “(B) LIMITATION.—The District Ombuds-
23 man shall not provide assistance with respect to
24 a dispute unless it involves the impact of Coast

1 Guard requirements on port business and the
2 flow of commerce.

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

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

13 “(4) ACCESS TO INFORMATION.—The District
14 Ombudsman shall have access to any Coast Guard
15 document, including any record or report, that will
16 aid the District Ombudsman in obtaining the infor-
17 mation needed to conduct an investigation of a com-
18 pliant.

19 “(5) REPORTS.—At the conclusion of an inves-
20 tigation, the District Ombudsman shall submit a re-
21 port on the findings and recommendations of the
22 District Ombudsman, to the Commander of the Dis-
23 trict in which the petitioner who brought the com-
24 plaint is located or operating.

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

4 “(A) in a timely fashion; and

5 “(B) not later than 4 months after the
6 complaint is officially accepted by the District
7 Ombudsman.

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

12 “(e) ANNUAL REPORTS.—The Secretary shall report
13 annually to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on the matters brought before the District Om-
17 budsmen, including—

18 “(1) the number of matters brought before each
19 District Ombudsman;

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

21 “(3) the eventual resolution of each such mat-
22 ter.”.

23 “(b) CLERICAL AMENDMENT.—The analysis at the be-
24 ginning of that chapter is amended by adding at the end
25 the following new item:

“55. District Ombudsmen.”.

1 **SEC. 216. COAST GUARD COMMISSIONED OFFICERS: COM-**
2 **PULSORY RETIREMENT.**

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

6 **“§ 293. Compulsory retirement**

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

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

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

19 “(A) by the President, but such a deferment
20 may not extend beyond the first day of the month
21 following the month in which the officer becomes 68
22 years of age; or

23 “(B) by the Secretary of the department in
24 which the Coast Guard is operating, but such a
25 deferment may not extend beyond the first day of

1 the month following the month in which the officer
2 becomes 66 years of age.”.

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

“289. Compulsory retirement.”.

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

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

10 **“§ 101. Enforcement of coastwise trade laws**

11 “Officers and members of the Coast Guard are au-
12 thorized to enforce chapter 551 of title 46. The Secretary
13 shall establish a program for these officers and members
14 to enforce that chapter, including the application of those
15 laws to vessels that support the exploration, development,
16 and production of oil, gas, or mineral resources in the Gulf
17 of Mexico.”.

18 (b) CLERICAL AMENDMENT.—The analysis for that
19 chapter is amended by adding at the end the following
20 new item:

“101. Enforcement of coastwise trade laws.”.

21 (c) REPORT.—The Secretary of the department in
22 which the Coast Guard is operating shall submit a report
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Senate Com-

1 mittee on Commerce, Science, and Transportation within
2 one year after the date of enactment of this Act on the
3 enforcement strategies and enforcement actions taken to
4 enforce the coastwise trade laws.

5 **SEC. 218. ACADEMY NOMINATIONS.**

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

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

9 “(1) The authorized strength of the Corps of
10 Cadets (determined for any academic program year
11 as of the day before the last day of the academic
12 program year) is 1,000, excluding those foreign na-
13 tionals admitted for instructions pursuant to section
14 195. Subject to that limitation, cadets are selected
15 as follows:

16 “(A) Not more than 10 individuals, ap-
17 pointed by the Secretary of Homeland Security,
18 in order of merit as established by competitive
19 examination, from the children of members of
20 the Armed Forces who were killed in action or
21 died of, or have a service-connected disability at
22 not less than 100 per centum resulting from,
23 wounds or injuries received or diseases con-
24 tracted in, or preexisting injury or disease ag-
25 gravated by, active service, children of members

1 who are in a ‘missing status’ (as defined in sec-
2 tion 551(2) of title 37), and children of civilian
3 employees who are in ‘missing status’ (as de-
4 fined in section 5561(5) of title 5). The deter-
5 mination of the Department of Veterans Affairs
6 as to service connection of the cause of death
7 or disability is rated, is binding upon the Sec-
8 retary.

9 “(B) Not less than one, nominated at large
10 by the Vice President or, if there is no Vice
11 President, by the President pro tempore of the
12 Senate.

13 “(C) Not less than one, nominated by each
14 Senator.

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

17 “(E) Not less than one, nominated by the
18 Delegate to the House of Representatives from
19 the District of Columbia, the Delegate in Con-
20 gress from the Virgin Islands, the Resident
21 Commissioner from Puerto Rico, the Delegate
22 in Congress from Guam, the Delegate in Con-
23 gress from American Samoa, or the Resident
24 Representative from the Commonwealth of the
25 Northern Mariana Islands.

1 Each Senator, Representative, and Delegate in Con-
2 gress, including the Resident Commissioner and the
3 Resident Representative, is entitled to nominate 10
4 persons each year. Cadets who do not graduate on
5 time shall not count against the allocations pursuant
6 to subparagraphs (B)–(E). Nominees may be sub-
7 mitted without ranking or with a principal candidate
8 and 9 ranked or unranked alternates. A nominee not
9 selected for appointment under this paragraph shall
10 be considered an alternate for the purposes of ap-
11 pointment under paragraph (2).

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

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

16 “(B) applicants who applied directly for
17 admission.

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

20 “(A) children of members of the Armed
21 Forces who—

22 “(i) are on active duty (other than for
23 training) and who have served continuously
24 on active duty for at least eight years;

1 “(ii) are, or who died while they were,
2 retired with pay or granted retired or re-
3 tainer pay;

4 “(iii) are serving as members of re-
5 serve components and are credited with at
6 least eight years of service;

7 “(iv) would be, or who died while they
8 would have been, entitled to retired pay,
9 except for not having attained 60 years of
10 age; or

11 “(v) have been awarded the Medal of
12 Honor;

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

18 “(B) enlisted members of the Coast Guard
19 or the Coast Guard Reserve, the total number
20 of whom cannot exceed 5 percent of the class
21 to be admitted;

22 “(C) graduates of the Coast Guard Schol-
23 ars program, the total number of whom cannot
24 exceed 30 percent of the class to be admitted;
25 and

1 “(D) individuals who possess qualities that
2 the Superintendent identifies to be of particular
3 value to the Academy and the Service, the total
4 number of whom cannot exceed 20 percent of
5 the class to be admitted.

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

9 “(A) is a citizen or national of the United
10 States; and

11 “(B) meets such minimum requirements
12 that the Secretary may establish.

13 “(5) The Superintendent shall furnish to any
14 Member of Congress, upon the written request of
15 such Member, the name of the Congressman or
16 other nominating authority responsible for the nomi-
17 nation of any named or identified person for ap-
18 pointment to the Academy.

19 “(6) For purposes of the limitation in sub-
20 section (a)(1) establishing the aggregate authorized
21 strength of the Corps of Cadets, the Secretary may,
22 for any academic program year, permit a variance in
23 that limitation by not more than 5 percent. In ap-
24 plying that limitation, and any such variance, the

1 last day of an academic program year shall be con-
2 sidered to be graduation day.”.

3 (b) TRANSITION.—This section shall provide for the
4 nomination, selection, and appointment of individuals,
5 pursuant to section 182 of title 14, United States Code,
6 who will matriculate in academic program year 2012 and
7 thereafter, except that for—

8 (1) academic program year 2012, no less than
9 135 cadets of the corps (or 14 percent of the corps,
10 whichever is smaller) shall be from nominations
11 made pursuant to section 182(a)(1)(B)–(E);

12 (2) academic program year 2013, no less than
13 270 cadets of the corps (or 27 percent of the corps,
14 whichever is smaller) shall be from nominations
15 made pursuant to section 182(a)(1)(B)–(E); and

16 (3) academic program year 2014, no less than
17 405 cadets of the corps (or 41 percent of the corps,
18 which ever is smaller) shall be from nominations
19 made pursuant to section 182(a)(1)(B)–(E).

20 The Secretary is hereby authorized to take any additional
21 action the Secretary believes necessary and proper to pro-
22 vide for the transition to the nomination, selection, and
23 appointment process provided under this section.

24 (c) MINORITY RECRUITING PROGRAM.—

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

4 **“§ 197. Minority recruiting program**

5 “The Secretary of the department in which the Coast
6 Guard is operating shall establish a minority recruiting
7 program for prospective cadets at the Coast Guard Acad-
8 emy. The program may include—

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

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

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

18 “(4) recruiting minority members of the Coast
19 Guard to attend the Academy;

20 “(5) establishment of a minority affairs office
21 at the Academy; and

22 “(6) use of minority officers and members of
23 the Coast Guard Reserve and Auxiliary to promote
24 the Academy.”.

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

“197. Minority recruiting program.”.

4 **SEC. 219. REPORT ON SEXUAL ASSAULTS IN THE COAST**
5 **GUARD.**

6 (a) Not later than January 15 of each year, the Com-
7 mandant of the Coast Guard shall submit a report on the
8 sexual assaults involving members of the Coast Guard to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate.

12 (b) The report required under subsection (a) shall
13 contain the following:

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

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

22 (3) The policies, procedures, and processes im-
23 plemented by the Secretary concerned during the
24 year covered by such report in response to incidents

1 of sexual assault involving members of the Coast
2 Guard concerned.

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

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

8 Section 96 of title 14, United States Code, is amend-
9 ed—

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

12 (2) by inserting “or Guam” after “outside the
13 United States”.

14 **SEC. 221. MINORITY SERVING INSTITUTIONS.**

15 (a) MSI MANAGEMENT INTERNSHIP PROGRAM.—

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

1 (2) OPERATION.—The MSI Management In-
2 ternship Program shall be managed by the Secretary
3 of Homeland Security, acting through the Com-
4 mandant of the Coast Guard, in coordination with
5 National Association for Equal Opportunity in High-
6 er Education, the Hispanic Association of Colleges
7 and Universities, and the American Indian Higher
8 Education Consortium and other non-profit edu-
9 cational organizations that can undertake effective
10 recruitment efforts to attract minority students and
11 students with disabilities.

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

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

23 (b) MSI INITIATIVES.—

24 (1) ESTABLISHMENT OF MSI STUDENT PRE-
25 COMMISSIONING INITIATIVE.—The Commandant of

1 the Coast Guard shall establish an MSI component
2 of the College Student Pre-Commissioning Initiative
3 (to be known as the “MSI Student Pre-Commis-
4 sioning Initiative Program”) to ensure greater par-
5 ticipation by students from MSIs in the College Stu-
6 dent Pre-Commissioning Initiative.

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

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

1 Initiative and the number of students in the MSI
2 Student Pre-Commissioning Initiative Program, out-
3 reach efforts, and demographic information of en-
4 rollees including, age, gender, race, and disability.

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

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

16 (c) COAST GUARD-MSI COOPERATIVE TECHNOLOGY
17 PROGRAM.—

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

1 (2) COLLABORATION.—The Commandant shall
2 encourage collaboration among the minority serving
3 institutions selected under paragraph (1) and insti-
4 tutions of higher education with institutional re-
5 search and academic program resources and experi-
6 ence.

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

12 (A) develop increased research and devel-
13 opment capacity;

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

19 (C) strengthen instructional ability among
20 faculty.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated \$2,500,000
23 to the Commandant to carry out this subsection, in-
24 cluding for instrumentation acquisition and funding

1 undergraduate student scholarships, graduate fellow-
2 ships, and faculty-post doctoral study.

3 (d) DEFINITION.—For purposes of this section, the
4 terms “minority serving institution”, “minority serving in-
5 stitutions”, and “MSI” mean a historically Black college
6 or university (as defined in section 322 of the Higher Edu-
7 cation Act of 1965), a Hispanic-serving institution (as de-
8 fined in section 502 of such Act), a Tribal College or Uni-
9 versity (as defined in section 316 of such Act), a Predomi-
10 nantly Black institution (as defined in section 499A(c) of
11 such Act), or a Native American-serving nontribal institu-
12 tion (as defined in section 499A(c) of such Act).

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

15 **SEC. 301. GOODS AND SERVICES.**

16 Section 4(b) of the Act of July 5, 1884, commonly
17 known as the Rivers and Harbors Appropriation Act of
18 1884 (33 U.S.C. 5(b)), is amended—

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

20 (2)(C);

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

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

24 “(4) sales taxes on goods and services provided
25 to or by vessels or watercraft (other than vessels or

1 watercraft primarily engaged in foreign com-
2 merce).”.

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

4 **JURISDICTION.**

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

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

9 “(a) IN GENERAL.—The”.

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

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

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

20 **SEC. 303. MARITIME DRUG LAW ENFORCEMENT ACT**

21 **AMENDMENT-SIMPLE POSSESSION.**

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

24 “(c) SIMPLE POSSESSION.—

1 “(1) IN GENERAL.—Any individual on a vessel
2 subject to the jurisdiction of the United States who
3 is found by the Secretary, after notice and an oppor-
4 tunity for a hearing, to have knowingly or inten-
5 tionally possessed a controlled substance within the
6 meaning of the Controlled Substances Act (21
7 U.S.C. 812) shall be liable to the United States for
8 a civil penalty of not to exceed \$10,000 for each vio-
9 lation. The Secretary shall notify the individual in
10 writing of the amount of the civil penalty.

11 “(2) DETERMINATION OF AMOUNT.—In deter-
12 mining the amount of the penalty, the Secretary
13 shall consider the nature, circumstances, extent, and
14 gravity of the prohibited acts committed and, with
15 respect to the violator, the degree of culpability, any
16 history of prior offenses, ability to pay, and other
17 matters that justice requires.

18 “(3) TREATMENT OF CIVIL PENALTY ASSESS-
19 MENT.—Assessment of a civil penalty under this
20 subsection shall not be considered a conviction for
21 purposes of State or Federal law but may be consid-
22 ered proof of possession if such a determination is
23 relevant.”.

1 **SEC. 304. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
2 **UREMENT LAW.**

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

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

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

9 (3) in subparagraph (B)—

10 (A) by striking “making” and inserting
11 “that makes”; and

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

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

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

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

21 (c) APPLICATION.—Section 14301 of that title is
22 amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:

25 “(a) Except as otherwise provided in this section, this
26 chapter applies to any vessel for which the application of

1 an international agreement or other law of the United
2 States to the vessel depends on the vessel’s tonnage.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking the pe-
5 riod at the end and inserting “, unless the gov-
6 ernment of the country to which the vessel be-
7 longs elects to measure the vessel under this
8 chapter.”;

9 (B) in paragraph (3), by inserting “of
10 United States or Canadian registry or nation-
11 ality, or a vessel operated under the authority
12 of the United States or Canada, and that is”
13 after “vessel”;

14 (C) in paragraph (4), by striking “a vessel
15 (except a vessel engaged” and inserting “a ves-
16 sel of United States registry or nationality, or
17 one operated under the authority of the United
18 States (except a vessel that engages”;

19 (D) by striking paragraph (5);

20 (E) by redesignating paragraph (6) as
21 paragraph (5); and

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

24 “(5) a barge of United States registry or na-
25 tionality, or a barge operated under the authority of

1 the United States (except a barge that engages on
2 a foreign voyage) unless the owner requests.”;

3 (3) by striking subsection (c);

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

6 (5) in subsection (c), as redesignated, by strik-
7 ing “After July 18, 1994, an existing vessel (except
8 an existing vessel referred to in subsection (b)(5)(A)
9 or (B) of this section)” and inserting “An existing
10 vessel that has not undergone a change that the Sec-
11 retary finds substantially affects the vessel’s gross
12 tonnage (or a vessel to which IMO Resolutions
13 A.494 (XII) of November 19, 1981, A.540 (XIII) of
14 November 17, 1983, or A.541 (XIII) of November
15 17, 1983, apply)”.

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

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

20 (e) TONNAGE CERTIFICATE.—

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

23 (A) in subsection (a), by adding at the end
24 the following: “For a vessel to which the Con-
25 vention does not apply, the Secretary shall pre-

1 scribe a certificate to be issued as evidence of
2 a vessel’s measurement under this chapter.”;

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

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

7 (2) MAINTENANCE.—Section 14503 of that title
8 is amended—

9 (A) by designating the existing text as sub-
10 section (a); and

11 (B) by adding at the end the following new
12 subsection:

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

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

“14303. Tonnage Certificate.”.

19 (f) OPTIONAL REGULATORY MEASUREMENT.—Sec-
20 tion 14305(a) of that title is amended by striking “docu-
21 mented vessel measured under this chapter,” and inserting
22 “vessel measured under this chapter that is of United
23 States registry or nationality, or a vessel operated under
24 the authority of the United States,”.

1 (g) APPLICATION.—Section 14501 of that title is
2 amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

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

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

11 (h) DUAL TONNAGE MEASUREMENT.—Section
12 14513(c) of that title is amended—

13 (1) in paragraph (1)—

14 (A) by striking “vessel’s tonnage mark is
15 below the uppermost part of the load line
16 marks,” and inserting “vessel is assigned two
17 sets of gross and net tonnages under this sec-
18 tion,”; and

19 (B) by inserting “vessel’s tonnage” before
20 “mark” the second place such term appears;
21 and

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

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

4 **“§ 14514. Reciprocity for foreign vessels**

5 “For a foreign vessel not measured under chapter
6 143, if the Secretary finds that the laws and regulations
7 of a foreign country related to measurement of vessels are
8 substantially similar to those of this chapter and the regu-
9 lations prescribed under this chapter, the Secretary may
10 accept the measurement and certificate of a vessel of that
11 foreign country as complying with this chapter and the
12 regulations prescribed under this chapter.”.

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

“14514. Reciprocity for foreign vessels.”.

16 **SEC. 305. ADJUSTMENT OF LIABILITY LIMITS FOR NAT-**
17 **URAL GAS DEEPWATER PORTS.**

18 Section 1004(d)(2) of the Oil Pollution Act of 1990
19 (33 U.S.C. 2704(d)(2)) is amended by adding at the end
20 the following:

21 “(D) The Secretary may establish, by reg-
22 ulation, a limit of liability of not less than
23 \$12,000,000 for a deepwater port used only in
24 connection with transportation of natural gas.”.

1 **SEC. 306. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST**
2 **OIL SPILL LIABILITY TRUST FUND.**

3 Section 1012(h)(1) of the Oil Pollution Act of 1990
4 (33 U.S.C. 2712(h)(1)) is amended by striking “6” and
5 inserting “3”.

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

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

13 (1) a plan to ensure that the process for an ap-
14 plication, by an individual who has, or has applied
15 for, a transportation security card under section
16 70105 of title 46, United States Code, for a mer-
17 chant mariner document can be completed entirely
18 by mail; and

19 (2) a report on the feasibility of, and a timeline
20 to, redesign the merchant mariner document to com-
21 ply with the requirements of such section, including
22 a biometric identifier, and all relevant international
23 conventions, including the International Labour Or-
24 ganization Convention Number 185 concerning the
25 seafarers identity document, and include a review on
26 whether or not such redesign will eliminate the need

1 for separate credentials and background screening
2 and streamline the application process for mariners.

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

4 Not later than 180 days after enactment of this Act,
5 the Secretary of Homeland Security shall provide to the
6 Committee on Transportation and Infrastructure of the
7 House of Representatives and the Committee on Com-
8 merce, Science, and Transportation of the Senate a report
9 on the loss of United States shipyard jobs and industrial
10 base expertise as a result of rebuild, conversion, and dou-
11 ble-hull work on United States-flag vessels eligible to en-
12 gage in the coastwise trade being performed in foreign
13 shipyards, enforcement of the Coast Guard's foreign re-
14 build determination regulations, and recommendations for
15 improving the transparency in the Coast Guard's foreign
16 rebuild determination process.

17 **SEC. 309. SHIP EMISSION REDUCTION TECHNOLOGY DEM-**
18 **ONSTRATION PROJECT.**

19 (a) STUDY.—The Commandant of the Coast Guard
20 shall conduct a study—

21 (1) on the methods and best practices of the
22 use of exhaust emissions reduction technology on
23 cargo or passenger ships that operate in United
24 States waters and ports; and

1 (2) that identifies the Federal, State, and local
2 laws, regulations, and other requirements that affect
3 the ability of any entity to effectively demonstrate
4 onboard technology for the reduction of contami-
5 nated emissions from ships.

6 (b) REPORT.—Within 180 days after the date of en-
7 actment of this Act, the Commandant shall submit a re-
8 port on the results of the study conducted under sub-
9 section (a) to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate.

13 **SEC. 310. PHASEOUT OF VESSELS SUPPORTING OIL AND**
14 **GAS DEVELOPMENT.**

15 (a) IN GENERAL.—Notwithstanding section
16 12111(d) of title 46, United States Code, foreign-flag ves-
17 sels may be chartered by, or on behalf of, a lessee to be
18 employed for the setting, relocation, or recovery of anchors
19 or other mooring equipment of a mobile offshore drilling
20 unit that is located over the Outer Continental Shelf (as
21 defined in section 2(a) of the Outer Continental Shelf
22 Lands Act (43 U.S.C. 1331(a)) for operations in support
23 of exploration, or flow-testing and stimulation of wells, for
24 offshore mineral or energy resources in the Beaufort Sea
25 or the Chukchi Sea adjacent to Alaska—

1 (1) for a 1-year period from the date the lessee
2 gives the Secretary of Transportation written notice
3 of the commencement of such exploration drilling if
4 the Secretary determines, after publishing notice in
5 the Federal Register, that insufficient vessels docu-
6 mented under section 12111(d) of title 46, United
7 States Code, are reasonably available and suitable
8 for these support operations and all such reasonably
9 available and suitable vessels are employed in sup-
10 port of such operations; and

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

14 (A) that, by April 30 of the year following
15 the commencement of exploration drilling, the
16 lessee has entered into a binding agreement to
17 employ a suitable vessel or vessels to be docu-
18 mented under section 12111(d) of title 46,
19 United States Code, in sufficient numbers and
20 with sufficient suitability to replace any foreign-
21 flag vessel or vessels operating under this sec-
22 tion; and

23 (B) after publishing notice in the Federal
24 Register, that insufficient vessels documented
25 under section 12111(d) of title 46, United

1 States Code, are reasonably available and suit-
2 able for these support operations and all such
3 reasonably available and suitable vessels are
4 employed in support of such operations.

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

11 (c) LESSEE DEFINED.—In this section, the term
12 “lessee” means the holder of a lease (as defined in section
13 1331(c) of title 43, United States Code), who, prior to
14 giving the written notice in subsection (a)(1), has entered
15 into a binding agreement to employ a suitable vessel docu-
16 mented or to be documented under 12111(d) of title 46,
17 United States Code.

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

22 **SEC. 311. ARCTIC MARINE SHIPPING ASSESSMENT IMPLE-**
23 **MENTATION.**

24 (a) PURPOSE.—The purpose of this section is to en-
25 sure safe, secure, and reliable maritime shipping in the

1 Arctic including the availability of aids to navigation, ves-
2 sel escorts, spill response capability, and maritime search
3 and rescue in the Arctic.

4 (b) INTERNATIONAL MARITIME ORGANIZATION
5 AGREEMENTS.—To carry out the purpose of this section,
6 the Secretary of the department in which the Coast Guard
7 is operating shall work through the International Mari-
8 time Organization to establish agreements to promote co-
9 ordinated action among the United States, Russia, Can-
10 ada, Iceland, Norway, and Denmark and other seafaring
11 and Arctic nations to ensure, in the Arctic—

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

14 (2) appropriate icebreaking escort, tug, and sal-
15 vage capabilities;

16 (3) oil spill prevention and response capability;

17 (4) maritime domain awareness, including long-
18 range vessel tracking; and

19 (5) search and rescue.

20 (c) COORDINATION BY COMMITTEE ON THE MARI-
21 TIME TRANSPORTATION SYSTEM.—The Committee on the
22 Maritime Transportation System established under a di-
23 rective of the President in the Ocean Action Plan, issued
24 December 17, 2004, shall coordinate the establishment of

1 domestic transportation policies in the Arctic necessary to
2 carry out the purpose of this section.

3 (d) AGREEMENTS AND CONTRACTS.—The Secretary
4 of the department in which the Coast Guard is operating
5 may, subject to the availability of appropriations, enter
6 into cooperative agreements, contracts, or other agree-
7 ments with, or make grants to individuals and govern-
8 ments to carry out the purpose of this section or any
9 agreements established under subsection (b).

10 (e) ICEBREAKING.—The Secretary of the department
11 in which the Coast Guard is operating shall promote safe
12 maritime navigation by means of icebreaking where need-
13 ed to assure the reasonable demands of commerce.

14 (f) DEMONSTRATION PROJECTS.—The Secretary of
15 Transportation may enter into cooperative agreements,
16 contracts, or other agreements with, or make grants to,
17 individuals to conduct demonstration projects to reduce
18 emissions or discharges from vessels operating in the Arc-
19 tic.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated—

22 (1) to the Secretary of the department in which
23 the Coast Guard is operating—

1 (A) \$5,000,000 for each of fiscal years
2 2011 through 2015 for seasonal operations in
3 the Arctic; and

4 (B) \$10,000,000 for each of fiscal years
5 2012 through 2015 to carry out agreements es-
6 tablished under subsection (d); and

7 (2) to the Secretary of Transportation
8 \$5,000,000 for each of fiscal years 2011 through
9 2015 to conduct demonstration projects under sub-
10 section (f).

11 (h) ICEBREAKERS.—

12 (1) ANALYSES.—Not later than 90 days after
13 the date of enactment of this Act or the date of com-
14 pletion of the ongoing High Latitude Study to assess
15 Arctic polar ice-breaking mission requirements,
16 which ever occurs later, the Commandant of the
17 Coast Guard shall—

18 (A) conduct a comparative cost-benefit
19 analysis of—

20 (i) rebuilding, renovating, or improv-
21 ing the existing fleet of icebreakers for op-
22 eration by the Coast Guard,

23 (ii) constructing new icebreakers for
24 operation by the Coast Guard, and

1 (iii) any combination of the activities
2 described in clauses (i) and (ii), to carry
3 out the missions of the Coast Guard; and
4 (B) conduct an analysis of the impact on
5 mission capacity and the ability of the United
6 States to maintain a presence in the Arctic re-
7 gions through the year 2020 if recapitalization
8 of the icebreaker fleet, either by constructing
9 new icebreakers or rebuilding, renovating, or
10 improving the existing fleet of icebreakers, is
11 not fully funded.

12 (2) REPORTS TO CONGRESS.—

13 (A) Not later than 90 days after the date
14 of enactment of this Act or the date of comple-
15 tion of the ongoing High Latitude Study to as-
16 sess Arctic ice-breaking mission requirements,
17 which ever occurs later, the Commandant of the
18 Coast Guard shall submit a report containing
19 the results of the study, 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 (B) Not later than 1 year after the date of
2 enactment of this Act, the Commandant shall
3 submit reports containing the results of the
4 analyses required under subparagraphs (A) and
5 (B) of paragraph (1), together with rec-
6 ommendations the Commandant deems appro-
7 priate under section 93(a)(24) of title 14,
8 United States Code, to the Senate Committee
9 on Commerce, Science, and Transportation and
10 the House of Representatives Committee on
11 Transportation and Infrastructure.

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

15 **SEC. 312. SUPPLEMENTAL POSITIONING SYSTEM.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) In August 2006, the Department of Trans-
18 portation and Department of Homeland Security
19 sponsored the formation of an Independent Assess-
20 ment Team to review the need for enhanced Loran
21 (eLORAN) as a supplement to the Global Posi-
22 tioning System (GPS).

23 (2) In December 2006, the Independent Assess-
24 ment Team unanimously recommended that
25 eLORAN be completed and retained as the national

1 backup system for critical safety of life, national and
2 economic security, and quality of life applications
3 currently that are reliant on position, time, or fre-
4 quency from GPS.

5 (3) Based on the Independent Assessment
6 Team report, the Department of Transportation and
7 Department of Homeland Security jointly rec-
8 ommended in March 2007 that eLORAN be the na-
9 tional backup for GPS.

10 (4) The Department of Homeland Security for-
11 mally announced on February 7, 2008, its intention
12 to implement eLORAN as a national positioning,
13 navigation, and timing system to complement the
14 GPS in the even of an outage or disruption in serv-
15 ice.

16 (5) A recent outage of GPS services in Cali-
17 fornia due to an unintentional jamming incident re-
18 sulted in the shutdown of the Coast Guard's mari-
19 time Differential Global Positions System program
20 and the Automatic Identification System, caused dis-
21 ruption to vessel and aircraft operations, and se-
22 verely degraded transmissions at over 150 cell phone
23 base stations.

24 (6) In January 2009, the Independent Assess-
25 ment Team reiterated its unanimous recommenda-

1 tion that the Federal Government commit to oper-
2 ating the eLORAN system as a backup to GPS for
3 not less than a 20-year period.

4 (b) REQUIRED ACTIONS.—The Secretary of the de-
5 partment in which the Coast Guard is operating—

6 (1) shall establish eLORAN as the supple-
7 mental navigation system for the United States;

8 (2) shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Represent-
10 atives and the Committee on Commerce, Science,
11 and Transportation of the Senate—

12 (A) a plan for modernizing the remaining
13 LORAN–C stations;

14 (B) a timeline for the completion of such
15 modernization; and

16 (C) a comprehensive estimate of the costs
17 associated with modernizing LORAN–C infra-
18 structure to meet eLORAN specifications; and

19 (3) may not take action to terminate or decom-
20 mission the LORAN–C program until 30 days after
21 the Secretary certifies to the Committee on Trans-
22 portation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Commerce,
24 Science, and Transportation of the Senate that the
25 eLORAN system is operational.

1 **SEC. 313. DUAL ESCORT VESSELS FOR DOUBLE HULLED**
2 **TANKERS IN PRINCE WILLIAM SOUND, ALAS-**
3 **KA.**

4 (a) IN GENERAL.—Section 4116(e) of the Oil Pollu-
5 tion Act of 1990 (46 U.S.C. 3703 note; Public Law 101–
6 380) is amended—

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

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

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

12 “(2) PRINCE WILLIAM SOUND, ALASKA.—

13 “(A) IN GENERAL.—The requirement in
14 paragraph (1) relating to single hulled tankers
15 in Prince William Sound, Alaska, described in
16 that paragraph being escorted by at least 2
17 towing vessels or other vessels considered to be
18 appropriate by the Secretary (including regula-
19 tions promulgated in accordance with section
20 3703(a)(3) of title 46, United States Code, as
21 set forth in part 168 of title 33, Code of Fed-
22 eral Regulations (as in effect on March 1,
23 2009), implementing this subsection with re-
24 spect to those tankers) shall apply to double
25 hulled tankers over 5,000 gross tons trans-

1 porting oil in bulk in Prince William Sound,
2 Alaska.

3 “(B) IMPLEMENTATION OF REQUIRE-
4 MENTS.—The Secretary of the Federal agency
5 with jurisdiction over the Coast Guard shall
6 carry out subparagraph (A) by order without
7 notice and hearing pursuant to section 553 of
8 title 5 of the United States Code.”.

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

12 **TITLE IV—GREAT LAKES** 13 **ICEBREAKER**

14 **SEC. 401. SHORT TITLE.**

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

17 **SEC. 402. FINDINGS.**

18 Congress finds that—

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

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

23 (3) during the spring of 2008, United States-
24 flag vessels operating on the Great Lakes suffered
25 more than \$1,300,000 in damages to their hulls be-

1 cause the Coast Guard did not have enough assets
2 available to keep Great Lakes shipping lanes open;

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

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

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

15 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

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

21 **TITLE V—ACQUISITION REFORM**

22 **SEC. 501. SHORT TITLE.**

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

1 **SEC. 502. DEFINITIONS.**

2 In this title, the following definitions apply:

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

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

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

13 (A) an acquisition by the Coast Guard—

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

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

18 (B) any acquisition that the Chief Acquisi-
19 tion Officer of the Coast Guard determines to
20 have a special interest—

21 (i) due to—

22 (I) the experimental or tech-
23 nically immature nature of the asset;

24 (II) the technological complexity
25 of the asset;

1 (III) the commitment of re-
2 sources; or

3 (IV) the nature of the capability
4 or set of capabilities to be achieved; or
5 (ii) because such acquisition is a joint
6 acquisition.

7 (4) LEVEL 2 ACQUISITION.—The term “Level 2
8 acquisition” means an acquisition by the Coast
9 Guard—

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

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

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

21 **Subtitle A—Restrictions on the Use**
22 **of Lead Systems Integrators**

23 **SEC. 511. PROCUREMENT STRUCTURE.**

24 (a) IN GENERAL.—

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

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

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

21 (b) EXCEPTIONS.—

22 (1) NATIONAL DISTRESS AND RESPONSE SYS-
23 TEM MODERNIZATION PROGRAM; NATIONAL SECUR-
24 ITY CUTTERS 2 AND 3.—Notwithstanding sub-
25 sections (a) and (e), the Commandant may use a

1 private sector entity as a lead systems integrator for
2 the Coast Guard to complete the National Distress
3 and Response System Modernization Program (oth-
4 erwise known as the “Rescue 21” program) and Na-
5 tional Security Cutters 2 and 3.

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

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

20 (B) for a contract awarded after the date
21 that is 180 days after the date of enactment of
22 this Act for acquisition of, or in support of, the
23 HC-130J aircraft, the HH-65 aircraft, or the
24 C4ISR system, if the requirements of sub-

1 section (c) are met with respect to such acquisi-
2 tions;

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

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

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

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

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

24 (3) REPORT ON DECISIONMAKING PROCESS.—If
25 the Commandant determines under subparagraph

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

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

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

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

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

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

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

23 (e) **TERMINATION DATE FOR EXCEPTIONS.**—Except
24 as described in subsection (b)(1), the Commandant may
25 not use a private sector entity as a lead systems integrator

1 for acquisition contracts awarded, or task orders or deliv-
2 ery orders issued, after the earlier of—

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

14 **Subtitle B—Coast Guard**
15 **Acquisition Policy**

16 **SEC. 521. OPERATIONAL REQUIREMENTS.**

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

22 (b) **OPERATIONAL REQUIREMENT FOR ACQUISITION**
23 **PROGRAMS.**—

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

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

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

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

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

1 requirements for development and production of a Level
2 1 or Level 2 acquisition.

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

10 **SEC. 522. REQUIRED CONTRACT TERMS.**

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

18 (1) provides that all certifications for an end-
19 state capability or asset under such contract, deliv-
20 ery order, or task order, respectively, will be con-
21 ducted by the Commandant or an independent third
22 party, and that self-certification by a contractor or
23 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 years, and
21 to ensure that these estimates are considered in decisions
22 to develop or produce new or enhanced capabilities and
23 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 10 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 amended by adding at the end the fol-
 22 lowing:

23 **“§ 55. 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 55(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 amended by adding
7 at the end the following:

“55. 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 or Level 2 acquisition unless the individual holds
9 a Level 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. ENHANCED STATUS QUO OFFICER PROMOTION**
6 **SYSTEM.**

7 Chapter 11 of title 14, United States Code, is amend-
8 ed—

9 (1) in section 253(a)—

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

11 and

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

14 (2) in section 258—

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

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

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

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

23 “(1) In addition to the information provided
24 pursuant to subsection (a), the Commandant may
25 furnish the selection board—

1 “(A) specific direction relating to the needs
2 of the Coast Guard for officers having par-
3 ticular skills, including direction relating to the
4 need for a minimum number of officers with
5 particular skills within a specialty; and

6 “(B) any other guidance that the Com-
7 mandant believes may be necessary to enable
8 the board to properly perform its functions.

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

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

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

1 **SEC. 545. COAST GUARD ACQUISITION WORKFORCE EXPE-**
2 **DITED HIRING AUTHORITY.**

3 (a) IN GENERAL.—For purposes of sections 3304,
4 5333, and 5753 of title 5, United States Code, the Com-
5 mandant may—

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

9 (2) use the authorities in such sections to re-
10 cruit and appoint highly qualified persons directly to
11 positions so designated.

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

15 **TITLE VI—MARITIME**
16 **WORKFORCE DEVELOPMENT**

17 **SEC. 601. SHORT TITLE.**

18 This title may be cited as the “Maritime Workforce
19 Development Act”.

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

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

24 **“§ 51705. Maritime career training loan program**

25 “(a) ESTABLISHMENT.—The Secretary of Transpor-
26 tation shall establish a maritime career training loan pro-

1 gram (in this section referred to as the ‘program’) in ac-
2 cordance with the requirements of this section.

3 “(b) PURPOSE.—The purpose of the program shall
4 be to make maritime career training loans available to eli-
5 gible students to provide for the training of United States
6 mariners.

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

10 “(d) DUTIES.—The Secretary shall—

11 “(1) allocate, on an annual basis, the award of
12 loans under the program based on the needs of stu-
13 dents;

14 “(2) develop an application process and eligi-
15 bility criteria for the award of loans under the pro-
16 gram;

17 “(3) approve applications for loans under the
18 program based on the eligibility criteria and alloca-
19 tions made under paragraph (1); and

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

22 “(e) DESIGNATION OF MARITIME TRAINING INSTITU-
23 TIONS.—

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

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

10 “(B) shall designate institutions based on
11 geographic diversity and scope of classes of-
12 fered;

13 “(C) shall ensure that designated institu-
14 tions have the ability to administer the pro-
15 gram; and

16 “(D) shall ensure that designated institu-
17 tions meet requirements to provide training in-
18 struction for appropriate Coast Guard-approved
19 training instruction.

20 “(2) EXCLUSIONS.—The Secretary—

21 “(A) may exclude from participation in the
22 program a maritime training institution that
23 has had severe performance deficiencies, includ-
24 ing deficiencies demonstrated by audits or pro-

1 gram reviews conducted during the 5 calendar
2 years immediately preceding the present year;

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

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

18 “(D) may establish such other criteria as
19 the Secretary determines will protect the finan-
20 cial interest of the United States and promote
21 the purposes of this section.

22 “(f) STATE MARITIME ACADEMIES.—

23 “(1) USE OF FUNDS FOR LOANS TO STUDENTS
24 ATTENDING STATE MARITIME ACADEMIES.—The
25 Secretary may obligate not more than 50 percent of

1 the amounts appropriated to carry out this section
2 for a fiscal year for loans to undergraduate students
3 attending State maritime academies receiving assist-
4 ance under chapter 515 of this title.

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

13 “(g) LOAN AMOUNTS AND USE.—

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

18 “(2) USE OF LOAN PROCEEDS.—A student who
19 receives a loan under the program may use the pro-
20 ceeds of the loan only for postsecondary expenses in-
21 curred at an institution designated by the Secretary
22 under subsection (d)(4) for books, tuition, required
23 fees, travel to and from training facilities, and room
24 and board.

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

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

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

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

14 “(4) sign an agreement to—

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

17 “(B)(i) maintain a license and serve as an
18 officer in the merchant marine on a docu-
19 mented vessel or a vessel owned and operated
20 by the United States for at least 18 months of
21 service at sea following the date of graduation
22 from the maritime program for which the loan
23 proceeds will be used; or

24 “(ii) serve as an unlicensed merchant mar-
25 iner on a documented vessel or a vessel owned

1 and operated by the United States for at least
2 18 months of service at sea following the date
3 of graduation from the maritime program for
4 which the loan proceeds will be used.

5 “(i) ADMINISTRATION OF LOANS.—

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

9 “(A) be evidenced by a note or other writ-
10 ten instrument that provides for the repayment
11 of the principal amount of the loan and any
12 origination fee, together with interest thereon,
13 in equal installments (or, if the student bor-
14 rower so requests, in graduated periodic install-
15 ments determined in accordance with such
16 schedules as may be approved by the Secretary)
17 payable quarterly, bimonthly, or monthly, at the
18 option of the student borrower, over a period
19 beginning 9 months from the date on which the
20 student borrower completes study or discon-
21 tinues attendance at the maritime program for
22 which the loans are used at the institution ap-
23 proved by the Secretary and not exceeding 10
24 years;

1 “(B) include provision for acceleration of
2 repayment of the whole, or any part, of such
3 loan, at the option of the student borrower;

4 “(C) provide the loan without security and
5 without endorsement;

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

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

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

17 “(2) RATE OF INTEREST.—A student borrower
18 who receives a loan under the program on or after
19 January 1, 2010, and before October 1, 2015, shall
20 be obligated to repay the loan amount to the Sec-
21 retary, together with interest beginning in the period
22 referred to in paragraph (1)(A), at a rate to be de-
23 termined as follows:

24 “(A) For a loan for which the first dis-
25 bursement is made on or after January 1,

1 2010, and before October 1, 2011, 5.6 percent
2 on the unpaid principal balance of the loan.

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

7 “(C) For a loan for which the first dis-
8 bursement is made on or after October 1, 2012,
9 3.4 percent on the unpaid principal balance of
10 the loan.

11 “(3) DISCLOSURE REQUIRED PRIOR TO DIS-
12 BURSEMENT.—

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

24 “(B) CONTENTS.—The disclosures shall
25 include—

- 1 “(i) the address to which communica-
2 tions and payments should be sent;
- 3 “(ii) the principal amount of the loan;
- 4 “(iii) the amount of any charges col-
5 lected at or prior to the disbursement of the
6 loan and whether such charges are to be
7 deducted from the proceeds of the loan or
8 paid separately by the student borrower;
- 9 “(iv) the stated interest rate on the
10 loan;
- 11 “(v) the yearly and cumulative max-
12 imum amounts that may be borrowed;
- 13 “(vi) an explanation of when repay-
14 ment of the loan will be required and when
15 the student borrower will be obligated to
16 pay interest that accrues on the loan;
- 17 “(vii) a statement as to the minimum
18 and maximum repayment term that the
19 Secretary may impose, and the minimum
20 monthly payment required by law and a
21 description of any penalty imposed as a
22 consequence of default, such as liability for
23 expenses reasonably incurred in attempts
24 by the Secretary to collect on a loan;

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

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

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

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

22 “(xii) a definition of default and the
23 consequences to the student borrower if
24 the student borrower defaults, together
25 with a statement that the disbursement of,

1 and the default on, a loan under this part
2 shall be reported to a credit bureau or
3 credit reporting agency;

4 “(xiii) to the extent practicable, the
5 effect of accepting the loan on the eligi-
6 bility of the student borrower for other
7 forms of student assistance; and

8 “(xiv) an explanation of any cost the
9 student borrower may incur in the making
10 or collection of the loan.

11 “(C) INFORMATION TO BE PROVIDED
12 WITHOUT COST.—The information provided
13 under this paragraph shall be available to the
14 Secretary without cost to the student borrower.

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

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

20 “(B) repay the loan pursuant to an income
21 contingent repayment plan.

22 “(5) AUTHORIZATION TO REDUCE RATES AND
23 FEES.—Notwithstanding any other provision of this
24 section, the Secretary may prescribe by regulation
25 any reductions in the interest rate or origination fee

1 paid by a student borrower of a loan made under the
2 program as the Secretary determines appropriate to
3 encourage ontime repayment of the loan. Such re-
4 ductions may be offered only if the Secretary deter-
5 mines the reductions are cost neutral and in the best
6 financial interest of the United States.

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

19 “(7) REPAYMENT SCHEDULE.—A student bor-
20 rower who receives a loan under the program shall
21 repay the loan quarterly, bimonthly, or monthly, at
22 the option of the student borrower, over a period be-
23 ginning 9 months from the date the student bor-
24 rower completes study or discontinues attendance at
25 the maritime program for which the loan proceeds

1 are used and ending not more than 10 years after
2 the date repayment begins. Provisions for deferral of
3 repayment shall be determined by the Secretary.

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

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

11 “(B) conduct litigation necessary to carry
12 out this section.

13 “(j) REVOLVING LOAN FUND.—

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

17 “(2) DEPOSITS.—The Secretary shall deposit in
18 the fund—

19 “(A) receipts from the payment of prin-
20 cipal and interest on loans made under the pro-
21 gram; and

22 “(B) any other monies paid to the Sec-
23 retary by or on behalf of individuals under the
24 program.

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

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

8 “(B) to the extent that amounts remain
9 available after paying such administrative costs,
10 to make loans under the program.

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

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

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

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

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

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

4 “(1) \$10,000,000 for making loans under the
5 program; and

6 “(2) \$1,000,000 for administrative expenses of
7 the Secretary in carrying out the program.

8 **“§ 51706. Maritime recruitment, training, and reten-**
9 **tion grant program**

10 “(a) STRATEGIC PLAN.—

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

22 “(2) CONTENTS.—A plan published under para-
23 graph (1) shall contain strategies and identify poten-
24 tial projects to address merchant mariner recruit-

1 ment, training, and retention issues in the United
2 States.

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

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

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

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

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

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

21 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
22 retary shall transmit copies of a plan published
23 under paragraph (1) to the Committee on Transpor-
24 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:

“51705. Maritime career training loan program.

“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 and 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 and Policy must have
3 at least 10 years experience in vessel inspection, marine
4 casualty 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 amended by adding at the end the following new section:

21 **“§ 99. Marine safety**

22 “To protect life, property, and the environment on,
23 under, and over waters subject to the jurisdiction of the

1 United States and on vessels subject to the jurisdiction
2 of the United States, the Commandant shall promote mar-
3 itime safety as follows:

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

7 “(2) Based on the following priorities:

8 “(A) Preventing marine casualties and
9 threats to the environment.

10 “(B) Minimizing the impacts of marine
11 casualties and environmental threats.

12 “(C) Maximizing lives and property saved
13 and environment protected in the event of a
14 marine casualty.”.

15 (b) CLERICAL AMENDMENT.—The analysis at the be-
16 ginning of such chapter is amended by adding at the end
17 the following new item:

“99. Marine safety.”.

18 **SEC. 722. MARINE SAFETY STAFF.**

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

22 **“§ 55. Marine safety workforce**

23 “(a) DESIGNATION OF MARINE SAFETY WORK-
24 FORCE.—

1 “(1) IN GENERAL.—The Secretary, acting
2 through the Commandant, shall designate those po-
3 sitions in the Coast Guard that constitute the ma-
4 rine safety workforce.

5 “(2) REQUIRED POSITIONS.—In designating po-
6 sitions under paragraph (1), the Secretary shall in-
7 clude, at a minimum, the following marine safety-re-
8 lated positions:

9 “(A) Program oversight.

10 “(B) Vessel and facility inspection.

11 “(C) Casualty investigation.

12 “(D) Pollution investigation.

13 “(E) Merchant Mariner licensing, docu-
14 mentation, and registry.

15 “(F) Marine safety engineering or other
16 technical activities.

17 “(3) MARINE SAFETY MANAGEMENT HEAD-
18 QUARTER ACTIVITIES.—The Secretary shall also des-
19 ignate under paragraph (1) those marine safety-re-
20 lated positions located at Coast Guard headquarters
21 units, including the Marine Safety Center and the
22 National Maritime Center.

23 “(b) CAREER PATHS.—The Secretary, acting
24 through the Commandant, shall ensure that appropriate
25 career paths for civilian and military Coast Guard per-

1 sonnel who wish to pursue careers in marine safety are
2 identified in terms of the education, training, experience,
3 and assignments necessary for career progression of civil-
4 ians and members of the Armed Forces to the most senior
5 marine safety positions. The Secretary shall make avail-
6 able published information on such career paths.

7 “(c) QUALIFICATIONS.—With regard to the marine
8 safety workforce, an officer, member, or civilian employee
9 of the Coast Guard assigned as a—

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

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

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

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

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

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

6 “(d) APPRENTICESHIP REQUIREMENT.—Any officer,
7 member, or employee of the Coast Guard in training to
8 become a marine inspector, marine casualty investigator,
9 or a marine safety engineer shall serve a minimum of one-
10 year apprenticeship, unless otherwise directed by the Com-
11 mandant, under the guidance of a qualified marine inspec-
12 tor, marine casualty investigator, or marine safety engi-
13 neer. The Commandant may authorize shorter apprentice-
14 ship periods for certain qualifications, as appropriate.

15 “(e) BALANCED WORKFORCE POLICY.—In the devel-
16 opment of marine safety workforce policies under this sec-
17 tion with respect to any civilian employees or applicants
18 for employment with the Coast Guard, the Secretary shall,
19 consistent with the merit system principles set out in para-
20 graphs (1) and (2) of section 2301(b) of title 5, take into
21 consideration the need to maintain a balanced workforce
22 in which women and members of racial and ethnic minor-
23 ity groups are appropriately represented in Government
24 service.

1 “(f) MANAGEMENT INFORMATION SYSTEM.—The
2 Secretary, acting through the Commandant, shall estab-
3 lish a management information system for the marine
4 safety workforce that shall provide, at a minimum, the fol-
5 lowing standardized information on persons serving in ma-
6 rine safety positions:

7 “(1) Qualifications, assignment history, and
8 tenure in assignments of persons in the marine safe-
9 ty workforce.

10 “(2) Promotion rates for military and civilian
11 personnel in the marine safety workforce.

12 “(g) ASSESSMENT OF ADEQUACY OF MARINE SAFE-
13 TY WORKFORCE.—

14 “(1) REPORT.—The Secretary, acting through
15 the Commandant, shall report to the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate by De-
19 cember 1 of each year on the adequacy of the cur-
20 rent marine safety workforce to meet that antici-
21 pated workload.

22 “(2) CONTENTS.—The report shall specify the
23 number of civilian and military Coast Guard per-
24 sonnel currently assigned to marine safety positions

1 and shall identify positions that are understaffed to
2 meet the anticipated marine safety workload.

3 “(h) SECTOR CHIEF OF MARINE SAFETY.—

4 “(1) IN GENERAL.—There shall be in each
5 Coast Guard sector a Chief of Marine Safety who
6 shall be at least a Lieutenant Commander or civilian
7 employee within the grade GS–13 of the General
8 Schedule, and who shall be a—

9 “(A) marine inspector, qualified to inspect
10 vessels, vessel systems, and equipment com-
11 monly found in the sector; and

12 “(B) qualified marine casualty investi-
13 gator.

14 “(2) FUNCTIONS.—The Chief of Marine Safety
15 for a sector—

16 “(A) is responsible for all individuals who,
17 on behalf of the Coast Guard, inspect or exam-
18 ine vessels, conduct marine casualty investiga-
19 tions; and

20 “(B) if not the Coast Guard officer in
21 command of that sector, is the principal advisor
22 to the Sector Commander regarding marine
23 safety matters in that sector.

24 “(i) SIGNATORIES OF LETTER OF QUALIFICATION.—

25 Each individual signing a letter of qualification for marine

1 safety personnel must hold a letter of qualification for the
2 type being certified.

3 **“§ 56. Centers of Expertise for Marine Safety**

4 “(a) ESTABLISHMENT.—The Commandant of the
5 Coast Guard may establish and operate one or more Cen-
6 ters of Expertise for Marine Safety (in this section re-
7 ferred to as a ‘Center’).

8 “(b) MISSIONS.—The Centers shall—

9 “(1) be used to provide and facilitate education,
10 training, and research in marine safety including
11 vessel inspection and causality investigation;

12 “(2) develop a repository of information on ma-
13 rine safety; and

14 “(3) perform any other missions as the Com-
15 mandant may specify.

16 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
17 TUTION AUTHORIZED.—The Commandant may enter into
18 an agreement with an appropriate official of an institution
19 of higher education to—

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

22 “(2) provide necessary administrative services
23 for a Center, including administration and allocation
24 of funds.

1 “(d) ACCEPTANCE OF DONATIONS.—(1) Except as
2 provided in paragraph (2), the Commandant may accept,
3 on behalf of a Center, donations to be used to defray the
4 costs of the Center or to enhance the operation of the Cen-
5 ter. Those donations may be accepted from any State or
6 local government, any foreign government, any foundation
7 or other charitable organization (including any that is or-
8 ganized or operates under the laws of a foreign country),
9 or any individual.

10 “(2) The Commandant may not accept a donation
11 under paragraph (1) if the acceptance of the donation
12 would compromise or appear to compromise—

13 “(A) the ability of the Coast Guard or the de-
14 partment in which the Coast Guard is operating, any
15 employee of the Coast Guard or the department, or
16 any member of the Armed Forces to carry out any
17 responsibility or duty in a fair and objective manner;
18 or

19 “(B) the integrity of any program of the Coast
20 Guard, the department in which the Coast Guard is
21 operating, or of any person involved in such a pro-
22 gram.

23 “(3) The Commandant shall prescribe written guid-
24 ance setting forth the criteria to be used in determining

1 whether or not the acceptance of a donation from a foreign
2 source would have a result described in paragraph (2).

3 **“§ 57. Marine industry training program**

4 “(a) IN GENERAL.—The Commandant shall, by pol-
5 icy, establish a program under which an officer, member,
6 or employee of the Coast Guard may be assigned to a pri-
7 vate entity to further the institutional interests of the
8 Coast Guard with regard to marine safety, including for
9 the purpose of providing training to an officer, member,
10 or employee. Policies to carry out the program—

11 “(1) with regard to an employee of the Coast
12 Guard, shall include provisions, consistent with sec-
13 tions 3702 through 3704 of title 5, as to matters
14 concerning—

15 “(A) the duration and termination of as-
16 signments;

17 “(B) reimbursements; and

18 “(C) status, entitlements, benefits, and ob-
19 ligations of program participants; and

20 “(2) shall require the Commandant, before ap-
21 proving the assignment of an officer, member, or
22 employee of the Coast Guard to a private entity, to
23 determine that the assignment is an effective use of
24 the Coast Guard’s funds, taking into account the
25 best interests of the Coast Guard and the costs and

1 benefits of alternative methods of achieving the same
2 results and objectives.

3 “(b) ANNUAL REPORT.—Not later than the date of
4 the submission each year of the President’s budget request
5 under section 1105 of title 31, the Commandant shall sub-
6 mit to the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and the Committee
8 on Commerce, Science, and Transportation of the Senate
9 a report that describes—

10 “(1) the number of officers, members, and em-
11 ployees of the Coast Guard assigned to private enti-
12 ties under this section; and

13 “(2) the specific benefit that accrues to the
14 Coast Guard for each assignment.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by adding
17 at the end the following new items:

“55. Marine safety workforce.

“56. Centers of Expertise for Marine Safety.

“57. Marine industry training program.”.

18 **SEC. 723. MARINE SAFETY MISSION PRIORITIES AND LONG-**
19 **TERM GOALS.**

20 (a) IN GENERAL.—Chapter 21 of title 46, United
21 States Code, is amended by adding at the end the fol-
22 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 and the Assistant Commandant for Marine
7 Safety shall jointly assess the progress of the Coast
8 Guard toward achieving the goals set forth in sub-
9 section (b). The Commandant and the Assistant
10 Commandant shall jointly convey their assessment to
11 the employees of the Assistant Commandant and
12 shall identify any deficiencies that should be rem-
13 edied before the next progress assessment.

14 “(2) REPORT TO CONGRESS.—The Secretary
15 shall report annually to the Committee on Transpor-
16 tation and Infrastructure of the House of Represent-
17 atives and the Committee on Commerce, Science,
18 and Transportation of the Senate—

19 “(A) on the performance of the marine
20 safety program in achieving the goals of the
21 marine safety strategy and annual plan under
22 subsection (a) for the year covered by the re-
23 port;

1 “(B) on the program’s mission perform-
2 ance in achieving numerical measurable goals
3 established under subsection (b); and

4 “(C) recommendations on how to improve
5 performance of the program.”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 chapter is amended by adding at the end the following
8 new item:

 “2116. Marine safety strategy, goals, and performance assessments.”.

9 (c) CERTIFICATES OF INSPECTION.—Section 3309 of
10 title 46, United States Code, is amended by adding at the
11 end the following:

12 “(d) A certificate of inspection issued under this sec-
13 tion shall be signed by the senior Coast Guard member
14 or civilian employee who inspected the vessel, in addition
15 to the officer in charge of marine inspection.”.

16 **SEC. 724. POWERS AND DUTIES.**

17 Section 93 of title 14, United States Code, is amend-
18 ed by adding at the end the following new subsections:

19 “(c) MARINE SAFETY RESPONSIBILITIES.—In exer-
20 cising the Commandant’s duties and responsibilities with
21 regard to marine safety, the individual with the highest
22 rank who meets the experience qualifications set forth in
23 section 50(a)(4) shall serve as the principal advisor to the
24 Commandant regarding—

1 “(1) the operation, regulation, inspection, iden-
2 tification, manning, and measurement of vessels, in-
3 cluding plan approval and the application of load
4 lines;

5 “(2) approval of materials, equipment, appli-
6 ances, and associated equipment;

7 “(3) the reporting and investigation of marine
8 casualties and accidents;

9 “(4) the licensing, certification, documentation,
10 protection and relief of merchant seamen;

11 “(5) suspension and revocation of licenses and
12 certificates;

13 “(6) enforcement of manning requirements, citi-
14 zenship requirements, control of log books;

15 “(7) documentation and numbering of vessels;

16 “(8) State boating safety programs;

17 “(9) commercial instruments and maritime
18 liens;

19 “(10) the administration of bridge safety;

20 “(11) administration of the navigation rules;

21 “(12) the prevention of pollution from vessels;

22 “(13) ports and waterways safety;

23 “(14) waterways management; including regula-
24 tion for regattas and marine parades;

25 “(15) aids to navigation; and

1 “(16) other duties and powers of the Secretary
2 related to marine safety and stewardship.

3 “(d) OTHER AUTHORITY NOT AFFECTED.—Nothing
4 in subsection (c) affects—

5 “(1) the authority of Coast Guard officers and
6 members to enforce marine safety regulations using
7 authority under section 89 of this title; or

8 “(2) the exercise of authority under section 91
9 of this title and the provisions of law codified at sec-
10 tions 191 through 195 of title 50 on the date of en-
11 actment of this paragraph.”.

12 **SEC. 725. APPEALS AND WAIVERS.**

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

16 **“§ 102. Appeals and waivers**

17 “Except for the Commandant of the Coast Guard,
18 any individual adjudicating an appeal or waiver of a deci-
19 sion regarding marine safety, including inspection or man-
20 ning and threats to the environment, shall—

21 “(1) be a qualified specialist with the training,
22 experience, and qualifications in marine safety to ef-
23 fectively judge the facts and circumstances involved
24 in the appeal and make a judgment regarding the
25 merits of the appeal; or

1 “(2) have a senior staff member who—
2 “(A) meets the requirements of paragraph
3 (1);
4 “(B) actively advises the individual adjudi-
5 cating the appeal; and
6 “(C) concurs in writing on the decision on
7 appeal.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
9 chapter is further amended by adding at the end the fol-
10 lowing new item:

“102. Appeals and waivers.”.

11 **SEC. 726. COAST GUARD ACADEMY.**

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

15 **“§ 199. Marine safety curriculum**

16 “The Commandant of the Coast Guard shall ensure
17 that professional courses of study in marine safety are
18 provided at the Coast Guard Academy, and during other
19 officer accession programs, to give Coast Guard cadets
20 and other officer candidates a background and under-
21 standing of the marine safety program. These courses may
22 include such topics as program history, vessel design and
23 construction, vessel inspection, casualty investigation, and
24 administrative law and regulations.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
 2 chapter is further amended by adding at the end the fol-
 3 lowing new item:

“199. Marine safety curriculum.”.

4 **SEC. 727. REPORT REGARDING CIVILIAN MARINE INSPEC-**
 5 **TORS.**

6 Not later than one year after the date of enactment
 7 of this Act, the Commandant of the Coast Guard shall
 8 submit to the Committee on Transportation and Infra-
 9 structure of the House of Representatives and the Com-
 10 mittee on Commerce, Science, and Transportation of the
 11 Senate a report on Coast Guard’s efforts to recruit and
 12 retain civilian marine inspectors and investigators and the
 13 impact of such recruitment and retention efforts on Coast
 14 Guard organizational performance.

15 **TITLE VIII—MARINE SAFETY**

16 **SEC. 801. SHORT TITLE.**

17 This title may be cited as the “Maritime Safety Act
 18 of 2009”.

19 **SEC. 802. VESSEL SIZE LIMITS.**

20 (a) LENGTH, TONNAGE, AND HORSEPOWER.—Sec-
 21 tion 12113(d)(2) of title 46, United States Code, is
 22 amended—

23 (1) by inserting “and” after the semicolon at
 24 the end of subparagraph (A)(i);

1 (2) by striking “and” at the end of subpara-
2 graph (A)(ii);

3 (3) by striking subparagraph (A)(iii);

4 (4) by striking the period at the end of sub-
5 paragraph (B) and inserting “; or”; and

6 (5) by inserting at the end the following:

7 “(C) the vessel is either a rebuilt vessel or
8 a replacement vessel under section 208(g) of
9 the American Fisheries Act (title II of division
10 C of Public Law 105–277; 112 Stat. 2681–
11 627) and is eligible for a fishery endorsement
12 under this section.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) VESSEL REBUILDING AND REPLACE-
15 MENT.—Section 208(g) of the American Fisheries
16 Act (title II of division C of Public Law 105–277;
17 112 Stat. 2681–627) is amended to read as follows:

18 “(g) VESSEL REBUILDING AND REPLACEMENT.—

19 “(1) IN GENERAL.—

20 “(A) REBUILD OR REPLACE.—Notwith-
21 standing any limitation to the contrary on re-
22 placing, rebuilding, or lengthening vessels or
23 transferring permits or licenses to a replace-
24 ment vessel contained in sections 679.2 and
25 679.4 of title 50, Code of Federal Regulations,

1 as in effect on the date of enactment of the
2 Maritime Safety Act of 2009 and except as pro-
3 vided in paragraph (4), the owner of a vessel el-
4 igible under subsection (a), (b), (c), (d), or (e)
5 (other than paragraph (21)), in order to im-
6 prove vessel safety and operational efficiencies
7 (including fuel efficiency), may rebuild or re-
8 place that vessel (including fuel efficiency) with
9 a vessel documented with a fishery endorsement
10 under section 12113 of title 46, United States
11 Code.

12 “(B) SAME REQUIREMENTS.—The rebuilt
13 or replacement vessel shall be eligible in the
14 same manner and subject to the same restric-
15 tions and limitations under such subsection as
16 the vessel being rebuilt or replaced.

17 “(C) TRANSFER OF PERMITS AND LI-
18 CENSES.—Each fishing permit and license held
19 by the owner of a vessel or vessels to be rebuilt
20 or replaced under subparagraph (A) shall be
21 transferred to the rebuilt or replacement vessel.

22 “(2) RECOMMENDATIONS OF NORTH PACIFIC
23 FISHERY MANAGEMENT COUNCIL.—The North Pa-
24 cific Fishery Management Council may recommend
25 for approval by the Secretary such conservation and

1 management measures, including size limits and
2 measures to control fishing capacity, in accordance
3 with the Magnuson-Stevens Act as it considers nec-
4 essary to ensure that this subsection does not dimin-
5 ish the effectiveness of fishery management plans of
6 the Bering Sea and Aleutian Islands Management
7 Area or the Gulf of Alaska.

8 “(3) SPECIAL RULE FOR REPLACEMENT OF
9 CERTAIN VESSELS.—

10 “(A) IN GENERAL.—Notwithstanding the
11 requirements of subsections (b)(2), (c)(1), and
12 (c)(2) of section 12113 of title 46, United
13 States Code, a vessel that is eligible under sub-
14 section (a), (b), (c), (d), or (e) (other than
15 paragraph (21)) and that qualifies to be docu-
16 mented with a fishery endorsement pursuant to
17 section 203(g) or 213(g) may be replaced with
18 a replacement vessel under paragraph (1) if the
19 vessel that is replaced is validly documented
20 with a fishery endorsement pursuant to section
21 203(g) or 213(g) before the replacement vessel
22 is documented with a fishery endorsement
23 under section 12113 of title 46, United States
24 Code.

1 “(B) APPLICABILITY.—A replacement ves-
2 sel under subparagraph (A) and its owner and
3 mortgagee are subject to the same limitations
4 under section 203(g) or 213(g) that are appli-
5 cable to the vessel that has been replaced and
6 its owner and mortgagee.

7 “(4) SPECIAL RULES FOR CERTAIN CATCHER
8 VESSELS.—

9 “(A) IN GENERAL.—A replacement for a
10 covered vessel described in subparagraph (B) is
11 prohibited from harvesting fish in any fishery
12 (except for the Pacific whiting fishery) managed
13 under the authority of any Regional Fishery
14 Management Council (other than the North Pa-
15 cific Fishery Management Council) established
16 under section 302(a) of the Magnuson-Stevens
17 Act.

18 “(B) COVERED VESSELS.—A covered ves-
19 sel referred to in subparagraph (A) is—

20 “(i) a vessel eligible under subsection
21 (a), (b), or (c) that is replaced under para-
22 graph (1); or

23 “(ii) a vessel eligible under subsection
24 (a), (b), or (c) that is rebuilt to increase

1 its registered length, gross tonnage, or
2 shaft horsepower.

3 “(5) LIMITATION ON FISHERY ENDORSE-
4 MENTS.—Any vessel that is replaced under this sub-
5 section shall thereafter not be eligible for a fishery
6 endorsement under section 12113 of title 46, United
7 States Code, unless that vessel is also a replacement
8 vessel described in paragraph (1).

9 “(6) GULF OF ALASKA LIMITATION.—Notwith-
10 standing paragraph (1), the Secretary shall prohibit
11 from participation in the groundfish fisheries of the
12 Gulf of Alaska any vessel that is rebuilt or replaced
13 under this subsection and that exceeds the maximum
14 length overall specified on the license that authorizes
15 fishing for groundfish pursuant to the license limita-
16 tion program under part 679 of title 50, Code of
17 Federal Regulations, as in effect on the date of en-
18 actment of the Maritime Safety Act of 2009.

19 “(7) AUTHORITY OF PACIFIC COUNCIL.—Noth-
20 ing in this section shall be construed to diminish or
21 otherwise affect the authority of the Pacific Council
22 to recommend to the Secretary conservation and
23 management measures to protect fisheries under its
24 jurisdiction (including the Pacific whiting fishery)

1 and participants in such fisheries from adverse im-
2 pacts caused by this Act.”.

3 (2) EXEMPTION OF CERTAIN VESSELS.—Sec-
4 tion 203(g) of the American Fisheries Act (title II
5 of division C of Public Law 105–277; 112 Stat.
6 2681–620) is amended—

7 (A) by inserting “and” after “(United
8 States official number 651041)”;

9 (B) by striking “, NORTHERN TRAV-
10 ELER (United States official number 635986),
11 and NORTHERN VOYAGER (United States
12 official number 637398) (or a replacement ves-
13 sel for the NORTHERN VOYAGER that com-
14 plies with paragraphs (2), (5), and (6) of sec-
15 tion 208(g) of this Act)”;

16 (C) by striking “, in the case of the
17 NORTHERN” and all that follows through
18 “PHOENIX,”.

19 (3) FISHERY COOPERATIVE EXIT PROVI-
20 SIONS.—Section 210(b) of the American Fisheries
21 Act (title II of division C of Public Law 105–277;
22 112 Stat. 2681–629) is amended—

23 (A) by moving the matter beginning with
24 “the Secretary shall” in paragraph (1) 2 ems to
25 the right; and

1 (B) by adding at the end the following:

2 “(7) FISHERY COOPERATIVE EXIT PROVI-
3 SIONS.—

4 “(A) FISHING ALLOWANCE DETERMINA-
5 TION.—For purposes of determining the aggre-
6 gate percentage of directed fishing allowances
7 under paragraph (1), when a catcher vessel is
8 removed from the directed pollock fishery, the
9 fishery allowance for pollock for the vessel being
10 removed—

11 “(i) shall be based on the catch his-
12 tory determination for the vessel made
13 pursuant to section 679.62 of title 50,
14 Code of Federal Regulations, as in effect
15 on the date of enactment of the Maritime
16 Safety Act of 2009; and

17 “(ii) shall be assigned, for all pur-
18 poses under this title, in the manner speci-
19 fied by the owner of the vessel being re-
20 moved to any other catcher vessel or
21 among other catcher vessels participating
22 in the fishery cooperative if such vessel or
23 vessels remain in the fishery cooperative
24 for at least one year after the date on

1 which the vessel being removed leaves the
2 directed pollock fishery.

3 “(B) ELIGIBILITY FOR FISHERY ENDORSE-
4 MENT.—Except as provided in subparagraph
5 (C), a vessel that is removed pursuant to this
6 paragraph shall be permanently ineligible for a
7 fishery endorsement, and any claim (including
8 relating to catch history) associated with such
9 vessel that could qualify any owner of such ves-
10 sel for any permit to participate in any fishery
11 within the exclusive economic zone of the
12 United States shall be extinguished, unless such
13 removed vessel is thereafter designated to re-
14 place a vessel to be removed pursuant to this
15 paragraph.

16 “(C) LIMITATIONS ON STATUTORY CON-
17 STRUCTION.—Nothing in this paragraph shall
18 be construed—

19 “(i) to make the vessels AJ (United
20 States official number 905625), DONA
21 MARTITA (United States official number
22 651751), NORDIC EXPLORER (United
23 States official number 678234), and
24 PROVIDIAN (United States official num-
25 ber 1062183) ineligible for a fishery en-

1 dorsement or any permit necessary to par-
2 ticipate in any fishery under the authority
3 of the New England Fishery Management
4 Council or the Mid-Atlantic Fishery Man-
5 agement Council established, respectively,
6 under subparagraphs (A) and (B) of sec-
7 tion 302(a)(1) of the Magnuson-Stevens
8 Act; or

9 “(ii) to allow the vessels referred to in
10 clause (i) to participate in any fishery
11 under the authority of the Councils re-
12 ferred to in clause (i) in any manner that
13 is not consistent with the fishery manage-
14 ment plan for the fishery developed by the
15 Councils under section 303 of the Magnu-
16 son-Stevens Act.”.

17 **SEC. 803. COLD WEATHER SURVIVAL TRAINING.**

18 The Commandant of the Coast Guard shall report to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate on the
22 efficacy of cold weather survival training conducted by the
23 Coast Guard in Coast Guard District 17 over the pre-
24 ceding 5 years. The report shall include plans for con-
25 ducting such training in fiscal years 2010 through 2013.

1 **SEC. 804. FISHING VESSEL SAFETY.**

2 (a) SAFETY STANDARDS.—Section 4502 of title 46,
3 United States Code, is amended—

4 (1) in subsection (a), by—

5 (A) striking paragraphs (6) and (7) and
6 inserting the following:

7 “(6) other equipment required to minimize the
8 risk of injury to the crew during vessel operations,
9 if the Secretary determines that a risk of serious in-
10 jury exists that can be eliminated or mitigated by
11 that equipment; and”;

12 (B) redesignating paragraph (8) as para-
13 graph (7);

14 (2) in subsection (b)—

15 (A) in paragraph (1) in the matter pre-
16 ceeding subparagraph (A), by striking “docu-
17 mented”;

18 (B) in paragraph (1)(A), by striking “the
19 Boundary Line” and inserting “3 nautical miles
20 from the baseline from which the territorial sea
21 of the United States is measured or beyond 3
22 nautical miles from the coastline of the Great
23 Lakes”;

24 (C) in paragraph (2)(B), by striking “life-
25 boats or liferafts” and inserting “a survival

1 craft that ensures that no part of an individual
2 is immersed in water”;

3 (D) in paragraph (2)(D), by inserting
4 “marine” before “radio”;

5 (E) in paragraph (2)(E), by striking
6 “radar reflectors, nautical charts, and anchors”
7 and inserting “nautical charts, and publica-
8 tions”;

9 (F) in paragraph (2)(F), by striking “, in-
10 cluding medicine chests” and inserting “and
11 medical supplies sufficient for the size and area
12 of operation of the vessel” and

13 (G) by amending paragraph (2)(G) to read
14 as follows:

15 “(G) ground tackle sufficient for the vessel.”;

16 (3) by amending subsection (f) to read as fol-
17 lows:

18 “(f) To ensure compliance with the requirements of
19 this chapter, the Secretary—

20 “(1) shall require the individual in charge of a
21 vessel described in subsection (b) to keep a record
22 of equipment maintenance, and required instruction
23 and drills; and

24 “(2) shall examine at dockside a vessel de-
25 scribed in subsection (b) at least once every 2 years,

1 and shall issue a certificate of compliance to a vessel
2 meeting the requirements of this chapter.”; and

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

4 “(g)(1) The individual in charge of a vessel described
5 in subsection (b) must pass a training program approved
6 by the Secretary that meets the requirements in para-
7 graph (2) of this subsection and hold a valid certificate
8 issued under that program.

9 “(2) The training program shall—

10 “(A) be based on professional knowledge and
11 skill obtained through sea service and hands-on
12 training, including training in seamanship, stability,
13 collision prevention, navigation, fire fighting and
14 prevention, damage control, personal survival, emer-
15 gency medical care, emergency drills, and weather;

16 “(B) require an individual to demonstrate abil-
17 ity to communicate in an emergency situation and
18 understand information found in navigation publica-
19 tions;

20 “(C) recognize and give credit for recent past
21 experience in fishing vessel operation; and

22 “(D) provide for issuance of a certificate to an
23 individual that has successfully completed the pro-
24 gram.

1 “(3) The Secretary shall prescribe regulations imple-
2 menting this subsection. The regulations shall require that
3 individuals who are issued a certificate under paragraph
4 (2)(D) must complete refresher training at least once
5 every 5 years as a condition of maintaining the validity
6 of the certificate.

7 “(4) The Secretary shall establish a publicly acces-
8 sible electronic database listing the names of individuals
9 who have participated in and received a certificate con-
10 firming successful completion of a training program ap-
11 proved by the Secretary under this section.

12 “(h) A vessel to which this chapter applies shall be
13 constructed in a manner that provides a level of safety
14 equivalent to the minimum safety standards the Secretary
15 may establish for recreational vessels under section
16 4302, if—

17 “(1) subsection (b) of this section applies to the
18 vessel;

19 “(2) the vessel is less than 50 feet overall in
20 length; and

21 “(3) the vessel is built after January 1, 2010.

22 “(i)(1) The Secretary shall establish a Fishing Safety
23 Training Grants Program to provide funding to municipi-
24 palities, port authorities, other appropriate public entities,

1 not-for-profit organizations, and other qualified persons
2 that provide commercial fishing safety training—

3 “(A) to conduct fishing vessel safety training
4 for vessel operators and crewmembers that—

5 “(i) in the case of vessel operators, meets
6 the requirements of subsection (g); and

7 “(ii) in the case of crewmembers, meets
8 the requirements of subsection (g)(2)(A), such
9 requirements of subsection (g)(2)(B) as are ap-
10 propriate for crewmembers, and the require-
11 ments of subsections (g)(2)(D), (g)(3), and
12 (g)(4); and

13 “(B) for purchase of safety equipment and
14 training aids for use in those fishing vessel safety
15 training programs.

16 “(2) The Secretary shall award grants under this
17 subsection on a competitive basis.

18 “(3) The Federal share of the cost of any activity
19 carried out with a grant under this subsection shall not
20 exceed 75 percent.

21 “(4) There is authorized to be appropriated
22 \$3,000,000 for each of fiscal years 2010 through 2014
23 for grants under this subsection.

24 “(j)(1) The Secretary shall establish a Fishing Safety
25 Research Grant Program to provide funding to individuals

1 in academia, members of non-profit organizations and
2 businesses involved in fishing and maritime matters, and
3 other persons with expertise in fishing safety, to conduct
4 research on methods of improving the safety of the com-
5 mercial fishing industry, including vessel design, emer-
6 gency and survival equipment, enhancement of vessel mon-
7 itoring systems, communications devices, de-icing tech-
8 nology, and severe weather detection.

9 “(2) The Secretary shall award grants under this
10 subsection on a competitive basis.

11 “(3) The Federal share of the cost of any activity
12 carried out with a grant under this subsection shall not
13 exceed 75 percent.

14 “(4) There is authorized to be appropriated
15 \$3,000,000 for each fiscal years 2010 through 2014 for
16 activities under this subsection.”.

17 (b) CONFORMING AMENDMENT.—Section 4506(b) of
18 title 46, United States Code, is repealed.

19 (c) ADVISORY COMMITTEE.—

20 (1) CHANGE OF NAME.—Section 4508 of title
21 46, United States Code, is amended—

22 (A) by striking the section heading and in-
23 serting the following:

1 “§ 4508. **Commercial Fishing Safety Advisory Com-**
2 **mittee**”;

3 and

4 (B) in subsection (a) by striking “Industry
5 Vessel”.

6 (2) MEMBERSHIP REQUIREMENTS.—Section
7 4508(b)(1) of that title is amended—

8 (A) by striking “seventeen” and inserting
9 “eighteen”;

10 (B) in subparagraph (A)—

11 (i) in the matter preceding clause (i),
12 by striking “from the commercial fishing
13 industry who—” and inserting “who shall
14 represent the commercial fishing industry
15 and who—”; and

16 (ii) in clause (ii), by striking “an
17 uninspected” and inserting “a”;

18 (C) by striking subparagraph (B) and in-
19 serting the following:

20 “(B) three members who shall represent the
21 general public, including, whenever possible—

22 “(i) an independent expert or consultant in
23 maritime safety;

24 “(ii) a marine surveyor who provides serv-
25 ices to vessels to which this chapter applies; and

1 “(iii) a person familiar with issues affect-
2 ing fishing communities and families of fisher-
3 men;”; and

4 (D) in subparagraph (C)—

5 (i) in the matter preceding clause (i),
6 by striking “representing each of—”
7 and inserting “each of whom shall rep-
8 resent—”;

9 (ii) in clause (i), by striking “or ma-
10 rine surveyors;” and inserting “and marine
11 engineers;”;

12 (iii) in clause (iii), by striking “and”
13 after the semicolon at the end;

14 (iv) in clause (iv), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (v) by adding at the end the following
17 new clause:

18 “(v) owners of vessels to which this
19 chapter applies.”.

20 (3) TERMINATION.—Section 4508(e)(1) of that
21 title is amended by striking “September 30, 2010.”
22 and inserting “September 30, 2020.”.

23 (4) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 45 of title 46,

1 United States Code, is amended by striking the item
2 relating to such section and inserting the following:
“4508. Commercial Fishing Safety Advisory Committee.”.

3 (d) **LOADLINES FOR VESSELS 79 FEET OR GREATER**
4 **IN LENGTH.**—Section 5102(b)(3) of title 46, United
5 States Code, is amended by inserting after “vessel” the
6 following “, unless the vessel is built or undergoes a major
7 conversion completed after July 1, 2010”.

8 (e) **CLASSING OF VESSELS.**—

9 (1) **IN GENERAL.**—Section 4503 of title 46,
10 United States Code, is amended—

11 (A) by striking the section heading and in-
12 serting the following:

13 **“§ 4503. Fishing, fish tender, and fish processing ves-
14 sel certification”;**

15 (B) in subsection (a) by striking “fish
16 processing”; and

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

18 “(c) This section applies to a vessel to which section
19 4502(b) of this title applies that is at least 50 feet overall
20 in length and—

21 “(1) is built after July 1, 2010; or

22 “(2) undergoes a major conversion completed
23 after that date.

24 “(d)(1) After January 1, 2020, a fishing vessel, fish
25 processing vessel, or fish tender vessel to which section

1 4502(b) of this title applies shall comply with an alternate
2 safety compliance program that is developed in coopera-
3 tion with the commercial fishing industry and prescribed
4 by the Secretary, if the vessel—

5 “(A) is at least 50 feet overall in length;

6 “(B) is built before July 1, 2010; and

7 “(C) is 25 years of age or older.

8 “(2) Alternative safety compliance programs may be
9 developed for purposes of paragraph (1) for specific re-
10 gions and fisheries.

11 “(3) A fishing vessel, fish processing vessel, or fish
12 tender vessel to which section 4502(b) of this title applies
13 that was classed before July 1, 2010, shall—

14 “(A) remain subject to the requirements of a
15 classification society approved by the Secretary; and

16 “(B) have on board a certificate from that soci-
17 ety.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 45 of title 46,
20 United States Code, is amended by striking the item
21 relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

22 (f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—
23 No later than January 1, 2017, the Secretary of the de-
24 partment in which the Coast Guard is operating shall pre-
25 scribe an alternative safety compliance program referred

1 to in section 4503(d) of the title 46, United States Code,
2 as amended by this section.

3 **SEC. 805. MARINER RECORDS.**

4 Section 7502 of title 46, United States Code, is
5 amended—

6 (1) by inserting “(a)” before “The”;

7 (2) by striking “computerized records” and in-
8 serting “records, including electronic records,”; and

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

10 “(b) The Secretary may prescribe regulations requir-
11 ing a vessel owner or managing operator of a commercial
12 vessel, or the employer of a seaman on that vessel, to
13 maintain records of each individual engaged on the vessel
14 on matters of engagement, discharge, and service for not
15 less than 5 years after the date of the completion of the
16 service of that individual on the vessel. The regulations
17 may require that a vessel owner, managing operator, or
18 employer shall make these records available to the indi-
19 vidual and the Coast Guard on request.

20 “(c) A person violating this section, or a regulation
21 prescribed under this section, is liable to the United States
22 Government for a civil penalty of not more than \$5,000.”.

1 **SEC. 806. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
2 **MENT FOR OPERATORS OF CERTAIN TOWING**
3 **VESSELS.**

4 Section 8905 of title 46, United States Code, is
5 amended—

6 (1) by striking subsection (b); and

7 (2) by redesignating subsection (c) as sub-
8 section (b).

9 **SEC. 807. LOG BOOKS.**

10 (a) IN GENERAL.—Chapter 113 of title 46, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 11304. Additional logbook and entry requirements**

14 “(a) A vessel of the United States that is subject to
15 inspection under section 3301 of this title, except a vessel
16 on a voyage from a port in the United States to a port
17 in Canada, shall have an official logbook, which shall be
18 kept available for review by the Secretary on request.

19 “(b) The log book required by subsection (a) shall
20 include the following entries:

21 “(1) The time when each seaman and each offi-
22 cer assumed or relieved the watch.

23 “(2) The number of hours in service to the ves-
24 sels of each seaman and each officer.

25 “(3) An account of each accident, illness, and
26 injury that occurs during each watch.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following:

“11304. Additional logbook and entry requirements.”.

4 **SEC. 808. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

5 (a) IN GENERAL.—Chapter 21 of title 46, United
6 States Code, is amended by adding at the end the fol-
7 lowing new sections:

8 **“§ 2116. Termination for unsafe operation**

9 “An individual authorized to enforce this title—

10 “(1) may remove a certificate required by this
11 title from a vessel that is operating in a condition
12 that does not comply with the provisions of the cer-
13 tificate;

14 “(2) may order the individual in charge of a
15 vessel that is operating that does not have on board
16 the certificate required by this title to return the
17 vessel to a mooring and to remain there until the
18 vessel is in compliance with this title; and

19 “(3) may direct the individual in charge of a
20 vessel to which this title applies to immediately take
21 reasonable steps necessary for the safety of individ-
22 uals on board the vessel if the official observes the
23 vessel being operated in an unsafe condition that the
24 official believes creates an especially hazardous con-
25 dition, including ordering the individual in charge to

1 return the vessel to a mooring and to remain there
2 until the situation creating the hazard is corrected
3 or ended.

4 **“§ 2117. Establishment of equipment standards**

5 “(a) In establishing standards for approved equip-
6 ment required on vessels subject to part B of this title,
7 the Secretary shall establish standards that are—

8 “(1) based on performance using the best avail-
9 able technology that is economically achievable; and

10 “(2) operationally practical.

11 “(b) Using the standards established under sub-
12 section (a), the Secretary may also certify lifesaving equip-
13 ment that is not required to be carried on vessels subject
14 to part B of this title to ensure that such equipment is
15 suitable for its intended purpose.

16 “(c) At least once every 10 years the Secretary shall
17 review and revise the standards established under sub-
18 section (a) to ensure that the standards meet the require-
19 ments of this section.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by adding
22 at the end the following:

“2116. Termination for unsafe operation.

“2117. Establishment of equipment standards.”.

1 **SEC. 809. APPROVAL OF SURVIVAL CRAFT.**

2 (a) IN GENERAL.—Chapter 31 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 3104. Survival craft**

6 “(a) Except as provided in subsection (b), the Sec-
7 retary may not approve a survival craft as a safety device
8 for purposes of this part, unless the craft ensures that
9 no part of an individual is immersed in water.

10 “(b) The Secretary may authorize a survival craft
11 that does not provide protection described in subsection
12 (a) to remain in service until not later than January 1,
13 2015, if—

14 “(1) it was approved by the Secretary before
15 January 1, 2010; and

16 “(2) it is in serviceable condition.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following:

“3104. Survival craft.”.

20 **SEC. 810. SAFETY MANAGEMENT.**

21 (a) VESSELS TO WHICH REQUIREMENTS APPLY.—
22 Section 3202 of title 46, United States Code, is amend-
23 ed—

1 (1) in subsection (a) by striking the heading
2 and inserting “FOREIGN VOYAGES AND FOREIGN
3 VESSELS.—”;

4 (2) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) OTHER PASSENGER VESSELS.—This chapter
9 applies to a vessel that is—

10 “(1) a passenger vessel or small passenger ves-
11 sel; and

12 “(2) is transporting more passengers than a
13 number prescribed by the Secretary based on the
14 number of individuals on the vessel that could be
15 killed or injured in a marine casualty.”;

16 (4) in subsection (d), as so redesignated, by
17 striking “subsection (b)” and inserting “subsection
18 (c)”;

19 (5) in subsection (d)(4), as so redesignated, by
20 inserting “that is not described in subsection (b) of
21 this section” after “waters”.

22 (b) SAFETY MANAGEMENT SYSTEM.—Section 3203
23 of title 46, United States Code, is amended by adding at
24 the end the following new subsection:

1 “(c) In prescribing regulations for passenger vessels
2 and small passenger vessels, the Secretary shall con-
3 sider—

4 “(1) the characteristics, methods of operation,
5 and nature of the service of these vessels; and

6 “(2) with respect to vessels that are ferries, the
7 sizes of the ferry systems within which the vessels
8 operate.”.

9 **SEC. 811. PROTECTION AGAINST DISCRIMINATION.**

10 (a) IN GENERAL.—Section 2114 of title 46, United
11 States Code, is amended—

12 (1) in subsection (a)(1)(A), by striking “or”
13 after the semicolon;

14 (2) in subsection (a)(1)(B), by striking the pe-
15 riod at the end and inserting a semicolon;

16 (3) by adding at the end of subsection (a)(1)
17 the following new subparagraphs:

18 “(C) the seaman testified in a proceeding
19 brought to enforce a maritime safety law or regula-
20 tion prescribed under that law;

21 “(D) the seaman notified, or attempted to no-
22 tify, the vessel owner or the Secretary of a work-re-
23 lated personal injury or work-related illness of a sea-
24 man;

1 “(E) the seaman cooperated with a safety in-
2 vestigation by the Secretary or the National Trans-
3 portation Safety Board;

4 “(F) the seaman furnished information to the
5 Secretary, the National Transportation Safety
6 Board, or any other public official as to the facts re-
7 lating to any marine casualty resulting in injury or
8 death to an individual or damage to property occur-
9 ring in connection with vessel transportation; or

10 “(G) the seaman accurately reported hours of
11 duty under this part.”; and

12 (4) by amending subsection (b) to read as fol-
13 lows:

14 “(b) A seaman alleging discharge or discrimination
15 in violation of subsection (a) of this section, or another
16 person at the seaman’s request, may file a complaint with
17 respect to such allegation in the same manner as a com-
18 plaint may be filed under subsection (b) of section 31105
19 of title 49. Such complaint shall be subject to the proce-
20 dures, requirements, and rights described in that section,
21 including with respect to the right to file an objection, the
22 right of a person to file for a petition for review under
23 subsection (c) of that section, and the requirement to
24 bring a civil action under subsection (d) of that section.”.

1 (b) EXISTING ACTIONS.—This section shall not affect
2 the application of section 2114(b) of title 46, United
3 States Code, as in effect before the date of enactment of
4 this Act, to an action filed under that section before that
5 date.

6 **SEC. 812. OIL FUEL TANK PROTECTION.**

7 Section 3306 of title 46, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(k)(1) Each vessel of the United States that is con-
11 structed under a contract entered into after the date of
12 enactment of the Maritime Safety Act of 2009, or that
13 is delivered after January 1, 2011, with an aggregate ca-
14 pacity of 600 cubic meters or more of oil fuel, shall comply
15 with the requirements of Regulation 12A under Annex I
16 to the Protocol of 1978 relating to the International Con-
17 vention for the Prevention of Pollution from Ships, 1973,
18 entitled ‘Oil Fuel Tank Protection.’

19 “(2) The Secretary may prescribe regulations to
20 apply the requirements described in Regulation 12A to
21 vessels described in paragraph (1) that are not otherwise
22 subject to that convention. Any such regulation shall be
23 considered to be an interpretive rule for the purposes of
24 section 553 of title 5.

1 “(3) In this subsection the term ‘oil fuel’ means any
2 oil used as fuel in connection with the propulsion and aux-
3 iliary machinery of the vessel in which such oil is carried.”.

4 **SEC. 813. OATHS.**

5 Sections 7105 and 7305 of title 46, United States
6 Code, and the items relating to such sections in the anal-
7 ysis for chapters 71 and 73 of such title, are repealed.

8 **SEC. 814. DURATION OF CREDENTIALS.**

9 (a) **MERCHANT MARINER’S DOCUMENTS.**—Section
10 7302(f) of title 46, United States Code, is amended to
11 read as follows:

12 “(f) **PERIODS OF VALIDITY AND RENEWAL OF MER-**
13 **CHANT MARINERS’ DOCUMENTS.**—

14 “(1) **IN GENERAL.**—Except as provided in sub-
15 section (g), a merchant mariner’s document issued
16 under this chapter is valid for a 5-year period and
17 may be renewed for additional 5-year periods.

18 “(2) **ADVANCE RENEWALS.**—A renewed mer-
19 chant mariner’s document may be issued under this
20 chapter up to 8 months in advance but is not effec-
21 tive until the date that the previously issued mer-
22 chant mariner’s document expires or until the com-
23 pletion of any active suspension or revocation of that
24 previously issued merchant mariner’s document,
25 whichever is later.”.

1 (b) DURATION OF LICENSES.—Section 7106 of such
2 title is amended to read as follows:

3 **“§ 7106. Duration of licenses**

4 “(a) IN GENERAL.—A license issued under this part
5 is valid for a 5-year period and may be renewed for addi-
6 tional 5-year periods; except that the validity of a license
7 issued to a radio officer is conditioned on the continuous
8 possession by the holder of a first-class or second-class ra-
9 diotelegraph operator license issued by the Federal Com-
10 munications Commission.

11 “(b) ADVANCE RENEWALS.—A renewed license
12 issued under this part may be issued up to 8 months in
13 advance but is not effective until the date that the pre-
14 viously issued license expires or until the completion of
15 any active suspension or revocation of that previously
16 issued merchant mariner’s document, whichever is later.”.

17 (c) CERTIFICATES OF REGISTRY.—Section 7107 of
18 such title is amended to read as follows:

19 **“§ 7107. Duration of certificates of registry**

20 “(a) IN GENERAL.—A certificate of registry issued
21 under this part is valid for a 5-year period and may be
22 renewed for additional 5-year periods; except that the va-
23 lidity of a certificate issued to a medical doctor or profes-
24 sional nurse is conditioned on the continuous possession

1 by the holder of a license as a medical doctor or registered
2 nurse, respectively, issued by a State.

3 “(b) **ADVANCE RENEWALS.**—A renewed certificate of
4 registry issued under this part may be issued up to 8
5 months in advance but is not effective until the date that
6 the previously issued certificate of registry expires or until
7 the completion of any active suspension or revocation of
8 that previously issued merchant mariner’s document,
9 whichever is later.”.

10 **SEC. 815. FINGERPRINTING.**

11 (a) **MERCHANT MARINER LICENSES AND DOCU-**
12 **MENTS.**—Chapter 75 of title 46, United States Code, is
13 amended by adding at the end the following:

14 **“§ 7507. Fingerprinting**

15 “The Secretary of the Department in which the Coast
16 Guard is operating may not require an individual to be
17 fingerprinted for the issuance or renewal of a license, a
18 certificate of registry, or a merchant mariner’s document
19 under chapter 71 or 73 if the individual was fingerprinted
20 when the individual applied for a transportation security
21 card under section 70105.”.

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

“7507. Fingerprinting.”.

1 **SEC. 816. AUTHORIZATION TO EXTEND THE DURATION OF**
2 **LICENSES, CERTIFICATES OF REGISTRY, AND**
3 **MERCHANT MARINERS' DOCUMENTS.**

4 (a) MERCHANT MARINER LICENSES AND DOCU-
5 MENTS.—Chapter 75 of title 46, United States Code, as
6 amended by section 815(a) of this title, is further amended
7 by adding at the end the following:

8 **“§ 7508. Authority to extend the duration of licenses,**
9 **certificates of registry, and merchant**
10 **mariner documents**

11 “(a) LICENSES AND CERTIFICATES OF REGISTRY.—
12 Notwithstanding sections 7106 and 7107, the Secretary
13 of the department in which the Coast Guard is operating
14 may—

15 “(1) extend for not more than one year an ex-
16 piring license or certificate of registry issued for an
17 individual under chapter 71 if the Secretary deter-
18 mines that the extension is required to enable the
19 Coast Guard to eliminate a backlog in processing ap-
20 plications for those licenses or certificates of registry
21 or in response to a national emergency or natural
22 disaster, as deemed necessary by the Secretary; or

23 “(2) issue for not more than five years an ex-
24 piring license or certificate of registry issued for an
25 individual under chapter 71 for the exclusive pur-
26 pose of aligning the expiration date of such license

1 or certificate of registry with the expiration date of
2 a merchant mariner's document.

3 “(b) MERCHANT MARINER DOCUMENTS.—Notwith-
4 standing section 7302(g), the Secretary may—

5 “(1) extend for not more than one year an ex-
6 piring merchant mariner's document issued for an
7 individual under chapter 71 if the Secretary deter-
8 mines that the extension is required to enable the
9 Coast Guard to eliminate a backlog in processing ap-
10 plications for those licenses or certificates of registry
11 or in response to a national emergency or natural
12 disaster, as deemed necessary by the Secretary; or

13 “(2) issue for not more than five years an ex-
14 piring merchant mariner's document issued for an
15 individual under chapter 71 for the exclusive pur-
16 pose of aligning the expiration date of such mer-
17 chant mariner's document with the expiration date
18 of a merchant mariner's document.

19 “(c) MANNER OF EXTENSION.—Any extensions
20 granted under this section may be granted to individual
21 seamen or a specifically identified group of seamen.”.

22 (b) CLERICAL AMENDMENT.—The analysis for such
23 chapter, as amended by section 815(b), is further amend-
24 ed by adding at the end the following:

“7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

1 **SEC. 817. MERCHANT MARINER DOCUMENTATION.**

2 (a) INTERIM CLEARANCE PROCESS.—Not later than
3 180 days after the date of enactment of this Act, the Sec-
4 retary of the department in which the Coast Guard is op-
5 erating shall develop an interim clearance process for
6 issuance of a merchant mariner document to enable a
7 newly hired seaman to begin working on an offshore sup-
8 ply vessel or towing vessel if the Secretary makes an initial
9 determination that the seaman does not pose a safety and
10 security risk.

11 (b) CONTENTS OF PROCESS.—The process under
12 subsection (a) shall include a check against the consoli-
13 dated and integrated terrorist watch list maintained by the
14 Federal Government, review of the seaman’s criminal
15 record, and review of the results of testing the seaman
16 for use of a dangerous drug (as defined in section 2101
17 of title 46, United States Code) in violation of law or Fed-
18 eral regulation.

19 **SEC. 818. MERCHANT MARINER ASSISTANCE REPORT.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Commandant of the Coast Guard shall
22 submit to the Committee on Transportation and Infra-
23 structure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 Senate a report regarding the feasibility of—

1 (1) expanding the streamlined evaluation pro-
2 cess program that was affiliated with the Houston
3 Regional Examination Center of the Coast Guard to
4 all processing centers of the Coast Guard nation-
5 wide;

6 (2) including proposals to simplify the applica-
7 tion process for a license as an officer, staff officer,
8 or operator and for a merchant mariner’s document
9 to help eliminate errors by merchant mariners when
10 completing the application form (CG–719B), includ-
11 ing instructions attached to the application form and
12 a modified application form for renewals with ques-
13 tions pertaining only to the period of time since the
14 previous application;

15 (3) providing notice to an applicant of the sta-
16 tus of the pending application, including a process to
17 allow the applicant to check on the status of the ap-
18 plication by electronic means; and

19 (4) ensuring that all information collected with
20 respect to applications for new or renewed licenses,
21 merchant mariner documents, and certificates of
22 registry is retained in a secure electronic format.

23 **SEC. 819. OFFSHORE SUPPLY VESSELS.**

24 (a) DEFINITION.—Section 2101(19) of title 46,
25 United States Code, is amended by striking “of more than

1 15 gross tons but less than 500 gross tons as measured
2 under section 14502 of this title, or an alternate tonnage
3 measured under section 14302 of this title as prescribed
4 by the Secretary under section 14104 of this title”.

5 (b) EXEMPTION.—Section 5209(b)(1) of the Oceans
6 Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note)
7 is amended by inserting before the period at the end the
8 following: “of less than 500 gross tons as measured under
9 section 14502, or an alternate tonnage measured under
10 section 14302 of this title as prescribed by the Secretary
11 under section 14104 of this title”.

12 (c) REMOVAL OF TONNAGE LIMITS.—

13 (1) ABLE SEAMEN-OFFSHORE SUPPLY VES-
14 SELS.—Section 7310 of title 46, United States
15 Code, is amended by striking “of less than 500 gross
16 tons as measured under section 14502 of this title,
17 or an alternate tonnage measured under section
18 14302 of this title as prescribed by the Secretary
19 under section 14104 of this title”.

20 (2) SCALE OF EMPLOYMENT: ABLE SEAMEN.—
21 Section 7312(d) of title 46, United States Code, is
22 amended by striking “of less than 500 gross tons as
23 measured under section 14502 of this title, or an al-
24 ternate tonnage measured under section 14302 of

1 this title as prescribed by the Secretary under sec-
2 tion 14104 of this title”.

3 (d) WATCHES.—Section 8104 of title 46, United
4 States Code, is amended—

5 (1) in subsection (g), by inserting after “off-
6 shore supply vessel” the following: “of less than 500
7 gross tons as measured under section 14502 of this
8 title, or less than 6,000 gross tons as measured
9 under section 14302 of this title as prescribed by the
10 Secretary under section 14104 of this title”;

11 (2) in subsection (d), by inserting “(1)” after
12 “(d)”, and by adding at the end the following:

13 “(2) Paragraph (1) does not apply to an offshore sup-
14 ply vessel of at least 6,000 gross tons as measured under
15 section 14302 of this title if the individuals engaged on
16 the vessel are in compliance with hours of service require-
17 ments (including recording and record-keeping of that
18 service) prescribed by the Secretary.”; and

19 (3) in subsection (e), by striking “subsection
20 (d)” and inserting “subsection (d)(1)”.

21 (e) MINIMUM NUMBER OF LICENSED INDIVID-
22 UALS.—Section 8301(b) of title 46, United States Code,
23 is amended to read as follows:

24 “(b)(1) An offshore supply vessel of less than 6,000
25 gross tons, as measured under section 14302 of this title,

1 on a voyage of less than 600 miles shall have at least one
2 licensed mate. Such a vessel on a voyage of 600 miles or
3 more shall have two licensed mates.

4 “(2) An offshore supply vessel of more than 200
5 gross tons as measured under section 14502 of this title,
6 or an alternate tonnage measured under section 14302 of
7 this title as prescribed by the Secretary under section
8 14104 of this title, may not be operated without a licensed
9 engineer.

10 “(3) An offshore supply vessel shall have at least one
11 mate. Additional mates on an offshore supply vessel of at
12 least 6,000 gross tons as measured under section 14302
13 of this title shall be prescribe in accordance with hours
14 of service requirements (including recording and record-
15 keeping of that service) prescribed by the Secretary.”

16 (f) REGULATIONS.—

17 (1) IN GENERAL.—The Secretary of the depart-
18 ment in which the Coast Guard is operating shall
19 promulgate regulations to implement the amend-
20 ments enacted by this section and chapter 37 of title
21 46, United States Code, for offshore supply vessels
22 of at least 6,000 gross tons, before January 1, 2010.

23 (2) INTERIM FINAL RULE AUTHORITY.—The
24 Secretary shall issue an interim final rule as a tem-
25 porary regulation implementing this section (includ-

1 ing the amendments made by this section), and
2 chapter 37 of title 46, United States Code, for off-
3 shore supply vessels of at least 6,000 gross tons, as
4 soon as practicable after the date of enactment of
5 this section, without regard to the provisions of
6 chapter 5 of title 5, United States Code. All regula-
7 tions prescribed under the authority of this para-
8 graph that are not earlier superseded by final regu-
9 lations shall expire not later than 1 year after the
10 date of enactment of this Act.

11 (3) INITIATION OF RULEMAKING.—The Sec-
12 retary may initiate a rulemaking to implement this
13 section (including the amendments made by this sec-
14 tion), and chapter 37 of title 46, United States
15 Code, for offshore supply vessels of at least 6,000
16 gross tons, as soon as practicable after the date of
17 enactment of this section. The final rule issued pur-
18 suant to that rulemaking may supersede the interim
19 final rule promulgated under this subsection.

20 (4) INTERIM PERIOD.—After the date of enact-
21 ment of this Act and prior to the effective date of
22 the regulations promulgated to implement the
23 amendments enacted by this section under para-
24 graph (2), and notwithstanding the tonnage limits of

1 applicable regulations promulgated prior to the date
2 of enactment of this Act, the Secretary may—

3 (A) issue a certificate of inspection under
4 section 3309 of title 46, United States Code, to
5 an offshore supply vessel of at least 500 gross
6 tons as measured under section 14502 of title
7 46, United States Code, or of at least 6,000
8 gross tons as measured under section 14302 of
9 title 46, United States Code, if the Secretary
10 determines that such vessel's arrangements,
11 equipment, classification, and certifications pro-
12 vide for the safe carriage of individuals in addi-
13 tion to the crew and oil and hazardous sub-
14 stances, taking into consideration the character-
15 istics of offshore supply vessels, their methods
16 of operation, and their service in support of ex-
17 ploration, exploitation, or production of offshore
18 mineral or energy resources;

19 (B) for the purpose of enforcing chapter
20 37 of title 46, United States Code, use tank
21 vessel standards for offshore supply vessels of
22 at least 6,000 gross tons after considering the
23 characteristics, methods of operation, and na-
24 ture of the service of the vessel; and

1 (C) authorize a master, mate, or engineer
2 whom the Secretary decides possesses the expe-
3 rience on an offshore supply vessel under 6,000
4 gross tons to serve on an offshore supply vessel
5 over at least 6,000 gross tons.

6 **SEC. 820. ASSOCIATED EQUIPMENT.**

7 Section 2101(1)(B) of title 46, United States Coded,
8 is amended by inserting “with the exception of emergency
9 locator beacons,” before “does”.

10 **SEC. 821. LIFESAVING DEVICES ON UNINSPECTED VESSELS.**

11 Section 4102(b) of title 46, United States Code, is
12 amended to read as follows:

13 “(b) The Secretary shall prescribe regulations requir-
14 ing the installation, maintenance, and use of life pre-
15 servers and other lifesaving devices for individuals on
16 board uninspected vessels.”.

17 **SEC. 822. STUDY OF BLENDED FUELS IN MARINE APPLICA-**
18 **TION.**

19 (a) SURVEY.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Sec-
22 retary of Homeland Security, acting through the
23 Commandant of the Coast Guard, shall submit a
24 survey of published data and reports, pertaining to
25 the use, safety, and performance of blended fuels in

1 marine applications, to the Committee on Transpor-
2 tation and Infrastructure of the House of Represent-
3 atives and the Committees on Commerce, Science,
4 and Transportation of the Senate.

5 (2) INCLUDED INFORMATION.—To the extent
6 possible, the survey required in subsection (a), shall
7 include data and reports on—

8 (A) the impact of blended fuel on the oper-
9 ation, durability, and performance of rec-
10 reational and commercial marine engines, ves-
11 sels, and marine engine and vessel components
12 and associated equipment;

13 (B) the safety impacts of blended fuels on
14 consumers that own and operate recreational
15 and commercial marine engines and marine en-
16 gine components and associated equipment; and

17 (C) to the extent available, fires and explo-
18 sions on board vessels propelled by engines
19 using blended fuels.

20 (b) STUDY.—

21 (1) IN GENERAL.—Not later than 36 months
22 after the date of enactment of this Act, the Sec-
23 retary, acting through the Commandant, shall con-
24 duct a comprehensive study on the use, safety, and
25 performance of blended fuels in marine applications.

1 The Secretary is authorized to conduct such study in
2 conjunction with—

3 (A) any other Federal agency;

4 (B) any State government or agency;

5 (C) any local government or agency, in-
6 cluding local police and fire departments; and

7 (D) any private entity, including engine
8 and vessel manufacturers.

9 (2) EVALUATION.—The study shall include an
10 evaluation of—

11 (A) the impact of blended fuel on the oper-
12 ation, durability and performance of rec-
13 reational and commercial marine engines, ves-
14 sels, and marine engine and vessel components
15 and associated equipment;

16 (B) the safety impacts of blended fuels on
17 consumers that own and operate recreational
18 and commercial marine engines and marine en-
19 gine components and associated equipment; and

20 (C) fires and explosions on board vessels
21 propelled by engines using blended fuels.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of Home-
24 land Security to carry out the survey and study under this
25 section \$1,000,000.

1 **SEC. 823. RENEWAL OF ADVISORY COMMITTEES.**

2 (a) GREAT LAKES PILOTAGE ADVISORY COM-
3 MITTEE.—Section 9307(f)(1) of title 46, United States
4 Code, is amended by striking “September 30, 2010.” and
5 inserting “September 30, 2020.”.

6 (b) NATIONAL BOATING SAFETY ADVISORY COUN-
7 CIL.—Section 13110 of title 46, United States Code, is
8 amended—

9 (1) in subsection (d), by striking the first sen-
10 tence; and

11 (2) in subsection (e), by striking “September
12 30, 2010.” and inserting “September 30, 2020.”.

13 (c) HOUSTON-GALVESTON NAVIGATION SAFETY AD-
14 VISORY COMMITTEE.—Section 18(h) of the Coast Guard
15 Authorization Act of 1991 (Public Law 102–241 as
16 amended by Public Law 104–324) is amended by striking
17 “September 30, 2010.” and inserting “September 30,
18 2020.”.

19 (d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY
20 ADVISORY COMMITTEE.—Section 19 of the Coast Guard
21 Authorization Act of 1991 (Public Law 102–241) is
22 amended—

23 (1) in subsection (b)—

24 (A) in the matter preceding paragraph (1),
25 by striking “twenty-four” and inserting “twen-
26 ty-five”; and

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

3 “(12) One member representing the Associated
4 Federal Pilots and Docking Masters of Louisiana.”;
5 and

6 (2) in subsection (g), by striking “September
7 30, 2010.” and inserting “September 30, 2020.”.

8 (e) TOWING SAFETY ADVISORY COMMITTEE.—The
9 Act to Establish a Towing Safety Advisory Committee in
10 the Department of Transportation (33 U.S.C. 1231a) is
11 amended—

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) There is established a Towing Safety Advisory
15 Committee (hereinafter referred to as the ‘Committee’).
16 The Committee shall consist of eighteen members with
17 particular expertise, knowledge, and experience regarding
18 shallow-draft inland and coastal waterway navigation and
19 towing safety as follows:

20 “(1) Seven members representing the barge and
21 towing industry, reflecting a regional geographic bal-
22 ance.

23 “(2) One member representing the offshore
24 mineral and oil supply vessel industry.

1 “(3) One member representing holders of active
2 licensed Masters or Pilots of towing vessels with ex-
3 perience on the Western Rivers and the Gulf Intra-
4 coastal Waterway.

5 “(4) One member representing the holders of
6 active licensed Masters of towing vessels in offshore
7 service.

8 “(5) One member representing Masters who are
9 active ship-docking or harbor towing vessel.

10 “(6) One member representing licensed or unli-
11 censed towing vessel engineers with formal training
12 and experience.

13 “(7) Two members representing each of the fol-
14 lowing groups:

15 “(A) Port districts, authorities, or terminal
16 operators.

17 “(B) Shippers (of whom at least one shall
18 be engaged in the shipment of oil or hazardous
19 materials by barge).

20 “(8) Two members representing the general
21 public.”; and

22 (2) in subsection (e), by striking “September
23 30, 2010.” and inserting “September 30, 2020.”.

1 (f) NAVIGATION SAFETY ADVISORY COUNCIL.—Sec-
2 tion 5 of the Inland Navigational Rules Act of 1980 (33
3 U.S.C. 2073) is amended—

4 (1) by striking subsections (a) and (b) and in-
5 serting the following:

6 “(a) ESTABLISHMENT OF COUNCIL.—

7 “(1) IN GENERAL.—The Secretary of the de-
8 partment in which the Coast Guard is operating
9 shall establish a Navigation Safety Advisory Council
10 (hereinafter referred to as the ‘Council’), consisting
11 of not more than 21 members. All members shall
12 have expertise in Inland and International vessel
13 navigation Rules of the Road, aids to maritime navi-
14 gation, maritime law, vessel safety, port safety, or
15 commercial diving safety. Upon appointment, all
16 non-Federal members shall be designated as rep-
17 resentative members to represent the viewpoints and
18 interests of one of the following groups or organiza-
19 tions:

20 “(A) Commercial vessel owners or opera-
21 tors.

22 “(B) Professional mariners.

23 “(C) Recreational boaters.

24 “(D) The recreational boating industry.

1 “(E) State agencies responsible for vessel
2 or port safety.

3 “(F) The Maritime Law Association.

4 “(2) PANELS.—Additional persons may be ap-
5 pointed to panels of the Council to assist the Council
6 in performance of its functions.

7 “(3) NOMINATIONS.—The Secretary, through
8 the Coast Guard Commandant, shall not less often
9 than once a year publish a notice in the Federal
10 Register soliciting nominations for membership on
11 the Council.

12 “(b) FUNCTIONS.—The Council shall advise, consult
13 with, and make recommendations to the Secretary,
14 through the Coast Guard Commandant, on matters relat-
15 ing to maritime collisions, rammings, groundings, Inland
16 Rules of the Road, International Rules of the Road, navi-
17 gation regulations and equipment, routing measures, ma-
18 rine information, diving safety, and aids to navigation sys-
19 tems. Any advice and recommendations made by the
20 Council to the Secretary shall reflect the independent
21 judgment of the Council on the matter concerned. The
22 Council shall meet at the call of the Coast Guard Com-
23 mandant, but in any event not less than twice during each
24 calendar year. All proceedings of the Council shall be pub-

1 lic, and a record of the proceedings shall be made available
2 for public inspection.”; and

3 (2) in subsection (d), by striking “September
4 30, 2010.” and inserting “September 30, 2020.”.

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 United States 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 U.S. Coast Guard and under international law,
21 as appropriate.

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 United States Coast Guard, the nearest
23 United States consulate or embassy, and the
24 National Sexual Assault Hotline program or

1 other third party victim advocacy hotline serv-
2 ice; and

3 “(B) a private telephone line and Internet-
4 accessible computer terminal by which the indi-
5 vidual may confidentially access law enforce-
6 ment officials, an attorney, and the information
7 and support services available through the Na-
8 tional Sexual Assault Hotline program or other
9 third party victim advocacy hotline service.

10 “(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-
11 INATION AND SUPPORT INFORMATION.—The master or
12 other individual in charge of a vessel to which this section
13 applies shall—

14 “(1) treat all information concerning an exam-
15 ination under subsection (d) confidential, so that no
16 medical information may be released to the cruise
17 line or other owner of the vessel or any legal rep-
18 resentative thereof without the prior knowledge and
19 approval in writing of the patient, or, if the patient
20 is unable to provide written authorization, the pa-
21 tient’s next-of-kin, except that nothing in this para-
22 graph prohibits the release of—

23 “(A) information, other than medical find-
24 ings, necessary for the owner or master of the
25 vessel to comply with the provisions of sub-

1 section (g) or other applicable incident report-
2 ing laws;

3 “(B) information to secure the safety of
4 passengers or crew on board the vessel; or

5 “(C) any information to law enforcement
6 officials performing official duties in the course
7 and scope of an investigation; and

8 “(2) treat any information derived from, or ob-
9 tained in connection with, post-assault counseling or
10 other supportive services confidential, so no such in-
11 formation may be released to the cruise line or any
12 legal representative thereof without the prior knowl-
13 edge and approval in writing of the patient, or, if
14 the patient is unable to provide written authoriza-
15 tion, the patient’s next-of-kin.

16 “(f) CREW ACCESS TO PASSENGER STATEROOMS.—
17 The owner of a vessel to which this section applies shall—

18 “(1) establish and implement procedures and
19 restrictions concerning—

20 “(A) which crew members have access to
21 passenger staterooms; and

22 “(B) the periods during which they have
23 that access; and

1 “(2) ensure that the procedures and restrictions
2 are fully and properly implemented and periodically
3 reviewed.

4 “(g) LOG BOOK AND REPORTING REQUIREMENTS.—

5 “(1) IN GENERAL.—The owner of a vessel to
6 which this section applies shall—

7 “(A) record in a log book, either electroni-
8 cally or otherwise, in a centralized location
9 readily accessible to law enforcement personnel,
10 a report on—

11 “(i) all complaints of crimes described
12 in paragraph (3)(A)(i),

13 “(ii) all complaints of theft of prop-
14 erty valued in excess of \$1,000, and

15 “(iii) all complaints of other crimes,
16 committed on any voyage that embarks or dis-
17 embarks passengers in the United States; and

18 “(B) make such log book available upon
19 request to any agent of the Federal Bureau of
20 Investigation, any member of the United States
21 Coast Guard, and any law enforcement officer
22 performing official duties in the course and
23 scope of an investigation.

1 “(2) DETAILS REQUIRED.—The information re-
2 corded under paragraph (1) shall include, at a min-
3 imum—

4 “(A) the vessel operator;

5 “(B) the name of the cruise line;

6 “(C) the flag under which the vessel was
7 operating at the time the reported incident oc-
8 curred;

9 “(D) the age and gender of the victim and
10 the accused assailant;

11 “(E) the nature of the alleged crime or
12 complaint, as applicable, including whether the
13 alleged perpetrator was a passenger or a crew
14 member;

15 “(F) the vessel’s position at the time of the
16 incident, if known, or the position of the vessel
17 at the time of the initial report;

18 “(G) the time, date, and method of the ini-
19 tial report and the law enforcement authority to
20 which the initial report was made;

21 “(H) the time and date the incident oc-
22 curred, if known;

23 “(I) the total number of passengers and
24 the total number of crew members on the voy-
25 age; and

1 “(J) the case number or other identifier
2 provided by the law enforcement authority to
3 which the initial report was made.

4 “(3) REQUIREMENT TO REPORT CRIMES AND
5 OTHER INFORMATION.—

6 “(A) IN GENERAL.—The owner of a vessel
7 to which this section applies (or the owner’s
8 designee)—

9 “(i) shall contact the nearest Federal
10 Bureau of Investigation Field Office or
11 Legal Attache by telephone as soon as pos-
12 sible after the occurrence on board the ves-
13 sel of an incident involving homicide, sus-
14 picious death, a missing United States na-
15 tional, kidnapping, assault with serious
16 bodily injury, any offense to which section
17 2241, 2242, 2243, or 2244 (a) or (c) of
18 title 18 applies, firing or tampering with
19 the vessel, or theft of money or property in
20 excess of \$10,000 to report the incident;

21 “(ii) shall furnish a written report of
22 the incident to the Secretary via an Inter-
23 net based portal;

24 “(iii) may report any serious incident
25 that does not meet the reporting require-

1 ments of clause (i) and that does not re-
2 quire immediate attention by the Federal
3 Bureau of Investigation via the Internet
4 based portal maintained by the Secretary
5 of Transportation; and

6 “(iv) may report any other criminal
7 incident involving passengers or crew mem-
8 bers, or both, to the proper State or local
9 government law enforcement authority.

10 “(B) INCIDENTS TO WHICH SUBPARA-
11 GRAPH (A) APPLIES.—Subparagraph (A) ap-
12 plies to an incident involving criminal activity
13 if—

14 “(i) the vessel, regardless of registry,
15 is owned, in whole or in part, by a United
16 States person, regardless of the nationality
17 of the victim or perpetrator, and the inci-
18 dent occurs when the vessel is within the
19 admiralty and maritime jurisdiction of the
20 United States and outside the jurisdiction
21 of any State;

22 “(ii) the incident concerns an offense
23 by or against a United States national
24 committed outside the jurisdiction of any
25 nation;

1 “(iii) the incident occurs in the Terri-
2 torial Sea of the United States, regardless
3 of the nationality of the vessel, the victim,
4 or the perpetrator; or

5 “(iv) the incident concerns a victim or
6 perpetrator who is a United States na-
7 tional on a vessel during a voyage that de-
8 parted from or will arrive at a United
9 States port.

10 “(4) AVAILABILITY OF INCIDENT DATA VIA
11 INTERNET.—

12 “(A) WEBSITE.—The Secretary of Trans-
13 portation shall maintain a statistical compila-
14 tion of all incidents described in paragraph
15 (3)(A)(i) on an Internet site that provides a nu-
16 merical accounting of the missing persons and
17 alleged crimes recorded in each report filed
18 under paragraph (3)(A)(i) that are no longer
19 under investigation by the Federal Bureau of
20 Investigation. The data shall be updated no less
21 frequently than quarterly, aggregated by—

22 “(i) cruise line, with each cruise line
23 identified by name; and

24 “(ii) whether each crime was com-
25 mitted by a passenger or a crew member.

1 “(B) ACCESS TO WEBSITE.—Each cruise
2 line taking on or discharging passengers in the
3 United States shall include a link on its Inter-
4 net website to the website maintained by the
5 Secretary under subparagraph (A).

6 “(h) ENFORCEMENT.—

7 “(1) PENALTIES.—

8 “(A) CIVIL PENALTY.—Any person that
9 violates this section or a regulation under this
10 section shall be liable for a civil penalty of not
11 more than \$25,000 for each day during which
12 the violation continues, except that the max-
13 imum penalty for a continuing violation is
14 \$50,000.

15 “(B) CRIMINAL PENALTY.—Any person
16 that willfully violates this section or a regula-
17 tion under this section shall be fined not more
18 than \$250,000 or imprisoned not more than 1
19 year, or both.

20 “(2) DENIAL OF ENTRY.—The Secretary may
21 deny entry into the United States to a vessel to
22 which this section applies if the owner of the ves-
23 sel—

1 “(A) commits an act or omission for which
2 a penalty may be imposed under this sub-
3 section; or

4 “(B) fails to pay a penalty imposed on the
5 owner under this subsection.

6 “(i) PROCEDURES.—Within 6 months after the date
7 of enactment of the Cruise Vessel Security and Safety Act
8 of 2009, the Secretary shall issue guidelines, training cur-
9 ricula, and inspection and certification procedures nec-
10 essary to carry out the requirements of this section.

11 “(j) REGULATIONS.—The Secretary of Transpor-
12 tation and the Commandant shall each issue such regula-
13 tions as are necessary to implement this section.

14 “(k) APPLICATION.—

15 “(1) IN GENERAL.—This section and section
16 3508 apply to a passenger vessel (as defined in sec-
17 tion 2101(22)) that—

18 “(A) is authorized to carry at least 250
19 passengers;

20 “(B) has onboard sleeping facilities for
21 each passenger;

22 “(C) is on a voyage that embarks or dis-
23 embarks passengers in the United States; and

24 “(D) is not engaged on a coastwise voyage.

1 “(b) MINIMUM STANDARDS.—The standards estab-
2 lished by the Secretary under subsection (a) shall in-
3 clude—

4 “(1) the training and certification of vessel se-
5 curity personnel, crew members, and law enforce-
6 ment officials in accordance with accepted law en-
7 forcement and security guidelines, policies, and pro-
8 cedures, including recommendations for incor-
9 porating a background check process for personnel
10 trained and certified in foreign countries;

11 “(2) the training of students and instructors in
12 all aspects of prevention, detection, evidence preser-
13 vation, and reporting of criminal activities in the
14 international maritime environment; and

15 “(3) the provision or recognition of off-site
16 training and certification courses in the United
17 States and foreign countries to develop and provide
18 the required training and certification described in
19 subsection (a) and to enhance security awareness
20 and security practices related to the preservation of
21 evidence in response to crimes on board passenger
22 vessels.

23 “(c) CERTIFICATION REQUIREMENT.—Beginning 2
24 years after the standards are established under subsection
25 (b), no vessel to which this section applies may enter a

1 United States port on a voyage (or voyage segment) on
2 which a United States citizen is a passenger unless there
3 is at least 1 crew member onboard who is certified as hav-
4 ing successfully completed training in the prevention, de-
5 tection, evidence preservation, and reporting of criminal
6 activities in the international maritime environment on
7 passenger vessels under subsection (a).

8 “(d) INTERIM TRAINING REQUIREMENT.—No vessel
9 to which this section applies may enter a United States
10 port on a voyage (or voyage segment) on which a United
11 States citizen is a passenger unless there is at least 1 crew
12 member onboard who has been properly trained in the pre-
13 vention, detection, evidence preservation and the reporting
14 requirements of criminal activities in the international
15 maritime environment. The owner of such a vessel shall
16 maintain certification or other documentation, as pre-
17 scribed by the Secretary, verifying the training of such in-
18 dividual and provide such documentation upon request for
19 inspection in connection with enforcement of the provi-
20 sions of this section. This subsection shall take effect 1
21 year after the date of enactment of the Cruise Vessel Safe-
22 ty and Security Act of 2009 and shall remain in effect
23 until superseded by the requirements of subsection (c).

1 “(e) CIVIL PENALTY.—Any person that violates this
2 section or a regulation under this section shall be liable
3 for a civil penalty of not more than \$50,000.

4 “(f) DENIAL OF ENTRY.—The Secretary may deny
5 entry into the United States to a vessel to which this sec-
6 tion applies if the owner of the vessel—

7 “(1) commits an act or omission for which a
8 penalty may be imposed under subsection (e); or

9 “(2) fails to pay a penalty imposed on the
10 owner under subsection (e).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 for such chapter is amended by adding at the end the fol-
13 lowing:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

14 **SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF**
15 **PASSENGER VESSELS.**

16 (a) IN GENERAL.—Within 3 months after the date
17 of enactment of this Act, the Secretary of the department
18 in which the United States Coast Guard is operating shall
19 conduct a study of the security needs of passenger vessels
20 depending on number of passengers on the vessels, and
21 report to the Congress findings of the study and rec-
22 ommendations for improving security on those vessels.

23 (b) REPORT CONTENTS.—In recommending appro-
24 priate security on those vessels, the report shall take into

1 account typical crew member shifts, working conditions of
 2 crew members, and length of voyages.

3 **TITLE X—UNITED STATES**
 4 **MARINER PROTECTION**

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the “United States Mariner
 7 and Vessel Protection Act of 2009”.

8 **SEC. 1002. USE FORCE AGAINST PIRACY.**

9 (a) IN GENERAL.—Chapter 81 of title 46, United
 10 States Code, is amended by adding at the end the fol-
 11 lowing new section:

12 **“§ 8107. Use of force against piracy**

13 “An owner, operator, time charterer, master, or mar-
 14 iner who uses force, or authorizes the use of force, to de-
 15 fend a vessel of the United States against an act of piracy
 16 shall not be liable for any injury or death caused by such
 17 force to any person participating in the act of piracy.”.

18 (b) CLERICAL AMENDMENT.—The analysis at the be-
 19 ginning of such chapter is amended by adding at the end
 20 the following new item:

“8107. Use of force against piracy.”.

21 **SEC. 1003. AGREEMENTS.**

22 To carry out the purpose of this title, the Secretary
 23 of the department in which the Coast Guard is operating
 24 shall work through the International Maritime Organiza-
 25 tion to establish agreements to promote coordinated action

1 among flag- and port-states to deter, protect against, and
2 rapidly respond to acts of piracy against the vessels of,
3 and in the waters under the jurisdiction of, those nations,
4 and to ensure limitations on liability similar to those es-
5 tablished by section 8107 of title 46, United States Code,
6 as amended by this title.

7 **TITLE XI—MISCELLANEOUS** 8 **PROVISIONS**

9 **SEC. 1101. CERTIFICATE OF DOCUMENTATION FOR GAL-** 10 **LANT LADY.**

11 Section 1120(c) of the Coast Guard Authorization
12 Act of 1996 (110 Stat. 3977) is amended—

13 (1) in paragraph (1)—

14 (A) by striking “of Transportation” and
15 inserting “of the department in which the Coast
16 Guard is operating”; and

17 (B) by striking subparagraph (A) and in-
18 serting the following:

19 “(A) the vessel GALLANT LADY
20 (Leadship hull number 672, approximately 168
21 feet in length).”;

22 (2) by striking paragraphs (3) and (4) and re-
23 designating paragraph (5) as paragraph (3); and

1 (3) in paragraph (3) (as so redesignated) by
2 striking all after “shall expire” and inserting “on
3 the date of the sale of the vessel by the owner.”.

4 **SEC. 1102. WAIVERS.**

5 Notwithstanding section 12112 and chapter 551 of
6 title 46, United States Code, the Secretary of the depart-
7 ment in which the Coast Guard is operating may issue
8 a certificate of documentation with a coastwise endorse-
9 ment for the following vessels:

10 (1) OCEAN VERITAS (IMO Number
11 7366805).

12 (2) MAYA (United States official number
13 11073).

14 (3) ZIPPER (State of New York regulation
15 number NY3205EB).

16 (4) GULF DIVER IV (United States official
17 number 553457).

18 (5) M/V GEYSIR (United States official num-
19 ber 622178).

20 **SEC. 1103. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

21 Section 605 of the Coast Guard and Maritime Trans-
22 portation Act of 2004 (118 Stat. 1052) is amended—

23 (1) in subsection (b)(1)—

24 (A) by striking “The Secretary of Trans-
25 portation shall conduct a study that” and in-

1 serting “The Institute shall conduct maritime
2 transportation studies of the Great Lakes re-
3 gion, including studies that”;

4 (B) in subparagraphs (A), (B), (C), (E),
5 (F), (H), (I), and (J) by striking “evaluates”
6 and inserting “evaluate”;

7 (C) in subparagraphs (D) and (G) by
8 striking “analyzes” and inserting “analyze”;

9 (D) by striking “and” at the end of sub-
10 paragraph (I);

11 (E) by striking the period at the end of
12 subparagraph (J) and inserting a semicolon;

13 (F) by adding at the end the following:

14 “(K) identify ways to improve the integra-
15 tion of the Great Lakes marine transportation
16 system into the national transportation system;

17 “(L) examine the potential of expanded op-
18 erations on the Great Lakes marine transpor-
19 tation system;

20 “(M) identify ways to include intelligent
21 transportation applications into the Great
22 Lakes marine transportation system;

23 “(N) analyze the effects and impacts of
24 aging infrastructure and port corrosion on the
25 Great Lakes marine transportation system;

1 “(O) establish and maintain a model Great
2 Lakes marine transportation system database;
3 and

4 “(P) identify market opportunities for, and
5 impediments to, the use of United States-flag
6 vessels in trade with Canada on the Great
7 Lakes.”; and

8 (2) by striking subsection (b)(4) and inserting
9 the following:

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to carry out
12 paragraph (1)—

13 “(A) \$2,400,000 for fiscal year 2010;

14 “(B) \$2,500,000 for fiscal year 2011;

15 “(C) \$2,600,000 for fiscal year 2012; and

16 “(D) \$2,700,000 for fiscal year 2013.”.

17 **SEC. 1104. CONVEYANCE OF COAST GUARD BOAT HOUSE,**
18 **NANTUCKET, MASSACHUSETTS.**

19 (a) STATION BRANT POINT BOAT HOUSE.—

20 (1) REQUIREMENT.—The Secretary of the de-
21 partment in which the Coast Guard is operating
22 shall convey to the town of Nantucket, Massachu-
23 setts, all right, title, and interest of the United
24 States in and to the buildings known as the Station
25 Brant Point Boat House located at Coast Guard

1 Station Brant Point, Nantucket, Massachusetts, for
2 use for a public purpose.

3 (2) TERMS OF CONVEYANCE.—A conveyance of
4 the building under paragraph (1) shall be made—

5 (A) without the payment of consideration;
6 and

7 (B) subject to appropriate terms and con-
8 ditions the Secretary considers necessary.

9 (3) REVERSIONARY INTEREST.—All right, title,
10 and interest in property conveyed under this sub-
11 section shall revert to the United States if any por-
12 tion of the property is used other than for a public
13 purpose.

14 (b) LEASE.—

15 (1) REQUIREMENT.—The Secretary of the de-
16 partment in which the Coast Guard is operating
17 shall enter into a lease with the town of Nantucket
18 that authorizes the town of Nantucket to occupy the
19 land on which the buildings conveyed under sub-
20 section (a) are located, subject to appropriate terms
21 and conditions the Secretary considers necessary.

22 (2) LEASE TERM.—A lease under this sub-
23 section shall not expire before January 31, 2033.

24 (3) TERMINATION OF LEASE.—If the Secretary
25 determines that the property leased under paragraph

1 (1) is necessary for purposes of the Coast Guard,
2 the Secretary—

3 (A) may terminate the lease without pay-
4 ment of compensation; and

5 (B) shall provide the town of Nantucket
6 not less than 12 months notice of the require-
7 ment to vacate the site and move the buildings
8 conveyed under subsection (a) to another loca-
9 tion.

10 **SEC. 1105. CREW WAGES ON PASSENGER VESSELS.**

11 (a) FOREIGN AND INTERCOASTAL VOYAGES.—

12 (1) CAP ON PENALTY WAGES.—Section
13 10313(g) of title 46, United States Code, is amend-
14 ed—

15 (A) by striking “When” and inserting “(1)
16 Subject to paragraph (2), when”; and

17 (B) by adding at the end the following:

18 “(2) The total amount required to be paid under
19 paragraph (1) with respect to all claims in a class action
20 suit by seamen on a passenger vessel capable of carrying
21 more than 500 passengers for wages under this section
22 against a vessel master, owner, or operator or the em-
23 ployer of the seamen shall not exceed ten times the unpaid
24 wages that are the subject of the claims.

1 “(3) A class action suit for wages under this sub-
2 section must be commenced within three years after the
3 later of—

4 “(A) the date of the end of the last voyage for
5 which the wages are claimed; or

6 “(B) the receipt, by a seaman who is a claimant
7 in the suit, of a payment of wages that are the sub-
8 ject of the suit that is made in the ordinary course
9 of employment.”.

10 (2) DEPOSITS.—Section 10315 of such title is
11 amended by adding at the end the following:

12 “(f) DEPOSITS IN SEAMAN ACCOUNT.—By written
13 request signed by the seaman, a seaman employed on a
14 passenger vessel capable of carrying more than 500 pas-
15 sengers may authorize the master, owner, or operator of
16 the vessel, or the employer of the seaman, to make depos-
17 its of wages of the seaman into a checking, savings, invest-
18 ment, or retirement account, or other account to secure
19 a payroll or debit card for the seaman if—

20 “(1) the wages designated by the seaman for
21 such deposit are deposited in a United States or
22 international financial institution designated by the
23 seaman;

24 “(2) such deposits in the financial institution
25 are fully guaranteed under commonly accepted inter-

1 national standards by the government of the country
2 in which the financial institution is licensed;

3 “(3) a written wage statement or pay stub, in-
4 cluding an accounting of any direct deposit, is deliv-
5 ered to the seaman no less often than monthly; and

6 “(4) while on board the vessel on which the sea-
7 man is employed, the seaman is able to arrange for
8 withdrawal of all funds on deposit in the account in
9 which the wages are deposited.”.

10 (b) COASTWISE VOYAGES.—

11 (1) CAP ON PENALTY WAGES.—Section
12 10504(c) of such title is amended—

13 (A) by striking “When” and inserting “(1)
14 Subject to subsection (d), and except as pro-
15 vided in paragraph (2), when”; and

16 (B) by inserting at the end the following:

17 “(2) The total amount required to be paid under
18 paragraph (1) with respect to all claims in a class action
19 suit by seamen on a passenger vessel capable of carrying
20 more than 500 passengers for wages under this section
21 against a vessel master, owner, or operator or the em-
22 ployer of the seamen shall not exceed ten times the unpaid
23 wages that are the subject of the claims.

1 “(3) A class action suit for wages under this sub-
2 section must be commenced within three years after the
3 later of—

4 “(A) the date of the end of the last voyage for
5 which the wages are claimed; or

6 “(B) the receipt, by a seaman who is a claimant
7 in the suit, of a payment of wages that are the sub-
8 ject of the suit that is made in the ordinary course
9 of employment.”.

10 (2) DEPOSITS.—Section 10504 of such title is
11 amended by adding at the end the following:

12 “(f) DEPOSITS IN SEAMAN ACCOUNT.—On written
13 request signed by the seaman, a seaman employed on a
14 passenger vessel capable of carrying more than 500 pas-
15 sengers may authorize, the master, owner, or operator of
16 the vessel, or the employer of the seaman, to make depos-
17 its of wages of the seaman into a checking, savings, invest-
18 ment, or retirement account, or other account to secure
19 a payroll or debit card for the seaman if—

20 “(1) the wages designated by the seaman for
21 such deposit are deposited in a United States or
22 international financial institution designated by the
23 seaman;

24 “(2) such deposits in the financial institution
25 are fully guaranteed under commonly accepted inter-

1 national standards by the government of the country
2 in which the financial institution is licensed;

3 “(3) a written wage statement or pay stub, in-
4 cluding an accounting of any direct deposit, is deliv-
5 ered to the seaman no less often than monthly; and

6 “(4) while on board the vessel on which the sea-
7 man is employed, the seaman is able to arrange for
8 withdrawal of all funds on deposit in the account in
9 which the wages are deposited.”.

10 **SEC. 1106. TECHNICAL CORRECTIONS.**

11 (a) COAST GUARD AND MARITIME TRANSPORTATION
12 ACT OF 2006.—Effective with enactment of the Coast
13 Guard and Maritime Transportation Act of 2006 (Public
14 Law 109–241), such Act is amended—

15 (1) in section 311(b) (120 Stat. 530) by insert-
16 ing “paragraphs (1) and (2) of” before “section
17 8104(o)”;

18 (2) in section 603(a)(2) (120 Stat. 554) by
19 striking “33 U.S.C. 2794(a)(2)” and inserting “33
20 U.S.C. 2704(a)(2)”;

21 (3) in section 901(r)(2) (120 Stat. 566) by
22 striking “the” the second place it appears;

23 (4) in section 902(c) (120 Stat. 566) by insert-
24 ing “of the United States” after “Revised Statutes”;

1 (5) in section 902(e) (120 Stat. 567) is amend-
2 ed—

3 (A) by inserting “and” after the semicolon
4 at the end of paragraph (1);

5 (B) by striking “and” at the end of para-
6 graph (2)(A); and

7 (C) by redesignating paragraphs (3) and
8 (4) as subparagraphs (C) and (D) of paragraph
9 (2), respectively, and aligning the left margin of
10 such subparagraphs with the left margin of
11 subparagraph (A) of paragraph (2);

12 (6) in section 902(e)(2)(C) (as so redesignated)
13 by striking “this section” and inserting “this para-
14 graph”;

15 (7) in section 902(e)(2)(D) (as so redesignated)
16 by striking “this section” and inserting “this para-
17 graph”;

18 (8) in section 902(h)(1) (120 Stat. 567)—

19 (A) by striking “Bisti/De-Na-Zin” and all
20 that follows through “Protection” and inserting
21 “Omnibus Parks and Public Lands Manage-
22 ment”; and

23 (B) by inserting a period after “Com-
24 mandant of the Coast Guard”;

1 (9) in section 902(k) (120 Stat. 568) is amend-
2 ed—

3 (A) by inserting “the Act of March 23,
4 1906, commonly known as” before “the General
5 Bridge”;

6 (B) by striking “491)” and inserting
7 “494),”; and

8 (C) by inserting “each place it appears”
9 before “and inserting”; and

10 (10) in section 902(o) (120 Stat. 569) by strik-
11 ing the period after “Homeland Security”.

12 (b) TITLE 14.—

13 (1) The analysis for chapter 7 of title 14,
14 United States Code, is amended by adding a period
15 at the end of the item relating to section 149.

16 (2) The analysis for chapter 17 of title 14,
17 United States Code, is amended by adding a period
18 at the end of the item relating to section 677.

19 (3) The analysis for chapter 9 of title 14,
20 United States Code, is amended by adding a period
21 at the end of the item relating to section 198.

22 (c) TITLE 46.—

23 (1) The analysis for chapter 81 of title 46,
24 United States Code, is amended by adding a period
25 at the end of the item relating to section 8106.

1 eration, all right, title, and interest of the United States
2 in and to that vessel to the USCG Cutter STORIS Mu-
3 seum and Maritime Education Center, LLC, located in the
4 State of Alaska if the recipient—

5 (1) agrees—

6 (A) to use the vessel for purposes of a mu-
7 seum and historical display;

8 (B) not to use the vessel for commercial
9 transportation purposes;

10 (C) to make the vessel available to the
11 United States Government if needed for use by
12 the Commandant in time of war or a national
13 emergency; and

14 (D) to hold the Government harmless for
15 any claims arising from exposure to hazardous
16 materials, including asbestos and poly-
17 chlorinated biphenyls, after conveyance of the
18 vessel, except for claims arising from the use by
19 the Government under subparagraph (C);

20 (2) has funds available that will be committed
21 to operate and maintain in good working condition
22 the vessel conveyed, in the form of cash, liquid as-
23 sets, or a written loan commitment and in an
24 amount of at least \$700,000; and

1 (3) agrees to any other conditions the Com-
2 mandant considers appropriate.

3 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

4 (1) MAINTENANCE.—Before conveyance of the
5 vessel under this section, the Commandant shall
6 make, to the extent practical and subject to other
7 Coast Guard mission requirements, every effort to
8 maintain the integrity of the vessel and its equip-
9 ment until the time of delivery.

10 (2) DELIVERY.—If a conveyance is made under
11 this section, the Commandant shall deliver the vessel
12 to a suitable mooring in the local area in its present
13 condition.

14 (3) TREATMENT OF CONVEYANCE.—The con-
15 veyance of the vessel under this section shall not be
16 considered a distribution in commerce for purposes
17 of section 6(e) of Public Law 94–469 (15 U.S.C.
18 2605(e)).

19 (c) OTHER EXCESS EQUIPMENT.—The Commandant
20 may convey to the recipient of a conveyance under sub-
21 section (a) any excess equipment or parts from other de-
22 commissioned Coast Guard vessels for use to enhance the
23 operability and function of the vessel conveyed under sub-
24 section (a) for purposes of a museum and historical dis-
25 play.

1 **SEC. 1108. CONVEYANCE OF COAST GUARD HU-25 FALCON**
2 **JET AIRCRAFT.**

3 (a) **AUTHORITY TO CONVEY.**—Notwithstanding any
4 other law, the Commandant of the Coast Guard may con-
5 vey to the Elizabeth City State University (in this section
6 referred to as the “University”), a public university lo-
7 cated in the State of North Carolina, without consider-
8 ation all right, title, and interest of the United States in
9 an HU-25 Falcon Jet aircraft under the administrative
10 jurisdiction of the Coast Guard that the Commandant de-
11 termines—

12 (1) is appropriate for use by the University;

13 and

14 (2) is excess to the needs of the Coast Guard.

15 (b) **CONDITIONS.**—

16 (1) **IN GENERAL.**—As a condition of conveying
17 an aircraft to the University under subsection (a),
18 the Commandant shall enter into an agreement with
19 the University under which the University agrees—

20 (A) to utilize the aircraft for educational
21 purposes or other public purposes as jointly
22 agreed upon by the Commandant and the Uni-
23 versity before conveyance; and

24 (B) to hold the United States harmless for
25 any claim arising with respect to the aircraft
26 after conveyance of the aircraft.

1 (2) REVERSIONARY INTEREST.—If the Com-
2 mandant determines that the recipient violated sub-
3 paragraph (A) or (B) of paragraph (1), then—

4 (A) all right, title, and interest in the air-
5 craft shall revert to the United States;

6 (B) the United States shall have the right
7 to immediate possession of the aircraft; and

8 (C) the recipient shall pay the United
9 States for its costs incurred in recovering the
10 aircraft for such violation.

11 (c) LIMITATION ON FUTURE TRANSFERS.—

12 (1) IN GENERAL.—The Commandant shall in-
13 clude in the instruments for the conveyance a re-
14 quirement that any further conveyance of an interest
15 in the aircraft may not be made without the ap-
16 proval in advance of the Commandant.

17 (2) REVERSIONARY INTEREST.—If the Com-
18 mandant determines that an interest in the aircraft
19 was conveyed without such approval, then—

20 (A) all right, title, and interest in the air-
21 craft shall revert to the United States;

22 (B) the United States shall have the right
23 to immediate possession of the aircraft; and

1 (C) the recipient shall pay the United
2 States for its costs incurred in recovering the
3 aircraft for such a violation.

4 (d) DELIVERY OF AIRCRAFT.—The Commandant
5 shall deliver the aircraft conveyed under subsection (a)—

6 (1) at the place where the aircraft is located on
7 the date of the conveyance;

8 (2) in its condition on the date of conveyance;
9 and

10 (3) without cost to the United States.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The
12 Commandant may require such additional terms and con-
13 ditions in connection with the conveyance required by sub-
14 section (a) as the Commandant considers appropriate to
15 protect the interests of the United States.

16 **SEC. 1109. DECOMMISSIONED COAST GUARD VESSELS FOR**
17 **HAITI.**

18 (a) IN GENERAL.—Notwithstanding any other law,
19 upon the scheduled decommissioning of any Coast Guard
20 41-foot patrol boat, the Commandant of the Coast Guard
21 shall give the Government of Haiti a right-of-first-refusal
22 for conveyance of that vessel to the Government of Haiti,
23 if that Government of Haiti agrees—

24 (1) to use the vessel for the Coast Guard of
25 Haiti;

1 (2) to make the vessel available to the United
2 States Government if needed for use by the Com-
3 mandant in time of war or national emergency;

4 (3) to hold the United States Government
5 harmless for any claims arising from exposure to
6 hazardous materials, including asbestos and poly-
7 chlorinated biphenyls, after conveyance of the vessel,
8 except for claims arising from the use by the United
9 States Government under paragraph (2); and

10 (4) to any other conditions the Commandant
11 considers appropriate.

12 (b) LIMITATION.—The Commandant may not convey
13 more than 10 vessels to the Government of Haiti pursuant
14 to this section.

15 (c) MAINTENANCE AND DELIVERY OF VESSEL.—

16 (1) MAINTENANCE.—Before conveyance of a
17 vessel under this section, the Commandant shall
18 make, to the extent practical and subject to other
19 Coast Guard mission requirements, every effort to
20 maintain the integrity of the vessel and its equip-
21 ment until the time of delivery.

22 (2) DELIVERY.—If a conveyance is made under
23 this section, the Commandant shall deliver a vessel
24 to a suitable mooring in the local area in its present
25 condition.

1 for these support operations and all such reasonably
2 available and suitable vessels are employed in sup-
3 port of such operations; and

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

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

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

23 (b) EXPIRATION.—Irrespective of the year in which
24 the commitment referred to in subsection (a)(2)(A) oc-
25 curs, foreign-flag anchor handling vessels may not be em-

1 ployed for the setting, relocation, or recovery of anchors
2 or other mooring equipment of a mobile offshore drilling
3 unit after December 31, 2017.

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

11 (d) **SAVINGS PROVISION.**—Nothing in subsection (a)
12 may be construed to authorize the employment in the
13 coastwise trade of a vessel that does not meet the require-
14 ments of section 12112 of title 46, United States Code.

15 **SEC. 1111. VESSEL TRAFFIC RISK ASSESSMENT.**

16 (a) **REQUIREMENT.**—The Commandant of the Coast
17 Guard, acting through the appropriate Area Committee
18 established under section 311(j)(4) of the Federal Water
19 Pollution Control Act, shall prepare a vessel traffic risk
20 assessment for Cook Inlet, Alaska, within one year after
21 the date of enactment of this Act.

22 (b) **CONTENTS.**—The assessment shall describe, for
23 the region covered by the assessment—

24 (1) the amount and character of present and
25 estimated future shipping traffic in the region; and

1 (2) the current and projected use and effective-
2 ness in reducing risk, of—

3 (A) traffic separation schemes and routing
4 measures;

5 (B) long-range vessel tracking systems de-
6 veloped under section 70115 of title 46, United
7 States Code;

8 (C) towing, response, or escort tugs;

9 (D) vessel traffic services;

10 (E) emergency towing packages on vessels;

11 (F) increased spill response equipment in-
12 cluding equipment appropriate for severe weath-
13 er and sea conditions;

14 (G) the Automatic Identification System
15 developed under section 70114 of title 46,
16 United States Code;

17 (H) particularly sensitive sea areas, areas
18 to be avoided, and other traffic exclusion zones;

19 (I) aids to navigation; and

20 (J) vessel response plans.

21 (c) RECOMMENDATIONS.—

22 (1) IN GENERAL.—The assessment shall include
23 any appropriate recommendations to enhance the
24 safety, or lessen potential adverse environmental im-
25 pacts, of marine shipping.

1 (2) to obtain a preliminary plan for the design,
2 engineering, and construction for the consolidation
3 of Coast Guard facilities at Sector Buffalo; and

4 (3) to distinguish what Federal lands, if any,
5 shall be identified as excess after the consolidation.

6 (b) DEFINITIONS.—In this section:

7 (1) COMMANDANT.—The term “Commandant”
8 means the Commandant of the Coast Guard.

9 (2) SECTOR BUFFALO.—The term “Sector Buf-
10 falo” means Coast Guard Sector Buffalo of the
11 Ninth Coast Guard District.

12 (3) STUDY AREA.—The term “study area”
13 means the area consisting of approximately 31 acres
14 of real property and any improvements thereon that
15 are commonly identified as Coast Guard Sector Buf-
16 falo, located at 1 Fuhrmann Boulevard, Buffalo,
17 New York, and under the administrative control of
18 the Coast Guard.

19 (c) STUDY.—

20 (1) IN GENERAL.—Within 12 months after the
21 date on which funds are first made available to carry
22 out this section, the Commandant shall conduct a
23 project proposal report of the study area and shall
24 submit such report to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

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

3 (2) REQUIREMENTS.—The project proposal re-
4 port shall—

5 (A) evaluate the most cost-effective method
6 for providing shore facilities to meet the oper-
7 ational requirements of Sector Buffalo;

8 (B) determine the feasibility of consoli-
9 dating and relocating shore facilities on a por-
10 tion of the existing site, while—

11 (i) meeting the operational require-
12 ments of Sector Buffalo; and

13 (ii) allowing the expansion of oper-
14 ational requirements of Sector Buffalo;
15 and

16 (C) contain a preliminary plan for the de-
17 sign, engineering, and construction of the pro-
18 posed project, including—

19 (i) the estimated cost of the design,
20 engineering, and construction of the pro-
21 posed project;

22 (ii) an anticipated timeline of the pro-
23 posed project; and

1 (iii) a description of what Federal
2 lands, if any, shall be considered excess to
3 Coast Guard needs.

4 (d) LIMITATION.—Nothing in this section shall affect
5 the current administration and management of the study
6 area.

7 **SEC. 1113. CONVEYANCE OF COAST GUARD VESSELS TO**
8 **MISSISSIPPI.**

9 (a) AUTHORITY TO CONVEY.—Notwithstanding the
10 Federal Property and Administrative Services Act of
11 1949, the Commandant of the Coast Guard may convey
12 to each recipient described in subsection (b) (in this sec-
13 tion referred to as the “Sheriff’s Department”), without
14 consideration all right, title, and interest of the United
15 States in and to a Coast Guard trailerable boat, ranging
16 from 17 feet to 30 feet in size, that the Commandant de-
17 termines—

18 (1) is appropriate for use by the Sheriff’s De-
19 partment; and

20 (2) is excess to the needs of the Coast Guard
21 and the Department of Homeland Security.

22 (b) RECIPIENTS.—The recipients referred to in sub-
23 section (a) are the following:

24 (1) The Sheriff’s Department of Coahoma
25 County, Mississippi.

1 (2) The Sheriff’s Department of Warren Coun-
2 ty, Mississippi.

3 (3) The Sheriff’s Department of Washington
4 County, Mississippi.

5 (c) CONDITION.—As a condition of conveying a vessel
6 under the authority provided in subsection (a), the Com-
7 mandant shall enter into an agreement with the Sheriff’s
8 Department under which the Sheriff’s Department
9 agrees—

10 (1) to utilize the vessel for homeland security
11 and other appropriate purposes as jointly agreed
12 upon by the Commandant and the Sheriff’s Depart-
13 ment before conveyance; and

14 (2) to take the vessel “as is” and to hold the
15 United States harmless for any claim arising with
16 respect to that vessel after conveyance of the vessel,
17 including any claims arising from the condition of
18 the vessel and its equipment or exposure to haz-
19 ardous materials.

20 (d) DELIVERY OF VESSEL.—The Commandant shall
21 deliver the vessel conveyed under the authority provided
22 in subsection (a)—

23 (1) at the place where the vessel is located on
24 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 (e) 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 Sheriff's Department for use to enhance the
9 operability of the vessel conveyed under the authority pro-
10 vided in subsection (a).

11 (f) ADDITIONAL TERMS AND CONDITIONS.—The
12 Commandant may require such additional terms and con-
13 ditions in connection with the conveyance authorized by
14 subsection (a) as the Commandant considers appropriate
15 to protect the interests of the United States.

16 **SEC. 1114. COAST GUARD ASSETS FOR UNITED STATES VIR-**
17 **GIN ISLANDS.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity may station additional Coast Guard assets in the
20 United States Virgin Islands for port security and other
21 associated purposes.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary for fis-
24 cal year 2010 such sums as are necessary to carry out
25 this section.

1 **SEC. 1115. OFFICER REQUIREMENTS FOR DISTANT WATER**
2 **TUNA VESSELS.**

3 Section 8103 of title 46, United States Code, is
4 amended by adding at the end the follow new subsection:

5 “(1) OFFICER REQUIREMENTS FOR DISTANT WATER
6 TUNA VESSELS.—

7 “(1) CITIZENSHIP.—Notwithstanding sub-
8 section (a), a purse seine tuna fishing vessel docu-
9 mented under chapter 121 fishing exclusively for
10 highly migratory species under a fishing license
11 issued pursuant to the 1987 Treaty on Fisheries Be-
12 tween the Governments of Certain Pacific Islands
13 States and the Government of the United States of
14 America in the treaty area (as that term is used in
15 that treaty), or transiting to or from the treaty area
16 exclusively for such purpose, may engage an indi-
17 vidual who is not a citizen of the United States to
18 fill a vacancy in a position referred to in subsection
19 (a) (except for the master) if, after timely public no-
20 tice of the vacancy, no United States citizens are
21 readily available to fill the vacancy.

22 “(2) RESTRICTIONS.—

23 “(A) IN GENERAL.—An individual may not
24 be engaged under paragraph (1) unless the in-
25 dividual holds a valid license or certificate
26 issued—

1 “(i) in accordance with the standards
2 established by the 1995 amendments to
3 the Convention on Standards of Training,
4 Certification and Watchkeeping for Sea-
5 farers, 1978 (STCW 95); and

6 “(ii) by an authority that the Sec-
7 retary of the department in which the
8 Coast Guard is operating recognizes as im-
9 posing competency and training standards
10 equivalent to or exceeding those required
11 for a issued under chapter 71.

12 “(B) LIMITATION ON APPLICATION.—
13 Paragraph (1) applies only to engagement of an
14 individual on a vessel that—

15 “(i) is homeported in American
16 Samoa, Guam, or the Northern Mariana
17 Islands; and

18 “(ii) has passed an annual commercial
19 fishing vessel safety exam administered by
20 a individual authorized to enforce this title.

21 “(3) TREATMENT OF EQUIVALENT LICENSE.—
22 The Secretary of the department in which the Coast
23 Guard is operating shall treat a license held by an
24 individual engaged under paragraph (1) that was
25 issued by a foreign government as meeting the re-

1 requirements of section 8304 with respect to that en-
2 gagement, if the Secretary determines that the
3 standards for issuing that license are equivalent to
4 the standards that apply under that section.”.

5 **SEC. 1116. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
6 **GUARD PRESENCE IN HIGH LATITUDE RE-**
7 **GIONS.**

8 Within 270 days after the date of enactment of this
9 Act, the Secretary of the department in which the Coast
10 Guard is operating shall submit a report to the Committee
11 on Commerce, Science, and Transportation of the Senate
12 and the Committee on Transportation and Infrastructure
13 of the House of Representatives assessing the need for ad-
14 ditional Coast Guard prevention and response capability
15 in the high latitude regions. The assessment shall address
16 needs for all Coast Guard mission areas, including search
17 and rescue, marine pollution response and prevention,
18 fisheries enforcement, and maritime commerce. The Sec-
19 retary shall include in the report—

20 (1) an assessment of the high latitude operating
21 capabilities of all current Coast Guard assets, in-
22 cluding assets acquired under the Deepwater pro-
23 gram;

1 (2) an assessment of projected needs for Coast
2 Guard forward operating bases in the high latitude
3 regions;

4 (3) an assessment of shore infrastructure, per-
5 sonnel, logistics, communications, and resources re-
6 quirements to support Coast Guard forward oper-
7 ating bases in the high latitude regions;

8 (4) an assessment of the need for high latitude
9 icebreaking capability and the capability of the cur-
10 rent high latitude icebreaking assets of the Coast
11 Guard, including—

12 (A) whether the Coast Guard’s high lati-
13 tude icebreaking fleet is meeting current mis-
14 sion performance goals;

15 (B) whether the fleet is capable of meeting
16 projected mission performance goals; and

17 (C) an assessment of the material condi-
18 tion, safety, and working conditions aboard
19 high latitude icebreaking assets, including the
20 effect of those conditions on mission perform-
21 ance;

22 (5) a detailed estimate of acquisition costs for
23 each of the assets (including shore infrastructure)
24 necessary for additional prevention and response ca-
25 pability in high latitude regions for all Coast Guard

1 mission areas, and an estimate of operations and
2 maintenance costs for such assets for the initial 10-
3 year period of operations; and

4 (6) detailed cost estimates (including operating
5 and maintenance for a period of 10 years) for high
6 latitude icebreaking capability to ensure current and
7 projected future mission performance goals are met,
8 including estimates of the costs to—

9 (A) renovate and modernize the Coast
10 Guard's existing high latitude icebreaking fleet;
11 and

12 (B) replace the Coast Guard's existing
13 high latitude icebreaking fleet.

14 **SEC. 1117. STUDY OF REGIONAL RESPONSE VESSEL AND**
15 **SALVAGE CAPABILITY FOR OLYMPIC PENIN-**
16 **SULA COAST, WASHINGTON.**

17 No later than 180 days after the date of enactment
18 of this Act, the Secretary of the department in which the
19 Coast Guard is operating shall study through the National
20 Academy of Sciences the need for regional response vessel
21 and salvage capability for the State of Washington Olym-
22 pic Peninsula coast. In conducting the study, the National
23 Academy of Sciences shall consult with Federal, State,
24 and tribal officials and other relevant stakeholders. The
25 study shall—

1 (1) identify the capabilities, equipment, and fa-
2 cilities necessary for a response vessel in the entry
3 to the Strait of Juan de Fuca at Neah Bay in order
4 to optimize oil spill protection on Washington's
5 Olympic Peninsula coast and provide rescue towing
6 services, oil spill response, and salvage and fire-
7 fighting capabilities;

8 (2) analyze the multimission capabilities nec-
9 essary for a rescue vessel and the need for that ves-
10 sel to utilize cached salvage, oil spill response, and
11 oil storage equipment while responding to a spill or
12 a vessel in distress, and make recommendations as
13 to the placement of such equipment;

14 (3) address scenarios that consider all vessel
15 types and weather conditions and compare current
16 Neah Bay rescue vessel capabilities, costs, and bene-
17 fits with other United States industry-funded re-
18 sponse vessels, including those currently operating in
19 Alaska's Prince William Sound;

20 (4) determine whether the current level of pro-
21 tection afforded by the Neah Bay response vessel
22 and associated response equipment is comparable to
23 protection in other locations where response vessels
24 operate, including Prince William Sound, Alaska,
25 and if it is not comparable, make recommendations

1 regarding how capabilities, equipment, and facilities
2 should be modified to achieve optimum protection;
3 and

4 (5) consider pending firefighting and salvage
5 regulations developed pursuant to the Oil Pollution
6 Act of 1990.

7 **SEC. 1118. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

8 The Secretary of Transportation shall submit to the
9 Committee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Transportation and In-
11 frastructure of the House of Representatives a comprehen-
12 sive study on the proposed construction or alteration of
13 any bridge, drawbridge, or causeway over navigable waters
14 with a channel depth of 25 feet or greater of the United
15 States that may impede or obstruct future navigation to
16 or from port facilities.

17 **SEC. 1119. LIMITATION ON JURISDICTION OF STATES TO**
18 **TAX CERTAIN SEAMEN.**

19 Section 11108(b)(2)(B) of title 46, United States
20 Code, is amended to read as follows:

21 “(B) who performs regularly assigned du-
22 ties while engaged as a master, officer, or crew-
23 man on a vessel operating on navigable waters
24 in 2 or more States.”.

1 **SEC. 1120. 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 1109, 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. 1121. 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. 1122. 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 **SEC. 1123. LAND CONVEYANCE, COAST GUARD PROPERTY**
19 **IN MARQUETTE COUNTY, MICHIGAN, TO THE**
20 **CITY OF MARQUETTE, MICHIGAN.**

21 (a) CONVEYANCE AUTHORIZED.—(1) Notwith-
22 standing any other provision of law, the Commandant of
23 the Coast Guard shall convey, without consideration, to
24 the City of Marquette, Michigan (in this section referred
25 to as the “City”), all right, title, and interest of the United

1 States in and to a parcel of real property, together with
2 any improvements thereon, located in Marquette County,
3 Michigan, that is under the administrative control of the
4 Coast Guard, consisting of approximately 5.5 acres of real
5 property, as depicted on the Van Neste survey (#204072),
6 dated September 7, 2006, together with the land between
7 the intermediate traverse line as shown on such survey
8 and the ordinary high water mark, the total comprising
9 9 acres, more or less, and commonly identified as Coast
10 Guard Station Marquette and Lighthouse Point.

11 (2) Except as provided in paragraph (3), any cost as-
12 sociated with the conveyance shall be borne by the City,
13 including, but not limited to, closing costs, attorney fees,
14 and the cost of surveys, inspections, title examinations,
15 and deed preparation.

16 (3)(A) Except as provided in subparagraph (B), prior
17 to the conveyance of the property, the Coast Guard shall
18 perform and bear the cost of environmental remediation
19 required under Federal law. Nothing in this section shall
20 be construed to compel the Coast Guard to complete such
21 remediation before 10 years from the date of enactment
22 of this section.

23 (B) The City may assume the Coast Guard's respon-
24 sibility to perform and bear the cost of the environmental
25 remediation, provided that—

1 (i) the City provides written notice that it will
2 assume responsibility for the performance of such
3 remediation and the cost thereof; and

4 (ii) the City and the Coast Guard enter into a
5 written agreement thereon.

6 (b) RETENTION OF CERTAIN EASEMENTS.—In con-
7 veying the property under subsection (a), the Com-
8 mandant of the Coast Guard may retain such easements
9 over the property as the Commandant considers appro-
10 prium for access to aids to navigation.

11 (c) LIMITATIONS.—The property to be conveyed by
12 subsection (a) may not be conveyed under that subsection
13 until—

14 (1) the Coast Guard has relocated Coast Guard
15 Station Marquette to a newly constructed station;

16 (2) any environmental remediation required
17 under Federal law with respect to the property has
18 been completed; and

19 (3) the Commandant of the Coast Guard deter-
20 mines that retention of the property by the United
21 States is not required to carry out Coast Guard mis-
22 sions or functions.

23 (d) CONDITIONS OF TRANSFER.—All conditions
24 placed within the deed of title of the property to be con-

1 veved under subsection (a) shall be construed as covenants
2 running with the land.

3 (e) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Commandant of the Coast Guard.

7 (f) ADDITIONAL TERMS AND CONDITIONS.—The
8 Commandant of the Coast Guard may require such addi-
9 tional terms and conditions in connection with the convey-
10 ance authorized by subsection (a) as the Commandant
11 considers appropriate to protect the interests of the
12 United States.

13 **SEC. 1124. MISSION REQUIREMENT ANALYSIS FOR NAVI-**
14 **GABLE PORTIONS OF THE RIO GRANDE**
15 **RIVER, TEXAS, INTERNATIONAL WATER**
16 **BOUNDARY.**

17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Secretary of the department in which
19 the Coast Guard is operating shall prepare a mission re-
20 quirement analysis for the navigable portions of the Rio
21 Grande River, Texas, international water boundary. The
22 analysis shall take into account the Coast Guard's involve-
23 ment on the Rio Grande River by assessing Coast Guard
24 missions, assets, and personnel assigned along the Rio
25 Grande River. The analysis shall also identify what would

1 be needed for the Coast Guard to increase search and res-
2 cue operations, migrant interdiction operations, and drug
3 interdiction operations.

4 **SEC. 1125. CONVEYANCE OF COAST GUARD PROPERTY IN**
5 **CHEBOYGAN, MICHIGAN.**

6 (a) CONVEYANCE AUTHORIZED.—Notwithstanding
7 any other provision of law, the Commandant of the Coast
8 Guard is authorized to convey, at fair market value, all
9 right, title, and interest of the United States in and to
10 a parcel of real property, consisting of approximately 3
11 acres, more or less, that is under the administrative con-
12 trol of the Coast Guard and located at 900 S. Western
13 Avenue in Cheboygan, Michigan.

14 (b) RIGHT OF FIRST REFUSAL.—The Cornerstone
15 Christian Academy, located in Cheboygan, MI, shall have
16 the right of first refusal to purchase, at fair market value,
17 all or a portion of the real property described in subsection
18 (a).

19 (c) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property to be conveyed under
21 subsection (a) shall be determined by a survey satisfactory
22 to the Commandant of the Coast Guard.

23 (d) FAIR MARKET VALUE.—The fair market value
24 of the property shall be—

1 (1) determined by appraisal, in accordance with
2 the Uniform Appraisal Standards for Federal Land
3 Acquisitions and the Uniform Standards of Profes-
4 sional Appraisal Practice; and

5 (2) subject to the approval of the Commandant.

6 (e) COSTS OF CONVEYANCE.—Any cost associated
7 with the conveyance shall be borne by the purchaser, in-
8 cluding, but not limited to—

9 (1) closing costs, attorney fees, and the cost of
10 surveys, inspections, title examinations, and deed
11 preparation; and

12 (2) environmental analyses, assessments, clear-
13 ances, and, if required under Federal law, environ-
14 mental remediation.

15 (f) ENVIRONMENTAL REMEDIATION.—Before convey-
16 ance of the real property described in paragraph (a), pur-
17 chaser shall perform any environmental remediation of the
18 property that is required under Federal law.

19 (g) CREDIT OF FUNDS.—Notwithstanding any other
20 provision of law, the net proceeds of a conveyance, author-
21 ized under subsection (a), shall—

22 (1) be credited to the Coast Guard Environ-
23 mental Compliance and Restoration appropriations
24 account current at the time collection is made;

1 (2) be made available, without further appro-
2 priation, for environmental compliance and restora-
3 tion purposes in conjunction with any disposal of
4 any property under the administrative control of the
5 Coast Guard; and

6 (3) remain available for such purposes until ex-
7 pended.

8 (h) **ADDITIONAL TERMS AND CONDITIONS.**—The
9 Commandant of the Coast Guard may require such addi-
10 tional terms and conditions in connection with the convey-
11 ance under subsection (a) as is considered appropriate to
12 protect the interests of the United States.

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