

Union Calendar No. 170

111TH CONGRESS
1ST SESSION

H. R. 3619

[Report No. 111-303, Part I]

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

OCTOBER 16, 2009

Reported from the Committee on Transportation and Infrastructure with an
amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 16, 2009

Referred to the Committee on Homeland Security for a period ending not
later than October 16, 2009, for consideration of such provisions of the
bill and amendment as fall within the jurisdiction of that committee pur-
suant to clause 1(i), rule X

OCTOBER 16, 2009

Committee on Homeland Security discharged; committed to the Committee of
the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 22, 2009]

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. 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—PORT SECURITY

- Sec. 1101. Maritime homeland security public awareness program.*
- Sec. 1102. Transportation Worker Identification Credential.*
- Sec. 1103. Review of interagency operational centers.*
- Sec. 1104. Maritime security response teams.*

- Sec. 1105. Coast Guard detection canine team program expansion.*
Sec. 1106. Coast Guard port assistance program.
Sec. 1107. Maritime biometric identification.
Sec. 1108. Review of potential threats.
Sec. 1109. Port security pilot.
Sec. 1110. Seasonal workers.
Sec. 1111. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
Sec. 1112. Pilot Program for fingerprinting of maritime workers.
Sec. 1113. Transportation security cards on vessels.
Sec. 1114. International labor study.
Sec. 1115. Maritime Security Advisory Committees.
Sec. 1116. Seamen's shoreside access.
Sec. 1117. Waterside security around especially hazardous material terminals and tankers.
Sec. 1118. Review of Liquefied Natural Gas Facilities.
Sec. 1119. Use of secondary authentication for transportation security cards.
Sec. 1120. Report on State and local law enforcement augmentation of Coast Guard resources with respect to security zones and United States ports.
Sec. 1121. Assessment of transportation security card enrollment sites.

TITLE XII—ALIEN SMUGGLING

- Sec. 1201. Short title.*
Sec. 1202. Findings.
Sec. 1203. Checks against terrorist watchlist.
Sec. 1204. Strengthening prosecution and punishment of alien smugglers.
Sec. 1205. Maritime law enforcement.
Sec. 1206. Amendment to the sentencing guidelines.

TITLE XIII—MISCELLANEOUS PROVISIONS

- Sec. 1301. Certificate of documentation for GALLANT LADY.*
Sec. 1302. Waivers.
Sec. 1303. Great Lakes Maritime Research Institute.
Sec. 1304. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.
Sec. 1305. Crew wages on passenger vessels.
Sec. 1306. Technical corrections.
Sec. 1307. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 1308. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
Sec. 1309. Decommissioned Coast Guard vessels for Haiti.
Sec. 1310. Phaseout of vessels supporting oil and gas development.
Sec. 1311. Vessel traffic risk assessment.
Sec. 1312. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 1313. Conveyance of Coast Guard vessels to Mississippi.
Sec. 1314. Coast Guard assets for United States Virgin Islands.
Sec. 1315. Officer requirements for distant water tuna vessels.
Sec. 1316. Assessment of needs for additional Coast Guard presence in high latitude regions.
Sec. 1317. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
Sec. 1318. Study of bridges over navigable waters.
Sec. 1319. Limitation on jurisdiction of States to tax certain seamen.
Sec. 1320. Decommissioned Coast Guard vessels for Bermuda.
Sec. 1321. Conveyance of Coast Guard vessels to Nassau County, New York.

Sec. 1322. Newtown Creek, New York City, New York.

Sec. 1323. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.

Sec. 1324. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

Sec. 1325. 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 year*
 4 *2010 for necessary expenses of the Coast Guard as follows:*

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

7 (A) *\$24,500,000 is authorized to be derived*
 8 *from the Oil Spill Liability Trust Fund to carry*
 9 *out the purposes of section 1012(a)(5) of the Oil*
 10 *Pollution Act of 1990 (33 U.S.C. 2712(a)(5));*

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

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

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

18 (2) *For the acquisition, construction, rebuilding,*
 19 *and improvement of aids to navigation, shore and off-*
 20 *shore facilities, vessels, and aircraft, including equip-*
 21 *ment related thereto, \$1,597,580,000, of 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 In-
7 tegrated 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 naviga-
15 tion, marine safety, marine environmental protection,
16 enforcement of laws and treaties, ice operations,
17 oceanographic research, and defense readiness,
18 \$29,745,000, to remain available until expended, of
19 which \$500,000 shall be derived from the Oil Spill
20 Liability Trust Fund to carry out the purposes of sec-
21 tion 1012(a)(5) of the Oil Pollution Act of 1990.

22 (4) For retired pay (including the payment of
23 obligations otherwise chargeable to lapsed appropria-
24 tions for this purpose), payments under the Retired
25 Serviceman's Family Protection and Survivor Benefit

1 *Plans, and payments for medical care of retired per-*
2 *sonnel and their dependents under chapter 55 of title*
3 *10, United States Code, \$1,361,245,000, to remain*
4 *available until expended.*

5 *(5) For alteration or removal of bridges over*
6 *navigable waters of the United States constituting ob-*
7 *structions to navigation, and for personnel and ad-*
8 *ministrative costs associated with the Bridge Alter-*
9 *ation Program, \$16,000,000.*

10 *(6) For environmental compliance and restora-*
11 *tion at Coast Guard facilities (other than parts and*
12 *equipment associated with operation and mainte-*
13 *nance), \$13,198,000, to remain available until ex-*
14 *pended.*

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

18 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**

19 **AND TRAINING.**

20 *(a) ACTIVE DUTY STRENGTH.—The Coast Guard is*
21 *authorized an end-of-year strength for active duty personnel*
22 *of 47,000 for the fiscal year ending on September 30, 2010.*

23 *(b) MILITARY TRAINING STUDENT LOADS.—For fiscal*
24 *year 2010, the Coast Guard is authorized average military*
25 *training student loads as follows:*

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

3 (2) *For flight training, 165 student years.*

4 (3) *For professional training in military and ci-*
5 *vilian institutions, 350 student years.*

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

7 **TITLE II—COAST GUARD**

8 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD** 9 **JUDGES.**

10 (a) *IN GENERAL.*—Chapter 7 of title 14, United States
11 *Code, is amended by adding at the end the following:*

12 **“§ 153. Appointment of judges**

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

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

“153. Appointment of judges.”.

20 **SEC. 202. INDUSTRIAL ACTIVITIES.**

21 *Section 151 of title 14, United States Code, is amend-*
22 *ed—*

23 (1) *by inserting “(a) IN GENERAL.—” before*
24 *“All orders”; and*

25 (2) *by adding at the end the following:*

1 “(b) *ORDERS AND AGREEMENTS FOR INDUSTRIAL AC-*
2 *TIVITIES.*—Under this section, the Coast Guard industrial
3 *activities may accept orders from and enter into reimburs-*
4 *able agreements with establishments, agencies, and depart-*
5 *ments of the Department of Defense.”.*

6 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
7 **EL EXPENSES.**

8 (a) *IN GENERAL.*—Chapter 13 of title 14, United
9 *States Code, is amended by adding at the end the following:*
10 **“§518. Reimbursement for medical-related travel ex-**
11 **penses for certain persons residing on is-**
12 **lands in the continental United States**

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

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

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

3 **SEC. 204. COMMISSIONED OFFICERS.**

4 (a) *ACTIVE DUTY PROMOTION LIST.*—*Section 42 of*
 5 *title 14, United States Code, is amended to read as follows:*

6 **“§ 42. Number and distribution of commissioned officers**
 7 **on active duty promotion list**

8 “(a) *MAXIMUM TOTAL NUMBER.*—*The total number of*
 9 *Coast Guard commissioned officers on the active duty pro-*
 10 *motion list, excluding warrant officers, shall not exceed*
 11 *6,700; except that the Commandant may temporarily in-*
 12 *crease that number by up to 2 percent for no more than*
 13 *60 days following the date of the commissioning of a Coast*
 14 *Guard Academy class.*

15 “(b) *DISTRIBUTION PERCENTAGES BY GRADE.*—

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

1 “(2) *DISCRETIONARY.*—*The Secretary shall pre-*
2 *scribe the percentages applicable to the grades of lieu-*
3 *tenant, lieutenant (junior grade), and ensign.*

4 “(3) *AUTHORITY OF SECRETARY TO REDUCE*
5 *PERCENTAGE.*—*The Secretary—*

6 “(A) *may reduce, as the needs of the Coast*
7 *Guard require, any of the percentages set forth*
8 *in paragraph (1); and*

9 “(B) *shall apply that total percentage re-*
10 *duction to any other lower grade or combination*
11 *of lower grades.*

12 “(c) *COMPUTATIONS.*—

13 “(1) *IN GENERAL.*—*The Secretary shall compute,*
14 *at least once each year, the total number of commis-*
15 *sioned officers authorized to serve in each grade by*
16 *applying the grade distribution percentages estab-*
17 *lished by or under this section to the total number of*
18 *commissioned officers listed on the current active duty*
19 *promotion list.*

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

24 “(3) *TREATMENT OF OFFICERS SERVING OUT-*
25 *SIDE COAST GUARD.*—*The number of commissioned*

1 *officers on the active duty promotion list below the*
2 *rank of rear admiral (lower half) serving with other*
3 *Federal departments or agencies on a reimbursable*
4 *basis or excluded under section 324(d) of title 49 shall*
5 *not be counted against the total number of commis-*
6 *sioned officers authorized to serve in each grade.*

7 “(d) *USE OF NUMBERS; TEMPORARY INCREASES.—*
8 *The numbers resulting from computations under subsection*
9 *(c) shall be, for all purposes, the authorized number in each*
10 *grade; except that the authorized number for a grade is tem-*
11 *porarily increased during the period between one computa-*
12 *tion and the next by the number of officers originally ap-*
13 *pointed in that grade during that period and the number*
14 *of officers of that grade for whom vacancies exist in the next*
15 *higher grade but whose promotion has been delayed for any*
16 *reason.*

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

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *3 of such title is amended by striking the item relating to*
 3 *section 42 and inserting the following:*

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

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

6 (a) *IN GENERAL.*—*Section 1502 of the Armed Forces*
 7 *Retirement Home Act of 1991 (24 U.S.C. 401) is amend-*
 8 *ed—*

9 (1) *by striking paragraph (4);*

10 (2) *in paragraph (5)—*

11 (A) *by striking “and” at the end of sub-*
 12 *paragraph (C);*

13 (B) *by striking the period at the end of sub-*
 14 *paragraph (D) and inserting “; and”; and*

15 (C) *by inserting at the end the following:*

16 “*(E) the Assistant Commandant of the*
 17 *Coast Guard for Human Resources.”; and*

18 (3) *by adding at the end of paragraph (6) the*
 19 *following:*

20 “*(E) The Master Chief Petty Officer of the*
 21 *Coast Guard.”.*

22 (b) *CONFORMING AMENDMENTS.*—(1) *Section 2772 of*
 23 *title 10, United States Code, is amended—*

1 (A) in subsection (a) by inserting “or, in the
2 case of the Coast Guard, the Commandant” after
3 “concerned”; and

4 (B) by striking subsection (c).

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

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

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

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

13 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
14 **ZATIONS.**

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

17 “(c) **GRANTS TO INTERNATIONAL MARITIME ORGANI-**
18 **ZATIONS.**—After consultation with the Secretary of State,
19 the Commandant may make grants to, or enter into cooper-
20 ative agreements, contracts, or other agreements with, inter-
21 national maritime organizations for the purpose of acquir-
22 ing information or data about merchant vessel inspections,
23 security, safety, classification, and port state or flag state
24 law enforcement or oversight.”.

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

2 (a) *IN GENERAL.*—Chapter 11 of title 14, United
3 States Code, is amended by inserting after section 425 the
4 following:

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

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

13 (b) *CLERICAL AMENDMENT.*—The analysis for such
14 chapter is amended by inserting after the item relating to
15 section 425 the following new item:

“426. Emergency leave retention authority.”.

16 **SEC. 208. ENFORCEMENT AUTHORITY.**

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

19 **“§ 99. Enforcement authority**

20 “Subject to guidelines approved by the Secretary,
21 members of the Coast Guard, in the performance of official
22 duties, may—

23 “(1) carry a firearm; and

24 “(2) while at a facility (as defined in section
25 70101 of title 46)—

1 “(A) make an arrest without warrant for
2 any offense against the United States committed
3 in their presence; and

4 “(B) seize property as otherwise provided
5 by law.”.

6 (b) *CONFORMING REPEAL.*—The first section added to
7 title 46, United States Code, by the amendment made by
8 subsection (a) of section 801 of the Coast Guard and Mari-
9 time Transportation Act of 2004 (118 Stat. 1078), and the
10 item relating to such first section enacted by the amendment
11 made by subsection (b) of such section 801, are repealed.

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

 “99. Enforcement authority.”.

14 **SEC. 209. REPEAL.**

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

18 **SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COM-**
19 **MITTEE.**

20 (a) *IN GENERAL.*—Chapter 71 of title 46, United
21 States Code, is amended by adding at the end the following
22 new section:

23 **“§7115. Merchant Mariner Medical Advisory Com-**
24 **mittee**

25 “(a) *ESTABLISHMENT.*—

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

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

6 “(A) *medical certification determinations*
7 *for issuance of merchant mariner credentials;*

8 “(B) *medical standards and guidelines for*
9 *the physical qualifications of operators of com-*
10 *mercial vessels;*

11 “(C) *medical examiner education; and*

12 “(D) *medical research.*

13 “(b) *MEMBERSHIP.*—

14 “(1) *IN GENERAL.*—*The Committee shall consist*
15 *of 14 members, none of whom is a Federal employee,*
16 *and shall include—*

17 “(A) *ten who are health-care professionals*
18 *with particular expertise, knowledge, or experi-*
19 *ence regarding the medical examinations of mer-*
20 *chant mariners or occupational medicine; and*

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

24 “(2) *STATUS OF MEMBERS.*—*Members of the*
25 *Committee shall not be considered Federal employees*

1 *or otherwise in the service or the employment of the*
2 *Federal Government, except that members shall be*
3 *considered special Government employees, as defined*
4 *in section 202(a) of title 18, United States Code, and*
5 *shall be subject to any administrative standards of*
6 *conduct applicable to the employees of the department*
7 *in which the Coast Guard is operating.*

8 *“(c) APPOINTMENTS; TERMS; VACANCIES.—*

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

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

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

21 *“(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary*
22 *shall designate one member of the Committee as the Chair-*
23 *man and one member as the Vice Chairman. The Vice*
24 *Chairman shall act as Chairman in the absence or inca-*

1 *capacity of, or in the event of a vacancy in the office of, the*
 2 *Chairman.*

3 “(e) *COMPENSATION; REIMBURSEMENT.*—*Members of*
 4 *the Committee shall serve without compensation, except*
 5 *that, while engaged in the performance of duties away from*
 6 *their homes or regular places of business of the member, the*
 7 *member of the Committee may be allowed travel expenses,*
 8 *including per diem in lieu of subsistence, as authorized by*
 9 *section 5703 of title 5.*

10 “(f) *STAFF; SERVICES.*—*The Secretary shall furnish to*
 11 *the Committee the personnel and services as are considered*
 12 *necessary for the conduct of its business.”.*

13 “(b) *FIRST MEETING.*—*No later than six months after*
 14 *the date of enactment of this Act, the Merchant Mariner*
 15 *Medical Advisory Committee established by the amendment*
 16 *made by this section shall hold its first meeting.*

17 “(c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 18 *71 of that title is amended by adding at the end the fol-*
 19 *lowing:*

 “7115. *Merchant Mariner Medical Advisory Committee.*”.

20 **SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO**
 21 **LIEUTENANT PROGRAM.**

22 *Section 214(a) of title 14, United States Code, is*
 23 *amended to read as follows:*

24 “(a) *The president may appoint temporary commis-*
 25 *sioned officers—*

1 “(1) *in the Regular Coast Guard in a grade, not*
 2 *above lieutenant, appropriate to their qualifications,*
 3 *experience, and length of service, as the needs of the*
 4 *Coast Guard may require, from among the commis-*
 5 *sioned warrant officers, warrant officers, and enlisted*
 6 *members of the Coast Guard, and from holders of li-*
 7 *censes issued under chapter 71 of title 46; and*

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

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

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

17 (1) *in section 253(a)—*

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

19 *and*

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

22 (2) *in section 258—*

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

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

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

5 “(b) *PROVISION OF DIRECTION AND GUIDANCE.*—

6 “(1) In addition to the information provided
7 pursuant to subsection (a), the Secretary may furnish
8 the selection board—

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

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

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

23 (3) in section 259(a), by inserting after “whom
24 the board” the following: “, giving due consideration
25 to the needs of the Coast Guard for officers with par-

1 *ticular skills so noted in specific direction furnished*
2 *to the board by the Secretary under section 258 of*
3 *this title,”; and*

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

9 **SEC. 213. LASER TRAINING SYSTEM.**

10 (a) *IN GENERAL.*—*Within one year after the date of*
11 *enactment of this Act, the Secretary of the department in*
12 *which the Coast Guard shall test an integrated laser engage-*
13 *ment system for the training of members of the Coast Guard*
14 *assigned to small vessels in the use of individual weapons*
15 *and machine guns on those vessels. The test shall be con-*
16 *ducted on vessels on the Great Lakes using similar laser*
17 *equipment used by other Federal agencies. However, that*
18 *equipment shall be adapted for use in the marine environ-*
19 *ment.*

20 (b) *REPORT.*—*The Secretary shall submit a report to*
21 *the Committee on Transportation and Infrastructure and*
22 *the Committee on Homeland Security of the House of Rep-*
23 *resentatives and the Committee on Commerce, Science, and*
24 *Transportation of the Senate within 6 months after the con-*
25 *clusions of the test required under subsection (a) on the costs*

1 *and benefits of using the system regionally and nationwide*
2 *to train members of the Coast Guard in the use of indi-*
3 *vidual weapons and machine guns.*

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

5 *(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—*
6 *Section 637(c) of title 14, United States Code, is amended—*

7 *(1) in paragraph (1), by striking “; or” and in-*
8 *serting a semicolon;*

9 *(2) in paragraph (2), by striking the period at*
10 *the end and inserting “; or”; and*

11 *(3) by adding at the end the following:*

12 *“(3) any other vessel or aircraft on government*
13 *noncommercial service when—*

14 *“(A) the vessel or aircraft is under the tac-*
15 *tical control of the Coast Guard; and*

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

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

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

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

5 **“§ 55. District Ombudsmen**

6 “(a) *IN GENERAL.*—The Commandant shall appoint
7 an employee of the Coast Guard in each Coast Guard Dis-
8 trict as a District Ombudsman to serve as a liaison between
9 ports, terminal operators, shipowners, and labor representa-
10 tives and the Coast Guard.

11 “(b) *PURPOSE.*—The purpose of the District Ombuds-
12 man shall be the following:

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

16 “(2) *To improve communications between and*
17 *among port stakeholders including, port and terminal*
18 *operators, ship owners, labor representatives, and the*
19 *Coast Guard.*

20 “(3) *To seek to resolve disputes between the Coast*
21 *Guard and all petitioners regarding requirements im-*
22 *posed or services provided by the Coast Guard.*

23 “(c) *FUNCTIONS.*—

24 “(1) *COMPLAINTS.*—The District Ombudsman
25 may examine complaints brought to the attention of

1 *the District Ombudsman by a petitioner operating in*
2 *a port or by Coast Guard personnel.*

3 “(2) *GUIDELINES FOR DISPUTES.*—

4 “(A) *IN GENERAL.*—*The District Ombuds-*
5 *man shall develop guidelines regarding the types*
6 *of disputes with respect to which the District*
7 *Ombudsman will provide assistance.*

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

13 “(C) *PRIORITY.*—*In providing such assist-*
14 *ance, the District Ombudsman shall give priority*
15 *to complaints brought by petitioners who believe*
16 *they will suffer a significant hardship as the re-*
17 *sult of implementing a Coast Guard requirement*
18 *or being denied a Coast Guard service.*

19 “(3) *CONSULTATION.*—*The District Ombudsman*
20 *may consult with any Coast Guard personnel who*
21 *can aid in the investigation of a complaint.*

22 “(4) *ACCESS TO INFORMATION.*—*The District*
23 *Ombudsman shall have access to any Coast Guard*
24 *document, including any record or report, that will*
25 *aid the District Ombudsman in obtaining the infor-*

1 *mation needed to conduct an investigation of a com-*
2 *pliant.*

3 “(5) *REPORTS.*—*At the conclusion of an inves-*
4 *tigation, the District Ombudsman shall submit a re-*
5 *port on the findings and recommendations of the Dis-*
6 *trict Ombudsman, to the Commander of the District*
7 *in which the petitioner who brought the complaint is*
8 *located or operating.*

9 “(6) *DEADLINE.*—*The District Ombudsman shall*
10 *seek to resolve each complaint brought in accordance*
11 *with the guidelines—*

12 “(A) *in a timely fashion; and*

13 “(B) *not later than 4 months after the com-*
14 *plaint is officially accepted by the District Om-*
15 *budsman.*

16 “(d) *APPOINTMENT.*—*The Commandant shall appoint*
17 *as the District Ombudsman a civilian who has experience*
18 *in port and transportation systems and knowledge of port*
19 *operations or of maritime commerce (or both).*

20 “(e) *ANNUAL REPORTS.*—*The Secretary shall report*
21 *annually to the Committee on Transportation and Infra-*
22 *structure of the House of Representatives and the Committee*
23 *on Commerce, Science, and Transportation of the Senate*
24 *on the matters brought before the District Ombudsmen, in-*
25 *cluding—*

1 “(1) the number of matters brought before each
2 *District Ombudsman;*

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

4 “(3) the eventual resolution of each such mat-
5 *ter.”.*

6 (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*
7 *ginning of that chapter is amended by adding at the end*
8 *the following new item:*

“55. District Ombudsmen.”.

9 **SEC. 216. COAST GUARD COMMISSIONED OFFICERS: COM-**
10 **PULSORY RETIREMENT.**

11 (a) *IN GENERAL.*—*Chapter 11 of title 14, United*
12 *States Code, is amended by striking section 293 and insert-*
13 *ing the following:*

14 **“§ 293. Compulsory retirement**

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

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

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

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

7 “(B) *by the Secretary of the department in*
8 *which the Coast Guard is operating, but such a*
9 *deferment may not extend beyond the first day of the*
10 *month following the month in which the officer be-*
11 *comes 66 years of age.”.*

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

 “293. *Compulsory retirement.*”.

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

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

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

19 “*Officers and members of the Coast Guard are author-*
20 *ized to enforce chapter 551 of title 46. The Secretary shall*
21 *establish a program for these officers and members to en-*
22 *force that chapter, including the application of those laws*
23 *to vessels that support the exploration, development, and*
24 *production of oil, gas, or mineral resources in the Gulf of*
25 *Mexico.*”.

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

“100. Enforcement of coastwise trade laws.”.

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

12 **SEC. 218. ACADEMY NOMINATIONS.**

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

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

16 “*(1) The authorized strength of the Corps of Ca-*
17 *deets (determined for any academic program year as*
18 *of the day before the last day of the academic pro-*
19 *gram year) is 1,000, excluding those foreign nationals*
20 *admitted for instructions pursuant to section 195.*
21 *Subject to that limitation, cadets are selected as fol-*
22 *lows:*

23 “*(A) Not more than 10 individuals, ap-*
24 *pointed by the Secretary of Homeland Security,*
25 *in order of merit as established by competitive*

1 *examination, from the children of members of the*
2 *Armed Forces who were killed in action or died*
3 *of, or have a service-connected disability at not*
4 *less than 100 per centum resulting from, wounds*
5 *or injuries received or diseases contracted in, or*
6 *preexisting injury or disease aggravated by, ac-*
7 *tive service, children of members who are in a*
8 *‘missing status’ (as defined in section 551(2) of*
9 *title 37), and children of civilian employees who*
10 *are in ‘missing status’ (as defined in section*
11 *5561(5) of title 5). The determination of the De-*
12 *partment of Veterans Affairs as to service con-*
13 *nection of the cause of death or disability is*
14 *rated, is binding upon the Secretary.*

15 *“(B) Not less than one, nominated at large*
16 *by the Vice President or, if there is no Vice*
17 *President, by the President pro tempore of the*
18 *Senate.*

19 *“(C) Not less than one, nominated by each*
20 *Senator.*

21 *“(D) Not less than one, nominated by each*
22 *Representative in Congress.*

23 *“(E) Not less than one, nominated by the*
24 *Delegate to the House of Representatives from the*
25 *District of Columbia, the Delegate in Congress*

1 *from the Virgin Islands, the Resident Commis-*
2 *sioner from Puerto Rico, the Delegate in Con-*
3 *gress from Guam, the Delegate in Congress from*
4 *American Samoa, or the Resident Representative*
5 *from the Commonwealth of the Northern Mar-*
6 *iana Islands.*

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

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

20 *“(A) alternates nominated pursuant to*
21 *paragraph (1) (C), (D), or (E); or*

22 *“(B) applicants who applied directly for*
23 *admission.*

24 *“(3) In addition, the Secretary may appoint,*
25 *each academic program year, individuals who are—*

1 “(A) children of members of the Armed
2 Forces who—

3 “(i) are on active duty (other than for
4 training) and who have served continuously
5 on active duty for at least eight years;

6 “(ii) are, or who died while they were,
7 retired with pay or granted retired or re-
8 tainer pay;

9 “(iii) are serving as members of reserve
10 components and are credited with at least
11 eight years of service;

12 “(iv) would be, or who died while they
13 would have been, entitled to retired pay, ex-
14 cept for not having attained 60 years of age;
15 or

16 “(v) have been awarded the Medal of
17 Honor;

18 the total number of whom cannot exceed 5 per-
19 cent of the class to be admitted; however, a per-
20 son who is eligible for selection under subsection
21 (a)(1)(A) may not be selected under this sub-
22 paragraph;

23 “(B) enlisted members of the Coast Guard
24 or the Coast Guard Reserve, the total number of

1 *whom cannot exceed 5 percent of the class to be*
2 *admitted;*

3 “(C) *graduates of the Coast Guard Scholars*
4 *program, the total number of whom cannot ex-*
5 *ceed 30 percent of the class to be admitted; and*

6 “(D) *individuals who possess qualities that*
7 *the Superintendent identifies to be of particular*
8 *value to the Academy and the Service, the total*
9 *number of whom cannot exceed 20 percent of the*
10 *class to be admitted.*

11 “(4) *An individual shall be qualified for nomi-*
12 *nation, selection, and appointment as a cadet at the*
13 *Academy only if the individual—*

14 “(A) *is a citizen or national of the United*
15 *States; and*

16 “(B) *meets such minimum requirements*
17 *that the Secretary may establish.*

18 “(5) *The Superintendent shall furnish to any*
19 *Member of Congress, upon the written request of such*
20 *Member, the name of the Congressman or other nomi-*
21 *nating authority responsible for the nomination of*
22 *any named or identified person for appointment to*
23 *the Academy.*

24 “(6) *For purposes of the limitation in subsection*
25 *(a)(1) establishing the aggregate authorized strength*

1 of the Corps of Cadets, the Secretary may, for any
2 academic program year, permit a variance in that
3 limitation by not more than 5 percent. In applying
4 that limitation, and any such variance, the last day
5 of an academic program year shall be considered to
6 be graduation day.”.

7 (b) *TRANSITION.*—This section shall provide for the
8 nomination, selection, and appointment of individuals,
9 pursuant to section 182 of title 14, United States Code, who
10 will matriculate in academic program year 2012 and there-
11 after, except that for—

12 (1) academic program year 2012, no less than
13 135 cadets of the corps (or 14 percent of the corps,
14 whichever is smaller) shall be from nominations made
15 pursuant to section 182(a)(1)(B)–(E);

16 (2) academic program year 2013, no less than
17 270 cadets of the corps (or 27 percent of the corps,
18 whichever is smaller) shall be from nominations made
19 pursuant to section 182(a)(1)(B)–(E); and

20 (3) academic program year 2014, no less than
21 405 cadets of the corps (or 41 percent of the corps,
22 which ever is smaller) shall be from nominations
23 made pursuant to section 182(a)(1)(B)–(E).

24 The Secretary is hereby authorized to take any additional
25 action the Secretary believes necessary and proper to pro-

1 *vide for the transition to the nomination, selection, and ap-*
2 *pointment process provided under this section.*

3 (c) *MINORITY RECRUITING PROGRAM.*—

4 (1) *IN GENERAL.*—Chapter 9 of title 14, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

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

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

12 “(1) *use of minority cadets and officers to pro-*
13 *vide information regarding the Coast Guard and the*
14 *Academy to students in high schools;*

15 “(2) *sponsoring of trips to high school teachers*
16 *and guidance counselors to the Academy;*

17 “(3) *to the extent authorized by the Secretary of*
18 *the Navy, maximizing the use of the Naval Academy*
19 *Preparatory School to prepare students to be cadets*
20 *at the Coast Guard Academy;*

21 “(4) *recruiting minority members of the Coast*
22 *Guard to attend the Academy;*

23 “(5) *establishment of a minority affairs office at*
24 *the Academy; and*

1 “(6) use of minority officers and members of the
2 Coast Guard Reserve and Auxiliary to promote the
3 Academy.”.

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

“199. *Minority recruiting program.*”.

7 **SEC. 219. REPORT ON SEXUAL ASSAULTS IN THE COAST**
8 **GUARD.**

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

15 (b) *CONTENTS.*—The report required under subsection
16 (a) shall contain the following:

17 (1) *The number of sexual assaults against mem-*
18 *bers of the Coast Guard, and the number of sexual as-*
19 *saults by members of the Coast Guard, that were re-*
20 *ported to military officials during the year covered by*
21 *such report, and the number of the cases so reported*
22 *that were substantiated.*

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

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

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

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

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

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

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

17 **SEC. 221. MINORITY SERVING INSTITUTIONS.**

18 (a) *MSI MANAGEMENT INTERNSHIP PROGRAM.—*

19 (1) *ESTABLISHMENT AND PURPOSE.—The Com-*
20 *mandant of the Coast Guard shall establish a two*
21 *part management internship program for students at*
22 *minority serving institutions (MSI) to intern at*
23 *Coast Guard headquarters or a Coast Guard regional*
24 *office, to be known as the “MSI Management Intern-*

1 *ship Program”, to develop a cadre of civilian, career*
2 *mid-level and senior managers for the Coast Guard.*

3 (2) *OPERATION.*—*The MSI Management Intern-*
4 *ship Program shall be managed by the Secretary of*
5 *Homeland Security, acting through the Commandant*
6 *of the Coast Guard, in coordination with National*
7 *Association for Equal Opportunity in Higher Edu-*
8 *cation, the Hispanic Association of Colleges and Uni-*
9 *versities, and the American Indian Higher Education*
10 *Consortium and other non-profit educational organi-*
11 *zations that can undertake effective recruitment ef-*
12 *forts to attract minority students and students with*
13 *disabilities.*

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

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

25 (b) *MSI INITIATIVES.*—

1 (1) *ESTABLISHMENT OF MSI STUDENT PRE-COM-*
2 *MISSIONING INITIATIVE.*—*The Commandant of the*
3 *Coast Guard shall establish an MSI component of the*
4 *College Student Pre-Commissioning Initiative (to be*
5 *known as the “MSI Student Pre-Commissioning Ini-*
6 *tiative Program”)* *to ensure greater participation by*
7 *students from MSIs in the College Student Pre-Com-*
8 *missioning Initiative.*

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

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

1 *the Senate a report on the number of students in the*
2 *College Student Pre-Commissioning Initiative and the*
3 *number of students in the MSI Student Pre-Commis-*
4 *sioning Initiative Program, outreach efforts, and de-*
5 *mographic information of enrollees including, age,*
6 *gender, race, and disability.*

7 (4) *ESTABLISHMENT OF MSI AVIATION OFFICER*
8 *CORPS INITIATIVE.—The Commandant of the Coast*
9 *Guard shall establish an MSI Aviation Officer Corps*
10 *Initiative to increase the diversity of the Coast Guard*
11 *Aviation Officer Corps through an integrated recruit-*
12 *ing, accession, training, and assignment process that*
13 *offers guaranteed flight school opportunities to stu-*
14 *dents from minority serving institutions.*

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

18 (c) *COAST GUARD-MSI COOPERATIVE TECHNOLOGY*
19 *PROGRAM.—*

20 (1) *ESTABLISHMENT.—The Commandant of the*
21 *Coast Guard shall establish a Coast Guard Labora-*
22 *tory of Excellence-MSI Cooperative Technology Pro-*
23 *gram at three minority serving institutions to focus*
24 *on priority security areas for the Coast Guard, such*

1 *as global maritime surveillance, resilience, and recov-*
2 *ery.*

3 (2) *COLLABORATION.*—*The Commandant shall*
4 *encourage collaboration among the minority serving*
5 *institutions selected under paragraph (1) and institu-*
6 *tions of higher education with institutional research*
7 *and academic program resources and experience.*

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

13 (A) *develop increased research and develop-*
14 *ment capacity;*

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

20 (C) *strengthen instructional ability among*
21 *faculty.*

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

1 *dergraduate 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:*

1 “(4) sales taxes on goods and services provided
2 to or by vessels or watercraft (other than vessels or
3 watercraft primarily engaged in foreign commerce).”.

4 **SEC. 302. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**
5 **JURISDICTION.**

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

8 (1) by striking “That the” and inserting the fol-
9 lowing:

10 “(a) *IN GENERAL.*—The”.

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

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

17 “(b) *DEFINITION.*—As used in this section ‘navigable
18 waters of the United States’ includes all waters of the terri-
19 torial sea of the United States as described in Presidential
20 Proclamation No. 5928 of December 27, 1988.”.

21 **SEC. 303. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-**
22 **MENT-SIMPLE POSSESSION.**

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

25 “(c) *SIMPLE POSSESSION.*—

1 “(1) *IN GENERAL.*—*Any individual on a vessel*
2 *subject to the jurisdiction of the United States who is*
3 *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 U.S.C.*
7 *812) shall be liable to the United States for a civil*
8 *penalty of not to exceed \$10,000 for each violation.*
9 *The Secretary shall notify the individual in writing*
10 *of the amount of the civil penalty.*

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

18 “(3) *TREATMENT OF CIVIL PENALTY ASSESS-*
19 *MENT.*—*Assessment of a civil penalty under this sub-*
20 *section shall not be considered a conviction for pur-*
21 *poses of State or Federal law but may be considered*
22 *proof of possession if such a determination is rel-*
23 *evant.”.*

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 en-
13 gaged 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) of
19 *that title* is amended by striking “intended to be engaged
20 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 period*
5 *at the end and inserting “, unless the govern-*
6 *ment of the country to which the vessel belongs*
7 *elects to measure the vessel under this chapter.”;*

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

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

18 *(D) by striking paragraph (5);*

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

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

23 *“(5) a barge of United States registry or nation-*
24 *ality, or a barge operated under the authority of the*

1 *United States (except a barge that engages on a for-*
2 *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 striking*
7 *“After July 18, 1994, an existing vessel (except an ex-*
8 *isting vessel referred to in subsection (b)(5)(A) or (B)*
9 *of this section)” and inserting “An existing vessel that*
10 *has not undergone a change that the Secretary finds*
11 *substantially affects the vessel’s gross tonnage (or a*
12 *vessel to which IMO Resolutions A.494 (XII) of No-*
13 *vember 19, 1981, A.540 (XIII) of November 17, 1983,*
14 *or A.541 (XIII) of November 17, 1983, apply)”.*

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

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

19 *(e) TONNAGE CERTIFICATE.—*

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

22 *(A) in subsection (a), by adding at the end*
23 *the following: “For a vessel to which the Conven-*
24 *tion does not apply, the Secretary shall prescribe*

1 *a certificate to be issued as evidence of a vessel's*
2 *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 by*
14 *the Secretary.”.*

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

“14303. Tonnage Certificate.”.

19 *(f) OPTIONAL REGULATORY MEASUREMENT.—Section*
20 *14305(a) of that title is amended by striking “documented*
21 *vessel measured under this chapter,” and inserting “vessel*
22 *measured under this chapter that is of United States reg-*
23 *istry or nationality, or a vessel operated under the author-*
24 *ity 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 of
6 this title if the application of an international agree-
7 ment or other law of the United States to the vessel
8 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; and

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

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

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

5 *“For a foreign vessel not measured under chapter 143,*
 6 *if the Secretary finds that the laws and regulations of a*
 7 *foreign country related to measurement of vessels are sub-*
 8 *stantially similar to those of this chapter and the regula-*
 9 *tions prescribed under this chapter, the Secretary may ac-*
 10 *cept the measurement and certificate of a vessel of that for-*
 11 *ign country as complying with this chapter and the regula-*
 12 *tions prescribed under this chapter.”.*

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

“14514. Reciprocity for foreign vessels.”.

16 **SEC. 305. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL**
 17 **GAS DEEPWATER PORTS.**

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

21 *“(D) The Secretary may establish, by regu-*
 22 *lation, 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 (33*
4 *U.S.C. 2712(h)(1)) is amended by striking “6” and insert-*
5 *ing “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 Rep-*
11 *resentatives and the Committee on Commerce, Science, and*
12 *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 merchant*
17 *mariner document can be completed entirely by mail;*
18 *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 Commerce,*
8 *Science, and Transportation of the Senate a report on the*
9 *loss of United States shipyard jobs and industrial base ex-*
10 *pertise as a result of rebuild, conversion, and double-hull*
11 *work on United States-flag vessels eligible to engage in the*
12 *coastwise trade being performed in foreign shipyards, en-*
13 *forcement of the Coast Guard's foreign rebuild determina-*
14 *tion regulations, and recommendations for improving the*
15 *transparency in the Coast Guard's foreign rebuild deter-*
16 *mination 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 use*
22 *of exhaust emissions reduction technology on cargo or*
23 *passenger ships that operate in United States waters*
24 *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 on-*
4 *board technology for the reduction of contaminated*
5 *emissions from ships.*

6 (b) *REPORT.—Within 180 days after the date of enact-*
7 *ment of this Act, the Commandant shall submit a report*
8 *on the results of the study conducted under subsection (a)*
9 *to 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 **SEC. 310. PHASEOUT OF VESSELS SUPPORTING OIL AND**
13 **GAS DEVELOPMENT.**

14 (a) *IN GENERAL.—Notwithstanding section 12111(d)*
15 *of title 46, United States Code, foreign-flag vessels may be*
16 *chartered by, or on behalf of, a lessee to be employed for*
17 *the setting, relocation, or recovery of anchors or other moor-*
18 *ing equipment of a mobile offshore drilling unit that is lo-*
19 *cated over the Outer Continental Shelf (as defined in section*
20 *2(a) of the Outer Continental Shelf Lands Act (43 U.S.C.*
21 *1331(a)) for operations in support of exploration, or flow-*
22 *testing and stimulation of wells, for offshore mineral or en-*
23 *ergy resources in the Beaufort Sea or the Chukchi Sea adja-*
24 *cent 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 for
8 these support operations and all such reasonably
9 available and suitable vessels are employed in support
10 of such operations; and

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

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 section;
22 and

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

1 *including the availability of aids to navigation, vessel es-*
2 *corts, spill response capability, and maritime search and*
3 *rescue in the Arctic.*

4 **(b) INTERNATIONAL MARITIME ORGANIZATION AGREE-**
5 **MENTS.**—*To carry out the purpose of this section, the Sec-*
6 *retary of the department in which the Coast Guard is oper-*
7 *ating shall work through the International Maritime Orga-*
8 *nization to establish agreements to promote coordinated ac-*
9 *tion among the United States, Russia, Canada, Iceland,*
10 *Norway, and Denmark and other seafaring and Arctic na-*
11 *tions 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 MARITIME**
21 **TRANSPORTATION SYSTEM.**—*The Committee on the Mari-*
22 *time Transportation System established under a directive*
23 *of the President in the Ocean Action Plan, issued December*
24 *17, 2004, shall coordinate the establishment of domestic*

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

3 (d) *AGREEMENTS AND CONTRACTS.*—*The Secretary of*
4 *the department in which the Coast Guard is operating may,*
5 *subject to the availability of appropriations, enter into co-*
6 *operative agreements, contracts, or other agreements with,*
7 *or make grants to individuals and governments to carry*
8 *out the purpose of this section or any agreements established*
9 *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 needed*
13 *to assure the reasonable demands of commerce.*

14 (f) *DEMONSTRATION PROJECTS.*—*The Secretary of*
15 *Transportation may enter into cooperative agreements, con-*
16 *tracts, or other agreements with, or make grants to, individ-*
17 *uals to conduct demonstration projects to reduce emissions*
18 *or discharges from vessels operating in the Arctic.*

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

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

23 (A) *\$5,000,000 for each of fiscal years 2011*
24 *through 2015 for seasonal operations in the Arc-*
25 *tic; and*

1 (B) \$10,000,000 for each of fiscal years
2 2012 through 2015 to carry out agreements es-
3 tablished under subsection (d); and

4 (2) to the Secretary of Transportation
5 \$5,000,000 for each of fiscal years 2011 through 2015
6 to conduct demonstration projects under subsection
7 (f).

8 (h) *ICEBREAKERS*.—

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

15 (A) conduct a comparative cost-benefit anal-
16 ysis of—

17 (i) rebuilding, renovating, or improv-
18 ing the existing fleet of icebreakers for oper-
19 ation by the Coast Guard,

20 (ii) constructing new icebreakers for
21 operation by the Coast Guard, and

22 (iii) any combination of the activities
23 described in clauses (i) and (ii), to carry
24 out the missions of the Coast Guard; and

1 (B) conduct an analysis of the impact on
2 mission capacity and the ability of the United
3 States to maintain a presence in the Arctic re-
4 gions through the year 2020 if recapitalization of
5 the icebreaker fleet, either by constructing new
6 icebreakers or rebuilding, renovating, or improv-
7 ing the existing fleet of icebreakers, is not fully
8 funded.

9 (2) *REPORTS TO CONGRESS.*—

10 (A) Not later than 90 days after the date of
11 enactment of this Act or the date of completion
12 of the ongoing High Latitude Study to assess
13 Arctic ice-breaking mission requirements, which
14 ever occurs later, the Commandant of the Coast
15 Guard shall submit a report containing the re-
16 sults of the study, together with recommendations
17 the Commandant deems appropriate under sec-
18 tion 93(a)(24) of title 14, United States Code, to
19 the Senate Committee on Commerce, Science,
20 and Transportation and the House of Represent-
21 atives Committee on Transportation and Infra-
22 structure.

23 (B) Not later than 1 year after the date of
24 enactment of this Act, the Commandant shall
25 submit reports containing the results of the anal-

1 yses required under subparagraphs (A) and (B)
2 of paragraph (1), together with recommendations
3 the Commandant deems appropriate under sec-
4 tion 93(a)(24) of title 14, United States Code, to
5 the Senate Committee on Commerce, Science,
6 and Transportation and the House of Represent-
7 atives Committee on Transportation and Infra-
8 structure.

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

12 **SEC. 312. SUPPLEMENTAL POSITIONING SYSTEM.**

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

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

20 (2) In December 2006, the Independent Assess-
21 ment Team unanimously recommended that eLORAN
22 be completed and retained as the national backup sys-
23 tem for critical safety of life, national and economic
24 security, and quality of life applications currently

1 *that are reliant on position, time, or frequency from*
2 *GPS.*

3 *(3) Based on the Independent Assessment Team*
4 *report, the Department of Transportation and De-*
5 *partment of Homeland Security jointly recommended*
6 *in March 2007 that eLORAN be the national backup*
7 *for GPS.*

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

14 *(5) A recent outage of GPS services in California*
15 *due to an unintentional jamming incident resulted in*
16 *the shutdown of the Coast Guard's maritime Differen-*
17 *tial Global Positions System program and the Auto-*
18 *matic Identification System, caused disruption to ves-*
19 *sel and aircraft operations, and severely degraded*
20 *transmissions at over 150 cell phone base stations.*

21 *(6) In January 2009, the Independent Assess-*
22 *ment Team reiterated its unanimous recommendation*
23 *that the Federal Government commit to operating the*
24 *eLORAN system as a backup to GPS for not less than*
25 *a 20-year period.*

1 **(b) REQUIRED ACTIONS.**—*The Secretary of the depart-*
2 *ment in which the Coast Guard is operating—*

3 **(1)** *shall establish eLORAN as the supplemental*
4 *navigation system for the United States;*

5 **(2)** *shall submit to the Committee on Transpor-*
6 *tation and Infrastructure of the House of Representa-*
7 *tives and the Committee on Commerce, Science, and*
8 *Transportation of the Senate—*

9 **(A)** *a plan for modernizing the remaining*
10 *LORAN–C stations;*

11 **(B)** *a timeline for the completion of such*
12 *modernization; and*

13 **(C)** *a comprehensive estimate of the costs*
14 *associated with modernizing LORAN–C infra-*
15 *structure to meet eLORAN specifications; and*

16 **(3)** *may not take action to terminate or decom-*
17 *mission the LORAN–C program until 30 days after*
18 *the Secretary certifies to the Committee on Transpor-*
19 *tation and Infrastructure of the House of Representa-*
20 *tives and the Committee on Commerce, Science, and*
21 *Transportation of the Senate that the eLORAN sys-*
22 *tem 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(c) of the Oil Pollution
5 Act of 1990 (46 U.S.C. 3703 note; Public Law 101–380)
6 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 tow-
17 ing vessels or other vessels considered to be ap-
18 propriate by the Secretary (including regulations
19 promulgated in accordance with section
20 3703(a)(3) of title 46, United States Code, as set
21 forth in part 168 of title 33, Code of Federal
22 Regulations (as in effect on March 1, 2009), im-
23 plementing this subsection with respect to those
24 tankers) shall apply to double hulled tankers over
25 5,000 gross tons transporting oil in bulk in
26 Prince William Sound, Alaska.

1 “(B) *IMPLEMENTATION OF REQUIRE-*
2 *MENTS.—The Secretary of the Federal agency*
3 *with jurisdiction over the Coast Guard shall*
4 *carry out subparagraph (A) by order without no-*
5 *tice and hearing pursuant to section 553 of title*
6 *5, United States Code.”.*

7 (b) *EFFECTIVE DATE.—The amendments made by sub-*
8 *section (a) take effect on the date that is 90 days after the*
9 *date of enactment of this Act.*

10 **TITLE IV—GREAT LAKES**
11 **ICEBREAKER**

12 **SEC. 401. SHORT TITLE.**

13 *This title may be cited as the “Great Lakes Icebreaker*
14 *Replacement Act”.*

15 **SEC. 402. FINDINGS.**

16 *Congress finds that—*

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

19 (2) *two other Coast Guard icebreaking assets*
20 *have experienced difficulty in heavy ice conditions;*

21 (3) *during the spring of 2008, United States-flag*
22 *vessels operating on the Great Lakes suffered more*
23 *than \$1,300,000 in damages to their hulls because the*
24 *Coast Guard did not have enough assets available to*
25 *keep Great Lakes shipping lanes open;*

1 (4) during the 2006–2007 ice season, shipments
2 of iron ore, coal, and limestone on the Great Lakes ex-
3 ceeded 20,000,000 tons;

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

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

12 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **TITLE V—ACQUISITION REFORM**

19 **SEC. 501. SHORT TITLE.**

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

22 **SEC. 502. DEFINITIONS.**

23 In this title, the following definitions apply:

24 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
25 **TEES.**—The term “appropriate congressional commit-

1 *tees” means the Committee on Transportation and*
2 *Infrastructure of the House of Representatives and the*
3 *Committee on Commerce, Science, and Transpor-*
4 *tation of the Senate.*

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

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

9 (A) *an acquisition by the Coast Guard—*

10 (i) *the estimated life-cycle costs of*
11 *which exceed \$1,000,000,000; or*

12 (ii) *the estimated total acquisition*
13 *costs of which exceed \$300,000,000; or*

14 (B) *any acquisition that the Chief Acquisi-*
15 *tion Officer of the Coast Guard determines to*
16 *have a special interest—*

17 (i) *due to—*

18 (I) *the experimental or technically*
19 *immature nature of the asset;*

20 (II) *the technological complexity*
21 *of the asset;*

22 (III) *the commitment of resources;*

23 *or*

24 (IV) *the nature of the capability*
25 *or set of capabilities to be achieved; or*

1 (ii) because such acquisition is a joint
2 acquisition.

3 (4) *LEVEL 2 ACQUISITION.*—The term “Level 2
4 acquisition” means an acquisition by the Coast
5 Guard—

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

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

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

17 ***Subtitle A—Restrictions on the Use***
18 ***of Lead Systems Integrators***

19 ***SEC. 511. PROCUREMENT STRUCTURE.***

20 (a) *IN GENERAL.*—

21 (1) *USE OF LEAD SYSTEMS INTEGRATOR.*—Ex-
22 cept as provided in subsection (b), the Commandant
23 may not use a private sector entity as a lead systems
24 integrator for an acquisition contract awarded or de-
25 livery order or task order issued after the end of the

1 180-day period beginning on the date of enactment of
2 this Act.

3 (2) *FULL AND OPEN COMPETITION.*—The Com-
4 mandant and any lead systems integrator engaged by
5 the Coast Guard shall use full and open competition
6 for any acquisition contract awarded after the date of
7 enactment of this Act, unless otherwise excepted in ac-
8 cordance with Federal acquisition laws and regula-
9 tions promulgated under those laws, including the
10 *Federal Acquisition Regulation.*

11 (3) *NO EFFECT ON SMALL BUSINESS ACT.*—Noth-
12 ing in this subsection shall be construed to supersede
13 or otherwise affect the authorities provided by and
14 under the Small Business Act (15 U.S.C. 631 et seq.).

15 (b) *EXCEPTIONS.*—

16 (1) *NATIONAL DISTRESS AND RESPONSE SYSTEM*
17 *MODERNIZATION PROGRAM; NATIONAL SECURITY CUT-*
18 *TTERS 2 AND 3.*—Notwithstanding subsections (a) and
19 (e), the Commandant may use a private sector entity
20 as a lead systems integrator for the Coast Guard to
21 complete the National Distress and Response System
22 Modernization Program (otherwise known as the
23 “Rescue 21” program) and National Security Cutters
24 2 and 3.

1 (2) *COMPLETION OF ACQUISITION BY LEAD SYS-*
2 *TEMS INTEGRATOR.*—*Notwithstanding subsection (a),*
3 *the Commandant may use a private sector entity as*
4 *a lead systems integrator for the Coast Guard—*

5 *(A) to complete any delivery order or task*
6 *order, including the exercise of previously estab-*
7 *lished options on a delivery order or task order*
8 *that was issued to a lead systems integrator on*
9 *or before the date that is 180 days after the date*
10 *of enactment of this Act without any change in*
11 *the quantity of capabilities or assets or the spe-*
12 *cific type of capabilities or assets covered by the*
13 *order;*

14 *(B) for a contract awarded after the date*
15 *that is 180 days after the date of enactment of*
16 *this Act for acquisition of, or in support of, the*
17 *HC-130J aircraft, the HH-65 aircraft, or the*
18 *C4ISR system, if the requirements of subsection*
19 *(c) are met with respect to such acquisitions;*

20 *(C) 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, Mar-*
23 *itime Patrol Aircraft, if the requirements of sub-*
24 *section (c) are met with respect to such an acqui-*
25 *sition; and*

1 (D) for the acquisition of, or in support of,
2 additional National Security Cutters or Mari-
3 time Patrol Aircraft, if the Commandant deter-
4 mines that—

5 (i) the acquisition is in accordance
6 with Federal acquisition laws and regula-
7 tions promulgated under those laws, includ-
8 ing the Federal Acquisition Regulation;

9 (ii) the acquisition and the use of a
10 private sector entity as a lead systems inte-
11 grator for the acquisition are in the best in-
12 terest of the Federal Government; and

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

15 (3) *REPORT ON DECISIONMAKING PROCESS.*—If
16 the Commandant determines under subparagraph
17 (B), (C), or (D) of subsection (b)(2) that the Coast
18 Guard will use a private sector lead systems inte-
19 grator for an acquisition, the Commandant shall no-
20 tify in writing the appropriate congressional commit-
21 tees of the Commandant’s determination and shall
22 provide a detailed rationale for the determination, at
23 least 30 days before the award of a contract or
24 issuance of a delivery order or task order, using a
25 private sector lead systems integrator, including a

1 *comparison of the cost of the acquisition through the*
2 *private sector lead systems integrator with the ex-*
3 *pected cost if the acquisition were awarded directly to*
4 *the manufacturer or shipyard. For purposes of that*
5 *comparison, the cost of award directly to a manufac-*
6 *turer or shipyard shall include the costs of Govern-*
7 *ment contract management and oversight.*

8 *(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—*

9 *Neither an entity performing lead systems integrator func-*
10 *tions for a Coast Guard acquisition nor a Tier 1 subcon-*
11 *tractor for any acquisition described in subparagraph (B),*
12 *(C), or (D) of subsection (b)(2) may have a financial inter-*
13 *est in a subcontractor below the Tier 1 subcontractor level*
14 *unless—*

15 *(1) the subcontractor was selected by the prime*
16 *contractor through full and open competition for such*
17 *procurement;*

18 *(2) the procurement was awarded by the lead*
19 *systems integrator or a subcontractor through full and*
20 *open competition;*

21 *(3) the procurement was awarded by a subcon-*
22 *tractor through a process over which the lead systems*
23 *integrator or a Tier 1 subcontractor exercised no con-*
24 *trol; or*

1 (4) *the Commandant has determined that the*
2 *procurement was awarded in a manner consistent*
3 *with Federal acquisition laws and regulations pro-*
4 *mulgated under those laws, including the Federal Ac-*
5 *quisition Regulation.*

6 (d) *RULE OF CONSTRUCTION.—The limitation in sub-*
7 *section (b)(1)(A) on the quantity and specific type of assets*
8 *to which subsection (b) applies shall not be construed to*
9 *apply to the modification of the number or type of any sub-*
10 *systems or other components of a vessel or aircraft described*
11 *in subparagraph (B), (C), or (D) of subsection (b)(2).*

12 (e) *TERMINATION DATE FOR EXCEPTIONS.—Except as*
13 *described in subsection (b)(1), the Commandant may not*
14 *use a private sector entity as a lead systems integrator for*
15 *acquisition contracts awarded, or task orders or delivery*
16 *orders issued, after the earlier of—*

17 (1) *September 30, 2011; or*

18 (2) *the date on which the Commandant certifies*
19 *in writing to the appropriate congressional commit-*
20 *tees that the Coast Guard has available and can re-*
21 *tain sufficient acquisition workforce personnel and ex-*
22 *pertise within the Coast Guard, through an arrange-*
23 *ment with other Federal agencies, or through con-*
24 *tracts or other arrangements with private sector enti-*
25 *ties, to perform the functions and responsibilities of*

1 *the lead systems integrator in an efficient and cost-*
2 *effective manner.*

3 ***Subtitle B—Coast Guard***
4 ***Acquisition Policy***

5 ***SEC. 521. OPERATIONAL REQUIREMENTS.***

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

11 (b) *OPERATIONAL REQUIREMENT FOR ACQUISITION*
12 *PROGRAMS.—*

13 (1) *IN GENERAL.—The Commandant shall estab-*
14 *lish mature and stable operational requirements for*
15 *acquisition programs.*

16 (2) *ELEMENTS.—Prior to establishing oper-*
17 *ational requirements under paragraph (1), the Com-*
18 *mandant shall—*

19 (A) *prepare a preliminary statement of*
20 *need, a concept of operations, an analysis of al-*
21 *ternatives or the equivalent, an estimate of life-*
22 *cycle costs, and requirements for interoperability*
23 *with other capabilities and assets within and ex-*
24 *ternal to the Coast Guard; and*

1 (B) *in preparing the concept of operations*
2 *under subparagraph (A), coordinate with acqui-*
3 *sition and support professionals, requirements*
4 *officials, operational users and maintainers, and*
5 *resource officials who can ensure the appropriate*
6 *consideration of performance, cost, schedule and*
7 *risk trade-offs.*

8 (c) *CONSIDERATION OF TRADE-OFFS.—In establishing*
9 *operational requirements under subsection (a), the Com-*
10 *mandant shall develop and implement mechanisms to en-*
11 *sure that trade-offs among performance, cost, schedule, and*
12 *risk are considered in the establishment of operational re-*
13 *quirements for development and production of a Level 1 or*
14 *Level 2 acquisition.*

15 (d) *ELEMENTS.—The mechanisms required under this*
16 *section shall ensure at a minimum that Coast Guard offi-*
17 *cials responsible for acquisition management, budget, and*
18 *cost estimating functions have the authority to develop cost*
19 *estimates and raise cost and schedule matters at any point*
20 *in the process of establishing operational requirements for*
21 *a Level 1 or Level 2 acquisition.*

22 **SEC. 522. REQUIRED CONTRACT TERMS.**

23 (a) *IN GENERAL.—The Commandant shall ensure that*
24 *a contract awarded or a delivery order or task order issued*
25 *for an acquisition of a capability or an asset with an ex-*

1 *pected service life of 10 years and with a total acquisition*
2 *cost that is equal to or exceeds \$10,000,000 awarded or*
3 *issued by the Coast Guard after the date of enactment of*
4 *this Act—*

5 *(1) provides that all certifications for an end-*
6 *state capability or asset under such contract, delivery*
7 *order, or task order, respectively, will be conducted by*
8 *the Commandant or an independent third party, and*
9 *that self-certification by a contractor or subcontractor*
10 *is not allowed;*

11 *(2) requires that the Commandant shall main-*
12 *tain the authority to establish, approve, and main-*
13 *tain technical requirements;*

14 *(3) requires that any measurement of contractor*
15 *and subcontractor performance be based on the status*
16 *of all work performed, including the extent to which*
17 *the work performed met all performance, cost, and*
18 *schedule requirements;*

19 *(4) specifies that, for the acquisition or upgrade*
20 *of air, surface, or shore capabilities and assets for*
21 *which compliance with TEMPEST certification is a*
22 *requirement, the standard for determining such com-*
23 *pliance will be the air, surface, or shore standard then*
24 *used by the Department of the Navy for that type of*
25 *capability or asset; and*

1 (5) *for any contract awarded to acquire an Off-*
2 *shore Patrol Cutter, includes provisions specifying the*
3 *service life, fatigue life, and days underway in gen-*
4 *eral Atlantic and North Pacific Sea conditions, max-*
5 *imum range, and maximum speed the cutter will be*
6 *built to achieve.*

7 (b) *PROHIBITED CONTRACT PROVISIONS.—The Com-*
8 *mandant shall ensure that any contract awarded or deliv-*
9 *ery order or task order issued by the Coast Guard after the*
10 *date of enactment of this Act does not include any provision*
11 *allowing for equitable adjustment that differs from the Fed-*
12 *eral Acquisition Regulation.*

13 (c) *EXTENSION OF PROGRAM.—Any contract, contract*
14 *modification, or award term extending a contract with a*
15 *lead systems integrator—*

16 (1) *shall not include any minimum requirements*
17 *for the purchase of a given or determinable number*
18 *of specific capabilities or assets; and*

19 (2) *shall be reviewed by an independent third*
20 *party with expertise in acquisition management, and*
21 *the results of that review shall be submitted to the ap-*
22 *propriate congressional committees at least 60 days*
23 *prior to the award of the contract, contract modifica-*
24 *tion, or award term.*

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

2 (a) *IN GENERAL.*—*The Commandant shall implement*
3 *mechanisms to ensure the development and regular updat-*
4 *ing of life-cycle cost estimates for each acquisition with a*
5 *total acquisition cost that equals or exceeds \$10,000,000 and*
6 *an expected service life of 10 years, and to ensure that these*
7 *estimates are considered in decisions to develop or produce*
8 *new or enhanced capabilities and assets.*

9 (b) *TYPES OF ESTIMATES.*—*In addition to life-cycle*
10 *cost estimates that may be developed by acquisition pro-*
11 *gram offices, the Commandant shall require that an inde-*
12 *pendent life-cycle cost estimate be developed for each Level*
13 *1 or Level 2 acquisition program or project.*

14 (c) *REQUIRED UPDATES.*—*For each Level 1 or Level*
15 *2 acquisition program or project the Commandant shall re-*
16 *quire that life-cycle cost estimates shall be updated before*
17 *each milestone decision is concluded and the program or*
18 *project enters a new acquisition phase.*

19 **SEC. 524. TEST AND EVALUATION.**

20 (a) *TEST AND EVALUATION MASTER PLAN.*—

21 (1) *IN GENERAL.*—*For any Level 1 or Level 2*
22 *acquisition program or project the Coast Guard Chief*
23 *Acquisition Officer must approve a Test and Evalua-*
24 *tion Master Plan specific to the acquisition program*
25 *or project for the capability, asset, or sub-systems of*
26 *the capability or asset and intended to minimize tech-*

1 *nical, cost, and schedule risk as early as practicable*
2 *in the development of the program or project.*

3 (2) *TEST AND EVALUATION STRATEGY.—The*
4 *TEMP shall—*

5 (A) *set forth an integrated test and evalua-*
6 *tion strategy that will verify that capability-level*
7 *or asset-level and sub-system-level design and de-*
8 *velopment, including performance and*
9 *supportability, have been sufficiently proven be-*
10 *fore the capability, asset, or sub-system of the ca-*
11 *pability or asset is approved for production; and*

12 (B) *require that adequate developmental*
13 *tests and evaluations and operational tests and*
14 *evaluations established under subparagraph (A)*
15 *are performed to inform production decisions.*

16 (3) *OTHER COMPONENTS OF TEMP.—At a min-*
17 *imum, the TEMP shall identify—*

18 (A) *the key performance parameters to be*
19 *resolved through the integrated test and evalua-*
20 *tion strategy;*

21 (B) *critical operational issues to be assessed*
22 *in addition to the key performance parameters;*

23 (C) *specific development test and evaluation*
24 *phases and the scope of each phase;*

1 (D) modeling and simulation activities to
2 be performed, if any, and the scope of such ac-
3 tivities;

4 (E) early operational assessments to be per-
5 formed, if any, and the scope of such assess-
6 ments;

7 (F) operational test and evaluation phases;

8 (G) an estimate of the resources, including
9 funds, that will be required for all test, evalua-
10 tion, assessment, modeling, and simulation ac-
11 tivities; and

12 (H) the Government entity or independent
13 entity that will perform the test, evaluation, as-
14 sessment, modeling, and simulation activities.

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

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

20 (A) proceed past that phase of the acquisi-
21 tion process that entails approving the sup-
22 porting acquisition of a capability or asset before
23 the TEMP is approved by the Coast Guard Chief
24 Acquisition Officer; or

1 (B) award any production contract for a
2 capability, asset, or sub-system for which a
3 TEMP is required under this subsection before
4 the TEMP is approved by the Coast Guard Chief
5 Acquisition Officer.

6 (b) TESTS AND EVALUATIONS.—

7 (1) IN GENERAL.—The Commandant shall en-
8 sure that the Coast Guard conducts developmental
9 tests and evaluations and operational tests and eval-
10 uations of a capability or asset and the sub-systems
11 of the capability or asset for which a TEMP has been
12 prepared under subsection (a).

13 (2) USE OF THIRD PARTIES.—The Commandant
14 shall ensure that the Coast Guard uses third parties
15 with expertise in testing and evaluating the capabili-
16 ties or assets and the sub-systems of the capabilities
17 or assets being acquired to conduct developmental
18 tests and evaluations and operational tests and eval-
19 uations whenever the Coast Guard lacks the capa-
20 bility to conduct the tests and evaluations required by
21 a TEMP.

22 (3) COMMUNICATION OF SAFETY CONCERNS.—
23 The Commandant shall require that safety concerns
24 identified during developmental or operational tests
25 and evaluations or through independent or Govern-

1 *ment-conducted design assessments of capabilities or*
2 *assets and sub-systems of capabilities or assets to be*
3 *acquired by the Coast Guard shall be communicated*
4 *as soon as practicable, but not later than 30 days*
5 *after the completion of the test or assessment event or*
6 *activity that identified the safety concern, to the pro-*
7 *gram manager for the capability or asset and the sub-*
8 *systems concerned and to the Coast Guard Chief Ac-*
9 *quisition Officer.*

10 (4) *REPORTING OF SAFETY CONCERNS.—Any*
11 *safety concerns that have been reported to the Chief*
12 *Acquisition Officer for an acquisition program or*
13 *project shall be reported by the Commandant to the*
14 *appropriate congressional committees at least 90 days*
15 *before the award of any contract or issuance of any*
16 *delivery order or task order for low, initial, or full-*
17 *rate production of the capability or asset concerned if*
18 *they will remain uncorrected or unmitigated at the*
19 *time such a contract is awarded or delivery order or*
20 *task order is issued. The report shall include a jus-*
21 *tification for the approval of that level of production*
22 *of the capability or asset before the safety concern is*
23 *corrected or mitigated. The report shall also include*
24 *an explanation of the actions that will be taken to*
25 *correct or mitigate the safety concern, the date by*

1 *which those actions will be taken, and the adequacy*
2 *of current funding to correct or mitigate the safety*
3 *concern.*

4 (5) *ASSET ALREADY IN LOW, INITIAL, OR FULL-*
5 *RATE PRODUCTION.—If operational test and evalua-*
6 *tion on a capability or asset already in low, initial,*
7 *or full-rate production identifies a safety concern*
8 *with the capability or asset or any sub-systems of the*
9 *capability or asset not previously identified during*
10 *developmental or operational test and evaluation, the*
11 *Commandant shall—*

12 (A) *notify the program manager and the*
13 *Chief Acquisition Officer of the safety concern as*
14 *soon as practicable, but not later than 30 days*
15 *after the completion of the test and evaluation*
16 *event or activity that identified the safety con-*
17 *cern; and*

18 (B) *notify the appropriate congressional*
19 *Committee of the safety concern not later than*
20 *30 days after notification is made to the pro-*
21 *gram manager and Chief Acquisition Officer,*
22 *and include in such notification—*

23 (i) *an explanation of the actions that*
24 *will be taken to correct or mitigate the safe-*
25 *ty concern in all capabilities or assets and*

1 *sub-systems of the capabilities or assets yet*
2 *to be produced, and the date by which those*
3 *actions will be taken;*

4 *(ii) an explanation of the actions that*
5 *will be taken to correct or mitigate the safe-*
6 *ty concern in previously produced capabili-*
7 *ties or assets and sub-systems of the capa-*
8 *bilities or assets, and the date by which*
9 *those actions will be taken; and*

10 *(iii) an assessment of the adequacy of*
11 *current funding to correct or mitigate the*
12 *safety concern in capabilities or assets and*
13 *sub-systems of the capabilities or assets and*
14 *in previously produced capabilities or assets*
15 *and sub-systems.*

16 *(c) DEFINITIONS.—In this section:*

17 *(1) DEVELOPMENTAL TEST AND EVALUATION.—*

18 *The term “developmental test and evaluation”*
19 *means—*

20 *(A) the testing of a capability or asset and*
21 *the sub-systems of the capability or asset to de-*
22 *termine whether they meet all contractual per-*
23 *formance requirements, including technical per-*
24 *formance requirements, supportability require-*

1 *ments, and interoperability requirements and re-*
2 *lated specifications; and*

3 *(B) the evaluation of the results of such test-*
4 *ing.*

5 *(2) OPERATIONAL TEST AND EVALUATION.—The*
6 *term “operational test and evaluation” means—*

7 *(A) the testing of a capability or asset and*
8 *the sub-systems of the capability or asset, under*
9 *conditions similar to those in which the capa-*
10 *bility or asset and subsystems will actually be*
11 *deployed, for the purpose of determining the ef-*
12 *fectiveness and suitability of the capability or*
13 *asset and sub-systems for use by typical Coast*
14 *Guard users to conduct those missions for which*
15 *the capability or asset and sub-systems are in-*
16 *tended to be used; and*

17 *(B) the evaluation of the results of such test-*
18 *ing.*

19 *(3) SAFETY CONCERN.—The term “safety con-*
20 *cern” means any hazard associated with a capability*
21 *or asset or a sub-system of a capability or asset that*
22 *is likely to cause serious bodily injury or death to a*
23 *typical Coast Guard user in testing, maintaining, re-*
24 *pairing, or operating the capability, asset, or sub-sys-*
25 *tem or any hazard associated with the capability,*

1 *asset, or sub-system that is likely to cause major dam-*
2 *age to the capability, asset, or sub-system during the*
3 *course of its normal operation by a typical Coast*
4 *Guard user.*

5 (4) *TEMP.*—*The term “TEMP” means a Test*
6 *and Evaluation Master Plan for which approval is*
7 *required under this section.*

8 **SEC. 525. CAPABILITY STANDARDS.**

9 (a) *CUTTER CLASSIFICATION.*—*The Commandant*
10 *shall cause each cutter, other than a National Security Cut-*
11 *ter, acquired by the Coast Guard and delivered after the*
12 *date of enactment of this Act to be classed by the American*
13 *Bureau of Shipping before final acceptance.*

14 (b) *TEMPEST TESTING.*—*The Commandant shall—*

15 (1) *cause all electronics on all aircraft, surface,*
16 *and shore capabilities and assets that require TEM-*
17 *PEST certification and that are delivered after the*
18 *date of enactment of this Act to be tested in accord-*
19 *ance with TEMPEST standards and communication*
20 *security (COMSEC) standards by an independent*
21 *third party that is authorized by the Federal Govern-*
22 *ment to perform such testing; and*

23 (2) *certify that the capabilities and assets meet*
24 *all applicable TEMPEST requirements.*

25 (c) *NATIONAL SECURITY CUTTERS.*—

1 (1) *NATIONAL SECURITY CUTTERS 1 AND 2.*—Not
2 *later than 90 days before the Coast Guard awards*
3 *any contract or issues any delivery order or task*
4 *order to strengthen the hull of either of National Secu-*
5 *urity Cutter 1 or 2 to resolve the structural design and*
6 *performance issues identified in the Department of*
7 *Homeland Security Inspector General’s report OIG–*
8 *07–23 dated January 2007, the Commandant shall*
9 *submit to the appropriate congressional committees*
10 *and the Committee on Homeland Security of the*
11 *House of Representatives all results of an assessment*
12 *of the proposed hull strengthening design conducted*
13 *by the Coast Guard, including—*

14 (A) *a description in detail of the extent to*
15 *which the hull strengthening measures to be im-*
16 *plemented on those cutters will enable the cutters*
17 *to meet contract and performance requirements;*

18 (B) *a cost benefit analysis of the proposed*
19 *hull strengthening measures for National Secu-*
20 *urity Cutters 1 and 2; and*

21 (C) *a description of any operational restric-*
22 *tions that would have to be applied to either Na-*
23 *tional Security Cutter 1 or 2 if the proposed hull*
24 *strengthening measures were not implemented on*
25 *either cutter.*

1 (2) *OTHER VESSELS.*—*The Commandant shall*
2 *cause the design and construction of each National*
3 *Security Cutter, other than National Security Cutters*
4 *1, 2, and 3, to be assessed by an independent third*
5 *party with expertise in vessel design and construction*
6 *certification.*

7 (d) *AIRCRAFT AIRWORTHINESS.*—*The Commandant*
8 *shall cause all aircraft and aircraft engines acquired by the*
9 *Coast Guard and delivered after the date of enactment of*
10 *this Act to be assessed for airworthiness by an independent*
11 *third party with expertise in aircraft and aircraft engine*
12 *certification, before final acceptance.*

13 **SEC. 526. ACQUISITION PROGRAM REPORTS.**

14 *Any Coast Guard Level 1 or Level 2 acquisition pro-*
15 *gram or project may not begin to obtain any capability*
16 *or asset or proceed beyond that phase of its development*
17 *that entails approving the supporting acquisition until the*
18 *Commandant submits to the appropriate congressional*
19 *committees the following:*

20 (1) *The key performance parameters, the key sys-*
21 *tem attributes, and the operational performance at-*
22 *tributes of the capability and asset to be acquired*
23 *under the proposed acquisition program or project*
24 *will be built to achieve.*

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

5 (3) *The anticipated acquisition program baseline*
6 *and acquisition unit cost for the capability or asset*
7 *to be produced and deployed under the program or*
8 *project.*

9 (4) *A detailed schedule for the acquisition process*
10 *showing when all capability and asset acquisitions*
11 *are to be completed and when all acquired capabili-*
12 *ties and assets are to be initially and fully deployed.*

13 **SEC. 527. UNDEFINITIZED CONTRACTUAL ACTIONS.**

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

18 (b) *REQUESTS FOR UNDEFINITIZED CONTRACTUAL*
19 *ACTIONS.*—*Any request to the Head of Contracting Activity*
20 *for approval of an undefinitized contractual action covered*
21 *under subsection (a) must include a description of the an-*
22 *ticipated effect on requirements of the Coast Guard if a*
23 *delay is incurred for the purposes of determining contrac-*
24 *tual terms, specifications, and price before performance is*
25 *begun under the contractual action.*

1 (c) *REQUIREMENTS FOR UNDEFINITIZED CONTRACT-*
2 *TUAL ACTIONS.*—

3 (1) *DEADLINE FOR AGREEMENT ON TERMS,*
4 *SPECIFICATIONS, AND PRICE.*—*A contracting officer of*
5 *the Coast Guard may not enter into an undefinitized*
6 *contractual action unless the contractual action pro-*
7 *vides for agreement upon contractual terms, specifica-*
8 *tion, and price by the earlier of—*

9 (A) *the end of the 180-day period beginning*
10 *on the date on which the contractor submits a*
11 *qualifying proposal to definitize the contractual*
12 *terms, specifications, and price; or*

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

17 (2) *LIMITATION ON OBLIGATIONS.*—

18 (A) *IN GENERAL.*—*Except as provided in*
19 *subparagraph (B), the contracting officer for an*
20 *undefinitized contractual action may not obli-*
21 *gate under such contractual action an amount*
22 *that exceeds 50 percent of the negotiated overall*
23 *ceiling price until the contractual terms, speci-*
24 *fications, and price are definitized for such con-*
25 *tractual action.*

1 (B) *EXCEPTION.*—*Notwithstanding sub-*
2 *paragraph (A), if a contractor submits a quali-*
3 *fying proposal to definitize an undefinitized con-*
4 *tractual action before an amount that exceeds 50*
5 *percent of the negotiated overall ceiling price is*
6 *obligated on such action, the contracting officer*
7 *for such action may not obligate with respect to*
8 *such contractual action an amount that exceeds*
9 *75 percent of the negotiated overall ceiling price*
10 *until the contractual terms, specifications, and*
11 *price are definitized for such contractual action.*

12 (3) *WAIVER.*—*The Commandant may waive the*
13 *application of this subsection with respect to a con-*
14 *tract if the Commandant determines that the waiver*
15 *is necessary to support—*

16 (A) *a contingency operation (as that term*
17 *is defined in section 101(a)(13) of title 10,*
18 *United States Code);*

19 (B) *an operation in response to an emer-*
20 *gency that poses an unacceptable threat to*
21 *human health or safety or to the marine environ-*
22 *ment; or*

23 (C) *an operation in response to a natural*
24 *disaster or major disaster or emergency des-*
25 *ignated by the President under the Robert T.*

1 *Stafford Disaster Relief and Emergency Assist-*
2 *ance Act (42 U.S.C. 5121 et seq.).*

3 (4) *LIMITATION ON APPLICATION.*—*This sub-*
4 *section does not apply to an undefinitized contractual*
5 *action for the purchase of initial spares.*

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

13 (1) *good business practice; and*

14 (2) *in the best interests of the United States.*

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

19 (1) *good business practice; and*

20 (2) *in the best interests of the United States.*

21 (f) *ALLOWABLE PROFIT.*—*The Commandant shall en-*
22 *sure that the profit allowed on an undefinitized contractual*
23 *action for which the final price is negotiated after a sub-*
24 *stantial portion of the performance required is completed*
25 *reflects—*

1 (1) *the possible reduced cost risk of the contractor*
2 *with respect to costs incurred during performance of*
3 *the contract before the final price is negotiated; and*

4 (2) *the reduced cost risk of the contractor with*
5 *respect to costs incurred during performance of the re-*
6 *maining portion of the contract.*

7 (g) *DEFINITIONS.—In this section:*

8 (1) *UNDEFINITIZED CONTRACTUAL ACTION.—*

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

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

19 (i) *Foreign military sales.*

20 (ii) *Purchases in an amount not in ex-*
21 *cess of the amount of the simplified acquisi-*
22 *tion threshold.*

23 (iii) *Special access programs.*

24 (2) *QUALIFYING PROPOSAL.—The term “quali-*
25 *fying proposal” means a proposal that contains suffi-*

1 *cient information to enable complete and meaningful*
2 *audits of the information contained in the proposal as*
3 *determined by the contracting officer.*

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

6 *(a) IN GENERAL.—Not later than 180 days after the*
7 *date of enactment of this Act, the Commandant shall issue*
8 *guidance to ensure that pass-through charges on contracts,*
9 *subcontracts, delivery orders, and task orders that are en-*
10 *tered into with a private entity acting as a lead systems*
11 *integrator by or on behalf of the Coast Guard are not exces-*
12 *sive in relation to the cost of work performed by the relevant*
13 *contractor or subcontractor. The guidance shall, at a min-*
14 *imum—*

15 *(1) set forth clear standards for determining*
16 *when no, or negligible, value has been added to a con-*
17 *tract by a contractor or subcontractor;*

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

21 *(3) identify any exceptions determined by the*
22 *Commandant to be in the best interest of the Govern-*
23 *ment.*

24 *(b) EXCESSIVE PASS-THROUGH CHARGE DEFINED.—*
25 *In this section the term “excessive pass-through charge”,*

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

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

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

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

1 *ty that has appropriate acquisition expertise. Such alter-*
2 *natives analysis shall include—*

3 (1) *an assessment of the technical maturity of*
4 *the capability or asset and technical and other risks;*

5 (2) *an examination of capability, interoper-*
6 *ability, and other advantages and disadvantages;*

7 (3) *an evaluation of whether different combina-*
8 *tions or quantities of specific capabilities or assets*
9 *could meet the Coast Guard’s overall performance*
10 *needs;*

11 (4) *a discussion of key assumptions and vari-*
12 *ables, and sensitivity to change in such assumptions*
13 *and variables;*

14 (5) *when an alternative is an existing capa-*
15 *bility, asset, or prototype, an evaluation of relevant*
16 *safety and performance records and costs;*

17 (6) *a calculation of life-cycle costs, including—*

18 (A) *an examination of development costs*
19 *and the levels of uncertainty associated with*
20 *such estimated costs;*

21 (B) *an examination of likely production*
22 *and deployment costs and the levels of uncer-*
23 *tainty associated with such estimated costs;*

1 (C) an examination of likely operating and
2 support costs and the levels of uncertainty asso-
3 ciated with such estimated costs;

4 (D) if they are likely to be significant, an
5 examination of likely disposal costs and the lev-
6 els of uncertainty associated with such estimated
7 costs; and

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

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

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

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

19 (1) a likely cost overrun greater than 10 percent
20 of the acquisition program baseline for that indi-
21 vidual capability or asset or a class of capabilities or
22 assets;

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

1 (3) *an anticipated failure for any individual ca-*
2 *pability or asset or class of capabilities or assets to*
3 *satisfy any key performance threshold or parameter*
4 *under the acquisition program baseline.*

5 (b) *CONTENT.—The report submitted under subsection*
6 (i) *shall include—*

7 (1) *a detailed description of the breach and an*
8 *explanation of its cause;*

9 (2) *the projected impact to performance, cost,*
10 *and schedule;*

11 (3) *an updated acquisition program baseline and*
12 *the complete history of changes to the original acqui-*
13 *sition program baseline;*

14 (4) *the updated acquisition schedule and the*
15 *complete history of changes to the original schedule;*

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

18 (6) *a remediation plan identifying corrective ac-*
19 *tions and any resulting issues or risks; and*

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

22 (c) *SUBSTANTIAL VARIANCES IN COSTS OR SCHED-*
23 *ULE.—If a likely cost overrun is greater than 20 percent*
24 *or a likely delay is greater than 12 months from the costs*
25 *and schedule described in the acquisition program baseline*

1 *for any Level 1 or Level 2 acquisition program or project*
2 *of the Coast Guard, the Commandant shall include in the*
3 *report a written certification, with a supporting expla-*
4 *nation, that—*

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

9 *(2) there are no alternatives to such capability*
10 *or asset or capability or asset class which will provide*
11 *equal or greater capability in both a more cost-effec-*
12 *tive and timely manner;*

13 *(3) the new acquisition schedule and estimates*
14 *for total acquisition cost are reasonable; and*

15 *(4) the management structure for the acquisition*
16 *program is adequate to manage and control perform-*
17 *ance, cost, and schedule.*

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

21 *(a) REPORT REQUIRED.—Not later than December 31,*
22 *2009, and annually thereafter, the Comptroller General of*
23 *the United States shall submit a report to the appropriate*
24 *congressional committees on the employment during the*
25 *preceding year by Coast Guard contractors of individuals*

1 *who were Coast Guard officials in the previous 5-year pe-*
2 *riod. The report shall assess the extent to which former*
3 *Coast Guard officials were provided compensation by Coast*
4 *Guard contractors in the preceding calendar year.*

5 (b) *OBJECTIVES OF REPORT.*—*At a minimum, the re-*
6 *port required by this section shall assess the extent to which*
7 *former Coast Guard officials who receive compensation from*
8 *Coast Guard contractors have been assigned by those con-*
9 *tractors to work on contracts or programs between the con-*
10 *tractor and the Coast Guard, including contracts or pro-*
11 *grams for which the former official personally had oversight*
12 *responsibility or decisionmaking authority when they*
13 *served in or worked for the Coast Guard.*

14 (c) *CONFIDENTIALITY REQUIREMENT.*—*The report re-*
15 *quired by this subsection shall not include the names of the*
16 *former Coast Guard officials who receive compensation from*
17 *Coast Guard contractors.*

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

22 (e) *DEFINITIONS.*—*In this section:*

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

1 *from the Coast Guard in the calendar year covered by*
2 *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 to*
7 *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 Executive*
10 *Service under subchapter VIII of chapter 53 of title*
11 *5, United States Code, during the calendar year prior*
12 *to the date on which they separated from the Coast*
13 *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 Guard*
18 *acquisition programs. The Commandant shall also seek op-*
19 *portunities to make use of Department of Defense contracts,*
20 *and contracts of other appropriate agencies, to obtain the*
21 *best possible price for capabilities and assets acquired for*
22 *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 of*
2 *the Assistant Secretary of the Navy for Research, Develop-*
3 *ment, and Acquisition, including the Navy Systems Com-*
4 *mands, with the oversight of Coast Guard major acquisition*
5 *programs. Such memorandum of understanding or memo-*
6 *randum of agreement shall, at a minimum, provide for—*

7 (1) *the exchange of technical assistance and sup-*
8 *port that the Coast Guard Chief Acquisition Officer,*
9 *Coast Guard Chief Engineer, and the Coast Guard*
10 *Chief Information Officer may identify;*

11 (2) *the use, as appropriate, of Navy technical ex-*
12 *pertise; and*

13 (3) *the temporary assignment or exchange of per-*
14 *sonnel between the Coast Guard and the Office of the*
15 *Assistant Secretary of the Navy for Research, Develop-*
16 *ment, and Acquisition, including Naval Systems*
17 *Commands, to facilitate the development of organic*
18 *capabilities in the Coast Guard.*

19 (c) *TECHNICAL REQUIREMENT APPROVAL PROCE-*
20 *DURES.—The Coast Guard Chief Acquisition Officer shall*
21 *adopt, to the extent practicable, procedures that are similar*
22 *to those used by the senior procurement executive of the De-*
23 *partment of the Navy to approve all technical requirements.*

24 (d) *ASSESSMENT.—Within 180 days after the date of*
25 *enactment of this Act, the Comptroller General shall trans-*

1 *mit a report to the appropriate congressional committees*
2 *that—*

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

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

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

16 ***Subtitle C—Coast Guard Personnel***

17 ***SEC. 541. CHIEF ACQUISITION OFFICER.***

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

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

21 “(a) *ESTABLISHMENT OF CHIEF ACQUISITION OFFI-*
22 *CER.*—*There shall be in the Coast Guard a Chief Acquisi-*
23 *tion Officer selected by the Commandant who shall be a*
24 *Rear Admiral or civilian from the Senior Executive Service*
25 *(career reserved) and who meets the qualifications set forth*

1 *under subsection (b). The Chief Acquisition Officer shall*
2 *serve at the Assistant Commandant level and have acquisi-*
3 *tion management as that individual's primary duty.*

4 *“(b) QUALIFICATIONS.—*

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

12 *“(A) Program executive officer.*

13 *“(B) Program manager of a Level 1 or*
14 *Level 2 acquisition.*

15 *“(C) Deputy program manager of a Level 1*
16 *or Level 2 acquisition.*

17 *“(D) Project manager for a Level 1 or Level*
18 *2 acquisition.*

19 *“(E) Any other acquisition position of sig-*
20 *nificant responsibility in which the primary du-*
21 *ties are supervisory or management duties.*

22 *“(2) The Commandant shall periodically publish*
23 *a list of the positions designated under this sub-*
24 *section.*

1 “(c) *AUTHORITY AND FUNCTIONS OF THE CHIEF AC-*
2 *QUISITION OFFICER.—The functions of the Chief Acquisi-*
3 *tion Officer shall include—*

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

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

21 “(3) *making acquisition decisions in concurrence*
22 *with the technical authority of the Coast Guard, as*
23 *designated by the Commandant, and consistent with*
24 *all other applicable laws and decisions establishing*
25 *procedures within the Coast Guard;*

1 “(4) ensuring the use of detailed performance
2 specifications in instances in which performance
3 based contracting is used;

4 “(5) managing the direction of acquisition policy
5 for the Coast Guard, including implementation of the
6 unique acquisition policies, regulations, and stand-
7 ards of the Coast Guard;

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

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

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

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

23 (b) APPLICATION OF QUALIFICATION REQUIRE-
24 MENT.—Section 56(b) of title 14, United States Code, as

1 *amended by this section, shall apply beginning October 1,*
2 *2011.*

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

“56. Chief Acquisition Officer.”.

6 *(d) ELEVATION OF DISPUTES TO THE CHIEF ACQUI-*
7 *SION OFFICER.—Within 45 days after the elevation to the*
8 *Chief Acquisition Officer of any design or other dispute re-*
9 *garding a Level 1 or Level 2 acquisition, the Commandant*
10 *shall provide to the appropriate congressional committees*
11 *a detailed description of the issue and the rationale under-*
12 *lying the decision taken by the Chief Acquisition Officer*
13 *to resolve the issue.*

14 *(e) SPECIAL RATE SUPPLEMENTS.—*

15 *(1) REQUIREMENT TO ESTABLISH.—Not later*
16 *than 1 year after the date of enactment of this Act*
17 *and in accordance with part 9701.333 of title 5, Code*
18 *of Federal Regulations, the Commandant shall estab-*
19 *lish special rate supplements that provide higher pay*
20 *levels for employees necessary to carry out the amend-*
21 *ment made by this section.*

22 *(2) SUBJECT TO APPROPRIATIONS.—The require-*
23 *ment under paragraph (1) is subject to the avail-*
24 *ability of appropriations.*

1 **SEC. 542. IMPROVEMENTS IN COAST GUARD ACQUISITION**
2 **MANAGEMENT.**

3 (a) *PROGRAM AND PROJECT MANAGERS.*—An indi-
4 vidual may not be assigned as the program manager for
5 a Level 1 or Level 2 acquisition unless the individual holds
6 a Level III acquisition certification as a program manager.

7 (b) *INTEGRATED PRODUCT TEAMS.*—Integrated prod-
8 uct teams, and all teams that oversee integrated product
9 teams, shall be chaired by officers, members, or employees
10 of the Coast Guard.

11 (c) *TECHNICAL AUTHORITY.*—The Commandant shall
12 maintain or designate the technical authority to establish,
13 approve, and maintain technical requirements. Any such
14 designation shall be made in writing and may not be dele-
15 gated to the authority of the Chief Acquisition Officer estab-
16 lished by section 55 of title 14, United States Code.

17 (d) *DESIGNATION OF POSITIONS IN THE ACQUISITION*
18 *WORKFORCE.*—

19 (1) *IN GENERAL.*—The Commandant shall des-
20 ignate a sufficient number of positions to be in the
21 Coast Guard's acquisition workforce to perform acqui-
22 sition-related functions at Coast Guard headquarters
23 and field activities.

24 (2) *REQUIRED POSITIONS.*—In designating posi-
25 tions under subsection (a), the Commandant shall in-

1 *clude, at a minimum, positions encompassing the fol-*
2 *lowing competencies and functions:*

3 *(A) Program management.*

4 *(B) Systems planning, research, develop-*
5 *ment, engineering, and testing.*

6 *(C) Procurement, including contracting.*

7 *(D) Industrial and contract property man-*
8 *agement.*

9 *(E) Life-cycle logistics.*

10 *(F) Quality control and assurance.*

11 *(G) Manufacturing and production.*

12 *(H) Business, cost estimating, financial*
13 *management, and auditing.*

14 *(I) Acquisition education, training, and ca-*
15 *reer development.*

16 *(J) Construction and facilities engineering.*

17 *(K) Testing and evaluation.*

18 *(3) ACQUISITION MANAGEMENT HEADQUARTER*
19 *ACTIVITIES.—The Commandant shall also designate*
20 *as positions in the acquisition workforce under para-*
21 *graph (1) those acquisition-related positions located*
22 *at Coast Guard headquarters units.*

23 *(4) APPROPRIATE EXPERTISE REQUIRED.—The*
24 *Commandant shall ensure that each individual as-*
25 *signed to a position in the acquisition workforce has*

1 *the appropriate expertise to carry out the responsibil-*
2 *ities of that position.*

3 *(e) MANAGEMENT INFORMATION SYSTEM.—*

4 *(1) IN GENERAL.—The Commandant shall estab-*
5 *lish a management information system capability to*
6 *improve acquisition workforce management and re-*
7 *porting.*

8 *(2) INFORMATION MAINTAINED.—Information*
9 *maintained with such capability shall include the fol-*
10 *lowing standardized information on individuals as-*
11 *signed to positions in the workforce:*

12 *(A) Qualifications, assignment history, and*
13 *tenure of those individuals assigned to positions*
14 *in the acquisition workforce or holding acquisi-*
15 *tion-related certifications.*

16 *(B) Promotion rates for officers and mem-*
17 *bers of the Coast Guard in the acquisition work-*
18 *force.*

19 *(f) REPORT ON ADEQUACY OF ACQUISITION WORK-*
20 *FORCE.—*

21 *(1) IN GENERAL.—The Commandant shall report*
22 *to the Congress by July 1 of each year on the scope*
23 *of the acquisition activities to be performed in the*
24 *next fiscal year and on the adequacy of the current*

1 *acquisition workforce to meet that anticipated work-*
2 *load.*

3 (2) *CONTENTS.—The report shall—*

4 (A) *specify the number of officers, members,*
5 *and employees of the Coast Guard currently and*
6 *planned to be assigned to each position des-*
7 *ignated under subsection (d); and*

8 (B) *identify positions that are understaffed*
9 *to meet the anticipated acquisition workload,*
10 *and actions that will be taken to correct such*
11 *understaffing.*

12 (g) *APPOINTMENTS TO ACQUISITION POSITIONS.—The*
13 *Commandant shall ensure that no requirement or preference*
14 *for officers or members of the Coast Guard is used in the*
15 *consideration of persons for positions in the acquisition*
16 *workforce.*

17 (h) *CAREER PATHS.—*

18 (1) *IDENTIFICATION OF CAREER PATHS.—To es-*
19 *tablish acquisition management as a core competency*
20 *of the Coast Guard, the Commandant shall—*

21 (A) *ensure that career paths for officers,*
22 *members, and employees of the Coast Guard who*
23 *wish to pursue careers in acquisition are identi-*
24 *fied in terms of the education, training, experi-*
25 *ence, and assignments necessary for career pro-*

1 *gression of those officers, members, and employ-*
2 *ees to the most senior positions in the acquisition*
3 *workforce; and*

4 *(B) publish information on such career*
5 *paths.*

6 (2) *PROMOTION PARITY.—The Commandant*
7 *shall ensure that promotion parity is established for*
8 *officers and members of the Coast Guard who have*
9 *been assigned to the acquisition workforce relative to*
10 *officers and members who have not been assigned to*
11 *the acquisition workforce.*

12 (i) *BALANCED WORKFORCE POLICY.—In the develop-*
13 *ment of acquisition workforce policies under this section*
14 *with respect to any civilian employees or applicants for em-*
15 *ployment, the Commandant shall, consistent with the merit*
16 *system principles set out in paragraphs (1) and (2) of sec-*
17 *tion 2301(b) of title 5, United States Code, take into consid-*
18 *eration the need to maintain a balanced workforce in which*
19 *women and members of racial and ethnic minority groups*
20 *are appropriately represented in Government service.*

21 (j) *GUIDANCE ON TENURE AND ACCOUNTABILITY OF*
22 *PROGRAM MANAGERS.—*

23 (1) *ISSUANCE OF GUIDANCE.—Not later than 1*
24 *year after the date of enactment of this Act, the Com-*
25 *mandant shall issue guidance to address the quali-*

1 *fications, resources, responsibilities, tenure, and ac-*
2 *countability of program managers for the manage-*
3 *ment of acquisition programs and projects. The guid-*
4 *ance shall address, at a minimum—*

5 *(A) the qualifications that shall be required*
6 *of program managers, including the number of*
7 *years of acquisition experience and the profes-*
8 *sional training levels to be required of those ap-*
9 *pointed to program management positions;*

10 *(B) authorities available to program man-*
11 *agers, including, to the extent appropriate, the*
12 *authority to object to the addition of new pro-*
13 *gram requirements that would be inconsistent*
14 *with the parameters established for an acquisi-*
15 *tion program; and*

16 *(C) the extent to which a program manager*
17 *who initiates a new program or project will con-*
18 *tinue in management of that program or project*
19 *without interruption until the delivery of the*
20 *first production units of the program.*

21 *(2) STRATEGY.—*

22 *(A) IN GENERAL.—Not later than 18*
23 *months after the date of enactment of this Act,*
24 *the Commandant shall develop a comprehensive*
25 *strategy for enhancing the role of Coast Guard*

1 *program managers in developing and carrying*
2 *out acquisition programs.*

3 *(B) MATTERS TO BE ADDRESSED.—The*
4 *strategy required by this section shall address, at*
5 *a minimum—*

6 *(i) the creation of a specific career*
7 *path and career opportunities for individ-*
8 *uals who are or may become program man-*
9 *agers, including the rotational assignments*
10 *that will be provided to program managers;*

11 *(ii) the provision of enhanced training*
12 *and educational opportunities for individ-*
13 *uals who are or may become program man-*
14 *agers;*

15 *(iii) the provision of mentoring sup-*
16 *port to current and future program man-*
17 *agers by experienced senior executives and*
18 *program managers within the Coast Guard,*
19 *and through rotational assignments to the*
20 *Department of Defense;*

21 *(iv) the methods by which the Coast*
22 *Guard will collect and disseminate best*
23 *practices and lessons learned on systems ac-*
24 *quisition to enhance program management*
25 *throughout the Coast Guard;*

1 (v) the templates and tools that will be
2 used to support improved data gathering
3 and analysis for program management and
4 oversight purposes, including the metrics
5 that will be utilized to assess the effective-
6 ness of Coast Guard program managers in
7 managing systems acquisition efforts;

8 (vi) a description in detail of how the
9 Coast Guard will promote a balanced work-
10 force in which women and members of ra-
11 cial and ethnic minority groups are appro-
12 priately represented in Government service;
13 and

14 (vii) the methods by which the account-
15 ability of program managers for the results
16 of acquisition programs will be increased.

17 **SEC. 543. RECOGNITION OF COAST GUARD PERSONNEL FOR**
18 **EXCELLENCE IN ACQUISITION.**

19 (a) *IN GENERAL.*—Not later than 180 days after the
20 date of enactment of this Act, the Commandant shall com-
21 mence implementation of a program to recognize excellent
22 performance by individuals and teams comprised of officers,
23 members, and employees of the Coast Guard that contrib-
24 uted to the long-term success of a Coast Guard acquisition
25 program or project.

1 (b) *ELEMENTS.*—*The program required by subsection*
2 *(a) shall include the following:*

3 (1) *Specific award categories, criteria, and eligi-*
4 *bility and manners of recognition.*

5 (2) *Procedures for the nomination by personnel*
6 *of the Coast Guard of individuals and teams com-*
7 *prised of officers, members, and employees of the*
8 *Coast Guard for recognition under the program.*

9 (3) *Procedures for the evaluation of nominations*
10 *for recognition under the program by one or more*
11 *panels of individuals from the Government, academia,*
12 *and the private sector who have such expertise and*
13 *are appointed in such manner as the Commandant*
14 *shall establish for the purposes of this program.*

15 (c) *AWARD OF CASH BONUSES.*—*As part of the pro-*
16 *gram required by subsection (a), the Commandant, subject*
17 *to the availability of appropriations, may award to any*
18 *individual recognized pursuant to the program a cash*
19 *bonus to the extent that the performance of such individual*
20 *so recognized warrants the award of such bonus.*

21 **SEC. 544. COAST GUARD ACQUISITION WORKFORCE EXPE-**
22 **DITED HIRING AUTHORITY.**

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

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

4 (2) *use the authorities in such sections to recruit*
 5 *and appoint highly qualified persons directly to posi-*
 6 *tions so designated.*

7 (b) *LIMITATION.—The Commandant may not appoint*
 8 *a person to a position of employment under this subsection*
 9 *after September 30, 2012.*

10 **TITLE VI—MARITIME**
 11 **WORKFORCE DEVELOPMENT**

12 **SEC. 601. SHORT TITLE.**

13 *This title may be cited as the “Maritime Workforce*
 14 *Development Act”.*

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

16 (a) *IN GENERAL.—Chapter 517 of title 46, United*
 17 *States Code, is amended by adding at the end the following:*

18 **“§ 51705. Maritime career training loan program**

19 *“(a) ESTABLISHMENT.—The Secretary of Transpor-*
 20 *tation shall establish a maritime career training loan pro-*
 21 *gram (in this section referred to as the ‘program’) in ac-*
 22 *cordance with the requirements of this section.*

23 *“(b) PURPOSE.—The purpose of the program shall be*
 24 *to make maritime career training loans available to eligible*

1 *students to provide for the training of United States mari-*
2 *ners.*

3 “(c) *ADMINISTRATION.*—*The program shall be carried*
4 *out by the Secretary, acting through the Administrator of*
5 *the Maritime Administration.*

6 “(d) *DUTIES.*—*The Secretary shall—*

7 “(1) *allocate, on an annual basis, the award of*
8 *loans under the program based on the needs of stu-*
9 *dents;*

10 “(2) *develop an application process and eligi-*
11 *bility criteria for the award of loans under the pro-*
12 *gram;*

13 “(3) *approve applications for loans under the*
14 *program based on the eligibility criteria and alloca-*
15 *tions made under paragraph (1); and*

16 “(4) *designate maritime training institutions at*
17 *which loans made under the program may be used.*

18 “(e) *DESIGNATION OF MARITIME TRAINING INSTITU-*
19 *TIONS.*—

20 “(1) *IN GENERAL.*—*In designating maritime*
21 *training institutions under subsection (d)(4), the Sec-*
22 *retary—*

23 “(A) *may include Federal, State, and com-*
24 *mmercial training institutions and nonprofit*
25 *training organizations, except that under-*

1 *graduate students at the United States Merchant*
2 *Marine Academy shall not be eligible for loans*
3 *under the program;*

4 “(B) shall designate institutions based on
5 *geographic diversity and scope of classes offered;*

6 “(C) shall ensure that designated institu-
7 *tions have the ability to administer the program;*
8 *and*

9 “(D) shall ensure that designated institu-
10 *tions meet requirements to provide training in-*
11 *struction for appropriate Coast Guard-approved*
12 *training instruction.*

13 “(2) *EXCLUSIONS.—The Secretary—*

14 “(A) may exclude from participation in the
15 *program a maritime training institution that*
16 *has had severe performance deficiencies, includ-*
17 *ing deficiencies demonstrated by audits or pro-*
18 *gram reviews conducted during the 5 calendar*
19 *years immediately preceding the present year;*

20 “(B) shall exclude from participation in the
21 *program a maritime training institution that*
22 *has delinquent or outstanding debts to the*
23 *United States, unless such debts are being repaid*
24 *under or in accordance with a repayment ar-*
25 *rangement satisfactory to the United States, or*

1 *the Secretary in the Secretary's discretion deter-*
2 *mines that the existence or amount of any such*
3 *debts has not been finally determined by the ap-*
4 *propriate Federal agency;*

5 *“(C) may exclude from participation in the*
6 *program a maritime training institution that*
7 *has failed to comply with quality standards es-*
8 *tablished by the Department of Labor, the Coast*
9 *Guard, or a State; and*

10 *“(D) may establish such other criteria as*
11 *the Secretary determines will protect the finan-*
12 *cial interest of the United States and promote*
13 *the purposes of this section.*

14 *“(f) STATE MARITIME ACADEMIES.—*

15 *“(1) USE OF FUNDS FOR LOANS TO STUDENTS*
16 *ATTENDING STATE MARITIME ACADEMIES.—The Sec-*
17 *retary may obligate not more than 50 percent of the*
18 *amounts appropriated to carry out this section for a*
19 *fiscal year for loans to undergraduate students at-*
20 *tending State maritime academies receiving assist-*
21 *ance under chapter 515 of this title.*

22 *“(2) ACADEMIC STANDARDS FOR STUDENTS.—*
23 *Students at State maritime academies receiving loans*
24 *under the program shall maintain satisfactory*
25 *progress toward the completion of their course of*

1 *study as evidenced by the maintenance of a cumu-*
2 *lative C average, or its equivalent, or academic stand-*
3 *ing consistent with the requirements for graduation,*
4 *as determined by the institution.*

5 “(g) *LOAN AMOUNTS AND USE.*—

6 “(1) *MAXIMUM AMOUNTS.*—*The Secretary may*
7 *not make loans to a student under the program in an*
8 *amount that exceeds \$15,000 in a calendar year or*
9 *\$60,000 in the aggregate.*

10 “(2) *USE OF LOAN PROCEEDS.*—*A student who*
11 *receives a loan under the program may use the pro-*
12 *ceeds of the loan only for postsecondary expenses in-*
13 *curring at an institution designated by the Secretary*
14 *under subsection (d)(4) for books, tuition, required*
15 *fees, travel to and from training facilities, and room*
16 *and board.*

17 “(h) *STUDENT ELIGIBILITY.*—*To be eligible to receive*
18 *a loan under the program, a student shall—*

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

21 “(2) *provide to the Secretary such information*
22 *as the Secretary may require, including all current*
23 *Coast Guard documents, certifications, proof of*
24 *United States citizenship or permanent legal status,*
25 *and a statement of intent to enter a maritime career;*

1 “(3) meet the enrollment requirements of a mari-
2 time training institution designated by the Secretary
3 under subsection (d)(4); and

4 “(4) sign an agreement to—

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

7 “(B)(i) maintain a license and serve as an
8 officer in the merchant marine on a documented
9 vessel or a vessel owned and operated by the
10 United States for at least 18 months of service
11 at sea following the date of graduation from the
12 maritime program for which the loan proceeds
13 will be used; or

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

20 “(i) ADMINISTRATION OF LOANS.—

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

24 “(A) be evidenced by a note or other written
25 instrument that provides for the repayment of

1 *the principal amount of the loan and any origi-*
2 *nation fee, together with interest thereon, in*
3 *equal installments (or, if the student borrower so*
4 *requests, in graduated periodic installments de-*
5 *termined in accordance with such schedules as*
6 *may be approved by the Secretary) payable*
7 *quarterly, bimonthly, or monthly, at the option*
8 *of the student borrower, over a period beginning*
9 *9 months from the date on which the student bor-*
10 *rower completes study or discontinues attendance*
11 *at the maritime program for which the loans are*
12 *used at the institution approved by the Secretary*
13 *and not exceeding 10 years;*

14 *“(B) include provision for acceleration of*
15 *repayment of the whole, or any part, of such*
16 *loan, at the option of the student borrower;*

17 *“(C) provide the loan without security and*
18 *without endorsement;*

19 *“(D) provide that the liability to repay the*
20 *loan shall be canceled upon the death of the stu-*
21 *dent borrower, or if the student borrower becomes*
22 *permanently and totally disabled, as determined*
23 *in accordance with regulations to be issued by*
24 *the Secretary;*

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

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

6 “(2) *RATE OF INTEREST.*—A student borrower
7 who receives a loan under the program on or after
8 January 1, 2010, and before October 1, 2015, shall be
9 obligated to repay the loan amount to the Secretary,
10 together with interest beginning in the period referred
11 to in paragraph (1)(A), at a rate to be determined as
12 follows:

13 “(A) For a loan for which the first disburse-
14 ment is made on or after January 1, 2010, and
15 before October 1, 2011, 5.6 percent on the unpaid
16 principal balance of the loan.

17 “(B) For a loan for which the first disburse-
18 ment is made on or after October 1, 2011, and
19 before October 1, 2012, 4.5 percent on the unpaid
20 principal balance of the loan.

21 “(C) For a loan for which the first disburse-
22 ment is made on or after October 1, 2012, 3.4
23 percent on the unpaid principal balance of the
24 loan.

1 “(3) *DISCLOSURE REQUIRED PRIOR TO DIS-*
2 *BURSEMENT.—*

3 “(A) *IN GENERAL.—The Secretary shall at*
4 *or prior to the time the Secretary makes a loan*
5 *to a student borrower under the program, pro-*
6 *vide thorough and adequate loan information on*
7 *such loan to the student borrower. The disclo-*
8 *sures required by this paragraph may be made*
9 *as part of the written application material pro-*
10 *vided to the student borrower, as part of the*
11 *promissory note evidencing the loan, or on a sep-*
12 *arate written form provided to the student bor-*
13 *rower.*

14 “(B) *CONTENTS.—The disclosures shall in-*
15 *clude—*

16 “(i) *the address to which communica-*
17 *tions and payments should be sent;*

18 “(ii) *the principal amount of the loan;*

19 “(iii) *the amount of any charges col-*
20 *lected at or prior to the disbursement of the*
21 *loan and whether such charges are to be de-*
22 *ducted from the proceeds of the loan or paid*
23 *separately by the student borrower;*

24 “(iv) *the stated interest rate on the*
25 *loan;*

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

3 “(vi) an explanation of when repay-
4 ment of the loan will be required and when
5 the student borrower will be obligated to
6 pay interest that accrues on the loan;

7 “(vii) a statement as to the minimum
8 and maximum repayment term that the
9 Secretary may impose, and the minimum
10 monthly payment required by law and a
11 description of any penalty imposed as a
12 consequence of default, such as liability for
13 expenses reasonably incurred in attempts by
14 the Secretary to collect on a loan;

15 “(viii) a statement of the total cumu-
16 lative balance, including the loan applied
17 for, owed by the student borrower to the
18 Secretary, and an estimate of the projected
19 monthly payment, given such cumulative
20 balance;

21 “(ix) an explanation of any special op-
22 tions the student borrower may have for
23 loan consolidation or other refinancing of
24 the loan;

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

4 “(xi) a statement summarizing cir-
5 cumstances in which repayment of the loan
6 or interest that accrues on the loan may be
7 deferred, and a brief notice of the program
8 for repayment of loans, on the basis of mili-
9 tary service, pursuant to the Department of
10 Defense educational loan repayment pro-
11 gram (10 U.S.C. 16302);

12 “(xii) a definition of default and the
13 consequences to the student borrower if the
14 student borrower defaults, together with a
15 statement that the disbursement of, and the
16 default on, a loan under this part shall be
17 reported to a credit bureau or credit report-
18 ing agency;

19 “(xiii) to the extent practicable, the ef-
20 fect of accepting the loan on the eligibility
21 of the student borrower for other forms of
22 student assistance; and

23 “(xiv) an explanation of any cost the
24 student borrower may incur in the making
25 or collection of the loan.

1 “(C) *INFORMATION TO BE PROVIDED WITH-*
2 *OUT COST.—The information provided under*
3 *this paragraph shall be available to the Sec-*
4 *retary without cost to the student borrower.*

5 “(4) *REPAYMENT AFTER DEFAULT.—The Sec-*
6 *retary may require any student borrower who has de-*
7 *faulted on a loan made under the program to—*

8 “(A) *pay all reasonable collection costs asso-*
9 *ciated with such loan; and*

10 “(B) *repay the loan pursuant to an income*
11 *contingent repayment plan.*

12 “(5) *AUTHORIZATION TO REDUCE RATES AND*
13 *FEES.—Notwithstanding any other provision of this*
14 *section, the Secretary may prescribe by regulation*
15 *any reductions in the interest rate or origination fee*
16 *paid by a student borrower of a loan made under the*
17 *program as the Secretary determines appropriate to*
18 *encourage ontime repayment of the loan. Such reduc-*
19 *tions may be offered only if the Secretary determines*
20 *the reductions are cost neutral and in the best finan-*
21 *cial interest of the United States.*

22 “(6) *COLLECTION OF REPAYMENTS.—The Sec-*
23 *retary shall collect repayments made under the pro-*
24 *gram and exercise due diligence in such collection, in-*
25 *cluding maintenance of all necessary records to ensure*

1 *that maximum repayments are made. Collection and*
2 *servicing of repayments under the program shall be*
3 *pursued to the full extent of the law, including wage*
4 *garnishment if necessary. The Secretary of the De-*
5 *partment in which the Coast Guard is operating shall*
6 *provide the Secretary of Transportation with any in-*
7 *formation regarding a mariner that may aid in the*
8 *collection of repayments under this section.*

9 *“(7) REPAYMENT SCHEDULE.—A student bor-*
10 *rower who receives a loan under the program shall*
11 *repay the loan quarterly, bimonthly, or monthly, at*
12 *the option of the student borrower, over a period be-*
13 *ginning 9 months from the date the student borrower*
14 *completes study or discontinues attendance at the*
15 *maritime program for which the loan proceeds are*
16 *used and ending not more than 10 years after the*
17 *date repayment begins. Provisions for deferral of re-*
18 *payment shall be determined by the Secretary.*

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

21 *“(A) enter into a contract or other arrange-*
22 *ment with State or nonprofit agencies and, on a*
23 *competitive basis, with collection agencies for*
24 *servicing and collection of loans under this sec-*
25 *tion; and*

1 “(B) *conduct litigation necessary to carry*
2 *out this section.*

3 “(j) *REVOLVING LOAN FUND.—*

4 “(1) *ESTABLISHMENT.—The Secretary shall es-*
5 *tablish a revolving loan fund consisting of amounts*
6 *deposited in the fund under paragraph (2).*

7 “(2) *DEPOSITS.—The Secretary shall deposit in*
8 *the fund—*

9 “(A) *receipts from the payment of principal*
10 *and interest on loans made under the program;*
11 *and*

12 “(B) *any other monies paid to the Sec-*
13 *retary by or on behalf of individuals under the*
14 *program.*

15 “(3) *AVAILABILITY OF AMOUNTS.—Amounts in*
16 *the fund shall be available to the Secretary, without*
17 *further appropriation—*

18 “(A) *to cover the administrative costs of the*
19 *program, including the maintenance of records*
20 *and making collections under this section; and*

21 “(B) *to the extent that amounts remain*
22 *available after paying such administrative costs,*
23 *to make loans under the program.*

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

4 “(k) *ANNUAL REPORT.*—*The Secretary, on an annual*
5 *basis, shall submit to the Committee on Transportation and*
6 *Infrastructure of the House of Representatives and the Com-*
7 *mittee on Commerce, Science, and Transportation of the*
8 *Senate a report on the program, including—*

9 “(1) *the total amount of loans made under the*
10 *program in the preceding year;*

11 “(2) *the number of students receiving loans*
12 *under the program in the preceding year; and*

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

15 “(l) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
16 *authorized to be appropriated for each of fiscal years 2010*
17 *through 2015—*

18 “(1) *\$10,000,000 for making loans under the*
19 *program; and*

20 “(2) *\$1,000,000 for administrative expenses of*
21 *the Secretary in carrying out the program.*

22 “§51706. ***Maritime recruitment, training, and reten-***
23 ***tion grant program***

24 “(a) *STRATEGIC PLAN.*—

1 “(1) *IN GENERAL.*—Not later than one year after
2 the date of enactment of this section, and at least once
3 every 3 years thereafter, the Secretary of Transpor-
4 tation, acting through the Administrator of the Mari-
5 time Administration, shall publish in the Federal
6 Register a plan that describes the demonstration, re-
7 search, and multistate project priorities of the De-
8 partment of Transportation concerning merchant
9 mariner recruitment, training, and retention for the
10 3-year period following the date of publication of the
11 plan.

12 “(2) *CONTENTS.*—A plan published under para-
13 graph (1) shall contain strategies and identify poten-
14 tial projects to address merchant mariner recruit-
15 ment, training, and retention issues in the United
16 States.

17 “(3) *FACTORS.*—In developing a plan under
18 paragraph (1), the Secretary shall take into account,
19 at a minimum—

20 “(A) the availability of existing research (as
21 of the date of publication of the plan);

22 “(B) the need to ensure results that have
23 broad applicability;

24 “(C) the benefits of economies of scale and
25 the efficiency of potential projects; and

1 “(D) the likelihood that the results of poten-
2 tial projects will be useful to policymakers and
3 stakeholders in addressing merchant mariner re-
4 cruitment, training, and retention issues.

5 “(4) CONSULTATION.—In developing a plan
6 under paragraph (1), the Secretary shall consult with
7 representatives of the maritime industry, labor orga-
8 nizations, and other governmental entities and par-
9 ties with an interest in the maritime industry.

10 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
11 retary shall transmit copies of a plan published under
12 paragraph (1) to the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and Trans-
15 portation of the Senate.

16 “(b) DEMONSTRATION PROJECTS.—

17 “(1) IN GENERAL.—The Secretary may award
18 grants to a maritime training institution to carry
19 out demonstration projects that implement the prior-
20 ities identified in the plan prepared under subsection
21 (a)(1), for the purpose of developing and imple-
22 menting methods to address merchant mariner re-
23 cruitment, training, and retention issues.

24 “(2) GRANT AWARDS.—Grants shall be awarded
25 under this subsection on a competitive basis under

1 *guidelines and requirements to be established by the*
2 *Secretary.*

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

7 “(A) *information demonstrating the esti-*
8 *mated effectiveness of the project; and*

9 “(B) *a method for evaluating the effective-*
10 *ness of the project.*

11 “(4) *ELIGIBLE PROJECTS.*—*Projects eligible for*
12 *grants under this subsection may include—*

13 “(A) *the establishment of maritime tech-*
14 *nology skill centers developed through local part-*
15 *nerships of industry, labor, education, commu-*
16 *nity-based organizations, economic development*
17 *organizations, or Federal, State, and local gov-*
18 *ernment agencies to meet unmet skills needs of*
19 *the maritime industry;*

20 “(B) *projects that provide training to up-*
21 *grade the skills of workers who are employed in*
22 *the maritime industry;*

23 “(C) *projects that promote the use of dis-*
24 *tance learning, enabling students to take courses*

1 *through the use of media technology, such as vid-*
2 *eos, teleconferencing, and the Internet;*

3 “(D) *projects that assist in providing serv-*
4 *ices to address maritime recruitment and train-*
5 *ing of youth residing in targeted high poverty*
6 *areas within empowerment zones and enterprise*
7 *communities;*

8 “(E) *the establishment of partnerships with*
9 *national and regional organizations with special*
10 *expertise in developing, organizing, and admin-*
11 *istering merchant mariner recruitment and*
12 *training services; and*

13 “(F) *the establishment of maritime training*
14 *programs that foster technical skills and oper-*
15 *ational productivity in communities in which*
16 *economies are related to or dependent upon the*
17 *maritime industry.*

18 “(c) *PROJECTS AUTHORIZED.—*

19 “(1) *PROJECTS.—The Secretary may award*
20 *grants to carry out projects identified in a plan pub-*
21 *lished under subsection (a)(1) under which the project*
22 *sponsor will—*

23 “(A) *design, develop, and test an array of*
24 *approaches to providing recruitment, training,*

1 *or retention services to one or more targeted pop-*
2 *ulations;*

3 “(B) *in conjunction with employers, orga-*
4 *nized labor, other groups (such as community*
5 *coalitions), and Federal, State, or local agencies,*
6 *design, develop, and test various training ap-*
7 *proaches in order to determine effective practices;*
8 *or*

9 “(C) *assist in the development and replica-*
10 *tion of effective service delivery strategies for the*
11 *national maritime industry as a whole.*

12 “(2) *RESEARCH PROJECTS.—The Secretary may*
13 *award grants to carry out research projects identified*
14 *in a plan published under subsection (a)(1) that will*
15 *contribute to the solution of maritime industry re-*
16 *ruitment, training, and retention issues in the*
17 *United States.*

18 “(3) *MULTISTATE OR REGIONAL PROJECTS.—The*
19 *Secretary may award grants to carry out multistate*
20 *or regional projects identified in a plan published*
21 *under subsection (a)(1) to effectively disseminate best*
22 *practices and models for implementing maritime re-*
23 *ruitment, training, and retention services designed to*
24 *address industry-wide skill shortages.*

1 “(4) *GRANT AWARDS.*—*Grants shall be awarded*
 2 *under this subsection on a competitive basis under*
 3 *guidelines and requirements to be established by the*
 4 *Secretary.*

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 6 *are authorized to be appropriated for each of fiscal years*
 7 *2010 through 2015—*

8 “(1) *\$10,000,000 for making grants under this*
 9 *section; and*

10 “(2) *\$1,000,000 for administrative expenses of*
 11 *the Secretary in carrying out this section.”.*

12 (b) *CONFORMING AMENDMENT.*—*The analysis for such*
 13 *chapter is amended by adding at the end the following:*

 “51705. *Maritime career training loan program.*

 “51706. *Maritime recruitment, training, and retention grant program.”.*

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

16 ***SEC. 701. SHORT TITLE.***

17 *This title may be cited as the “Coast Guard Mod-*
 18 *ernization Act of 2009”.*

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

21 ***SEC. 711. ADMIRALS AND VICE ADMIRALS.***

22 (a) *ADMIRALS.*—*Section 41 of title 14, United States*
 23 *Code, is amended by striking “an admiral,” and inserting*
 24 *“admirals;”.*

1 (b) *VICE COMMANDANT*.—Section 47 of title 14, United
2 *States Code*, is amended—

3 (1) *in the section heading by striking “**assign-***
4 *ment” and inserting “**appointment**”; and*

5 (2) *in the text by striking “vice admiral” and*
6 *inserting “admiral”.*

7 (c) *VICE ADMIRALS*.—

8 (1) *IN GENERAL*.—Section 50 of title 14, United
9 *States Code*, is amended to read as follows:

10 **“§ 50. Vice admirals**

11 “(a)(1) *The President may designate 4 positions of im-*
12 *portance and responsibility that shall be held by officers*
13 *who—*

14 “(A) *while so serving, shall have the grade of vice*
15 *admiral, with the pay and allowances of that grade;*
16 *and*

17 “(B) *shall perform any duties as the Com-*
18 *mandant may prescribe.*

19 “(2) *The 4 vice admiral positions authorized under*
20 *paragraph (1) are, respectively, the following:*

21 “(A) *The Deputy Commandant for Mission Sup-*
22 *port.*

23 “(B) *The Deputy Commandant for Operations*
24 *and Policy.*

1 “(C) *The Commander, Force Readiness Com-*
2 *mand.*

3 “(D) *The Commander, Operations Command.*

4 “(3) *The President may appoint, by and with the ad-*
5 *vice and consent of the Senate, and reappoint, by and with*
6 *the advice and consent of the Senate, to each of the positions*
7 *designated under paragraph (1) an officer of the Coast*
8 *Guard who is serving on active duty above the grade of cap-*
9 *tain. The Commandant shall make recommendations for*
10 *those appointments.*

11 “(4)(A) *Except as provided in subparagraph (B), the*
12 *Deputy Commandant for Operations and Policy must have*
13 *at least 10 years experience in vessel inspection, marine*
14 *casualty investigations, mariner licensing, or an equivalent*
15 *technical expertise in the design and construction of com-*
16 *mercial vessels, with at least 4 years of leadership experi-*
17 *ence at a staff or unit carrying out marine safety functions.*

18 “(B) *The requirements of subparagraph (A) do not*
19 *apply to such Deputy Commandant if the subordinate offi-*
20 *cer serving in the grade of rear admiral with responsibil-*
21 *ities for marine safety, security, and stewardship possesses*
22 *that experience.*

23 “(b)(1) *The appointment and the grade of vice admiral*
24 *under this section shall be effective on the date the officer*
25 *assumes that duty and, except as provided in paragraph*

1 *(2) of this subsection or in section 51(d) of this title, shall*
2 *terminate on the date the officer is detached from that duty.*

3 *“(2) An officer who is appointed to a position des-*
4 *ignated under subsection (a) shall continue to hold the*
5 *grade of vice admiral—*

6 *“(A) while under orders transferring the officer*
7 *to another position designated under subsection (a),*
8 *beginning on the date the officer is detached from*
9 *duty and terminating on the date before the day the*
10 *officer assumes the subsequent duty, but not for more*
11 *than 60 days;*

12 *“(B) while hospitalized, beginning on the day of*
13 *the hospitalization and ending on the day the officer*
14 *is discharged from the hospital, but not for more than*
15 *180 days; and*

16 *“(C) while awaiting retirement, beginning on the*
17 *date the officer is detached from duty and ending on*
18 *the day before the officer’s retirement, but not for*
19 *more than 60 days.*

20 *“(c)(1) An appointment of an officer under subsection*
21 *(a) does not vacate the permanent grade held by the officer.*

22 *“(2) An officer serving in a grade above rear admiral*
23 *who holds the permanent grade of rear admiral (lower half)*
24 *shall be considered for promotion to the permanent grade*

1 *of rear admiral as if the officer was serving in the officer's*
2 *permanent grade.*

3 “(d) *Whenever a vacancy occurs in a position des-*
4 *ignated under subsection (a), the Commandant shall inform*
5 *the President of the qualifications needed by an officer serv-*
6 *ing in that position to carry out effectively the duties and*
7 *responsibilities of that position.*”.

8 (2) *APPLICATION OF DEPUTY COMMANDANT*
9 *QUALIFICATION REQUIREMENT.—The requirement*
10 *under section 50(a)(4)(A) of title 14, United States*
11 *Code, as amended by this subsection, shall apply on*
12 *and after October 1, 2011.*

13 (d) *REPEAL.—Section 50a of title 14, United States*
14 *Code, is repealed.*

15 (e) *CONFORMING AMENDMENT.—Section 51 of that*
16 *title is amended—*

17 (1) *by amending subsections (a), (b), and (c) to*
18 *read as follows:*

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

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

1 *in the grade of admiral or vice admiral, is retired while*
2 *serving in a lower grade, may in the discretion of the Presi-*
3 *dent, be retired with the highest grade in which that officer*
4 *served.*

5 “(c) *An officer, other than the Commandant, who, after*
6 *serving less than two and one-half years in the grade of*
7 *admiral or vice admiral, is retired while serving in a lower*
8 *grade, shall be retired in his permanent grade.”; and*

9 (2) *in subsection (d)(2) by striking “Area Com-*
10 *mander, or Chief of Staff” and inserting “or Vice Ad-*
11 *mirals”.*

12 (f) *CONTINUITY OF GRADE.—Section 52 of title 14,*
13 *United States Code, is amended—*

14 (1) *in the section heading by inserting “**and***
15 ***admirals**” after “**Vice admirals**”; and*

16 (2) *in the text by inserting “or admiral” after*
17 *“vice admiral” the first time that term appears.*

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

1 (h) *TREATMENT OF INCUMBENTS; TRANSITION.*—

2 (1) *VICE COMMANDANT.*—*Notwithstanding any*
3 *other provision of law, the officer who, on the date of*
4 *enactment of this Act, is serving in the Coast Guard*
5 *as Vice Commandant—*

6 (A) *shall continue to serve as Vice Com-*
7 *mandant;*

8 (B) *shall have the grade of admiral with*
9 *pay and allowances of that grade; and*

10 (C) *shall not be required to be reappointed*
11 *by reason of the enactment of this Act.*

12 (2) *CHIEF OF STAFF, COMMANDER, ATLANTIC*
13 *AREA, OR COMMANDER, PACIFIC AREA.*—*Notwith-*
14 *standing any other provision of law, an officer who,*
15 *on the date of enactment of this Act, is serving in the*
16 *Coast Guard as Chief of Staff, Commander, Atlantic*
17 *Area, or Commander, Pacific Area—*

18 (A) *shall continue to have the grade of vice*
19 *admiral with pay and allowance of that grade*
20 *until such time that the officer is relieved of his*
21 *or her duties and appointed and confirmed to*
22 *another position as a vice admiral or admiral;*
23 *and*

24 (B) *for the purposes of transition, may con-*
25 *tinue, for not more than one year after the date*

1 *of enactment of this Act, to perform the duties of*
 2 *the officer’s former position and any other such*
 3 *duties that the Commandant prescribes.*

4 *(i) CLERICAL AMENDMENTS.—*

5 *(1) The table of sections at the beginning of*
 6 *chapter 3 of title 14, United States Code, is amend-*
 7 *ed—*

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

“47. Vice Commandant; appointment.”;

10 *(B) by striking the item relating to section*
 11 *50 and inserting the following:*

“50. Vice admirals.”;

12 *(C) by striking the item relating to section*
 13 *50a; and*

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

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

16 *(j) TECHNICAL CORRECTION.—Section 47 of title 14,*
 17 *United States Code, is further amended in the fifth sentence*
 18 *by striking “subsection” and inserting “section”.*

19 ***Subtitle B—Marine Safety***
 20 ***Administration***

21 ***SEC. 721. MARINE SAFETY.***

22 *(a) ESTABLISH MARINE SAFETY AS A COAST GUARD*
 23 *FUNCTION.—Chapter 5 of title 14, United States Code, is*

1 *further amended by adding at the end the following new*
2 *section:*

3 **“§ 101. Marine safety**

4 *“To protect life, property, and the environment on,*
5 *under, and over waters subject to the jurisdiction of the*
6 *United States and on vessels subject to the jurisdiction of*
7 *the United States, the Commandant shall promote mari-*
8 *time safety as follows:*

9 *“(1) By taking actions necessary and in the pub-*
10 *lic interest to protect such life, property, and the envi-*
11 *ronment.*

12 *“(2) Based on the following priorities:*

13 *“(A) Preventing marine casualties and*
14 *threats to the environment.*

15 *“(B) Minimizing the impacts of marine*
16 *casualties and environmental threats.*

17 *“(C) Maximizing lives and property saved*
18 *and environment protected in the event of a ma-*
19 *rine casualty.”.*

20 *(b) CLERICAL AMENDMENT.—The analysis at the be-*
21 *ginning of such chapter is further amended by adding at*
22 *the end the following new item:*

“101. Marine safety.”.

1 **SEC. 722. MARINE SAFETY STAFF.**

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

5 **“§ 57. Marine safety workforce**

6 “(a) *DESIGNATION OF MARINE SAFETY WORK-*
7 *FORCE.*—

8 “(1) *IN GENERAL.*—The Secretary, acting
9 through the Commandant, shall designate those posi-
10 tions in the Coast Guard that constitute the marine
11 safety workforce.

12 “(2) *REQUIRED POSITIONS.*—In designating po-
13 sitions under paragraph (1), the Secretary shall in-
14 clude, at a minimum, the following marine safety-re-
15 lated positions:

16 “(A) *Program oversight.*

17 “(B) *Vessel and facility inspection.*

18 “(C) *Casualty investigation.*

19 “(D) *Pollution investigation.*

20 “(E) *Merchant Mariner licensing, docu-*
21 *mentation, and registry.*

22 “(F) *Marine safety engineering or other*
23 *technical activities.*

24 “(3) *MARINE SAFETY MANAGEMENT HEAD-*
25 *QUARTER ACTIVITIES.*—The Secretary shall also des-
26 ignate under paragraph (1) those marine safety-re-

1 *lated positions located at Coast Guard headquarters*
2 *units, including the Marine Safety Center and the*
3 *National Maritime Center.*

4 “(b) *CAREER PATHS.*—*The Secretary, acting through*
5 *the Commandant, shall ensure that appropriate career*
6 *paths for civilian and military Coast Guard personnel who*
7 *wish to pursue careers in marine safety are identified in*
8 *terms of the education, training, experience, and assign-*
9 *ments necessary for career progression of civilians and*
10 *members of the Armed Forces to the most senior marine*
11 *safety positions. The Secretary shall make available pub-*
12 *lished information on such career paths.*

13 “(c) *QUALIFICATIONS.*—*With regard to the marine*
14 *safety workforce, an officer, member, or civilian employee*
15 *of the Coast Guard assigned as a—*

16 “(1) *marine inspector shall have the training,*
17 *experience, and qualifications equivalent to that re-*
18 *quired for a similar position at a classification soci-*
19 *ety recognized by the Secretary under section 3316 of*
20 *title 46 for the type of vessel, system, or equipment*
21 *that is inspected;*

22 “(2) *marine casualty investigator shall have*
23 *training, experience, and qualifications in investiga-*
24 *tion, marine casualty reconstruction, evidence collec-*
25 *tion and preservation, human factors, and docu-*

1 *mentation using best investigation practices by Fed-*
2 *eral and non-Federal entities; or*

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

5 *“(A) the construction and operation of com-*
6 *mercial vessels;*

7 *“(B) judging the character, strength, sta-*
8 *bility, and safety qualities of such vessels and*
9 *their equipment; or*

10 *“(C) the qualifications and training of ves-*
11 *sel personnel.*

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

21 *“(e) BALANCED WORKFORCE POLICY.—In the develop-*
22 *ment of marine safety workforce policies under this section*
23 *with respect to any civilian employees or applicants for em-*
24 *ployment with the Coast Guard, the Secretary shall, con-*
25 *sistent with the merit system principles set out in para-*

1 *graphs (1) and (2) of section 2301(b) of title 5, take into*
2 *consideration the need to maintain a balanced workforce*
3 *in which women and members of racial and ethnic minor-*
4 *ity groups are appropriately represented in Government*
5 *service.*

6 “(f) *MANAGEMENT INFORMATION SYSTEM.—The Sec-*
7 *retary, acting through the Commandant, shall establish a*
8 *management information system for the marine safety*
9 *workforce that shall provide, at a minimum, the following*
10 *standardized information on persons serving in marine*
11 *safety positions:*

12 “(1) *Qualifications, assignment history, and ten-*
13 *ure in assignments of persons in the marine safety*
14 *workforce.*

15 “(2) *Promotion rates for military and civilian*
16 *personnel in the marine safety workforce.*

17 “(g) *ASSESSMENT OF ADEQUACY OF MARINE SAFETY*
18 *WORKFORCE.—*

19 “(1) *REPORT.—The Secretary, acting through*
20 *the Commandant, shall report to the Committee on*
21 *Transportation and Infrastructure of the House of*
22 *Representatives and the Committee on Commerce,*
23 *Science, and Transportation of the Senate by Decem-*
24 *ber 1 of each year on the adequacy of the current ma-*

1 *rine safety workforce to meet that anticipated work-*
2 *load.*

3 “(2) *CONTENTS.*—*The report shall specify the*
4 *number of civilian and military Coast Guard per-*
5 *sonnel currently assigned to marine safety positions*
6 *and shall identify positions that are understaffed to*
7 *meet the anticipated marine safety workload.*

8 “(h) *SECTOR CHIEF OF MARINE SAFETY.*—

9 “(1) *IN GENERAL.*—*There shall be in each Coast*
10 *Guard sector a Chief of Marine Safety who shall be*
11 *at least a Lieutenant Commander or civilian em-*
12 *ployee within the grade GS–13 of the General Sched-*
13 *ule, and who shall be a—*

14 “(A) *marine inspector, qualified to inspect*
15 *vessels, vessel systems, and equipment commonly*
16 *found in the sector; and*

17 “(B) *qualified marine casualty investigator.*

18 “(2) *FUNCTIONS.*—*The Chief of Marine Safety*
19 *for a sector—*

20 “(A) *is responsible for all individuals who,*
21 *on behalf of the Coast Guard, inspect or examine*
22 *vessels, conduct marine casualty investigations;*
23 *and*

24 “(B) *if not the Coast Guard officer in com-*
25 *mand of that sector, is the principal advisor to*

1 *the Sector Commander regarding marine safety*
2 *matters in that sector.*

3 “(i) *SIGNATORIES OF LETTER OF QUALIFICATION.—*
4 *Each individual signing a letter of qualification for marine*
5 *safety personnel must hold a letter of qualification for the*
6 *type being certified.*

7 **“§ 58. Centers of Expertise for Marine Safety**

8 “(a) *ESTABLISHMENT.—The Commandant of the*
9 *Coast Guard may establish and operate one or more Centers*
10 *of Expertise for Marine Safety (in this section referred to*
11 *as a ‘Center’).*

12 “(b) *MISSIONS.—The Centers shall—*

13 “(1) *be used to provide and facilitate education,*
14 *training, and research in marine safety including*
15 *vessel inspection and causality investigation;*

16 “(2) *develop a repository of information on ma-*
17 *rine safety; and*

18 “(3) *perform any other missions as the Com-*
19 *mandant may specify.*

20 “(c) *JOINT OPERATION WITH EDUCATIONAL INSTITU-*
21 *TION AUTHORIZED.—The Commandant may enter into an*
22 *agreement with an appropriate official of an institution of*
23 *higher education to—*

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

1 “(2) *provide necessary administrative services*
2 *for a Center, including administration and allocation*
3 *of funds.*

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

13 “(2) *The Commandant may not accept a donation*
14 *under paragraph (1) if the acceptance of the donation*
15 *would compromise or appear to compromise—*

16 “(A) *the ability of the Coast Guard or the de-*
17 *partment in which the Coast Guard is operating, any*
18 *employee of the Coast Guard or the department, or*
19 *any member of the Armed Forces to carry out any re-*
20 *ponsibility or duty in a fair and objective manner;*
21 *or*

22 “(B) *the integrity of any program of the Coast*
23 *Guard, the department in which the Coast Guard is*
24 *operating, or of any person involved in such a pro-*
25 *gram.*

1 “(3) *The Commandant shall prescribe written guid-*
2 *ance setting forth the criteria to be used in determining*
3 *whether or not the acceptance of a donation from a foreign*
4 *source would have a result described in paragraph (2).*

5 **“§ 59. Marine industry training program**

6 “(a) *IN GENERAL.—The Commandant shall, by policy,*
7 *establish a program under which an officer, member, or em-*
8 *ployee of the Coast Guard may be assigned to a private*
9 *entity to further the institutional interests of the Coast*
10 *Guard with regard to marine safety, including for the pur-*
11 *pose of providing training to an officer, member, or em-*
12 *ployee. Policies to carry out the program—*

13 “(1) *with regard to an employee of the Coast*
14 *Guard, shall include provisions, consistent with sec-*
15 *tions 3702 through 3704 of title 5, as to matters con-*
16 *cerning—*

17 “(A) *the duration and termination of as-*
18 *signments;*

19 “(B) *reimbursements; and*

20 “(C) *status, entitlements, benefits, and obli-*
21 *gations of program participants; and*

22 “(2) *shall require the Commandant, before ap-*
23 *proving the assignment of an officer, member, or em-*
24 *ployee of the Coast Guard to a private entity, to de-*
25 *termine that the assignment is an effective use of the*

1 *Coast Guard’s funds, taking into account the best in-*
2 *terests of the Coast Guard and the costs and benefits*
3 *of alternative methods of achieving the same results*
4 *and objectives.*

5 “(b) *ANNUAL REPORT.*—*Not later than the date of the*
6 *submission each year of the President’s budget request under*
7 *section 1105 of title 31, the Commandant shall submit to*
8 *the Committee on Transportation and Infrastructure of the*
9 *House of Representatives and the Committee on Commerce,*
10 *Science, and Transportation of the Senate a report that de-*
11 *scribes—*

12 “(1) *the number of officers, members, and em-*
13 *ployees of the Coast Guard assigned to private entities*
14 *under this section; and*

15 “(2) *the specific benefit that accrues to the Coast*
16 *Guard for each assignment.”.*

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

“57. *Marine safety workforce.*

“58. *Centers of Expertise for Marine Safety.*

“59. *Marine industry training program.”.*

20 **SEC. 723. MARINE SAFETY MISSION PRIORITIES AND LONG-**
21 **TERM GOALS.**

22 (a) *IN GENERAL.*—*Chapter 21 of title 46, United*
23 *States Code, is amended by adding at the end the following*
24 *new section:*

1 **“§2116. Marine safety strategy, goals, and perform-**
2 **ance assessments**

3 “(a) *LONG-TERM STRATEGY AND GOALS.*—*In conjunc-*
4 *tion with existing federally required strategic planning ef-*
5 *forts, the Secretary shall develop a long-term strategy for*
6 *improving vessel safety and the safety of individuals on ves-*
7 *sels. The strategy shall include the issuance each year of*
8 *an annual plan and schedule for achieving the following*
9 *goals:*

10 “(1) *Reducing the number and rates of marine*
11 *casualties.*

12 “(2) *Improving the consistency and effectiveness*
13 *of vessel and operator enforcement and compliance*
14 *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 PLANS.*—

20 “(1) *MEASURABLE GOALS.*—*The strategy and*
21 *annual plans shall include specific numeric or meas-*
22 *urable goals designed to achieve the goals set forth in*
23 *subsection (a). The purposes of the numeric or meas-*
24 *urable goals are the following:*

25 “(A) *To increase the number of safety ex-*
26 *aminations on all high-risk vessels.*

1 “(B) To eliminate the backlog of marine
2 safety-related rulemakings.

3 “(C) To improve the quality and effective-
4 ness of marine safety information databases by
5 ensuring that all Coast Guard personnel accu-
6 rately and effectively report all safety, casualty,
7 and injury information.

8 “(D) To provide for a sufficient number of
9 Coast Guard marine safety personnel, and pro-
10 vide adequate facilities and equipment to carry
11 out the functions referred to in section 93(c).

12 “(2) *RESOURCE NEEDS.*—The strategy and an-
13 nual plans shall include estimates of—

14 “(A) the funds and staff resources needed to
15 accomplish each activity included in the strategy
16 and plans; and

17 “(B) the staff skills and training needed for
18 timely and effective accomplishment of each goal.

19 “(c) *SUBMISSION WITH THE PRESIDENT’S BUDGET.*—
20 Beginning with fiscal year 2011 and each fiscal year there-
21 after, the Secretary shall submit to Congress the strategy
22 and annual plan not later than 60 days following the trans-
23 mission of the President’s budget submission under section
24 1105 of title 31.

25 “(d) *ACHIEVEMENT OF GOALS.*—

1 “(1) *PROGRESS ASSESSMENT.*—No less fre-
2 quently than semiannually, the Coast Guard Com-
3 mandant and the Assistant Commandant for Marine
4 Safety shall jointly assess the progress of the Coast
5 Guard toward achieving the goals set forth in sub-
6 section (b). The Commandant and the Assistant Com-
7 mandant shall jointly convey their assessment to the
8 employees of the Assistant Commandant and shall
9 identify any deficiencies that should be remedied be-
10 fore the next progress assessment.

11 “(2) *REPORT TO CONGRESS.*—The Secretary
12 shall report annually to the Committee on Transpor-
13 tation and Infrastructure of the House of Representa-
14 tives and the Committee on Commerce, Science, and
15 Transportation of the Senate—

16 “(A) on the performance of the marine safe-
17 ty program in achieving the goals of the marine
18 safety strategy and annual plan under sub-
19 section (a) for the year covered by the report;

20 “(B) on the program’s mission performance
21 in achieving numerical measurable goals estab-
22 lished under subsection (b); and

23 “(C) recommendations on how to improve
24 performance of the program.”.

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

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

4 (c) *CERTIFICATES OF INSPECTION.*—*Section 3309 of*
5 *title 46, United States Code, is amended by adding at the*
6 *end the following:*

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

11 **SEC. 724. POWERS AND DUTIES.**

12 *Section 93 of title 14, United States Code, is amended*
13 *by adding at the end the following new subsections:*

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

20 “(1) *the operation, regulation, inspection, identi-*
21 *fication, manning, and measurement of vessels, in-*
22 *cluding plan approval and the application of load*
23 *lines;*

24 “(2) *approval of materials, equipment, appli-*
25 *ances, and associated equipment;*

1 “(3) *the reporting and investigation of marine*
2 *casualties and accidents;*

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

5 “(5) *suspension and revocation of licenses and*
6 *certificates;*

7 “(6) *enforcement of manning requirements, citi-*
8 *zenship requirements, control of log books;*

9 “(7) *documentation and numbering of vessels;*

10 “(8) *State boating safety programs;*

11 “(9) *commercial instruments and maritime*
12 *liens;*

13 “(10) *the administration of bridge safety;*

14 “(11) *administration of the navigation rules;*

15 “(12) *the prevention of pollution from vessels;*

16 “(13) *ports and waterways safety;*

17 “(14) *waterways management; including regula-*
18 *tion for regattas and marine parades;*

19 “(15) *aids to navigation; and*

20 “(16) *other duties and powers of the Secretary*
21 *related to marine safety and stewardship.*

22 “(d) *OTHER AUTHORITY NOT AFFECTED.—Nothing in*
23 *subsection (c) affects—*

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

4 “(2) the exercise of authority under section 91 of
5 this title and the provisions of law codified at sections
6 191 through 195 of title 50 on the date of enactment
7 of this paragraph.”.

8 **SEC. 725. APPEALS AND WAIVERS.**

9 (a) *IN GENERAL.*—Chapter 5 of title 14, United States
10 Code, is further amended by inserting at the end the fol-
11 lowing new section:

12 **“§ 102. Appeals and waivers**

13 “Except for the Commandant of the Coast Guard, any
14 individual adjudicating an appeal or waiver of a decision
15 regarding marine safety, including inspection or manning
16 and threats to the environment, shall—

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

22 “(2) have a senior staff member who—

23 “(A) meets the requirements of paragraph
24 (1);

1 “(B) actively advises the individual adjudi-
2 cating the appeal; and

3 “(C) concurs in writing on the decision on
4 appeal.”.

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

 “102. *Appeals and waivers.*”.

8 **SEC. 726. COAST GUARD ACADEMY.**

9 (a) *IN GENERAL.*—*Chapter 9 of title 14, United States*
10 *Code, is further amended by adding at the end the following*
11 *new section:*

12 **“§ 200. Marine safety curriculum**

13 *“The Commandant of the Coast Guard shall ensure*
14 *that professional courses of study in marine safety are pro-*
15 *vided at the Coast Guard Academy, and during other officer*
16 *accession programs, to give Coast Guard cadets and other*
17 *officer candidates a background and understanding of the*
18 *marine safety program. These courses may include such*
19 *topics as program history, vessel design and construction,*
20 *vessel inspection, casualty investigation, and administra-*
21 *tive law and regulations.”.*

22 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
23 *chapter is further amended by adding at the end the fol-*
24 *lowing new item:*

 “200. *Marine safety curriculum.*”.

1 **SEC. 727. REPORT REGARDING CIVILIAN MARINE INSPEC-**
 2 **TORS.**

3 *Not later than one year after the date of enactment*
 4 *of this Act, the Commandant of the Coast Guard shall sub-*
 5 *mit to the Committee on Transportation and Infrastructure*
 6 *of the House of Representatives and the Committee on Com-*
 7 *merce, Science, and Transportation of the Senate a report*
 8 *on Coast Guard’s efforts to recruit and retain civilian ma-*
 9 *rine inspectors and investigators and the impact of such*
 10 *recruitment and retention efforts on Coast Guard organiza-*
 11 *tional performance.*

12 **TITLE VIII—MARINE SAFETY**

13 **SEC. 801. SHORT TITLE.**

14 *This title may be cited as the “Maritime Safety Act*
 15 *of 2009”.*

16 **SEC. 802. VESSEL SIZE LIMITS.**

17 *(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section*
 18 *12113(d)(2) of title 46, United States Code, is amended—*

19 *(1) by inserting “and” after the semicolon at the*
 20 *end of subparagraph (A)(i);*

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

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

24 *(4) by striking the period at the end of subpara-*
 25 *graph (B) and inserting “; or”; and*

26 *(5) by inserting at the end the following:*

1 “(C) *the vessel is either a rebuilt vessel or*
2 *a replacement vessel under section 208(g) of the*
3 *American Fisheries Act (title II of division C of*
4 *Public Law 105–277; 112 Stat. 2681–627) and*
5 *is eligible for a fishery endorsement under this*
6 *section.*”.

7 **(b) CONFORMING AMENDMENTS.—**

8 **(1) VESSEL REBUILDING AND REPLACEMENT.—**
9 *Section 208(g) of the American Fisheries Act (title II*
10 *of division C of Public Law 105–277; 112 Stat. 2681–*
11 *627) is amended to read as follows:*

12 **“(g) VESSEL REBUILDING AND REPLACEMENT.—**

13 **“(1) IN GENERAL.—**

14 **“(A) REBUILD OR REPLACE.—***Notwith-*
15 *standing any limitation to the contrary on re-*
16 *placing, rebuilding, or lengthening vessels or*
17 *transferring permits or licenses to a replacement*
18 *vessel contained in sections 679.2 and 679.4 of*
19 *title 50, Code of Federal Regulations, as in effect*
20 *on the date of enactment of the Maritime Safety*
21 *Act of 2009 and except as provided in paragraph*
22 *(4), the owner of a vessel eligible under sub-*
23 *section (a), (b), (c), (d), or (e) (other than para-*
24 *graph (21)), in order to improve vessel safety*
25 *and operational efficiencies (including fuel effi-*

1 *ciency), may rebuild or replace that vessel (in-*
2 *cluding fuel efficiency) with a vessel documented*
3 *with a fishery endorsement under section 12113*
4 *of title 46, United States Code.*

5 “(B) *SAME REQUIREMENTS.*—*The rebuilt or*
6 *replacement vessel shall be eligible in the same*
7 *manner and subject to the same restrictions and*
8 *limitations under such subsection as the vessel*
9 *being rebuilt or replaced.*

10 “(C) *TRANSFER OF PERMITS AND LI-*
11 *CENSES.*—*Each fishing permit and license held*
12 *by the owner of a vessel or vessels to be rebuilt*
13 *or replaced under subparagraph (A) shall be*
14 *transferred to the rebuilt or replacement vessel.*

15 “(2) *RECOMMENDATIONS OF NORTH PACIFIC*
16 *FISHERY MANAGEMENT COUNCIL.*—*The North Pacific*
17 *Fishery Management Council may recommend for ap-*
18 *proval by the Secretary such conservation and man-*
19 *agement measures, including size limits and measures*
20 *to control fishing capacity, in accordance with the*
21 *Magnuson-Stevens Act as it considers necessary to en-*
22 *sure that this subsection does not diminish the effec-*
23 *tiveness of fishery management plans of the Bering*
24 *Sea and Aleutian Islands Management Area or the*
25 *Gulf of Alaska.*

1 “(3) *SPECIAL RULE FOR REPLACEMENT OF CER-*
2 *TAIN VESSELS.—*

3 “(A) *IN GENERAL.—Notwithstanding the re-*
4 *quirements of subsections (b)(2), (c)(1), and*
5 *(c)(2) of section 12113 of title 46, United States*
6 *Code, a vessel that is eligible under subsection*
7 *(a), (b), (c), (d), or (e) (other than paragraph*
8 *(21)) and that qualifies to be documented with*
9 *a fishery endorsement pursuant to section 203(g)*
10 *or 213(g) may be replaced with a replacement*
11 *vessel under paragraph (1) if the vessel that is*
12 *replaced is validly documented with a fishery en-*
13 *dorsement pursuant to section 203(g) or 213(g)*
14 *before the replacement vessel is documented with*
15 *a fishery endorsement under section 12113 of*
16 *title 46, United States Code.*

17 “(B) *APPLICABILITY.—A replacement vessel*
18 *under subparagraph (A) and its owner and*
19 *mortgagee are subject to the same limitations*
20 *under section 203(g) or 213(g) that are applica-*
21 *ble to the vessel that has been replaced and its*
22 *owner and mortgagee.*

23 “(4) *SPECIAL RULES FOR CERTAIN CATCHER*
24 *VESSELS.—*

1 “(A) *IN GENERAL.*—A replacement for a
2 covered vessel described in subparagraph (B) is
3 prohibited from harvesting fish in any fishery
4 (except for the Pacific whiting fishery) managed
5 under the authority of any Regional Fishery
6 Management Council (other than the North Pa-
7 cific Fishery Management Council) established
8 under section 302(a) of the Magnuson-Stevens
9 Act.

10 “(B) *COVERED VESSELS.*—A covered vessel
11 referred to in subparagraph (A) is—

12 “(i) a vessel eligible under subsection
13 (a), (b), or (c) that is replaced under para-
14 graph (1); or

15 “(ii) a vessel eligible under subsection
16 (a), (b), or (c) that is rebuilt to increase its
17 registered length, gross tonnage, or shaft
18 horsepower.

19 “(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—
20 Any vessel that is replaced under this subsection shall
21 thereafter not be eligible for a fishery endorsement
22 under section 12113 of title 46, United States Code,
23 unless that vessel is also a replacement vessel de-
24 scribed in paragraph (1).

1 “(6) *GULF OF ALASKA LIMITATION.*—*Notwith-*
2 *standing paragraph (1), the Secretary shall prohibit*
3 *from participation in the groundfish fisheries of the*
4 *Gulf of Alaska any vessel that is rebuilt or replaced*
5 *under this subsection and that exceeds the maximum*
6 *length overall specified on the license that authorizes*
7 *fishing for groundfish pursuant to the license limita-*
8 *tion program under part 679 of title 50, Code of Fed-*
9 *eral Regulations, as in effect on the date of enactment*
10 *of the Maritime Safety Act of 2009.*

11 “(7) *AUTHORITY OF PACIFIC COUNCIL.*—*Nothing*
12 *in this section shall be construed to diminish or other-*
13 *wise affect the authority of the Pacific Council to rec-*
14 *ommend to the Secretary conservation and manage-*
15 *ment measures to protect fisheries under its jurisdic-*
16 *tion (including the Pacific whiting fishery) and par-*
17 *ticipants in such fisheries from adverse impacts*
18 *caused by this Act.”.*

19 “(2) *EXEMPTION OF CERTAIN VESSELS.*—*Section*
20 *203(g) of the American Fisheries Act (title II of divi-*
21 *sion C of Public Law 105–277; 112 Stat. 2681–620)*
22 *is amended—*

23 (A) *by inserting “and” after “(United*
24 *States official number 651041)”;*

1 (B) by striking “, *NORTHERN TRAV-*
2 *ELER* (United States official number 635986),
3 and *NORTHERN VOYAGER* (United States of-
4 ficial number 637398) (or a replacement vessel
5 for the *NORTHERN VOYAGER* that complies
6 with paragraphs (2), (5), and (6) of section
7 208(g) of this Act”); and

8 (C) by striking “, in the case of the
9 *NORTHERN*” and all that follows through
10 “*PHOENIX*”.

11 (3) *FISHERY COOPERATIVE EXIT PROVISIONS.*—
12 Section 210(b) of the American Fisheries Act (title II
13 of division C of Public Law 105–277; 112 Stat. 2681–
14 629) is amended—

15 (A) by moving the matter beginning with
16 “the Secretary shall” in paragraph (1) 2 ems to
17 the right; and

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

19 “(7) *FISHERY COOPERATIVE EXIT PROVISIONS.*—

20 “(A) *FISHING ALLOWANCE DETERMINA-*
21 *TION.*—For purposes of determining the aggre-
22 gate percentage of directed fishing allowances
23 under paragraph (1), when a catcher vessel is re-
24 moved from the directed pollock fishery, the fish-

1 *ery allowance for pollock for the vessel being re-*
2 *moved—*

3 *“(i) shall be based on the catch history*
4 *determination for the vessel made pursuant*
5 *to section 679.62 of title 50, Code of Federal*
6 *Regulations, as in effect on the date of en-*
7 *actment of the Maritime Safety Act of 2009;*
8 *and*

9 *“(ii) shall be assigned, for all purposes*
10 *under this title, in the manner specified by*
11 *the owner of the vessel being removed to any*
12 *other catcher vessel or among other catcher*
13 *vessels participating in the fishery coopera-*
14 *tive if such vessel or vessels remain in the*
15 *fishery cooperative for at least one year*
16 *after the date on which the vessel being re-*
17 *moved leaves the directed pollock fishery.*

18 *“(B) ELIGIBILITY FOR FISHERY ENDORSE-*
19 *MENT.—Except as provided in subparagraph*
20 *(C), a vessel that is removed pursuant to this*
21 *paragraph shall be permanently ineligible for a*
22 *fishery endorsement, and any claim (including*
23 *relating to catch history) associated with such*
24 *vessel that could qualify any owner of such vessel*
25 *for any permit to participate in any fishery*

1 *within the exclusive economic zone of the United*
2 *States shall be extinguished, unless such removed*
3 *vessel is thereafter designated to replace a vessel*
4 *to be removed pursuant to this paragraph.*

5 “(C) *LIMITATIONS ON STATUTORY CON-*
6 *STRUCTION.—Nothing in this paragraph shall be*
7 *construed—*

8 “(i) *to make the vessels AJ (United*
9 *States official number 905625), DONA*
10 *MARTITA (United States official number*
11 *651751), NORDIC EXPLORER (United*
12 *States official number 678234), and*
13 *PROVIDIAN (United States official num-*
14 *ber 1062183) ineligible for a fishery en-*
15 *dorsement or any permit necessary to par-*
16 *ticipate in any fishery under the authority*
17 *of the New England Fishery Management*
18 *Council or the Mid-Atlantic Fishery Man-*
19 *agement Council established, respectively,*
20 *under subparagraphs (A) and (B) of section*
21 *302(a)(1) of the Magnuson-Stevens Act; or*

22 “(ii) *to allow the vessels referred to in*
23 *clause (i) to participate in any fishery*
24 *under the authority of the Councils referred*
25 *to in clause (i) in any manner that is not*

1 *consistent with the fishery management*
2 *plan for the fishery developed by the Coun-*
3 *cils under section 303 of the Magnuson-Ste-*
4 *vens Act.”.*

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

6 *The Commandant of the Coast Guard shall report to*
7 *the Committee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate on the efficacy*
10 *of cold weather survival training conducted by the Coast*
11 *Guard in Coast Guard District 17 over the preceding 5*
12 *years. The report shall include plans for conducting such*
13 *training in fiscal years 2010 through 2013.*

14 **SEC. 804. FISHING VESSEL SAFETY.**

15 *(a) SAFETY STANDARDS.—Section 4502 of title 46,*
16 *United States Code, is amended—*

17 *(1) in subsection (a), by—*

18 *(A) striking paragraphs (6) and (7) and in-*
19 *serting the following:*

20 *“(6) other equipment required to minimize the*
21 *risk of injury to the crew during vessel operations, if*
22 *the Secretary determines that a risk of serious injury*
23 *exists that can be eliminated or mitigated by that*
24 *equipment; and”;* and

1 (B) redesignating paragraph (8) as para-
2 graph (7);

3 (2) in subsection (b)—

4 (A) in paragraph (1) in the matter pre-
5 ceding subparagraph (A), by striking “docu-
6 mented”;

7 (B) in paragraph (1)(A), by striking “the
8 Boundary Line” and inserting “3 nautical miles
9 from the baseline from which the territorial sea
10 of the United States is measured or beyond 3
11 nautical miles from the coastline of the Great
12 Lakes”;

13 (C) in paragraph (2)(B), by striking “life-
14 boats or liferafts” and inserting “a survival craft
15 that ensures that no part of an individual is im-
16 mersed in water”;

17 (D) in paragraph (2)(D), by inserting “ma-
18 rine” before “radio”;

19 (E) in paragraph (2)(E), by striking
20 “radar reflectors, nautical charts, and anchors”
21 and inserting “nautical charts, and publica-
22 tions”;

23 (F) in paragraph (2)(F), by striking “, in-
24 cluding medicine chests” and inserting “and

1 *medical supplies sufficient for the size and area*
2 *of operation of the vessel” and*

3 *(G) by amending paragraph (2)(G) to read*
4 *as follows:*

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

6 *(3) by amending subsection (f) to read as follows:*

7 *“(f) To ensure compliance with the requirements of*
8 *this chapter, the Secretary—*

9 *“(1) shall require the individual in charge of a*
10 *vessel described in subsection (b) to keep a record of*
11 *equipment maintenance, and required instruction*
12 *and drills; and*

13 *“(2) shall examine at dockside a vessel described*
14 *in subsection (b) at least once every 2 years, and shall*
15 *issue a certificate of compliance to a vessel meeting*
16 *the requirements of this chapter.”; and*

17 *(4) by adding at the end the following:*

18 *“(g)(1) The individual in charge of a vessel described*
19 *in subsection (b) must pass a training program approved*
20 *by the Secretary that meets the requirements in paragraph*
21 *(2) of this subsection and hold a valid certificate issued*
22 *under that program.*

23 *“(2) The training program shall—*

24 *“(A) be based on professional knowledge and skill*
25 *obtained through sea service and hands-on training,*

1 *including training in seamanship, stability, collision*
2 *prevention, navigation, fire fighting and prevention,*
3 *damage control, personal survival, emergency medical*
4 *care, emergency drills, and weather;*

5 *“(B) require an individual to demonstrate abil-*
6 *ity to communicate in an emergency situation and*
7 *understand information found in navigation publica-*
8 *tions;*

9 *“(C) recognize and give credit for recent past ex-*
10 *perience in fishing vessel operation; and*

11 *“(D) provide for issuance of a certificate to an*
12 *individual that has successfully completed the pro-*
13 *gram.*

14 *“(3) The Secretary shall prescribe regulations imple-*
15 *menting this subsection. The regulations shall require that*
16 *individuals who are issued a certificate under paragraph*
17 *(2)(D) must complete refresher training at least once every*
18 *5 years as a condition of maintaining the validity of the*
19 *certificate.*

20 *“(4) The Secretary shall establish a publicly accessible*
21 *electronic database listing the names of individuals who*
22 *have participated in and received a certificate confirming*
23 *successful completion of a training program approved by*
24 *the Secretary under this section.*

1 “(h) A vessel to which this chapter applies shall be con-
2 structed in a manner that provides a level of safety equiva-
3 lent to the minimum safety standards the Secretary may
4 established for recreational vessels under section 4302, if—

5 “(1) subsection (b) of this section applies to the
6 vessel;

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

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

10 “(i)(1) The Secretary shall establish a Fishing Safety
11 Training Grants Program to provide funding to municipi-
12 palities, port authorities, other appropriate public entities,
13 not-for-profit organizations, and other qualified persons
14 that provide commercial fishing safety training—

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

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

19 “(ii) in the case of crewmembers, meets the
20 requirements of subsection (g)(2)(A), such re-
21 quirements of subsection (g)(2)(B) as are appro-
22 priate for crewmembers, and the requirements of
23 subsections (g)(2)(D), (g)(3), and (g)(4); and

1 “(B) for purchase of safety equipment and train-
2 ing aids for use in those fishing vessel safety training
3 programs.

4 “(2) The Secretary shall award grants under this sub-
5 section on a competitive basis.

6 “(3) The Federal share of the cost of any activity car-
7 ried out with a grant under this subsection shall not exceed
8 75 percent.

9 “(4) There is authorized to be appropriated \$3,000,000
10 for each of fiscal years 2010 through 2014 for grants under
11 this subsection.

12 “(j)(1) The Secretary shall establish a Fishing Safety
13 Research Grant Program to provide funding to individuals
14 in academia, members of non-profit organizations and busi-
15 nesses involved in fishing and maritime matters, and other
16 persons with expertise in fishing safety, to conduct research
17 on methods of improving the safety of the commercial fish-
18 ing industry, including vessel design, emergency and sur-
19 vival equipment, enhancement of vessel monitoring systems,
20 communications devices, de-icing technology, and severe
21 weather detection.

22 “(2) The Secretary shall award grants under this sub-
23 section on a competitive basis.

1 “(3) *The Federal share of the cost of any activity car-*
2 *ried out with a grant under this subsection shall not exceed*
3 *75 percent.*

4 “(4) *There is authorized to be appropriated \$3,000,000*
5 *for each fiscal years 2010 through 2014 for activities under*
6 *this subsection.*”.

7 (b) *CONFORMING AMENDMENT.—Section 4506(b) of*
8 *title 46, United States Code, is repealed.*

9 (c) *ADVISORY COMMITTEE.—*

10 (1) *CHANGE OF NAME.—Section 4508 of title 46,*
11 *United States Code, is amended—*

12 (A) *by striking the section heading and in-*
13 *serting the following:*

14 **“§4508. Commercial Fishing Safety Advisory Com-**
15 **mittee”;**

16 *and*

17 (B) *in subsection (a) by striking “Industry*
18 *Vessel”.*

19 (2) *MEMBERSHIP REQUIREMENTS.—Section*
20 *4508(b)(1) of that title is amended—*

21 (A) *by striking “seventeen” and inserting*
22 *“eighteen”;*

23 (B) *in subparagraph (A)—*

24 (i) *in the matter preceding clause (i),*
25 *by striking “from the commercial fishing*

1 *industry who—” and inserting “who shall*
2 *represent the commercial fishing industry*
3 *and who—”;* and

4 *(ii) in clause (i), by striking “an*
5 *uninspected” and inserting “a”;*

6 *(C) by striking subparagraph (B) and in-*
7 *serting the following:*

8 *“(B) three members who shall represent the gen-*
9 *eral public, including, whenever possible—*

10 *“(i) an independent expert or consultant in*
11 *maritime safety;*

12 *“(ii) a marine surveyor who provides serv-*
13 *ices to vessels to which this chapter applies; and*

14 *“(iii) a person familiar with issues affect-*
15 *ing fishing communities and families of fisher-*
16 *men;”;* and

17 *(D) in subparagraph (C)—*

18 *(i) in the matter preceding clause (i),*
19 *by striking “representing each of—”*
20 *and inserting “each of whom shall rep-*
21 *resent—”;*

22 *(ii) in clause (i), by striking “or ma-*
23 *rine surveyors;” and inserting “and marine*
24 *engineers;”;*

1 (iii) in clause (iii), by striking “and”
2 after the semicolon at the end;

3 (iv) in clause (iv), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (v) by adding at the end the following
6 new clause:

7 “(v) owners of vessels to which this
8 chapter applies.”.

9 (3) *TERMINATION*.—Section 4508(e)(1) of that
10 title is amended by striking “September 30, 2010.”
11 and inserting “September 30, 2020.”.

12 (4) *CLERICAL AMENDMENT*.—The table of sec-
13 tions at the beginning of chapter 45 of title 46,
14 United States Code, is amended by striking the item
15 relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

16 (d) *LOADLINES FOR VESSELS 79 FEET OR GREATER*
17 *IN LENGTH*.—Section 5102(b)(3) of title 46, United States
18 Code, is amended by inserting after “vessel” the following
19 “, unless the vessel is built or undergoes a major conversion
20 completed after July 1, 2010”.

21 (e) *CLASSING OF VESSELS*.—

22 (1) *IN GENERAL*.—Section 4503 of title 46,
23 United States Code, is amended—

24 (A) by striking the section heading and in-
25 serting the following:

1 **“§4503. Fishing, fish tender, and fish processing ves-**
2 **sel certification”;**

3 (B) in subsection (a) by striking “fish proc-

4 essing”; and

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

6 “(c) This section applies to a vessel to which section

7 4502(b) of this title applies that is at least 50 feet overall

8 in length and—

9 “(1) is built after July 1, 2010; or

10 “(2) undergoes a major conversion completed

11 after that date.

12 “(d)(1) After January 1, 2020, a fishing vessel, fish

13 processing vessel, or fish tender vessel to which section

14 4502(b) of this title applies shall comply with an alternate

15 safety compliance program that is developed in cooperation

16 with the commercial fishing industry and prescribed by the

17 Secretary, if the vessel—

18 “(A) is at least 50 feet overall in length;

19 “(B) is built before July 1, 2010; and

20 “(C) is 25 years of age or older.

21 “(2) Alternative safety compliance programs may be

22 developed for purposes of paragraph (1) for specific regions

23 and fisheries.

24 “(3) A fishing vessel, fish processing vessel, or fish ten-

25 der vessel to which section 4502(b) of this title applies that

26 was classed before July 1, 2010, shall—

1 “(A) remain subject to the requirements of a
2 classification society approved by the Secretary; and

3 “(B) have on board a certificate from that soci-
4 ety.”.

5 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
6 *tions at the beginning of chapter 45 of title 46,*
7 *United States Code, is amended by striking the item*
8 *relating to such section and inserting the following:*

“4503. Fishing, fish tender, and fish processing vessel certification.”.

9 (f) *ALTERNATIVE SAFETY COMPLIANCE PROGRAM.*—
10 *No later than January 1, 2017, the Secretary of the depart-*
11 *ment in which the Coast Guard is operating shall prescribe*
12 *an alternative safety compliance program referred to in sec-*
13 *tion 4503(d) of the title 46, United States Code, as amended*
14 *by this section.*

15 **SEC. 805. MARINER RECORDS.**

16 *Section 7502 of title 46, United States Code, is amend-*
17 *ed—*

18 (1) *by inserting “(a)” before “The”;*

19 (2) *by striking “computerized records” and in-*
20 *serting “records, including electronic records,”; and*

21 (3) *by adding at the end the following:*

22 “(b) *The Secretary may prescribe regulations requir-*
23 *ing a vessel owner or managing operator of a commercial*
24 *vessel, or the employer of a seaman on that vessel, to main-*
25 *tain records of each individual engaged on the vessel on*

1 *matters of engagement, discharge, and service for not less*
2 *than 5 years after the date of the completion of the service*
3 *of that individual on the vessel. The regulations may re-*
4 *quire that a vessel owner, managing operator, or employer*
5 *shall make these records available to the individual and the*
6 *Coast Guard on request.*

7 “(c) A person violating this section, or a regulation
8 prescribed under this section, is liable to the United States
9 Government for a civil penalty of not more than \$5,000.”.

10 **SEC. 806. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
11 **MENT FOR OPERATORS OF CERTAIN TOWING**
12 **VESSELS.**

13 Section 8905 of title 46, United States Code, is amend-
14 ed—

15 (1) by striking subsection (b); and

16 (2) by redesignating subsection (c) as subsection
17 (b).

18 **SEC. 807. LOG BOOKS.**

19 (a) *IN GENERAL.*—Chapter 113 of title 46, United
20 States Code, is amended by adding at the end the following:

21 **“§ 11304. Additional logbook and entry requirements**

22 “(a) A vessel of the United States that is subject to
23 inspection under section 3301 of this title, except a vessel
24 on a voyage from a port in the United States to a port

1 *in Canada, shall have an official logbook, which shall be*
2 *kept available for review by the Secretary on request.*

3 “(b) *The log book required by subsection (a) shall in-*
4 *clude the following entries:*

5 “(1) *The time when each seaman and each offi-*
6 *cer assumed or relieved the watch.*

7 “(2) *The number of hours in service to the vessels*
8 *of each seaman and each officer.*

9 “(3) *An account of each accident, illness, and in-*
10 *jury that occurs during each watch.”*

11 (b) *CLERICAL AMENDMENT.—The table of sections at*
12 *the beginning of such chapter is amended by adding at the*
13 *end the following:*

“11304. Additional logbook and entry requirements.”

14 **SEC. 808. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

15 (a) *IN GENERAL.—Chapter 21 of title 46, United*
16 *States Code, is further amended by adding at the end the*
17 *following new sections:*

18 **“§2117. Termination for unsafe operation**

19 *“An individual authorized to enforce this title—*

20 “(1) *may remove a certificate required by this*
21 *title from a vessel that is operating in a condition*
22 *that does not comply with the provisions of the certifi-*
23 *cate;*

24 “(2) *may order the individual in charge of a ves-*
25 *sel that is operating that does not have on board the*

1 *certificate required by this title to return the vessel to*
2 *a mooring and to remain there until the vessel is in*
3 *compliance with this title; and*

4 “(3) *may direct the individual in charge of a*
5 *vessel to which this title applies to immediately take*
6 *reasonable steps necessary for the safety of individuals*
7 *on board the vessel if the official observes the vessel*
8 *being operated in an unsafe condition that the official*
9 *believes creates an especially hazardous condition, in-*
10 *cluding ordering the individual in charge to return*
11 *the vessel to a mooring and to remain there until the*
12 *situation creating the hazard is corrected or ended.*

13 **“§2118. Establishment of equipment standards**

14 “(a) *In establishing standards for approved equipment*
15 *required on vessels subject to part B of this title, the Sec-*
16 *retary shall establish standards that are—*

17 “(1) *based on performance using the best avail-*
18 *able technology that is economically achievable; and*

19 “(2) *operationally practical.*

20 “(b) *Using the standards established under subsection*
21 *(a), the Secretary may also certify lifesaving equipment*
22 *that is not required to be carried on vessels subject to part*
23 *B of this title to ensure that such equipment is suitable for*
24 *its intended purpose.*

1 “(c) *At least once every 10 years the Secretary shall*
2 *review and revise the standards established under subsection*
3 *(a) to ensure that the standards meet the requirements of*
4 *this section.*”.

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

 “2117. *Termination for unsafe operation.*

 “2118. *Establishment of equipment standards.*”.

8 **SEC. 809. APPROVAL OF SURVIVAL CRAFT.**

9 (a) *IN GENERAL.—Chapter 31 of title 46, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§ 3104. Survival craft**

13 “(a) *Except as provided in subsection (b), the Sec-*
14 *retary may not approve a survival craft as a safety device*
15 *for purposes of this part, unless the craft ensures that no*
16 *part of an individual is immersed in water.*

17 “(b) *The Secretary may authorize a survival craft that*
18 *does not provide protection described in subsection (a) to*
19 *remain in service until not later than January 1, 2015,*
20 *if—*

21 “(1) *it was approved by the Secretary before*
22 *January 1, 2010; and*

23 “(2) *it is in serviceable condition.*”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by adding at the*
3 *end the following:*

 “3104. *Survival craft.*”.

4 **SEC. 810. SAFETY MANAGEMENT.**

5 (a) *VESSELS TO WHICH REQUIREMENTS APPLY.*—*Sec-*
6 *tion 3202 of title 46, United States Code, is amended—*

7 (1) *in subsection (a) by striking the heading and*
8 *inserting “FOREIGN VOYAGES AND FOREIGN VES-*
9 *SELS.—”;*

10 (2) *by redesignating subsections (b) and (c) as*
11 *subsections (c) and (d), respectively;*

12 (3) *by inserting after subsection (a) the fol-*
13 *lowing:*

14 “(b) *OTHER PASSENGER VESSELS.*—*This chapter ap-*
15 *plies to a vessel that is—*

16 “(1) *a passenger vessel or small passenger vessel;*
17 *and*

18 “(2) *is transporting more passengers than a*
19 *number prescribed by the Secretary based on the*
20 *number of individuals on the vessel that could be*
21 *killed or injured in a marine casualty.”;*

22 (4) *in subsection (d), as so redesignated, by*
23 *striking “subsection (b)” and inserting “subsection*
24 *(c)”;* *and*

1 (5) in subsection (d)(4), as so redesignated, by
2 inserting “that is not described in subsection (b) of
3 this section” after “waters”.

4 (b) *SAFETY MANAGEMENT SYSTEM*.—Section 3203 of
5 title 46, United States Code, is amended by adding at the
6 end the following new subsection:

7 “(c) In prescribing regulations for passenger vessels
8 and small passenger vessels, the Secretary shall consider—

9 “(1) the characteristics, methods of operation,
10 and nature of the service of these vessels; and

11 “(2) with respect to vessels that are ferries, the
12 sizes of the ferry systems within which the vessels op-
13 erate.”.

14 **SEC. 811. PROTECTION AGAINST DISCRIMINATION.**

15 (a) *IN GENERAL*.—Section 2114 of title 46, United
16 States Code, is amended—

17 (1) in subsection (a)(1)(A), by striking “or” after
18 the semicolon;

19 (2) in subsection (a)(1)(B), by striking the pe-
20 riod at the end and inserting a semicolon;

21 (3) by adding at the end of subsection (a)(1) the
22 following new subparagraphs:

23 “(C) the seaman testified in a proceeding
24 brought to enforce a maritime safety law or regula-
25 tion prescribed under that law;

1 “(D) the seaman notified, or attempted to notify,
2 the vessel owner or the Secretary of a work-related
3 personal injury or work-related illness of a seaman;

4 “(E) the seaman cooperated with a safety inves-
5 tigation by the Secretary or the National Transpor-
6 tation Safety Board;

7 “(F) the seaman furnished information to the
8 Secretary, the National Transportation Safety Board,
9 or any other public official as to the facts relating to
10 any marine casualty resulting in injury or death to
11 an individual or damage to property occurring in
12 connection with vessel transportation; or

13 “(G) the seaman accurately reported hours of
14 duty under this part.”; and

15 (4) by amending subsection (b) to read as fol-
16 lows:

17 “(b) A seaman alleging discharge or discrimination in
18 violation of subsection (a) of this section, or another person
19 at the seaman’s request, may file a complaint with respect
20 to such allegation in the same manner as a complaint may
21 be filed under subsection (b) of section 31105 of title 49.
22 Such complaint shall be subject to the procedures, require-
23 ments, and rights described in that section, including with
24 respect to the right to file an objection, the right of a person
25 to file for a petition for review under subsection (c) of that

1 *section, and the requirement to bring a civil action under*
2 *subsection (d) of that section.”.*

3 **(b) EXISTING ACTIONS.**—*This section shall not affect*
4 *the application of section 2114(b) of title 46, United States*
5 *Code, as in effect before the date of enactment of this Act,*
6 *to an action filed under that section before that date.*

7 **SEC. 812. OIL FUEL TANK PROTECTION.**

8 *Section 3306 of title 46, United States Code, is amend-*
9 *ed by adding at the end the following new subsection:*

10 “(k)(1) *Each vessel of the United States that is con-*
11 *structed under a contract entered into after the date of en-*
12 *actment of the Maritime Safety Act of 2009, or that is deliv-*
13 *ered after January 1, 2011, with an aggregate capacity of*
14 *600 cubic meters or more of oil fuel, shall comply with the*
15 *requirements of Regulation 12A under Annex I to the Pro-*
16 *TOCOL of 1978 relating to the International Convention for*
17 *the Prevention of Pollution from Ships, 1973, entitled ‘Oil*
18 *Fuel Tank Protection’.*

19 “(2) *The Secretary may prescribe regulations to apply*
20 *the requirements described in Regulation 12A to vessels de-*
21 *scribed in paragraph (1) that are not otherwise subject to*
22 *that convention. Any such regulation shall be considered to*
23 *be an interpretive rule for the purposes of section 553 of*
24 *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 Code,*
6 *and the items relating to such sections in the analysis for*
7 *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 read*
11 *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 merchant*
19 *mariner’s document may be issued under this chapter*
20 *up to 8 months in advance but is not effective until*
21 *the date that the previously issued merchant mari-*
22 *ner’s document expires or until the completion of any*
23 *active suspension or revocation of that previously*
24 *issued merchant mariner’s document, whichever is*
25 *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 Commu-
10 nications Commission.

11 “(b) *ADVANCE RENEWALS.*—A renewed license issued
12 under this part may be issued up to 8 months in advance
13 but is not effective until the date that the previously issued
14 license expires or until the completion of any active suspen-
15 sion or revocation of that previously issued merchant mari-
16 ner’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 valid-
23 ity of a certificate issued to a medical doctor or professional
24 nurse is conditioned on the continuous possession by the

1 holder of a license as a medical doctor or registered nurse,
2 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 cer-
18 tificate 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 of*
13 *the department in which the Coast Guard is operating*
14 *may—*

15 *“(1) extend for not more than one year an expir-*
16 *ing license or certificate of registry issued for an indi-*
17 *vidual under chapter 71 if the Secretary determines*
18 *that the extension is required to enable the Coast*
19 *Guard to eliminate a backlog in processing applica-*
20 *tions for those licenses or certificates of registry or in*
21 *response to a national emergency or natural disaster,*
22 *as deemed necessary by the Secretary; or*

23 *“(2) issue for not more than five years an expir-*
24 *ing license or certificate of registry issued for an indi-*
25 *vidual under chapter 71 for the exclusive purpose of*
26 *aligning the expiration date of such license or certifi-*

1 *cate of registry with the expiration date of a mer-*
2 *chant 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 expir-*
6 *ing merchant mariner’s document issued for an indi-*
7 *vidual under chapter 71 if the Secretary determines*
8 *that the extension is required to enable the Coast*
9 *Guard to eliminate a backlog in processing applica-*
10 *tions for those licenses or certificates of registry or in*
11 *response to a national emergency or natural disaster,*
12 *as deemed necessary by the Secretary; or*

13 “(2) *issue for not more than five years an expir-*
14 *ing merchant mariner’s document issued for an indi-*
15 *vidual under chapter 71 for the exclusive purpose of*
16 *aligning the expiration date of such merchant mari-*
17 *ner’s document with the expiration date of a mer-*
18 *chant mariner’s document.*

19 “(c) *MANNER OF EXTENSION.*—*Any extensions grant-*
20 *ed under this section may be granted to individual seamen*
21 *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 amended*
24 *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 oper-
5 ating shall develop an interim clearance process for
6 issuance of a merchant mariner document to enable a newly
7 hired seaman to begin working on an offshore supply vessel
8 or towing vessel if the Secretary makes an initial deter-
9 mination that the seaman does not pose a safety and secu-
10 rity risk.

11 (b) *CONTENTS OF PROCESS.*—The process under sub-
12 section (a) shall include a check against the consolidated
13 and integrated terrorist watch list maintained by the Fed-
14 eral Government, review of the seaman’s criminal record,
15 and review of the results of testing the seaman for use of
16 a dangerous drug (as defined in section 2101 of title 46,
17 United States Code) in violation of law or Federal regula-
18 tion.

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 sub-
22 mit to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 regarding the feasibility of—

1 (1) *expanding the streamlined evaluation process*
2 *program that was affiliated with the Houston Re-*
3 *gional Examination Center of the Coast Guard to all*
4 *processing centers of the Coast Guard nationwide;*

5 (2) *including proposals to simplify the applica-*
6 *tion process for a license as an officer, staff officer, or*
7 *operator and for a merchant mariner’s document to*
8 *help eliminate errors by merchant mariners when*
9 *completing the application form (CG-719B), includ-*
10 *ing instructions attached to the application form and*
11 *a modified application form for renewals with ques-*
12 *tions pertaining only to the period of time since the*
13 *previous application;*

14 (3) *providing notice to an applicant of the status*
15 *of the pending application, including a process to*
16 *allow the applicant to check on the status of the ap-*
17 *plication by electronic means; and*

18 (4) *ensuring that all information collected with*
19 *respect to applications for new or renewed licenses,*
20 *merchant mariner documents, and certificates of reg-*
21 *istry is retained in a secure electronic format.*

22 **SEC. 819. OFFSHORE SUPPLY VESSELS.**

23 (a) *DEFINITION.*—*Section 2101(19) of title 46, United*
24 *States Code, is amended by striking “of more than 15 gross*
25 *tons but less than 500 gross tons as measured under section*

1 14502 of this title, or an alternate tonnage measured under
2 section 14302 of this title as prescribed by the Secretary
3 under section 14104 of this title”.

4 (b) *EXEMPTION.*—Section 5209(b)(1) of the Oceans Act
5 of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is
6 amended by inserting before the period at the end the fol-
7 lowing: “of less than 500 gross tons as measured under sec-
8 tion 14502, or an alternate tonnage measured under section
9 14302 of this title as prescribed by the Secretary under sec-
10 tion 14104 of this title”.

11 (c) *REMOVAL OF TONNAGE LIMITS.*—

12 (1) *ABLE SEAMEN-OFFSHORE SUPPLY VES-*
13 *SELS.*—Section 7310 of title 46, United States Code,
14 is amended by striking “of less than 500 gross tons
15 as measured under section 14502 of this title, or an
16 alternate tonnage measured under section 14302 of
17 this title as prescribed by the Secretary under section
18 14104 of this title”.

19 (2) *SCALE OF EMPLOYMENT: ABLE SEAMEN.*—
20 Section 7312(d) of title 46, United States Code, is
21 amended by striking “of less than 500 gross tons as
22 measured under section 14502 of this title, or an al-
23 ternate tonnage measured under section 14302 of this
24 title as prescribed by the Secretary under section
25 14104 of this title”.

1 (d) *WATCHES*.—Section 8104 of title 46, United States
2 Code, is amended—

3 (1) in subsection (g), by inserting after “offshore
4 supply vessel” the following: “of less than 500 gross
5 tons as measured under section 14502 of this title, or
6 less than 6,000 gross tons as measured under section
7 14302 of this title as prescribed by the Secretary
8 under section 14104 of this title”;

9 (2) in subsection (d), by inserting “(1)” after
10 “(d)”, and by adding at the end the following:

11 “(2) Paragraph (1) does not apply to an offshore sup-
12 ply vessel of at least 6,000 gross tons as measured under
13 section 14302 of this title if the individuals engaged on the
14 vessel are in compliance with hours of service requirements
15 (including recording and record-keeping of that service)
16 prescribed by the Secretary.”; and

17 (3) in subsection (e), by striking “subsection (d)”
18 and inserting “subsection (d)(1)”.

19 (e) *MINIMUM NUMBER OF LICENSED INDIVIDUALS*.—
20 Section 8301(b) of title 46, United States Code, is amended
21 to read as follows:

22 “(b)(1) An offshore supply vessel of less than 6,000
23 gross tons, as measured under section 14302 of this title,
24 on a voyage of less than 600 miles shall have at least one

1 *licensed mate. Such a vessel on a voyage of 600 miles or*
2 *more shall have two licensed mates.*

3 “(2) *An offshore supply vessel of more than 200 gross*
4 *tons as measured under section 14502 of this title, or an*
5 *alternate tonnage measured under section 14302 of this title*
6 *as prescribed by the Secretary under section 14104 of this*
7 *title, may not be operated without a licensed engineer.*

8 “(3) *An offshore supply vessel shall have at least one*
9 *mate. Additional mates on an offshore supply vessel of at*
10 *least 6,000 gross tons as measured under section 14302 of*
11 *this title shall be prescribe in accordance with hours of serv-*
12 *ice requirements (including recording and record-keeping of*
13 *that service) prescribed by the Secretary.”.*

14 (f) *REGULATIONS.—*

15 (1) *IN GENERAL.—The Secretary of the depart-*
16 *ment in which the Coast Guard is operating shall*
17 *promulgate regulations to implement the amendments*
18 *enacted by this section and chapter 37 of title 46,*
19 *United States Code, for offshore supply vessels of at*
20 *least 6,000 gross tons, before January 1, 2010.*

21 (2) *INTERIM FINAL RULE AUTHORITY.—The Sec-*
22 *retary shall issue an interim final rule as a tem-*
23 *porary regulation implementing this section (includ-*
24 *ing the amendments made by this section), and chap-*
25 *ter 37 of title 46, United States Code, for offshore sup-*

1 *ply vessels of at least 6,000 gross tons, as soon as*
2 *practicable after the date of enactment of this section,*
3 *without regard to the provisions of chapter 5 of title*
4 *5, United States Code. All regulations prescribed*
5 *under the authority of this paragraph that are not*
6 *earlier superseded by final regulations shall expire*
7 *not later than 1 year after the date of enactment of*
8 *this Act.*

9 (3) *INITIATION OF RULEMAKING.—The Secretary*
10 *may initiate a rulemaking to implement this section*
11 *(including the amendments made by this section),*
12 *and chapter 37 of title 46, United States Code, for off-*
13 *shore supply vessels of at least 6,000 gross tons, as*
14 *soon as practicable after the date of enactment of this*
15 *section. The final rule issued pursuant to that rule-*
16 *making may supersede the interim final rule promul-*
17 *gated under this subsection.*

18 (4) *INTERIM PERIOD.—After the date of enact-*
19 *ment of this Act and prior to the effective date of the*
20 *regulations promulgated to implement the amend-*
21 *ments enacted by this section under paragraph (2),*
22 *and notwithstanding the tonnage limits of applicable*
23 *regulations promulgated prior to the date of enact-*
24 *ment of this Act, the Secretary may—*

1 (A) issue a certificate of inspection under
2 section 3309 of title 46, United States Code, to
3 an offshore supply vessel of at least 500 gross
4 tons as measured under section 14502 of title 46,
5 United States Code, or of at least 6,000 gross
6 tons as measured under section 14302 of title 46,
7 United States Code, if the Secretary determines
8 that such vessel's arrangements, equipment, clas-
9 sification, and certifications provide for the safe
10 carriage of individuals in addition to the crew
11 and oil and hazardous substances, taking into
12 consideration the characteristics of offshore sup-
13 ply vessels, their methods of operation, and their
14 service in support of exploration, exploitation, or
15 production of offshore mineral or energy re-
16 sources;

17 (B) for the purpose of enforcing chapter 37
18 of title 46, United States Code, use tank vessel
19 standards for offshore supply vessels of at least
20 6,000 gross tons after considering the character-
21 istics, methods of operation, and nature of the
22 service of the vessel; and

23 (C) authorize a master, mate, or engineer
24 whom the Secretary decides possesses the experi-
25 ence on an offshore supply vessel under 6,000

1 *Committees on Commerce, Science, and Transpor-*
2 *tation of the Senate.*

3 (2) *INCLUDED INFORMATION.*—*To the extent pos-*
4 *sible, the survey required in subsection (a), shall in-*
5 *clude data and reports on—*

6 (A) *the impact of blended fuel on the oper-*
7 *ation, durability, and performance of rec-*
8 *reational and commercial marine engines, ves-*
9 *sels, and marine engine and vessel components*
10 *and associated equipment;*

11 (B) *the safety impacts of blended fuels on*
12 *consumers that own and operate recreational*
13 *and commercial marine engines and marine en-*
14 *gine components and associated equipment; and*

15 (C) *to the extent available, fires and explo-*
16 *sions on board vessels propelled by engines using*
17 *blended fuels.*

18 (b) *STUDY.*—

19 (1) *IN GENERAL.*—*Not later than 36 months*
20 *after the date of enactment of this Act, the Secretary,*
21 *acting through the Commandant, shall conduct a*
22 *comprehensive study on the use, safety, and perform-*
23 *ance of blended fuels in marine applications. The Sec-*
24 *retary is authorized to conduct such study in conjunc-*
25 *tion with—*

1 (A) any other Federal agency;

2 (B) any State government or agency;

3 (C) any local government or agency, includ-
4 ing local police and fire departments; and

5 (D) any private entity, including engine
6 and vessel manufacturers.

7 (2) *EVALUATION.*—The study shall include an
8 evaluation of—

9 (A) the impact of blended fuel on the oper-
10 ation, durability and performance of rec-
11 reational and commercial marine engines, ves-
12 sels, and marine engine and vessel components
13 and associated equipment;

14 (B) the safety impacts of blended fuels on
15 consumers that own and operate recreational
16 and commercial marine engines and marine en-
17 gine components and associated equipment; and

18 (C) fires and explosions on board vessels
19 propelled by engines using blended fuels.

20 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
21 authorized to be appropriated to the Secretary of Homeland
22 Security to carry out the survey and study under this sec-
23 tion \$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 30,
12 2010.” and inserting “September 30, 2020.”.

13 (c) *HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-*
14 *SORY COMMITTEE.*—Section 18(h) of the Coast Guard Au-
15 thorization Act of 1991 (Public Law 102–241 as amended
16 by Public Law 104–324) is amended by striking “Sep-
17 tember 30, 2010.” and inserting “September 30, 2020.”.

18 (d) *LOWER MISSISSIPPI RIVER WATERWAY SAFETY*
19 *ADVISORY COMMITTEE.*—Section 19 of the Coast Guard Au-
20 thorization Act of 1991 (Public Law 102–241) is amend-
21 ed—

22 (1) in subsection (b)—

23 (A) in the matter preceding paragraph (1),
24 by striking “twenty-four” and inserting “twenty-
25 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 30,
7 2010.” and inserting “September 30, 2020.”.

8 (e) TOWING SAFETY ADVISORY COMMITTEE.—The Act
9 to Establish a Towing Safety Advisory Committee in the
10 Department of Transportation (33 U.S.C. 1231a) is amend-
11 ed—

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’). The
16 Committee shall consist of eighteen members with par-
17 ticular expertise, knowledge, and experience regarding shal-
18 low-draft inland and coastal waterway navigation and tow-
19 ing 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 min-
24 eral and oil supply vessel industry.

1 “(3) One member representing holders of active
2 licensed Masters or Pilots of towing vessels with expe-
3 rience on the Western Rivers and the Gulf Intra-
4 coastal Waterway.

5 “(4) One member representing the holders of ac-
6 tive licensed Masters of towing vessels in offshore serv-
7 ice.

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 pub-
21 lic.”; and

22 (2) in subsection (e), by striking “September 30,
23 2010.” and inserting “September 30, 2020.”.

1 (f) *NAVIGATION SAFETY ADVISORY COUNCIL.*—Section
2 *5 of the Inland Navigational Rules Act of 1980 (33 U.S.C.*
3 *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 depart-*
8 *ment in which the Coast Guard is operating shall es-*
9 *tablish a Navigation Safety Advisory Council (herein-*
10 *after referred to as the ‘Council’), consisting of not*
11 *more than 21 members. All members shall have exper-*
12 *tise in Inland and International vessel navigation*
13 *Rules of the Road, aids to maritime navigation, mar-*
14 *itime law, vessel safety, port safety, or commercial*
15 *diving safety. Upon appointment, all non-Federal*
16 *members shall be designated as representative mem-*
17 *bers to represent the viewpoints and interests of one*
18 *of the following groups or organizations:*

19 “(A) *Commercial vessel owners or operators.*

20 “(B) *Professional mariners.*

21 “(C) *Recreational boaters.*

22 “(D) *The recreational boating industry.*

23 “(E) *State agencies responsible for vessel or*
24 *port safety.*

25 “(F) *The Maritime Law Association.*

1 “(2) *PANELS.*—Additional persons may be ap-
2 pointed to panels of the Council to assist the Council
3 in performance of its functions.

4 “(3) *NOMINATIONS.*—The Secretary, through the
5 Coast Guard Commandant, shall not less often than
6 once a year publish a notice in the Federal Register
7 soliciting nominations for membership on the Coun-
8 cil.

9 “(b) *FUNCTIONS.*—The Council shall advise, consult
10 with, and make recommendations to the Secretary, through
11 the Coast Guard Commandant, on matters relating to mar-
12 itime collisions, rammings, groundings, Inland Rules of the
13 Road, International Rules of the Road, navigation regula-
14 tions and equipment, routing measures, marine informa-
15 tion, diving safety, and aids to navigation systems. Any
16 advice and recommendations made by the Council to the
17 Secretary shall reflect the independent judgment of the
18 Council on the matter concerned. The Council shall meet
19 at the call of the Coast Guard Commandant, but in any
20 event not less than twice during each calendar year. All
21 proceedings of the Council shall be public, and a record of
22 the proceedings shall be made available for public inspec-
23 tion.”; and

24 (2) in subsection (d), by striking “September 30,
25 2010.” and inserting “September 30, 2020.”.

1 **TITLE IX—CRUISE VESSEL**
2 **SAFETY**

3 **SEC. 901. SHORT TITLE.**

4 *This title may be cited as the “Cruise Vessel Security*
5 *and Safety Act of 2009”.*

6 **SEC. 902. FINDINGS.**

7 *The Congress makes the following findings:*

8 (1) *There are approximately 200 overnight*
9 *ocean-going cruise vessels worldwide. The average*
10 *ocean-going cruise vessel carries 2,000 passengers*
11 *with a crew of 950 people.*

12 (2) *In 2007 alone, approximately 12,000,000*
13 *passengers were projected to take a cruise worldwide.*

14 (3) *Passengers on cruise vessels have an inad-*
15 *equately appreciate their potential vulnerability to*
16 *crime while on ocean voyages, and those who may be*
17 *victimized lack the information they need to under-*
18 *stand their legal rights or to know whom to contact*
19 *for help in the immediate aftermath of the crime.*

20 (4) *Sexual violence, the disappearance of pas-*
21 *sengers from vessels on the high seas, and other seri-*
22 *ous crimes have occurred during luxury cruises.*

23 (5) *Over the last 5 years, sexual assault and*
24 *physical assaults on cruise vessels were the leading*

1 *crimes investigated by the Federal Bureau of Inves-*
2 *tigation with regard to cruise vessel incidents.*

3 (6) *These crimes at sea can involve attacks both*
4 *by passengers and crew members on other passengers*
5 *and crew members.*

6 (7) *Except for United States flagged vessels, or*
7 *foreign flagged vessels operating in an area subject to*
8 *the direct jurisdiction of the United States, there are*
9 *no Federal statutes or regulations that explicitly re-*
10 *quire cruise lines to report alleged crimes to United*
11 *States Government officials.*

12 (8) *It is not known precisely how often crimes*
13 *occur on cruise vessels or exactly how many people*
14 *have disappeared during ocean voyages because cruise*
15 *line companies do not make comprehensive, crime-re-*
16 *lated data readily available to the public.*

17 (9) *Obtaining reliable crime-related cruise data*
18 *from governmental sources can be difficult, because*
19 *multiple countries may be involved when a crime oc-*
20 *currs on the high seas, including the flag country for*
21 *the vessel, the country of citizenship of particular pas-*
22 *sengers, and any countries having special or mari-*
23 *time jurisdiction.*

24 (10) *It can be difficult for professional crime in-*
25 *vestigators to immediately secure an alleged crime*

1 *scene on a cruise vessel, recover evidence of an on-*
2 *board offense, and identify or interview potential wit-*
3 *nesses to the alleged crime.*

4 *(11) Most cruise vessels that operate into and out*
5 *of United States ports are registered under the laws*
6 *of another country, and investigations and prosecu-*
7 *tions of crimes against passengers and crew members*
8 *may involve the laws and authorities of multiple na-*
9 *tions.*

10 *(12) The Coast Guard has found it necessary to*
11 *establish 500-yard security zones around cruise vessels*
12 *to limit the risk of terrorist attack. Recently piracy*
13 *has dramatically increased throughout the world.*

14 *(13) To enhance the safety of cruise passengers,*
15 *the owners of cruise vessels could upgrade, modernize,*
16 *and retrofit the safety and security infrastructure on*
17 *such vessels by installing peep holes in passenger*
18 *room doors, installing security video cameras in tar-*
19 *geted areas, limiting access to passenger rooms to se-*
20 *lect staff during specific times, and installing acoustic*
21 *hailing and warning devices capable of commu-*
22 *nicating over distances.*

1 **SEC. 903. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**
2 **MENTS.**

3 (a) *IN GENERAL.*—Chapter 35 of title 46, United
4 States Code, is amended by adding at the end the following:

5 **“§ 3507. Passenger vessel security and safety require-**
6 **ments**

7 *“(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,*
8 *AND RETROFITTING REQUIREMENTS.—*

9 *“(1) IN GENERAL.—Each vessel to which this*
10 *subsection applies shall comply with the following de-*
11 *sign and construction standards:*

12 *“(A) The vessel shall be equipped with ship*
13 *rails that are located not less than 42 inches*
14 *above the cabin deck.*

15 *“(B) Each passenger stateroom and crew*
16 *cabin shall be equipped with entry doors that in-*
17 *clude peep holes or other means of visual identi-*
18 *fication.*

19 *“(C) For any vessel the keel of which is laid*
20 *after the date of enactment of the Cruise Vessel*
21 *Security and Safety Act of 2009, each passenger*
22 *stateroom and crew cabin shall be equipped*
23 *with—*

24 *“(i) security latches; and*

25 *“(ii) time-sensitive key technology.*

1 “(D) *The vessel shall integrate technology*
2 *that can be used for capturing images of pas-*
3 *sengers or detecting passengers who have fallen*
4 *overboard, to the extent that such technology is*
5 *available.*

6 “(E) *The vessel shall be equipped with a*
7 *sufficient number of operable acoustic hailing or*
8 *other such warning devices to provide commu-*
9 *nication capability around the entire vessel when*
10 *operating in high risk areas (as defined by the*
11 *United States Coast Guard).*

12 “(2) *FIRE SAFETY CODES.—In administering the*
13 *requirements of paragraph (1)(C), the Secretary shall*
14 *take into consideration fire safety and other applica-*
15 *ble emergency requirements established by the U.S.*
16 *Coast Guard and under international law, as appro-*
17 *priate.*

18 “(3) *EFFECTIVE DATE.—*

19 “(A) *IN GENERAL.—Except as provided in*
20 *subparagraph (B), the requirements of para-*
21 *graph (1) shall take effect 18 months after the*
22 *date of enactment of the Cruise Vessel Security*
23 *and Safety Act of 2009.*

24 “(B) *LATCH AND KEY REQUIREMENTS.—*
25 *The requirements of paragraph (1)(C) take effect*

1 *on the date of enactment of the Cruise Vessel Se-*
2 *curity and Safety Act of 2009.*

3 “(b) *VIDEO RECORDING.*—

4 “(1) *REQUIREMENT TO MAINTAIN SURVEIL-*
5 *LANCE.*—*The owner of a vessel to which this section*
6 *applies shall maintain a video surveillance system to*
7 *assist in documenting crimes on the vessel and in*
8 *providing evidence for the prosecution of such crimes,*
9 *as determined by the Secretary.*

10 “(2) *ACCESS TO VIDEO RECORDS.*—*The owner of*
11 *a vessel to which this section applies shall provide to*
12 *any law enforcement official performing official du-*
13 *ties in the course and scope of an investigation, upon*
14 *request, a copy of all records of video surveillance that*
15 *the official believes may provide evidence of a crime*
16 *reported to law enforcement officials.*

17 “(c) *SAFETY INFORMATION.*—*The owner of a vessel to*
18 *which this section applies shall provide in each passenger*
19 *stateroom, and post in a location readily accessible to all*
20 *crew and in other places specified by the Secretary, infor-*
21 *mation regarding the locations of the United States embassy*
22 *and each consulate of the United States for each country*
23 *the vessel will visit during the course of the voyage.*

24 “(d) *SEXUAL ASSAULT.*—*The owner of a vessel to*
25 *which this section applies shall—*

1 “(1) maintain on the vessel adequate, in-date
2 supplies of anti-retroviral medications and other
3 medications designed to prevent sexually transmitted
4 diseases after a sexual assault;

5 “(2) maintain on the vessel equipment and ma-
6 terials for performing a medical examination in sex-
7 ual assault cases to evaluate the patient for trauma,
8 provide medical care, and preserve relevant medical
9 evidence;

10 “(3) make available on the vessel at all times
11 medical staff who have undergone a credentialing
12 process to verify that he or she—

13 “(A) possesses a current physician’s or reg-
14 istered nurse’s license and—

15 “(i) has at least 3 years of post-grad-
16 uate or post-registration clinical practice in
17 general and emergency medicine; or

18 “(ii) holds board certification in emer-
19 gency medicine, family practice medicine,
20 or internal medicine;

21 “(B) is able to provide assistance in the
22 event of an alleged sexual assault, has received
23 training in conducting forensic sexual assault
24 examination, and is able to promptly perform
25 such an examination upon request and provide

1 *proper medical treatment of a victim, including*
2 *administration of anti-retroviral medications*
3 *and other medications that may prevent the*
4 *transmission of human immunodeficiency virus*
5 *and other sexually transmitted diseases; and*

6 “(C) *meets guidelines established by the*
7 *American College of Emergency Physicians relat-*
8 *ing to the treatment and care of victims of sex-*
9 *ual assault;*

10 “(4) *prepare, provide to the patient, and main-*
11 *tain written documentation of the findings of such ex-*
12 *amination that is signed by the patient; and*

13 “(5) *provide the patient free and immediate ac-*
14 *cess to—*

15 “(A) *contact information for local law en-*
16 *forcement, the Federal Bureau of Investigation,*
17 *the United States Coast Guard, the nearest*
18 *United States consulate or embassy, and the Na-*
19 *tional Sexual Assault Hotline program or other*
20 *third party victim advocacy hotline service; and*

21 “(B) *a private telephone line and Internet-*
22 *accessible computer terminal by which the indi-*
23 *vidual may confidentially access law enforcement*
24 *officials, an attorney, and the information and*
25 *support services available through the National*

1 *Sexual Assault Hotline program or other third*
2 *party victim advocacy hotline service.*

3 “(e) *CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-*
4 *INATION AND SUPPORT INFORMATION.—The master or other*
5 *individual in charge of a vessel to which this section applies*
6 *shall—*

7 “(1) *treat all information concerning an exam-*
8 *ination under subsection (d) confidential, so that no*
9 *medical information may be released to the cruise*
10 *line or other owner of the vessel or any legal rep-*
11 *resentative thereof without the prior knowledge and*
12 *approval in writing of the patient, or, if the patient*
13 *is unable to provide written authorization, the pa-*
14 *tient’s next-of-kin, except that nothing in this para-*
15 *graph prohibits the release of—*

16 “(A) *information, other than medical find-*
17 *ings, necessary for the owner or master of the*
18 *vessel to comply with the provisions of subsection*
19 *(g) or other applicable incident reporting laws;*

20 “(B) *information to secure the safety of pas-*
21 *sengers or crew on board the vessel; or*

22 “(C) *any information to law enforcement*
23 *officials performing official duties in the course*
24 *and scope of an investigation; and*

1 “(2) *treat any information derived from, or ob-*
2 *tained in connection with, post-assault counseling or*
3 *other supportive services confidential, so no such in-*
4 *formation may be released to the cruise line or any*
5 *legal representative thereof without the prior knowl-*
6 *edge and approval in writing of the patient, or, if the*
7 *patient is unable to provide written authorization,*
8 *the patient’s next-of-kin.*

9 “(f) *CREW ACCESS TO PASSENGER STATEROOMS.—*

10 *The owner of a vessel to which this section applies shall—*

11 “(1) *establish and implement procedures and re-*
12 *strictions concerning—*

13 “(A) *which crew members have access to*
14 *passenger staterooms; and*

15 “(B) *the periods during which they have*
16 *that access; and*

17 “(2) *ensure that the procedures and restrictions*
18 *are fully and properly implemented and periodically*
19 *reviewed.*

20 “(g) *LOG BOOK AND REPORTING REQUIREMENTS.—*

21 “(1) *IN GENERAL.—The owner of a vessel to*
22 *which this section applies shall—*

23 “(A) *record in a log book, either electroni-*
24 *cally or otherwise, in a centralized location read-*

1 *ily accessible to law enforcement personnel, a re-*
2 *port on—*

3 *“(i) all complaints of crimes described*
4 *in paragraph (3)(A)(i),*

5 *“(ii) all complaints of theft of property*
6 *valued in excess of \$1,000, and*

7 *“(iii) all complaints of other crimes,*
8 *committed on any voyage that embarks or dis-*
9 *embarks passengers in the United States; and*

10 *“(B) make such log book available upon re-*
11 *quest to any agent of the Federal Bureau of In-*
12 *vestigation, any member of the United States*
13 *Coast Guard, and any law enforcement officer*
14 *performing official duties in the course and scope*
15 *of an investigation.*

16 *“(2) DETAILS REQUIRED.—The information re-*
17 *corded under paragraph (1) shall include, at a min-*
18 *imum—*

19 *“(A) the vessel operator;*

20 *“(B) the name of the cruise line;*

21 *“(C) the flag under which the vessel was op-*
22 *erating at the time the reported incident oc-*
23 *curred;*

24 *“(D) the age and gender of the victim and*
25 *the accused assailant;*

1 “(E) the nature of the alleged crime or com-
2 plaint, as applicable, including whether the al-
3 leged perpetrator was a passenger or a crew
4 member;

5 “(F) the vessel’s position at the time of the
6 incident, if known, or the position of the vessel
7 at the time of the initial report;

8 “(G) the time, date, and method of the ini-
9 tial report and the law enforcement authority to
10 which the initial report was made;

11 “(H) the time and date the incident oc-
12 curred, if known;

13 “(I) the total number of passengers and the
14 total number of crew members on the voyage;
15 and

16 “(J) the case number or other identifier
17 provided by the law enforcement authority to
18 which the initial report was made.

19 “(3) *REQUIREMENT TO REPORT CRIMES AND*
20 *OTHER INFORMATION.—*

21 “(A) *IN GENERAL.—*The owner of a vessel to
22 which this section applies (or the owner’s des-
23 ignee)—

24 “(i) shall contact the nearest Federal
25 Bureau of Investigation Field Office or

1 *Legal Attache by telephone as soon as pos-*
2 *sible after the occurrence on board the vessel*
3 *of an incident involving homicide, sus-*
4 *picious death, a missing United States na-*
5 *tional, kidnapping, assault with serious*
6 *bodily injury, any offense to which section*
7 *2241, 2242, 2243, or 2244 (a) or (c) of title*
8 *18 applies, firing or tampering with the*
9 *vessel, or theft of money or property in ex-*
10 *cess of \$10,000 to report the incident;*

11 *“(ii) shall furnish a written report of*
12 *the incident to the Secretary via an Inter-*
13 *net based portal;*

14 *“(iii) may report any serious incident*
15 *that does not meet the reporting require-*
16 *ments of clause (i) and that does not require*
17 *immediate attention by the Federal Bureau*
18 *of Investigation via the Internet based por-*
19 *tal maintained by the Secretary of Trans-*
20 *portation; and*

21 *“(iv) may report any other criminal*
22 *incident involving passengers or crew mem-*
23 *bers, or both, to the proper State or local*
24 *government law enforcement authority.*

1 “(B) *INCIDENTS TO WHICH SUBPARAGRAPH*
2 (A) *APPLIES.*—Subparagraph (A) applies to an
3 incident involving criminal activity if—

4 “(i) the vessel, regardless of registry, is
5 owned, in whole or in part, by a United
6 States person, regardless of the nationality
7 of the victim or perpetrator, and the inci-
8 dent occurs when the vessel is within the ad-
9 miralty and maritime jurisdiction of the
10 United States and outside the jurisdiction
11 of any State;

12 “(ii) the incident concerns an offense
13 by or against a United States national
14 committed outside the jurisdiction of any
15 nation;

16 “(iii) the incident occurs in the Terri-
17 torial Sea of the United States, regardless of
18 the nationality of the vessel, the victim, or
19 the perpetrator; or

20 “(iv) the incident concerns a victim or
21 perpetrator who is a United States national
22 on a vessel during a voyage that departed
23 from or will arrive at a United States port.

24 “(4) *AVAILABILITY OF INCIDENT DATA VIA*
25 *INTERNET.*—

1 “(A) *WEBSITE.*—*The Secretary of Trans-*
2 *portation shall maintain a statistical compila-*
3 *tion of all incidents described in paragraph*
4 *(3)(A)(i) on an Internet site that provides a nu-*
5 *merical accounting of the missing persons and*
6 *alleged crimes recorded in each report filed*
7 *under paragraph (3)(A)(i) that are no longer*
8 *under investigation by the Federal Bureau of In-*
9 *vestigation. The data shall be updated no less*
10 *frequently than quarterly, aggregated by—*

11 “(i) *cruise line, with each cruise line*
12 *identified by name; and*

13 “(ii) *whether each crime was com-*
14 *mitted by a passenger or a crew member.*

15 “(B) *ACCESS TO WEBSITE.*—*Each cruise*
16 *line taking on or discharging passengers in the*
17 *United States shall include a link on its Internet*
18 *website to the website maintained by the Sec-*
19 *retary under subparagraph (A).*

20 “(h) *ENFORCEMENT.*—

21 “(1) *PENALTIES.*—

22 “(A) *CIVIL PENALTY.*—*Any person that vio-*
23 *lates this section or a regulation under this sec-*
24 *tion shall be liable for a civil penalty of not*
25 *more than \$25,000 for each day during which*

1 *the violation continues, except that the max-*
2 *imum penalty for a continuing violation is*
3 *\$50,000.*

4 “(B) *CRIMINAL PENALTY.*—*Any person that*
5 *willfully violates this section or a regulation*
6 *under this section shall be fined not more than*
7 *\$250,000 or imprisoned not more than 1 year, or*
8 *both.*

9 “(2) *DENIAL OF ENTRY.*—*The Secretary may*
10 *deny entry into the United States to a vessel to which*
11 *this section applies if the owner of the vessel—*

12 “(A) *commits an act or omission for which*
13 *a penalty may be imposed under this subsection;*
14 *or*

15 “(B) *fails to pay a penalty imposed on the*
16 *owner under this subsection.*

17 “(i) *PROCEDURES.*—*Within 6 months after the date*
18 *of enactment of the Cruise Vessel Security and Safety Act*
19 *of 2009, the Secretary shall issue guidelines, training cur-*
20 *ricula, and inspection and certification procedures nec-*
21 *essary to carry out the requirements of this section.*

22 “(j) *REGULATIONS.*—*The Secretary of Transportation*
23 *and the Commandant shall each issue such regulations as*
24 *are necessary to implement this section.*

25 “(k) *APPLICATION.*—

1 “(1) *IN GENERAL.*—*This section and section*
2 *3508 apply to a passenger vessel (as defined in sec-*
3 *tion 2101(22)) that—*

4 “(A) *is authorized to carry at least 250 pas-*
5 *sengers;*

6 “(B) *has onboard sleeping facilities for each*
7 *passenger;*

8 “(C) *is on a voyage that embarks or dis-*
9 *embarks passengers in the United States; and*

10 “(D) *is not engaged on a coastwise voyage.*

11 “(2) *FEDERAL AND STATE VESSELS.*—*This sec-*
12 *tion and section 3508 do not apply to a vessel that*
13 *is owned and operated by the United States Govern-*
14 *ment or a vessel that is owned and operated by a*
15 *State.*

16 “(l) *OWNER DEFINED.*—*In this section and section*
17 *3508, the term ‘owner’ means the owner, charterer, man-*
18 *aging operator, master, or other individual in charge of a*
19 *vessel.*

20 “**§ 3508. Crime scene preservation training for pas-**
21 **senger vessel crew members**

22 “(a) *IN GENERAL.*—*Within 1 year after the date of*
23 *enactment of the Cruise Vessel Security and Safety Act of*
24 *2009, the Secretary, in consultation with the Director of*
25 *the Federal Bureau of Investigation and the Maritime Ad-*

1 *administrator, shall develop training standards and curricula*
2 *to allow for the certification of passenger vessel security per-*
3 *sonnel, crew members, and law enforcement officials on the*
4 *appropriate methods for prevention, detection, evidence*
5 *preservation, and reporting of criminal activities in the*
6 *international maritime environment. The Administrator of*
7 *the Maritime Administration may certify organizations in*
8 *the United States and abroad that offer the curriculum for*
9 *training and certification under subsection (c).*

10 “(b) *MINIMUM STANDARDS.*—*The standards estab-*
11 *lished by the Secretary under subsection (a) shall include—*

12 “(1) *the training and certification of vessel secu-*
13 *urity personnel, crew members, and law enforcement*
14 *officials in accordance with accepted law enforcement*
15 *and security guidelines, policies, and procedures, in-*
16 *cluding recommendations for incorporating a back-*
17 *ground check process for personnel trained and cer-*
18 *tified in foreign countries;*

19 “(2) *the training of students and instructors in*
20 *all aspects of prevention, detection, evidence preserva-*
21 *tion, and reporting of criminal activities in the inter-*
22 *national maritime environment; and*

23 “(3) *the provision or recognition of off-site train-*
24 *ing and certification courses in the United States and*
25 *foreign countries to develop and provide the required*

1 *training and certification described in subsection (a)*
2 *and to enhance security awareness and security prac-*
3 *tices related to the preservation of evidence in re-*
4 *sponse to crimes on board passenger vessels.*

5 *“(c) CERTIFICATION REQUIREMENT.—Beginning 2*
6 *years after the standards are established under subsection*
7 *(b), no vessel to which this section applies may enter a*
8 *United States port on a voyage (or voyage segment) on*
9 *which a United States citizen is a passenger unless there*
10 *is at least 1 crew member onboard who is certified as having*
11 *successfully completed training in the prevention, detection,*
12 *evidence preservation, and reporting of criminal activities*
13 *in the international maritime environment on passenger*
14 *vessels under subsection (a).*

15 *“(d) INTERIM TRAINING REQUIREMENT.—No vessel to*
16 *which this section applies may enter a United States port*
17 *on a voyage (or voyage segment) on which a United States*
18 *citizen is a passenger unless there is at least 1 crew member*
19 *onboard who has been properly trained in the prevention,*
20 *detection, evidence preservation and the reporting require-*
21 *ments of criminal activities in the international maritime*
22 *environment. The owner of such a vessel shall maintain cer-*
23 *tification or other documentation, as prescribed by the Sec-*
24 *retary, verifying the training of such individual and pro-*
25 *vide such documentation upon request for inspection in con-*

1 *nection with enforcement of the provisions of this section.*
 2 *This subsection shall take effect 1 year after the date of en-*
 3 *actment of the Cruise Vessel Safety and Security Act of*
 4 *2009 and shall remain in effect until superseded by the re-*
 5 *quirements of subsection (c).*

6 “(e) *CIVIL PENALTY.*—*Any person that violates this*
 7 *section or a regulation under this section shall be liable for*
 8 *a civil penalty of not more than \$50,000.*

9 “(f) *DENIAL OF ENTRY.*—*The Secretary may deny*
 10 *entry into the United States to a vessel to which this section*
 11 *applies if the owner of the vessel—*

12 “(1) *commits an act or omission for which a*
 13 *penalty may be imposed under subsection (e); or*

14 “(2) *fails to pay a penalty imposed on the owner*
 15 *under subsection (e).”.*

16 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
 17 *such chapter is amended by adding at the end the following:*

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

18 **SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF**
 19 **PASSENGER VESSELS.**

20 (a) *IN GENERAL.*—*Within 3 months after the date of*
 21 *enactment of this Act, the Secretary of the department in*
 22 *which the United States Coast Guard is operating shall con-*
 23 *duct a study of the security needs of passenger vessels de-*
 24 *pending on number of passengers on the vessels, and report*

1 *to the Congress findings of the study and recommendations*
2 *for improving security on those vessels.*

3 (b) *REPORT CONTENTS.*—*In recommending appro-*
4 *priate security on those vessels, the report shall take into*
5 *account typical crew member shifts, working conditions of*
6 *crew members, and length of voyages.*

7 **TITLE X—UNITED STATES**
8 **MARINER PROTECTION**

9 **SEC. 1001. SHORT TITLE.**

10 *This title may be cited as the “United States Mariner*
11 *and Vessel Protection Act of 2009”.*

12 **SEC. 1002. USE FORCE AGAINST PIRACY.**

13 (a) *IN GENERAL.*—*Chapter 81 of title 46, United*
14 *States Code, is amended by adding at the end the following*
15 *new section:*

16 **“§ 8107. Use of force against piracy**

17 *“An owner, operator, time charterer, master, or mar-*
18 *iner who uses force, or authorizes the use of force, to defend*
19 *a vessel of the United States against an act of piracy shall*
20 *not be liable for any injury or death caused by such force*
21 *to any person participating in the act of piracy.”.*

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

“8107. Use of force against piracy.”.

1 **SEC. 1003. AGREEMENTS.**

2 *To carry out the purpose of this title, the Secretary*
3 *of the department in which the Coast Guard is operating*
4 *shall work through the International Maritime Organiza-*
5 *tion to establish agreements to promote coordinated action*
6 *among flag- and port-states to deter, protect against, and*
7 *rapidly respond to acts of piracy against the vessels of, and*
8 *in the waters under the jurisdiction of, those nations, and*
9 *to ensure limitations on liability similar to those estab-*
10 *lished by section 8107 of title 46, United States Code, as*
11 *amended by this title.*

12 **TITLE XI—PORT SECURITY**

13 **SEC. 1101. MARITIME HOMELAND SECURITY PUBLIC AWARE-**
14 **NESS PROGRAM.**

15 *The Secretary of Homeland Security shall establish a*
16 *program to help prevent acts of terrorism and other activi-*
17 *ties that jeopardize maritime homeland security, by seeking*
18 *the cooperation of the commercial and recreational boating*
19 *industries and the public to improve awareness of activity*
20 *in the maritime domain and report suspicious or unusual*
21 *activity.*

22 **SEC. 1102. TRANSPORTATION WORKER IDENTIFICATION**
23 **CREDENTIAL.**

24 *(a) IN GENERAL.—Not later than 120 days after com-*
25 *pleting the pilot program under section 70105(k)(1) of title*
26 *46, United States Code, to test TWIC access control tech-*

1 *nologies at port facilities and vessels nationwide, the Sec-*
2 *retary of Homeland Security shall submit to the Committee*
3 *on Homeland Security and the Committee on Transpor-*
4 *tation and Infrastructure of the House of Representatives,*
5 *the Committee on Commerce, Science, and Transportation*
6 *of the Senate, and the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate and to the Comp-*
8 *troller General a report containing an assessment of the re-*
9 *sults of the pilot. The report shall include—*

10 (1) *the findings of the pilot program with respect*
11 *to key technical and operational aspects of imple-*
12 *menting TWIC technologies in the maritime sector;*

13 (2) *a comprehensive listing of the extent to which*
14 *established metrics were achieved during the pilot*
15 *program; and*

16 (3) *an analysis of the viability of those tech-*
17 *nologies for use in the maritime environment, includ-*
18 *ing any challenges to implementing those technologies*
19 *and strategies for mitigating identified challenges.*

20 (b) *GAO ASSESSMENT.—The Comptroller General*
21 *shall review the report and submit to the Committee on*
22 *Homeland Security and the Committee on Transportation*
23 *and Infrastructure of the House of Representatives, the*
24 *Committee on Commerce, Science, and Transportation of*
25 *the Senate, and the Committee on Homeland Security and*

1 *Governmental Affairs of the Senate an assessment of the re-*
2 *port's findings and recommendations.*

3 **SEC. 1103. REVIEW OF INTERAGENCY OPERATIONAL CEN-**
4 **TERS.**

5 *(a) IN GENERAL.—Within 180 days of enactment of*
6 *this Act, the Department of Homeland Security Inspector*
7 *General shall provide a report to the Committee on Home-*
8 *land Security and the Committee on Transportation and*
9 *Infrastructure of the House of Representatives and the Com-*
10 *mittees on Homeland Security and Governmental Affairs*
11 *and Commerce, Science, and Transportation of the Senate*
12 *concerning the establishment of Interagency Operational*
13 *Centers for Port Security required by section 108 of the*
14 *SAFE Port Act (Public Law 109–347).*

15 *(b) REPORT.—The report shall include—*

16 *(1) an examination of the Department's efforts to*
17 *establish the Interagency Operational Centers;*

18 *(2) a timeline for construction;*

19 *(3) a detailed breakdown, by center, as to the in-*
20 *corporation of those representatives required by sec-*
21 *tion 70107A(b)(3) of title 46, United States Code;*

22 *(4) an analysis of the hurdles faced by the De-*
23 *partment in developing these centers;*

1 (5) *information on the number of security clear-*
2 *ances attained by State, local, and tribal officials*
3 *participating in the program; and*

4 (6) *an examination of the relationship between*
5 *the Interagency Operational Centers and State, local*
6 *and regional fusion centers participating in the De-*
7 *partment of Homeland Security’s State, Local, and*
8 *Regional Fusion Center Initiative under section 511*
9 *of the Implementing the Recommendations of the 9/11*
10 *Commission Act of 2007 (Public Law 110–53), with*
11 *a particular emphasis on—*

12 (A) *how the centers collaborate and coordi-*
13 *nate their efforts; and*

14 (B) *the resources allocated by the Coast*
15 *Guard to both initiatives.*

16 **SEC. 1104. MARITIME SECURITY RESPONSE TEAMS.**

17 (a) *IN GENERAL.—Section 70106 of title 46, United*
18 *States Code, is amended by striking subsection (c) and in-*
19 *serting the following:*

20 “(c) **MARITIME SECURITY RESPONSE TEAMS.—**

21 “(1) *IN GENERAL.—In addition to the maritime*
22 *safety and security teams, the Secretary shall estab-*
23 *lish no less than two maritime security response*
24 *teams to act as the Coast Guard’s rapidly deployable*
25 *counterterrorism and law enforcement response units*

1 *that can apply advanced interdiction skills in re-*
2 *sponse to threats of maritime terrorism.*

3 “(2) *MINIMIZATION OF RESPONSE TIME.*—*The*
4 *maritime security response teams shall be stationed*
5 *in such a way to minimize, to the extent practicable,*
6 *the response time to any reported maritime terrorist*
7 *threat.*

8 “(d) *COORDINATION WITH OTHER AGENCIES.*—*To the*
9 *maximum extent feasible, each maritime safety and secu-*
10 *rity team and maritime security response team shall co-*
11 *ordinate its activities with other Federal, State, and local*
12 *law enforcement and emergency response agencies.”.*

13 **SEC. 1105. COAST GUARD DETECTION CANINE TEAM PRO-**
14 **GRAM EXPANSION.**

15 (a) *DEFINITIONS.*—*For purposes of this section:*

16 (1) *CANINE DETECTION TEAM.*—*The term “detection canine team” means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.*

20 (2) *SECRETARY.*—*The term “Secretary” means the Secretary of Homeland Security.*

22 (b) *DETECTION CANINE TEAMS.*—

23 (1) *INCREASED CAPACITY.*—*Not later than 240*
24 *days after the date of enactment of this Act, the Sec-*
25 *retary shall—*

1 (A) begin to increase the number of detec-
2 tion canine teams certified by the Coast Guard
3 for the purposes of maritime-related security by
4 no fewer than 10 canine teams annually through
5 fiscal year 2012; and

6 (B) encourage owners and operators of port
7 facilities, passenger cruise liners, oceangoing
8 cargo vessels, and other vessels identified by the
9 Secretary to strengthen security through the use
10 of highly trained detection canine teams.

11 (2) *CANINE PROCUREMENT.*—*The Secretary, act-*
12 *ing through the Commandant of the Coast Guard,*
13 *shall—*

14 (A) procure detection canine teams as effi-
15 ciently as possible, including, to the greatest ex-
16 tent possible, through increased domestic breed-
17 ing, while meeting the performance needs and
18 criteria established by the Commandant;

19 (B) support expansion and upgrading of ex-
20 isting canine training facilities operated by the
21 department in which the Coast Guard is oper-
22 ating; and

23 (C) as appropriate, partner with other Fed-
24 eral, State, or local agencies, nonprofit organiza-
25 tions, universities, or the private sector to in-

1 crease the breeding and training capacity for
2 Coast Guard canine detection teams.

3 (c) *DEPLOYMENT.*—The Secretary shall prioritize de-
4 ployment of the additional canine teams to ports based on
5 risk, consistent with the Security and Accountability For
6 Every Port Act of 2006 (Public Law 109–347).

7 (d) *AUTHORIZATION.*—There are authorized to be ap-
8 propriated to the Secretary such sums as may be necessary
9 to carry out this section for fiscal years 2008 through 2012.

10 **SEC. 1106. COAST GUARD PORT ASSISTANCE PROGRAM.**

11 (a) *IN GENERAL.*—Section 70110 of title 46, United
12 States Code, is amended by adding at the end the following:

13 “(f) *COAST GUARD ASSISTANCE PROGRAM.*—

14 “(1) *IN GENERAL.*—The Secretary may lend,
15 lease, donate, or otherwise provide equipment, and
16 provide technical training and support, to the owner
17 or operator of a foreign port or facility—

18 “(A) to assist in bringing the port or facil-
19 ity into compliance with applicable Inter-
20 national Ship and Port Facility Code standards;

21 “(B) to assist the port or facility in meeting
22 standards established under section 70109A of
23 this chapter; and

1 “(C) to assist the port or facility in exceed-
2 ing the standards described in subparagraphs
3 (A) and (B).

4 “(2) CONDITIONS.—The Secretary—

5 “(A) shall provide such assistance based
6 upon an assessment of the risks to the security
7 of the United States and the inability of the
8 owner or operator of the port or facility other-
9 wise to bring the port or facility into compliance
10 with those standards and to maintain compli-
11 ance with them;

12 “(B) may not provide such assistance unless
13 the port or facility has been subjected to a com-
14 prehensive port security assessment by the Coast
15 Guard or a third party entity certified by the
16 Secretary under section 70110A(b) to validate
17 foreign port or facility compliance with Inter-
18 national Ship and Port Facility Code standards;
19 and

20 “(C) may only lend, lease, or otherwise pro-
21 vide equipment that the Secretary has first deter-
22 mined is not required by the Coast Guard for the
23 performance of its missions.”.

24 (b) SAFETY AND SECURITY ASSISTANCE FOR FOREIGN
25 PORTS.—

1 (1) *IN GENERAL.*—Section 70110(e)(1) of title
2 46, United States Code, is amended by striking the
3 second sentence and inserting the following: “The Sec-
4 retary shall establish a strategic plan to utilize those
5 assistance programs to assist ports and facilities that
6 are found by the Secretary under subsection (a) not
7 to maintain effective antiterrorism measures in the
8 implementation of port security antiterrorism meas-
9 ures.”.

10 (2) *CONFORMING AMENDMENTS.*—

11 (A) Section 70110 of title 46, United States
12 Code, is amended—

13 (i) by inserting “**or facilities**” after
14 “**ports**” in the section heading;

15 (ii) by inserting “or facility” after
16 “port” each place it appears; and

17 (iii) by striking “*PORTS*” in the head-
18 ing for subsection (e) and inserting “*PORTS,*
19 *FACILITIES,*”.

20 (B) The chapter analysis for chapter 701 of
21 title 46, United States Code, is amended by
22 striking the item relating to section 70110 and
23 inserting the following:

“70110. *Actions and assistance for foreign ports or facilities and United States territories*”.

1 **SEC. 1107. MARITIME BIOMETRIC IDENTIFICATION.**

2 (a) *IN GENERAL.*—Within one year after the date of
3 the enactment of this Act, the Secretary of Homeland Secu-
4 rity, acting through the Commandant of the Coast Guard,
5 shall conduct, in the maritime environment, a program for
6 the mobile biometric identification of suspected individuals,
7 including terrorists, to enhance border security and for
8 other purposes.

9 (b) *REQUIREMENTS.*—The Secretary shall ensure the
10 program required in this section is coordinated with other
11 biometric identification programs within the Department
12 of Homeland Security.

13 (c) *COST ANALYSIS.*—Within 90 days after the date
14 of the enactment of this Act, the Secretary shall submit to
15 the Committees on Appropriations and Homeland Security
16 of the House of Representatives and the Committees on Ap-
17 propriations and Homeland Security and Governmental
18 Affairs of the Senate an analysis of the cost of expanding
19 the Coast Guard's biometric identification capabilities for
20 use by the Coast Guards Deployable Operations Group, cut-
21 ters, stations, and other deployable maritime teams consid-
22 ered appropriate by the Secretary, and any other appro-
23 priate Department of Homeland Security maritime vessels
24 and units. The analysis may include a tiered plan for the
25 deployment of this program that gives priority to vessels
26 and units more likely to encounter individuals suspected

1 *of making illegal border crossings through the maritime en-*
2 *vironment.*

3 (d) *DEFINITION.—For the purposes of this section, the*
4 *term “biometric identification” means use of fingerprint*
5 *and digital photography images.*

6 **SEC. 1108. REVIEW OF POTENTIAL THREATS.**

7 *Not later than 1 year after the date of enactment of*
8 *this Act, the Secretary of Homeland Security shall submit*
9 *to the Committee on Homeland Security and the Committee*
10 *on Transportation and Infrastructure of the House of Rep-*
11 *resentatives and the Committee on Commerce, Science, and*
12 *Transportation of the Senate a report analyzing the threat,*
13 *vulnerability, and consequence of a terrorist attack on gaso-*
14 *line and chemical cargo shipments in port activity areas*
15 *in the United States.*

16 **SEC. 1109. PORT SECURITY PILOT.**

17 *The Secretary of Homeland Security shall establish a*
18 *pilot program to test and deploy preventive radiological or*
19 *nuclear detection equipment on Coast Guard vessels and*
20 *other locations in select port regions to enhance border secu-*
21 *rity and for other purposes. The pilot program shall lever-*
22 *age existing Federal grant funding to support this program*
23 *and the procurement of additional equipment.*

1 **SEC. 1110. SEASONAL WORKERS.**

2 (a) *STUDY.*—*The Comptroller General of the United*
3 *States shall conduct a study on the effects that the Trans-*
4 *portation Worker Identification Card (in this section re-*
5 *ferred to as “TWIC”) required by section 70105 of title 46,*
6 *United States Code, has on companies that employ seasonal*
7 *employees.*

8 (b) *REPORT.*—*Not later than one year after the date*
9 *of enactment of this Act, the Comptroller General shall sub-*
10 *mit a report to the Committee on Homeland Security and*
11 *the Committee on Transportation and Infrastructure of the*
12 *House of Representatives and the Committee on Commerce,*
13 *Science, and Transportation of the Senate on the results*
14 *of the study, including—*

15 (1) *costs associated in requiring seasonal em-*
16 *ployees to obtain TWIC cards on companies;*

17 (2) *whether the Coast Guard and Transportation*
18 *Security Administration are processing TWIC appli-*
19 *cations quickly enough for seasonal workers to obtain*
20 *TWIC certification;*

21 (3) *whether TWIC compliance costs or other fac-*
22 *tors have led to a reduction in service;*

23 (3) *the impact of TWIC on the recruiting and*
24 *hiring of seasonal and other temporary employees;*
25 *and*

1 (4) *an assessment of possible alternatives to*
2 *TWIC certification that may be used for seasonal em-*
3 *ployees including any security vulnerabilities created*
4 *by those alternatives.*

5 **SEC. 1111. COMPARATIVE RISK ASSESSMENT OF VESSEL-**
6 **BASED AND FACILITY-BASED LIQUEFIED NAT-**
7 **URAL GAS REGASIFICATION PROCESSES.**

8 (a) *IN GENERAL.*—*Within 90 days after the date of*
9 *enactment of this Act, the Secretary of Homeland Security,*
10 *acting through the Commandant of the Coast Guard, shall*
11 *enter into an arrangement for the performance of an inde-*
12 *pendent study to conduct a comparative risk assessment ex-*
13 *amining the relative safety and security risk associated*
14 *with vessel-based and facility-based liquefied natural gas re-*
15 *gasification processes conducted within 3 miles from land*
16 *versus such processes conducted more than 3 miles from*
17 *land.*

18 (b) *REPORT.*—*Not later than 1 year after the date of*
19 *enactment of this Act, the Secretary Homeland Security,*
20 *acting through the Commandant, shall provide a report on*
21 *the findings and conclusions of the study required by this*
22 *section to the Committees on Homeland Security, Transpor-*
23 *tation and Infrastructure, and Energy and Commerce of*
24 *the House of Representatives, and the Committees on Home-*

1 *land Security and Governmental Affairs and Commerce,*
2 *Science, and Transportation of the Senate.*

3 **SEC. 1112. PILOT PROGRAM FOR FINGERPRINTING OF MAR-**
4 **ITIME WORKERS.**

5 (a) *IN GENERAL.*—*Within 180 days after the date of*
6 *enactment of this Act, the Secretary of Homeland Security*
7 *shall establish procedures providing for an individual who*
8 *is required to be fingerprinted for purposes of obtaining a*
9 *transportation security card under section 70105 of title 46,*
10 *United States Code, to be fingerprinted at any facility oper-*
11 *ated by or under contract with an agency of the Department*
12 *of Homeland Security that fingerprints the public for the*
13 *Department.*

14 (b) *EXPIRATION.*—*This section expires on December*
15 *31, 2012.*

16 **SEC. 1113. TRANSPORTATION SECURITY CARDS ON VES-**
17 **SELS.**

18 *Section 70105(b)(2) of title 46, United States Code, is*
19 *amended—*

20 (1) *in subparagraph (B), by inserting after*
21 *“title” the following: “allowed unescorted access to a*
22 *secure area designated in a vessel security plan ap-*
23 *proved under section 70103 of this title”; and*

24 (2) *in subparagraph (D), by inserting after*
25 *“tank vessel” the following: “allowed unescorted access*

1 *to a secure area designated in a vessel security plan*
2 *approved under section 70103 of this title”.*

3 **SEC. 1114. INTERNATIONAL LABOR STUDY.**

4 *The Comptroller General of the United States shall*
5 *conduct a study of methods to conduct a background secu-*
6 *rity investigation of an individual who possesses a biomet-*
7 *ric identification card that complies with International*
8 *Labor Convention number 185 that are equivalent to the*
9 *investigation conducted on individuals applying for a visa*
10 *to enter the United States. The Comptroller General shall*
11 *submit a report on the study within 180 days after the date*
12 *of enactment of this Act to the Committee on Transpor-*
13 *tation and Infrastructure and the Committee on Homeland*
14 *Security of the House of Representatives and the Committee*
15 *on Commerce, Science, and Transportation of the Senate.*

16 **SEC. 1115. MARITIME SECURITY ADVISORY COMMITTEES.**

17 *Section 70112 of title 46, United States Code, is*
18 *amended—*

19 *(1) by amending subsection (b)(5) to read as fol-*
20 *lows:*

21 *“(5)(A) The National Maritime Security Advisory*
22 *Committee shall be composed of—*

23 *“(i) at least 1 individual who represents the in-*
24 *terests of the port authorities;*

1 “(ii) at least 1 individual who represents the in-
2 terests of the facilities owners or operators;

3 “(iii) at least 1 individual who represents the
4 interests of the terminal owners or operators;

5 “(iv) at least 1 individual who represents the in-
6 terests of the vessel owners or operators;

7 “(v) at least 1 individual who represents the in-
8 terests of the maritime labor organizations;

9 “(vi) at least 1 individual who represents the in-
10 terests of the academic community;

11 “(vii) at least 1 individual who represents the
12 interests of State or local governments; and

13 “(viii) at least 1 individual who represents the
14 interests of the maritime industry.

15 “(B) Each Area Maritime Security Advisory Com-
16 mittee shall be composed of individuals who represents the
17 interests of the port industry, terminal operators, port labor
18 organizations, and other users of the port areas.”; and

19 (2) in subsection (g)—

20 (A) in paragraph (1)(A), by striking
21 “2008;” and inserting “2010;”;

22 (B) by repealing paragraph (2);

23 (C) by striking “(1)”; and

24 (D) by redesignating subparagraphs (A)
25 and (B) as paragraphs (1) and (2).

1 **SEC. 1116. SEAMEN'S SHORESIDE ACCESS.**

2 *Each facility security plan approved under section*
3 *70103(c) of title 46, United States Code, shall provide a*
4 *system for seamen assigned to a vessel at that facility, pi-*
5 *lots, and representatives of seamen's welfare and labor orga-*
6 *nizations to board and depart the vessel through the facility*
7 *in a timely manner at no cost to the individual.*

8 **SEC. 1117. WATERSIDE SECURITY AROUND ESPECIALLY**
9 **HAZARDOUS MATERIAL TERMINALS AND**
10 **TANKERS.**

11 *(a) ENFORCEMENT OF SECURITY ZONES.—Consistent*
12 *with other provisions of Federal law, any security zone es-*
13 *tablished by the Coast Guard around a tanker containing*
14 *an especially hazardous material shall be enforced by the*
15 *Coast Guard. If the Coast Guard must enforce multiple si-*
16 *multaneous security zones, the Coast Guard shall allocate*
17 *resources so as to deter to the maximum extent practicable*
18 *a transportation security incident (as that term is defined*
19 *in section 70101 of title 46, United States Code).*

20 *(b) LIMITATION ON RELIANCE ON STATE AND LOCAL*
21 *GOVERNMENT.—Any security arrangement approved as*
22 *part of a facility security plan approved after the date of*
23 *enactment of this Act under section 70103 of title 46,*
24 *United States Code, to assist in the enforcement of any secu-*
25 *rity zone established by the Coast Guard around a tanker*
26 *containing an especially hazardous material, or around an*

1 *especially hazardous material terminal on or adjacent to*
2 *the navigable waters of the United States and served by*
3 *tankers carrying especially hazardous materials, may not*
4 *be based upon the provision of security by a State or local*
5 *government unless the State or local government has entered*
6 *into a contract, cooperative agreement, or other arrange-*
7 *ment with the terminal operator to provide such services*
8 *and the Secretary of the department in which the Coast*
9 *Guard is operating, acting through the Commandant of the*
10 *Coast Guard, ensures that the waterborne patrols operated*
11 *as part of that security arrangement by a State or local*
12 *government have the training, resources, personnel, equip-*
13 *ment, and experience necessary to deter to the maximum*
14 *extent practicable a transportation security incident (as*
15 *that term is defined in section 70101 of title 46, United*
16 *States Code).*

17 *(c) DETERMINATION REQUIRED FOR NEW TERMI-*
18 *NALS.—The Secretary of the department in which the Coast*
19 *Guard is operating, acting through the Commandant of the*
20 *Coast Guard, may not approve a facility security plan*
21 *under section 70103 of title 46, United States Code, for a*
22 *new especially hazardous material terminal the construc-*
23 *tion of which is begun after the date of enactment of this*
24 *Act unless the Secretary determines that the Coast Guard*
25 *sector in which the terminal is located has available the*

1 *resources, including State and local government resources*
2 *in accordance with subsection (b), to carry out the naviga-*
3 *tion and maritime security risk management measures*
4 *identified by the Coast Guard pursuant to the Ports and*
5 *Waterways Safety Act.*

6 *(d) ESPECIALLY HAZARDOUS MATERIAL DEFINED.—*
7 *The term “especially hazardous material” means anhydrous*
8 *ammonia, ammonium nitrate, chlorine, liquefied natural*
9 *gas, liquefied petroleum gas, and any other substance iden-*
10 *tified by the Secretary of the department in which the Coast*
11 *Guard is operating as an especially hazardous material.*

12 **SEC. 1118. REVIEW OF LIQUEFIED NATURAL GAS FACILI-**
13 **TIES.**

14 *(a) NOTICE OF DETERMINATION.—Consistent with*
15 *other provisions of law, the Secretary of Homeland Security*
16 *must notify the Federal Energy Regulatory Commission*
17 *when a determination is made that the waterway to a pro-*
18 *posed waterside liquefied natural gas facility is suitable or*
19 *unsuitable for the marine traffic associated with such facil-*
20 *ity.*

21 *(b) FEDERAL ENERGY REGULATORY COMMISSION RE-*
22 *SPONSE.—The Federal Energy Regulatory Commission*
23 *shall respond to the Secretary’s determination under sub-*
24 *section (a) by informing the Secretary within 90 days of*
25 *notification or at the conclusion of any available appeal*

1 *process, whichever is later, of what action the Commission*
2 *has taken, pursuant to its authorities under the Natural*
3 *Gas Act, regarding a proposal to construct and operate a*
4 *waterside liquefied natural gas facility subject to a deter-*
5 *mination made under subsection (a).*

6 **SEC. 1119. USE OF SECONDARY AUTHENTICATION FOR**
7 **TRANSPORTATION SECURITY CARDS.**

8 *The Secretary of Homeland Security may use a sec-*
9 *ondary authentication system for individuals applying for*
10 *transportation security cards when fingerprints are not*
11 *able to be taken or read to enhance transportation security.*

12 **SEC. 1120. REPORT ON STATE AND LOCAL LAW ENFORCE-**
13 **MENT AUGMENTATION OF COAST GUARD RE-**
14 **SOURCES WITH RESPECT TO SECURITY**
15 **ZONES AND UNITED STATES PORTS.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the Secretary of the department in which the*
18 *Coast Guard is operating shall submit to the Committees*
19 *on Transportation and Infrastructure and Homeland Secu-*
20 *rity of the House of Representatives and the Committees*
21 *on Commerce, Science, and Transportation and Homeland*
22 *Security and Governmental Affairs of the Senate a report*
23 *on the extent to which State and local law enforcement enti-*
24 *ties are augmenting Coast Guard resources by enforcing*
25 *Coast Guard-imposed security zones around vessels*

1 *transiting to, through, or from United States ports and con-*
2 *ducting port security patrols. At a minimum, the report*
3 *shall specify—*

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

10 (2) *the number of formal agreements entered into*
11 *between the Coast Guard and State and local law en-*
12 *forcement entities to engage State and local law en-*
13 *forcement entities in the enforcement of Coast Guard-*
14 *imposed security zones around vessels transiting to,*
15 *through, or from United States ports or the conduct*
16 *of port security patrols in United States ports, the*
17 *duration of those agreements, and the aid that State*
18 *and local entities are engaged to provided through*
19 *these agreements;*

20 (3) *the extent to which the Coast Guard has set*
21 *national standards for training, equipment, and re-*
22 *sources to ensure that State and local law enforcement*
23 *entities engaged in enforcing Coast Guard-imposed se-*
24 *curity zones around vessels transiting to, through, or*
25 *from United States ports or in conducting port secu-*

1 *rity patrols in United States ports (or both) can deter*
2 *to the maximum extent practicable a transportation*
3 *security incident (as that term is defined in section*
4 *70101 of title 46, United States Code);*

5 *(4) the extent to which the Coast Guard has as-*
6 *essed the ability of State and local law enforcement*
7 *entities to carry out the security assignments which*
8 *they have been engaged to perform, including their*
9 *ability to meet any national standards for training,*
10 *equipment, and resources that have been established*
11 *by the Coast Guard in order to ensure that these enti-*
12 *ties can deter to the maximum extent practicable a*
13 *transportation security incident (as that term is de-*
14 *efined in section 70101 of title 46, United States*
15 *Code);*

16 *(5) the extent to which State and local law en-*
17 *forcement entities are able to meet national standards*
18 *for training, equipment, and resources established by*
19 *the Coast Guard to ensure that those entities can*
20 *deter to the maximum extent practicable a transpor-*
21 *tation security incident (as that term is defined in*
22 *section 70101 of title 46, United States Code);*

23 *(6) the differences in law enforcement authority,*
24 *and particularly boarding authority, between the*
25 *Coast Guard and State and local law enforcement en-*

1 *tities, and the impact that these differences have on*
2 *the ability of State and local law enforcement entities*
3 *to provide the same level of security that the Coast*
4 *Guard provides during the enforcement of Coast*
5 *Guard-imposed security zones and the conduct of se-*
6 *curity patrols in United States ports; and*

7 *(7) the extent of resource, training, and equip-*
8 *ment differences between State and local law enforce-*
9 *ment entities and the Coast Guard units engaged in*
10 *enforcing Coast Guard-imposed security zones around*
11 *vessels transiting to, through, or from United States*
12 *ports or conducting security patrols in United States*
13 *ports.*

14 **SEC. 1121. ASSESSMENT OF TRANSPORTATION SECURITY**
15 **CARD ENROLLMENT SITES.**

16 *(a) IN GENERAL.—Not later than 30 days after the*
17 *date of the enactment of this Act, the Secretary of Homeland*
18 *Security shall prepare an assessment of the enrollment sites*
19 *for transportation security cards issued under section 70105*
20 *of title 46, United States Code, including—*

21 *(1) the feasibility of keeping those enrollment*
22 *sites open after September 23, 2009; and*

23 *(2) the quality of customer service, including the*
24 *periods of time individuals are kept on hold on the*

1 *telephone, whether appointments are kept, and proc-*
2 *essing times for applications.*

3 **(b) TIMELINES AND BENCHMARKS.**—*The Secretary*
4 *shall develop timelines and benchmarks for implementing*
5 *the findings of the assessment as the Secretary deems nec-*
6 *essary.*

7 **TITLE XII—ALIEN SMUGGLING**

8 **SEC. 1201. SHORT TITLE.**

9 *This title may be cited as the “Alien Smuggling and*
10 *Terrorism Prevention Act of 2009”.*

11 **SEC. 1202. FINDINGS.**

12 *The Congress makes the following findings:*

13 *(1) Alien smuggling by land, air and sea is a*
14 *transnational crime that violates the integrity of*
15 *United States borders, compromises our Nation’s sov-*
16 *ereignty, places the country at risk of terrorist activ-*
17 *ity, and contravenes the rule of law.*

18 *(2) Aggressive enforcement activity against alien*
19 *smuggling is needed to protect our borders and ensure*
20 *the security of our Nation. The border security and*
21 *anti-smuggling efforts of the men and women on the*
22 *Nation’s front line of defense are to be commended.*
23 *Special recognition is due the Department of Home-*
24 *land Security through the United States Border Pa-*
25 *trol, United States Coast Guard, Customs and Border*

1 *Protection, and Immigration and Customs Enforce-*
2 *ment, and the Department of Justice through the Fed-*
3 *eral Bureau of Investigation.*

4 (3) *The law enforcement community must be*
5 *given the statutory tools necessary to address this se-*
6 *curity threat. Only through effective alien smuggling*
7 *statutes can the Justice Department, through the*
8 *United States Attorneys' Offices and the Domestic Se-*
9 *curity Section of the Criminal Division, prosecute*
10 *these cases successfully.*

11 (4) *Alien smuggling has a destabilizing effect on*
12 *border communities. State and local law enforcement,*
13 *medical personnel, social service providers, and the*
14 *faith community play important roles in combating*
15 *smuggling and responding to its effects.*

16 (5) *Existing penalties for alien smuggling are*
17 *insufficient to provide appropriate punishment for*
18 *alien smugglers.*

19 (6) *Existing alien smuggling laws often fail to*
20 *reach the conduct of alien smugglers, transporters, re-*
21 *cruiters, guides, and boat captains.*

22 (7) *Existing laws concerning failure to heave to*
23 *are insufficient to appropriately punish boat opera-*
24 *tors and crew who engage in the reckless transpor-*

1 (2) *by amending paragraphs (1) through (2) to*
2 *read as follows:*

3 “(1)(A) *Whoever, knowing or in reckless disregard of*
4 *the fact that an individual is an alien who lacks lawful*
5 *authority to come to, enter, or reside in the United States,*
6 *knowingly—*

7 *“(i) brings that individual to the United States*
8 *in any manner whatsoever regardless of any future*
9 *official action which may be taken with respect to*
10 *such individual;*

11 *“(ii) recruits, encourages, or induces that indi-*
12 *vidual to come to, enter, or reside in the United*
13 *States;*

14 *“(iii) transports or moves that individual in the*
15 *United States, in furtherance of their unlawful pres-*
16 *ence; or*

17 *“(iv) harbors, conceals, or shields from detection*
18 *the individual in any place in the United States, in-*
19 *cluding any building or any means of transportation;*
20 *or attempts or conspires to do so, shall be punished as pro-*
21 *vided in subparagraph (C).*

22 “(B) *Whoever, knowing that an individual is an alien,*
23 *brings that individual to the United States in any manner*
24 *whatsoever at a place, other than a designated port of entry*
25 *or place designated by the Secretary of Homeland Security,*

1 *regardless of whether such individual has received prior of-*
2 *ficial authorization to come to, enter, or reside in the*
3 *United States and regardless of any future official action*
4 *which may be taken with respect to such individual, or at-*
5 *tempts or conspires to do so, shall be punished as provided*
6 *in subparagraph (C).*

7 “(C) *Whoever commits an offense under this para-*
8 *graph shall, for each individual in respect to whom such*
9 *a violation occurs—*

10 “(i) *if the offense results in the death of any per-*
11 *son, be fined under title 18, United States Code, and*
12 *subject to the penalty of death or imprisonment for*
13 *any term of years or for life;*

14 “(ii) *if the offense involves kidnapping, an at-*
15 *tempt to kidnap, the conduct required for aggravated*
16 *sexual abuse (as defined in section 2241 of title 18,*
17 *United States Code, without regard to where it takes*
18 *place), or an attempt to commit such abuse, or an at-*
19 *tempt to kill, be fined under title 18, United States*
20 *Code, or imprisoned for any term of years or life, or*
21 *both;*

22 “(iii) *if the offense involves an individual who*
23 *the defendant knew was engaged in or intended to en-*
24 *gage in terrorist activity (as defined in section*

1 212(a)(3)(B)), be fined under title 18, United States
2 Code, or imprisoned not more than 30 years, or both;

3 “(iv) if the offense results in serious bodily in-
4 jury (as defined in section 1365 of title 18, United
5 States Code) or places in jeopardy the life of any per-
6 son, be fined under title 18, United States Code, or
7 imprisoned not more than 20 years, or both;

8 “(v) if the offense is a violation of paragraph
9 (1)(A)(i) and was committed for the purpose of profit,
10 commercial advantage, or private financial gain, or
11 if the offense was committed with the intent or reason
12 to believe that the individual unlawfully brought into
13 the United States will commit an offense against the
14 United States or any State that is punishable by im-
15 prisonment for more than 1 year, be fined under title
16 18, United States Code, and imprisoned, in the case
17 of a first or second violation, not less than 3 nor more
18 than 10 years, and for any other violation, not less
19 than 5 nor more than 15 years;

20 “(vi) if the offense is a violation of paragraphs
21 (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and
22 was committed for the purpose of profit, commercial
23 advantage, or private financial gain, be fined under
24 title 18, United States Code, or imprisoned not more
25 than 10 years, or both;

1 “(vii) if the offense involves the transit of the de-
2 fendant’s spouse, child, sibling, parent, grandparent,
3 or niece or nephew, and the offense is not described
4 in any of clauses (i) through (vi), be fined under title
5 18, United States Code, or imprisoned not more than
6 1 year, or both; and

7 “(viii) in any other case, be fined under title 18,
8 United States Code, or imprisoned not more than 5
9 years, or both.

10 “(2)(A) There is extraterritorial jurisdiction over the
11 offenses described in paragraph (1).

12 “(B) In a prosecution for a violation of, or an attempt
13 or conspiracy to violate, subsection (a)(1)(A)(i),
14 (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no
15 defense based on necessity can be raised unless the defend-
16 ant—

17 “(i) as soon as practicable, reported to the Coast
18 Guard the circumstances of the necessity, and if a res-
19 cue is claimed, the name, description, registry num-
20 ber, and location of the vessel engaging in the rescue;
21 and

22 “(ii) did not bring, attempt to bring, or in any
23 manner intentionally facilitate the entry of any alien
24 into the land territory of the United States without
25 lawful authority, unless exigent circumstances existed

1 *that placed the life of that alien in danger, in which*
2 *case the reporting requirement set forth in clause (i)*
3 *is satisfied by notifying the Coast Guard as soon as*
4 *practicable after delivering the alien to emergency*
5 *medical or law enforcement personnel ashore.*

6 “(C) *It is not a violation of, or an attempt or con-*
7 *spiracy to violate, clause (iii) or (iv) of paragraph (1)(A),*
8 *or paragraph (1)(A)(ii) (except if a person recruits, encour-*
9 *ages, or induces an alien to come to or enter the United*
10 *States), for a religious denomination having a bona fide*
11 *nonprofit, religious organization in the United States, or*
12 *the agents or officer of such denomination or organization,*
13 *to encourage, invite, call, allow, or enable an alien who is*
14 *present in the United States to perform the vocation of a*
15 *minister or missionary for the denomination or organiza-*
16 *tion in the United States as a volunteer who is not com-*
17 *pensated as an employee, notwithstanding the provision of*
18 *room, board, travel, medical assistance, and other basic liv-*
19 *ing expenses, provided the minister or missionary has been*
20 *a member of the denomination for at least one year.*

21 “(D) *For purposes of this paragraph and paragraph*
22 *(1)—*

23 “(i) *the term ‘United States’ means the several*
24 *States, the District of Columbia, the Commonwealth*
25 *of Puerto Rico, Guam, American Samoa, the United*

1 *States Virgin Islands, the Commonwealth of the*
2 *Northern Mariana Islands, and any other territory or*
3 *possession of the United States; and*

4 “(ii) the term ‘lawful authority’ means permis-
5 sion, authorization, or waiver that is expressly pro-
6 vided for in the immigration laws of the United
7 States or the regulations prescribed under those laws
8 and does not include any such authority secured by
9 fraud or otherwise obtained in violation of law or au-
10 thority that has been sought but not approved.”.

11 **SEC. 1205. MARITIME LAW ENFORCEMENT.**

12 (a) *PENALTIES.*—Subsection (b) of section 2237 of title
13 18, *United States Code*, is amended to read as follows:

14 “(b) Whoever intentionally violates this section shall—

15 “(1) if the offense results in death or involves
16 kidnapping, an attempt to kidnap, the conduct re-
17 quired for aggravated sexual abuse (as defined in sec-
18 tion 2241 without regard to where it takes place), or
19 an attempt to commit such abuse, or an attempt to
20 kill, be fined under such title or imprisoned for any
21 term of years or life, or both;

22 “(2) if the offense results in serious bodily injury
23 (as defined in section 1365 of this title) or transpor-
24 tation under inhumane conditions, be fined under
25 this title, imprisoned not more than 15 years, or both;

1 “(3) if the offense is committed in the course of
2 a violation of section 274 of the Immigration and Na-
3 tionality Act (alien smuggling); chapter 77 (peonage,
4 slavery, and trafficking in persons), section 111 (ship-
5 ping), 111A (interference with vessels), 113 (stolen
6 property), or 117 (transportation for illegal sexual
7 activity) of this title; chapter 705 (maritime drug law
8 enforcement) of title 46, or title II of the Act of June
9 15, 1917 (Chapter 30; 40 Stat. 220), be fined under
10 this title or imprisoned for not more than 10 years,
11 or both; and

12 “(4) in any other case, be fined under this title
13 or imprisoned for not more than 5 years, or both.”.

14 (b) *LIMITATION ON NECESSITY DEFENSE.*—Section
15 2237(c) of title 18, United States Code, is amended—

16 (1) by inserting “(1)” after “(c)”;

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

18 “(2) In a prosecution for a violation of this section,
19 no defense based on necessity can be raised unless the de-
20 fendant—

21 “(A) as soon as practicable upon reaching shore,
22 delivered the person with respect to which the neces-
23 sity arose to emergency medical or law enforcement
24 personnel;

1 “(B) as soon as practicable, reported to the Coast
2 Guard the circumstances of the necessity resulting
3 giving rise to the defense; and

4 “(C) did not bring, attempt to bring, or in any
5 manner intentionally facilitate the entry of any alien,
6 as that term is defined in section 101(a)(3) of the Im-
7 migration and Nationality Act (8 U.S.C. 1101
8 (a)(3)), into the land territory of the United States
9 without lawful authority, unless exigent cir-
10 cumstances existed that placed the life of that alien in
11 danger, in which case the reporting requirement of
12 subparagraph (B) is satisfied by notifying the Coast
13 Guard as soon as practicable after delivering that
14 person to emergency medical or law enforcement per-
15 sonnel ashore.”.

16 (c) *DEFINITION.*—Section 2237(e) of title 18, United
17 States Code, is amended—

18 (1) by striking “and” at the end of paragraph
19 (3);

20 (2) by striking the period at the end of para-
21 graph (4) and inserting “; and”; and

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

23 “(5) the term ‘transportation under inhumane
24 conditions’ means the transportation of persons in an
25 engine compartment, storage compartment, or other

1 *confined space, transportation at an excessive speed,*
2 *transportation of a number of persons in excess of the*
3 *rated capacity of the means of transportation, or in-*
4 *tentionally grounding a vessel in which persons are*
5 *being transported.”.*

6 **SEC. 1206. AMENDMENT TO THE SENTENCING GUIDELINES.**

7 *(a) IN GENERAL.—Pursuant to its authority under*
8 *section 994 of title 28, United States Code, and in accord-*
9 *ance with this section, the United States Sentencing Com-*
10 *mission shall review and, if appropriate, amend the sen-*
11 *tencing guidelines and policy statements applicable to per-*
12 *sons convicted of alien smuggling offenses and criminal fail-*
13 *ure to heave to or obstruction of boarding.*

14 *(b) CONSIDERATIONS.—In carrying out this section,*
15 *the Sentencing Commission, shall—*

16 *(1) consider providing sentencing enhancements*
17 *or stiffening existing enhancements for those convicted*
18 *of offenses described in subsection (a) that—*

19 *(A) involve a pattern of continued and fla-*
20 *grant violations;*

21 *(B) are part of an ongoing commercial or-*
22 *ganization or enterprise;*

23 *(C) involve aliens who were transported in*
24 *groups of 10 or more;*

1 (D) involve the transportation or abandon-
2 ment of aliens in a manner that endangered
3 their lives; or

4 (E) involve the facilitation of terrorist ac-
5 tivity; and

6 (2) consider cross-references to the guidelines for
7 Criminal Sexual Abuse and Attempted Murder.

8 (c) *EXPEDITED PROCEDURES.*—The Commission may
9 promulgate the guidelines or amendments under this section
10 in accordance with the procedures set forth in section 21(a)
11 of the Sentencing Act of 1987, as though the authority under
12 that Act had not expired.

13 **TITLE XIII—MISCELLANEOUS**
14 **PROVISIONS**

15 **SEC. 1301. CERTIFICATE OF DOCUMENTATION FOR GAL-**
16 **LANT LADY.**

17 Section 1120(c) of the Coast Guard Authorization Act
18 of 1996 (110 Stat. 3977) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “of Transportation” and in-
21 serting “of the department in which the Coast
22 Guard is operating”; and

23 (B) by striking subparagraph (A) and in-
24 serting the following:

1 “(A) the vessel *GALLANT LADY* (Leadship
2 *hull number 672, approximately 168 feet in*
3 *length).”;*

4 (2) *by striking paragraphs (3) and (4) and re-*
5 *designating paragraph (5) as paragraph (3); and*

6 (3) *in paragraph (3) (as so redesignated) by*
7 *striking all after “shall expire” and inserting “on the*
8 *date of the sale of the vessel by the owner.”.*

9 **SEC. 1302. WAIVERS.**

10 *Notwithstanding section 12112 and chapter 551 of title*
11 *46, United States Code, the Secretary of the department in*
12 *which the Coast Guard is operating may issue a certificate*
13 *of documentation with a coastwise endorsement for the fol-*
14 *lowing vessels:*

15 (1) *OCEAN VERITAS* (IMO Number 7366805).

16 (2) *MAYA* (United States official number
17 11073).

18 (3) *ZIPPER* (State of New York regulation
19 number NY3205EB).

20 (4) *GULF DIVER IV* (United States official
21 number 553457).

22 (5) *M/V GEYSIR* (United States official number
23 622178).

1 **SEC. 1303. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

2 *Section 605 of the Coast Guard and Maritime Trans-*
3 *portation Act of 2004 (118 Stat. 1052) is amended—*

4 *(1) in subsection (b)(1)—*

5 *(A) by striking “The Secretary of Transpor-*
6 *tation shall conduct a study that” and inserting*
7 *“The Institute shall conduct maritime transpor-*
8 *tation studies of the Great Lakes region, includ-*
9 *ing studies that”;*

10 *(B) in subparagraphs (A), (B), (C), (E),*
11 *(F), (H), (I), and (J) by striking “evaluates”*
12 *and inserting “evaluate”;*

13 *(C) in subparagraphs (D) and (G) by strik-*
14 *ing “analyzes” and inserting “analyze”;*

15 *(D) by striking “and” at the end of sub-*
16 *paragraph (I);*

17 *(E) by striking the period at the end of sub-*
18 *paragraph (J) and inserting a semicolon;*

19 *(F) by adding at the end the following:*

20 *“(K) identify ways to improve the integra-*
21 *tion of the Great Lakes marine transportation*
22 *system into the national transportation system;*

23 *“(L) examine the potential of expanded op-*
24 *erations on the Great Lakes marine transpor-*
25 *tation system;*

1 “(M) identify ways to include intelligent
2 transportation applications into the Great Lakes
3 marine transportation system;

4 “(N) analyze the effects and impacts of
5 aging infrastructure and port corrosion on the
6 Great Lakes marine transportation system;

7 “(O) establish and maintain a model Great
8 Lakes marine transportation system database;
9 and

10 “(P) identify market opportunities for, and
11 impediments to, the use of United States-flag
12 vessels in trade with Canada on the Great
13 Lakes.”; and

14 (2) by striking subsection (b)(4) and inserting
15 the following:

16 “(4) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to carry out
18 paragraph (1)—

19 “(A) \$2,400,000 for fiscal year 2010;

20 “(B) \$2,500,000 for fiscal year 2011;

21 “(C) \$2,600,000 for fiscal year 2012; and

22 “(D) \$2,700,000 for fiscal year 2013.”.

23 **SEC. 1304. CONVEYANCE OF COAST GUARD BOAT HOUSE,**
24 **NANTUCKET, MASSACHUSETTS.**

25 (a) **STATION BRANT POINT BOAT HOUSE.**—

1 (1) *REQUIREMENT.*—*The Secretary of the de-*
2 *partment in which the Coast Guard is operating shall*
3 *convey to the town of Nantucket, Massachusetts, all*
4 *right, title, and interest of the United States in and*
5 *to the buildings known as the Station Brant Point*
6 *Boat House located at Coast Guard Station Brant*
7 *Point, Nantucket, Massachusetts, for use for a public*
8 *purpose.*

9 (2) *TERMS OF CONVEYANCE.*—*A conveyance of*
10 *the building under paragraph (1) shall be made—*

11 (A) *without the payment of consideration;*

12 *and*

13 (B) *subject to appropriate terms and condi-*
14 *tions the Secretary considers necessary.*

15 (3) *REVERSIONARY INTEREST.*—*All right, title,*
16 *and interest in property conveyed under this sub-*
17 *section shall revert to the United States if any por-*
18 *tion of the property is used other than for a public*
19 *purpose.*

20 (b) *LEASE.*—

21 (1) *REQUIREMENT.*—*The Secretary of the de-*
22 *partment in which the Coast Guard is operating shall*
23 *enter into a lease with the town of Nantucket that au-*
24 *thorizes the town of Nantucket to occupy the land on*
25 *which the buildings conveyed under subsection (a) are*

1 *located, subject to appropriate terms and conditions*
2 *the Secretary considers necessary.*

3 (2) *LEASE TERM.*—*A lease under this subsection*
4 *shall not expire before January 31, 2033.*

5 (3) *TERMINATION OF LEASE.*—*If the Secretary*
6 *determines that the property leased under paragraph*
7 *(1) is necessary for purposes of the Coast Guard, the*
8 *Secretary—*

9 (A) *may terminate the lease without pay-*
10 *ment of compensation; and*

11 (B) *shall provide the town of Nantucket not*
12 *less than 12 months notice of the requirement to*
13 *vacate the site and move the buildings conveyed*
14 *under subsection (a) to another location.*

15 **SEC. 1305. CREW WAGES ON PASSENGER VESSELS.**

16 (a) *FOREIGN AND INTERCOASTAL VOYAGES.*—

17 (1) *CAP ON PENALTY WAGES.*—*Section 10313(g)*
18 *of title 46, United States Code, is amended—*

19 (A) *by striking “When” and inserting “(1)*
20 *Subject to paragraph (2), when”; and*

21 (B) *by adding at the end the following:*

22 “(2) *The total amount required to be paid under para-*
23 *graph (1) with respect to all claims in a class action suit*
24 *by seamen on a passenger vessel capable of carrying more*
25 *than 500 passengers for wages under this section against*

1 *a vessel master, owner, or operator or the employer of the*
2 *seamen shall not exceed ten times the unpaid wages that*
3 *are the subject of the claims.*

4 “(3) *A class action suit for wages under this subsection*
5 *must be commenced within three years after the later of—*

6 “(A) *the date of the end of the last voyage for*
7 *which the wages are claimed; or*

8 “(B) *the receipt, by a seaman who is a claimant*
9 *in the suit, of a payment of wages that are the subject*
10 *of the suit that is made in the ordinary course of em-*
11 *ployment.”.*

12 (2) *DEPOSITS.—Section 10315 of such title is*
13 *amended by adding at the end the following:*

14 “(f) *DEPOSITS IN SEAMAN ACCOUNT.—By written re-*
15 *quest signed by the seaman, a seaman employed on a pas-*
16 *senger vessel capable of carrying more than 500 passengers*
17 *may authorize the master, owner, or operator of the vessel,*
18 *or the employer of the seaman, to make deposits of wages*
19 *of the seaman into a checking, savings, investment, or re-*
20 *tirement account, or other account to secure a payroll or*
21 *debit card for the seaman if—*

22 “(1) *the wages designated by the seaman for such*
23 *deposit are deposited in a United States or inter-*
24 *national financial institution designated by the sea-*
25 *man;*

1 “(2) such deposits in the financial institution
2 are fully guaranteed under commonly accepted inter-
3 national standards by the government of the country
4 in which the financial institution is licensed;

5 “(3) a written wage statement or pay stub, in-
6 cluding an accounting of any direct deposit, is deliv-
7 ered to the seaman no less often than monthly; and

8 “(4) while on board the vessel on which the sea-
9 man is employed, the seaman is able to arrange for
10 withdrawal of all funds on deposit in the account in
11 which the wages are deposited.”.

12 (b) COASTWISE VOYAGES.—

13 (1) CAP ON PENALTY WAGES.—Section 10504(c)
14 of such title is amended—

15 (A) by striking “When” and inserting “(1)
16 Subject to subsection (d), and except as provided
17 in paragraph (2), when”; and

18 (B) by inserting at the end the following:

19 “(2) The total amount required to be paid under para-
20 graph (1) with respect to all claims in a class action suit
21 by seamen on a passenger vessel capable of carrying more
22 than 500 passengers for wages under this section against
23 a vessel master, owner, or operator or the employer of the
24 seamen shall not exceed ten times the unpaid wages that
25 are the subject of the claims.

1 “(3) *A class action suit for wages under this subsection*
2 *must be commenced within three years after the later of—*

3 “(A) *the date of the end of the last voyage for*
4 *which the wages are claimed; or*

5 “(B) *the receipt, by a seaman who is a claimant*
6 *in the suit, of a payment of wages that are the subject*
7 *of the suit that is made in the ordinary course of em-*
8 *ployment.”.*

9 (2) *DEPOSITS.—Section 10504 of such title is*
10 *amended by adding at the end the following:*

11 “(f) *DEPOSITS IN SEAMAN ACCOUNT.—On written re-*
12 *quest signed by the seaman, a seaman employed on a pas-*
13 *senger vessel capable of carrying more than 500 passengers*
14 *may authorize, the master, owner, or operator of the vessel,*
15 *or the employer of the seaman, to make deposits of wages*
16 *of the seaman into a checking, savings, investment, or re-*
17 *tirement account, or other account to secure a payroll or*
18 *debit card for the seaman if—*

19 “(1) *the wages designated by the seaman for such*
20 *deposit are deposited in a United States or inter-*
21 *national financial institution designated by the sea-*
22 *man;*

23 “(2) *such deposits in the financial institution*
24 *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. 1306. TECHNICAL CORRECTIONS.**

11 (a) *COAST GUARD AND MARITIME TRANSPORTATION*
12 *ACT OF 2006.—Effective with enactment of the Coast Guard*
13 *and Maritime Transportation Act of 2006 (Public Law*
14 *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 strik-*
19 *ing “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C.*
20 *2704(a)(2)”;*

21 (3) *in section 901(r)(2) (120 Stat. 566) by strik-*
22 *ing “the” the second place it appears;*

23 (4) *in section 902(c) (120 Stat. 566) by inserting*
24 *“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 sub-
11 paragraph (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”; and

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” be-*
9 *fore “and inserting”.*

10 (b) *TITLE 14.—*

11 (1) *The analysis for chapter 7 of title 14, United*
12 *States Code, is amended by adding a period at the*
13 *end of the item relating to section 149.*

14 (2) *The analysis for chapter 17 of title 14,*
15 *United States Code, is amended by adding a period*
16 *at the end of the item relating to section 677.*

17 (3) *The analysis for chapter 9 of title 14, United*
18 *States Code, is amended by adding a period at the*
19 *end of the item relating to section 198.*

20 (c) *TITLE 46.—*

21 (1) *The analysis for chapter 81 of title 46,*
22 *United States Code, is amended by adding a period*
23 *at the end of the item relating to section 8106.*

1 *and Maritime Education Center, LLC, located in the State*
2 *of Alaska if the recipient—*

3 *(1) agrees—*

4 *(A) to use the vessel for purposes of a mu-*
5 *seum and historical display;*

6 *(B) not to use the vessel for commercial*
7 *transportation purposes;*

8 *(C) to make the vessel available to the*
9 *United States Government if needed for use by*
10 *the Commandant in time of war or a national*
11 *emergency; and*

12 *(D) to hold the Government harmless for*
13 *any claims arising from exposure to hazardous*
14 *materials, including asbestos and poly-*
15 *chlorinated biphenyls, after conveyance of the*
16 *vessel, except for claims arising from the use by*
17 *the Government under subparagraph (C);*

18 *(2) has funds available that will be committed to*
19 *operate and maintain in good working condition the*
20 *vessel conveyed, in the form of cash, liquid assets, or*
21 *a written loan commitment and in an amount of at*
22 *least \$700,000; and*

23 *(3) agrees to any other conditions the Com-*
24 *mandant considers appropriate.*

25 *(b) MAINTENANCE AND DELIVERY OF VESSEL.—*

1 (1) *MAINTENANCE.*—*Before conveyance of the*
2 *vessel under this section, the Commandant shall make,*
3 *to the extent practical and subject to other Coast*
4 *Guard mission requirements, every effort to maintain*
5 *the integrity of the vessel and its equipment until the*
6 *time of delivery.*

7 (2) *DELIVERY.*—*If a conveyance is made under*
8 *this section, the Commandant shall deliver the vessel*
9 *to a suitable mooring in the local area in its present*
10 *condition.*

11 (3) *TREATMENT OF CONVEYANCE.*—*The convey-*
12 *ance of the vessel under this section shall not be con-*
13 *sidered a distribution in commerce for purposes of*
14 *section 6(e) of Public Law 94-469 (15 U.S.C.*
15 *2605(e)).*

16 (c) *OTHER EXCESS EQUIPMENT.*—*The Commandant*
17 *may convey to the recipient of a conveyance under sub-*
18 *section (a) any excess equipment or parts from other decom-*
19 *missioned Coast Guard vessels for use to enhance the oper-*
20 *ability and function of the vessel conveyed under subsection*
21 *(a) for purposes of a museum and historical display.*

22 **SEC. 1308. CONVEYANCE OF COAST GUARD HU-25 FALCON**
23 **JET AIRCRAFT.**

24 (a) *AUTHORITY TO CONVEY.*—*Notwithstanding any*
25 *other law, the Commandant of the Coast Guard may convey*

1 *to the Elizabeth City State University (in this section re-*
2 *ferred to as the “University”), a public university located*
3 *in the State of North Carolina, without consideration all*
4 *right, title, and interest of the United States in an HU-*
5 *25 Falcon Jet aircraft under the administrative jurisdic-*
6 *tion of the Coast Guard that the Commandant determines—*

7 (1) *is appropriate for use by the University; and*

8 (2) *is excess to the needs of the Coast Guard.*

9 (b) *CONDITIONS.—*

10 (1) *IN GENERAL.—As a condition of conveying*
11 *an aircraft to the University under subsection (a), the*
12 *Commandant shall enter into an agreement with the*
13 *University under which the University agrees—*

14 (A) *to utilize the aircraft for educational*
15 *purposes or other public purposes as jointly*
16 *agreed upon by the Commandant and the Uni-*
17 *versity before conveyance; and*

18 (B) *to hold the United States harmless for*
19 *any claim arising with respect to the aircraft*
20 *after conveyance of the aircraft.*

21 (2) *REVERSIONARY INTEREST.—If the Com-*
22 *mandant determines that the recipient violated sub-*
23 *paragraph (A) or (B) of paragraph (1), then—*

24 (A) *all right, title, and interest in the air-*
25 *craft shall revert to the United States;*

1 (B) the United States shall have the right to
2 immediate possession of the aircraft; and

3 (C) the recipient shall pay the United
4 States for its costs incurred in recovering the
5 aircraft for such violation.

6 (c) *LIMITATION ON FUTURE TRANSFERS.*—

7 (1) *IN GENERAL.*—The Commandant shall in-
8 clude in the instruments for the conveyance a require-
9 ment that any further conveyance of an interest in
10 the aircraft may not be made without the approval in
11 advance of the Commandant.

12 (2) *REVERSIONARY INTEREST.*—If the Com-
13 mandant determines that an interest in the aircraft
14 was conveyed without such approval, then—

15 (A) all right, title, and interest in the air-
16 craft shall revert to the United States;

17 (B) the United States shall have the right to
18 immediate possession of the aircraft; and

19 (C) the recipient shall pay the United
20 States for its costs incurred in recovering the
21 aircraft for such a violation.

22 (d) *DELIVERY OF AIRCRAFT.*—The Commandant shall
23 deliver the aircraft conveyed under subsection (a)—

24 (1) at the place where the aircraft 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 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Com-*
5 *mandant may require such additional terms and conditions*
6 *in connection with the conveyance required by subsection*
7 *(a) as the Commandant considers appropriate to protect*
8 *the interests of the United States.*

9 **SEC. 1309. DECOMMISSIONED COAST GUARD VESSELS FOR**
10 **HAITI.**

11 (a) *IN GENERAL.—Notwithstanding any other law,*
12 *upon the scheduled decommissioning of any Coast Guard*
13 *41-foot patrol boat, the Commandant of the Coast Guard*
14 *shall give the Government of Haiti a right-of-first-refusal*
15 *for conveyance of that vessel to the Government of Haiti,*
16 *if that Government of Haiti agrees—*

17 (1) *to use the vessel for the Coast Guard of*
18 *Haiti;*

19 (2) *to make the vessel available to the United*
20 *States Government if needed for use by the Com-*
21 *mandant in time of war or national emergency;*

22 (3) *to hold the United States Government harm-*
23 *less for any claims arising from exposure to haz-*
24 *ardous materials, including asbestos and poly-*
25 *chlorinated biphenyls, after conveyance of the vessel,*

1 *except for claims arising from the use by the United*
2 *States Government under paragraph (2); and*

3 *(4) to any other conditions the Commandant*
4 *considers appropriate.*

5 *(b) LIMITATION.—The Commandant may not convey*
6 *more than 10 vessels to the Government of Haiti pursuant*
7 *to this section.*

8 *(c) MAINTENANCE AND DELIVERY OF VESSEL.—*

9 *(1) MAINTENANCE.—Before conveyance of a ves-*
10 *sel under this section, the Commandant shall make, to*
11 *the extent practical and subject to other Coast Guard*
12 *mission requirements, every effort to maintain the in-*
13 *tegrity of the vessel and its equipment until the time*
14 *of delivery.*

15 *(2) DELIVERY.—If a conveyance is made under*
16 *this section, the Commandant shall deliver a vessel to*
17 *a suitable mooring in the local area in its present*
18 *condition.*

19 *(3) TREATMENT OF CONVEYANCE.—The convey-*
20 *ance of a vessel under this section shall not be consid-*
21 *ered a distribution in commerce for purposes of sec-*
22 *tion 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).*

1 **SEC. 1310. PHASEOUT OF VESSELS SUPPORTING OIL AND**
2 **GAS DEVELOPMENT.**

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

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

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

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

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

17 (b) *EXPIRATION.*—Irrespective of the year in which the
18 commitment referred to in subsection (a)(2)(A) occurs, for-
19 eign-flag anchor handling vessels may not be employed for
20 the setting, relocation, or recovery of anchors or other moor-
21 ing equipment of a mobile offshore drilling unit after De-
22 cember 31, 2017.

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

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

5 *(d) SAVINGS PROVISION.—Nothing in subsection (a)*
6 *may be construed to authorize the employment in the coast-*
7 *wise trade of a vessel that does not meet the requirements*
8 *of section 12112 of title 46, United States Code.*

9 **SEC. 1311. VESSEL TRAFFIC RISK ASSESSMENT.**

10 *(a) REQUIREMENT.—The Commandant of the Coast*
11 *Guard, acting through the appropriate Area Committee es-*
12 *tablished under section 311(j)(4) of the Federal Water Pol-*
13 *lution Control Act, shall prepare a vessel traffic risk assess-*
14 *ment for Cook Inlet, Alaska, within one year after the date*
15 *of enactment of this Act.*

16 *(b) CONTENTS.—The assessment shall describe, for the*
17 *region covered by the assessment—*

18 *(1) the amount and character of present and es-*
19 *timated future shipping traffic in the region; and*

20 *(2) the current and projected use and effective-*
21 *ness in reducing risk, of—*

22 *(A) traffic separation schemes and routing*
23 *measures;*

1 (B) long-range vessel tracking systems devel-
2 oped under section 70115 of title 46, United
3 States Code;

4 (C) towing, response, or escort tugs;

5 (D) vessel traffic services;

6 (E) emergency towing packages on vessels;

7 (F) increased spill response equipment in-
8 cluding equipment appropriate for severe weath-
9 er and sea conditions;

10 (G) the Automatic Identification System de-
11 veloped under section 70114 of title 46, United
12 States Code;

13 (H) particularly sensitive sea areas, areas
14 to be avoided, and other traffic exclusion zones;

15 (I) aids to navigation; and

16 (J) vessel response plans.

17 (c) *RECOMMENDATIONS.*—

18 (1) *IN GENERAL.*—The assessment shall include
19 any appropriate recommendations to enhance the
20 safety, or lessen potential adverse environmental im-
21 pacts, of marine shipping.

22 (2) *CONSULTATION.*—Before making any rec-
23 ommendations under paragraph (1) for a region, the
24 Area Committee shall consult with affected local,
25 State, and Federal government agencies, representa-

1 *tives of the fishing industry, Alaska Natives from the*
2 *region, the conservation community, and the mer-*
3 *chant shipping and oil transportation industries.*

4 *(d) PROVISION TO CONGRESS.—The Commandant*
5 *shall provide a copy of the assessment to the Committee on*
6 *Transportation and Infrastructure of the House of Rep-*
7 *resentatives and the Committee on Commerce, Science, and*
8 *Transportation of the Senate.*

9 *(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to the Commandant*
11 *\$1,000,000 for fiscal year 2010 to the conduct the assess-*
12 *ment.*

13 **SEC. 1312. STUDY OF RELOCATION OF COAST GUARD SEC-**
14 **TOR BUFFALO FACILITIES.**

15 *(a) PURPOSES.—The purposes of this section are—*

16 *(1) to authorize a project study to evaluate the*
17 *feasibility of consolidating and relocating Coast*
18 *Guard facilities at Coast Guard Sector Buffalo within*
19 *the study area;*

20 *(2) to obtain a preliminary plan for the design,*
21 *engineering, and construction for the consolidation of*
22 *Coast Guard facilities at Sector Buffalo; and*

23 *(3) to distinguish what Federal lands, if any,*
24 *shall be identified as excess after the consolidation.*

25 *(b) DEFINITIONS.—In this section:*

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

3 (2) *SECTOR BUFFALO.*—*The term “Sector Buf-*
4 *falo” means Coast Guard Sector Buffalo of the Ninth*
5 *Coast Guard District.*

6 (3) *STUDY AREA.*—*The term “study area” means*
7 *the area consisting of approximately 31 acres of real*
8 *property and any improvements thereon that are*
9 *commonly identified as Coast Guard Sector Buffalo,*
10 *located at 1 Fuhrmann Boulevard, Buffalo, New*
11 *York, and under the administrative control of the*
12 *Coast Guard.*

13 (c) *STUDY.*—

14 (1) *IN GENERAL.*—*Within 12 months after the*
15 *date on which funds are first made available to carry*
16 *out this section, the Commandant shall conduct a*
17 *project proposal report of the study area and shall*
18 *submit such report to the Committee on Commerce,*
19 *Science, and Transportation of the Senate and the*
20 *Committee on Transportation and Infrastructure of*
21 *the House of Representatives.*

22 (2) *REQUIREMENTS.*—*The project proposal re-*
23 *port shall—*

1 (A) evaluate the most cost-effective method
2 for providing shore facilities to meet the oper-
3 ational requirements of Sector Buffalo;

4 (B) determine the feasibility of consoli-
5 dating and relocating shore facilities on a por-
6 tion of the existing site, while—

7 (i) meeting the operational require-
8 ments of Sector Buffalo; and

9 (ii) allowing the expansion of oper-
10 ational requirements of Sector Buffalo; and

11 (C) contain a preliminary plan for the de-
12 sign, engineering, and construction of the pro-
13 posed project, including—

14 (i) the estimated cost of the design, en-
15 gineering, and construction of the proposed
16 project;

17 (ii) an anticipated timeline of the pro-
18 posed project; and

19 (iii) a description of what Federal
20 lands, if any, shall be considered excess to
21 Coast Guard needs.

22 (d) *LIMITATION.*—Nothing in this section shall affect
23 the current administration and management of the study
24 area.

1 **SEC. 1313. CONVEYANCE OF COAST GUARD VESSELS TO**
2 **MISSISSIPPI.**

3 (a) *AUTHORITY TO CONVEY.*—Notwithstanding the
4 *Federal Property and Administrative Services Act of 1949,*
5 *the Commandant of the Coast Guard may convey to each*
6 *recipient described in subsection (b) (in this section referred*
7 *to as the “Sheriff’s Department”), without consideration all*
8 *right, title, and interest of the United States in and to a*
9 *Coast Guard trailerable boat, ranging from 17 feet to 30*
10 *feet in size, that the Commandant determines—*

11 (1) *is appropriate for use by the Sheriff’s De-*
12 *partment; and*

13 (2) *is excess to the needs of the Coast Guard and*
14 *the Department of Homeland Security.*

15 (b) *RECIPIENTS.*—*The recipients referred to in sub-*
16 *section (a) are the following:*

17 (1) *The Sheriff’s Department of Coahoma Coun-*
18 *ty, Mississippi.*

19 (2) *The Sheriff’s Department of Warren County,*
20 *Mississippi.*

21 (3) *The Sheriff’s Department of Washington*
22 *County, Mississippi.*

23 (c) *CONDITION.*—*As a condition of conveying a vessel*
24 *under the authority provided in subsection (a), the Com-*
25 *mandant shall enter into an agreement with the Sheriff’s*
26 *Department under which the Sheriff’s Department agrees—*

1 (1) *to utilize the vessel for homeland security*
2 *and other appropriate purposes as jointly agreed*
3 *upon by the Commandant and the Sheriff's Depart-*
4 *ment before conveyance; and*

5 (2) *to take the vessel "as is" and to hold the*
6 *United States harmless for any claim arising with re-*
7 *spect to that vessel after conveyance of the vessel, in-*
8 *cluding any claims arising from the condition of the*
9 *vessel and its equipment or exposure to hazardous*
10 *materials.*

11 (d) *DELIVERY OF VESSEL.*—*The Commandant shall*
12 *deliver the vessel conveyed under the authority provided in*
13 *subsection (a)—*

14 (1) *at the place where the vessel is located on the*
15 *date of the conveyance;*

16 (2) *in its condition on the date of conveyance;*
17 *and*

18 (3) *without cost to the United States.*

19 (e) *OTHER EXCESS EQUIPMENT.*—*The Commandant*
20 *may further convey any excess equipment or parts from*
21 *other Coast Guard vessels, which are excess to the needs of*
22 *the Coast Guard and the Department of Homeland Secu-*
23 *rity, to the Sheriff's Department for use to enhance the oper-*
24 *ability of the vessel conveyed under the authority provided*
25 *in subsection (a).*

1 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Com-*
2 *mandant may require such additional terms and conditions*
3 *in connection with the conveyance authorized by subsection*
4 *(a) as the Commandant considers appropriate to protect*
5 *the interests of the United States.*

6 **SEC. 1314. COAST GUARD ASSETS FOR UNITED STATES VIR-**
7 **GIN ISLANDS.**

8 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
9 *rity may station additional Coast Guard assets in the*
10 *United States Virgin Islands for port security and other*
11 *associated purposes.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
13 *authorized to be appropriated to the Secretary for fiscal*
14 *year 2010 such sums as are necessary to carry out this sec-*
15 *tion.*

16 **SEC. 1315. OFFICER REQUIREMENTS FOR DISTANT WATER**
17 **TUNA VESSELS.**

18 Section 8103 of title 46, United States Code, is amend-
19 *ed by adding at the end the follow new subsection:*

20 “(l) *OFFICER REQUIREMENTS FOR DISTANT WATER*
21 *TUNA VESSELS.*—

22 “(1) *CITIZENSHIP.*—*Notwithstanding subsection*
23 *(a), a purse seine tuna fishing vessel documented*
24 *under chapter 121 fishing exclusively for highly mi-*
25 *gratory species under a fishing license issued pursu-*

1 *ant to the 1987 Treaty on Fisheries Between the Gov-*
2 *ernments of Certain Pacific Islands States and the*
3 *Government of the United States of America in the*
4 *treaty area (as that term is used in that treaty), or*
5 *transiting to or from the treaty area exclusively for*
6 *such purpose, may engage an individual who is not*
7 *a citizen of the United States to fill a vacancy in a*
8 *position referred to in subsection (a) (except for the*
9 *master) if, after timely public notice of the vacancy,*
10 *no United States citizens are readily available to fill*
11 *the vacancy.*

12 *“(2) RESTRICTIONS.—*

13 *“(A) IN GENERAL.—An individual may not*
14 *be engaged under paragraph (1) unless the indi-*
15 *vidual holds a valid license or certificate*
16 *issued—*

17 *“(i) in accordance with the standards*
18 *established by the 1995 amendments to the*
19 *Convention on Standards of Training, Cer-*
20 *tification and Watchkeeping for Seafarers,*
21 *1978 (STCW 95); and*

22 *“(ii) by an authority that the Sec-*
23 *retary of the department in which the Coast*
24 *Guard is operating recognizes as imposing*
25 *competency and training standards equiva-*

1 *lent to or exceeding those required for a*
2 *issued under chapter 71.*

3 “(B) *LIMITATION ON APPLICATION.—Para-*
4 *graph (1) applies only to engagement of an indi-*
5 *vidual on a vessel that—*

6 “(i) *is homeported in American*
7 *Samoa, Guam, or the Northern Mariana Is-*
8 *lands; and*

9 “(ii) *has passed an annual commercial*
10 *fishing vessel safety exam administered by a*
11 *individual authorized to enforce this title.*

12 “(3) *TREATMENT OF EQUIVALENT LICENSE.—*
13 *The Secretary of the department in which the Coast*
14 *Guard is operating shall treat a license held by an*
15 *individual engaged under paragraph (1) that was*
16 *issued by a foreign government as meeting the re-*
17 *quirements of section 8304 with respect to that en-*
18 *gagement, if the Secretary determines that the stand-*
19 *ards for issuing that license are equivalent to the*
20 *standards that apply under that section.”.*

21 **SEC. 1316. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
22 **GUARD PRESENCE IN HIGH LATITUDE RE-**
23 **GIONS.**

24 *Within 270 days after the date of enactment of this*
25 *Act, the Secretary of the department in which the Coast*

1 *Guard is operating shall submit a report to the Committee*
2 *on Commerce, Science, and Transportation of the Senate*
3 *and the Committee on Transportation and Infrastructure*
4 *of the House of Representatives assessing the need for addi-*
5 *tional Coast Guard prevention and response capability in*
6 *the high latitude regions. The assessment shall address needs*
7 *for all Coast Guard mission areas, including search and*
8 *rescue, marine pollution response and prevention, fisheries*
9 *enforcement, and maritime commerce. The Secretary shall*
10 *include in the report—*

11 (1) *an assessment of the high latitude operating*
12 *capabilities of all current Coast Guard assets, includ-*
13 *ing assets acquired under the Deepwater program;*

14 (2) *an assessment of projected needs for Coast*
15 *Guard forward operating bases in the high latitude*
16 *regions;*

17 (3) *an assessment of shore infrastructure, per-*
18 *sonnel, logistics, communications, and resources re-*
19 *quirements to support Coast Guard forward operating*
20 *bases in the high latitude regions;*

21 (4) *an assessment of the need for high latitude*
22 *icebreaking capability and the capability of the cur-*
23 *rent high latitude icebreaking assets of the Coast*
24 *Guard, including—*

1 (A) whether the Coast Guard's high latitude
2 icebreaking fleet is meeting current mission per-
3 formance goals;

4 (B) whether the fleet is capable of meeting
5 projected mission performance goals; and

6 (C) an assessment of the material condition,
7 safety, and working conditions aboard high lati-
8 tude icebreaking assets, including the effect of
9 those conditions on mission performance;

10 (5) a detailed estimate of acquisition costs for
11 each of the assets (including shore infrastructure) nec-
12 essary for additional prevention and response capa-
13 bility in high latitude regions for all Coast Guard
14 mission areas, and an estimate of operations and
15 maintenance costs for such assets for the initial 10-
16 year period of operations; and

17 (6) detailed cost estimates (including operating
18 and maintenance for a period of 10 years) for high
19 latitude icebreaking capability to ensure current and
20 projected future mission performance goals are met,
21 including estimates of the costs to—

22 (A) renovate and modernize the Coast
23 Guard's existing high latitude icebreaking fleet;
24 and

1 (B) replace the Coast Guard's existing high
2 latitude icebreaking fleet.

3 **SEC. 1317. STUDY OF REGIONAL RESPONSE VESSEL AND**
4 **SALVAGE CAPABILITY FOR OLYMPIC PENIN-**
5 **SULA COAST, WASHINGTON.**

6 No later than 180 days after the date of enactment of
7 this Act, the Secretary of the department in which the Coast
8 Guard is operating shall study through the National Acad-
9 emy of Sciences the need for regional response vessel and
10 salvage capability for the State of Washington Olympic Pe-
11 ninsula coast. In conducting the study, the National Acad-
12 emy of Sciences shall consult with Federal, State, and tribal
13 officials and other relevant stakeholders. The study shall—

14 (1) identify the capabilities, equipment, and fa-
15 cilities necessary for a response vessel in the entry to
16 the Strait of Juan de Fuca at Neah Bay in order to
17 optimize oil spill protection on Washington's Olympic
18 Peninsula coast and provide rescue towing services,
19 oil spill response, and salvage and firefighting capa-
20 bilities;

21 (2) analyze the multimission capabilities nec-
22 essary for a rescue vessel and the need for that vessel
23 to utilize cached salvage, oil spill response, and oil
24 storage equipment while responding to a spill or a

1 *vessel in distress, and make recommendations as to*
2 *the placement of such equipment;*

3 *(3) address scenarios that consider all vessel*
4 *types and weather conditions and compare current*
5 *Neah Bay rescue vessel capabilities, costs, and benefits*
6 *with other United States industry-funded response*
7 *vessels, including those currently operating in Alas-*
8 *ka's Prince William Sound;*

9 *(4) determine whether the current level of protec-*
10 *tion afforded by the Neah Bay response vessel and as-*
11 *sociated response equipment is comparable to protec-*
12 *tion in other locations where response vessels operate,*
13 *including Prince William Sound, Alaska, and if it is*
14 *not comparable, make recommendations regarding*
15 *how capabilities, equipment, and facilities should be*
16 *modified to achieve optimum protection; and*

17 *(5) consider pending firefighting and salvage*
18 *regulations developed pursuant to the Oil Pollution*
19 *Act of 1990.*

20 **SEC. 1318. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

21 *The Secretary of Transportation shall submit to the*
22 *Committee on Commerce, Science, and Transportation of*
23 *the Senate and the Committee on Transportation and In-*
24 *frastructure of the House of Representatives a comprehen-*
25 *sive study on the proposed construction or alteration of any*

1 *bridge, drawbridge, or causeway over navigable waters with*
2 *a channel depth of 25 feet or greater of the United States*
3 *that may impede or obstruct future navigation to or from*
4 *port facilities.*

5 **SEC. 1319. LIMITATION ON JURISDICTION OF STATES TO**
6 **TAX CERTAIN SEAMEN.**

7 *Section 11108(b)(2)(B) of title 46, United States Code,*
8 *is amended to read as follows:*

9 *“(B) who performs regularly assigned duties*
10 *while engaged as a master, officer, or crewman*
11 *on a vessel operating on navigable waters in 2*
12 *or more States.”.*

13 **SEC. 1320. DECOMMISSIONED COAST GUARD VESSELS FOR**
14 **BERMUDA.**

15 *(a) IN GENERAL.—Notwithstanding any other law,*
16 *upon the scheduled decommissioning of any Coast Guard*
17 *41-foot patrol boat and after the Government of Haiti has*
18 *exercised all of their options under section 1309, the Com-*
19 *mandant of the Coast Guard shall give the Government of*
20 *Bermuda a right-of-first-refusal for conveyance of that ves-*
21 *sel to the Government of Bermuda, if that Government of*
22 *Bermuda agrees—*

23 *(1) to use the vessel for the Coast Guard of Ber-*
24 *muda;*

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 harm-*
5 *less for any claims arising from exposure to haz-*
6 *ardous 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 3 vessels to the Government of Bermuda pursu-*
14 *ant to this section.*

15 (c) *MAINTENANCE AND DELIVERY OF VESSEL.*—

16 (1) *MAINTENANCE.*—*Before conveyance of a ves-*
17 *sel under this section, the Commandant shall make, to*
18 *the extent practical and subject to other Coast Guard*
19 *mission requirements, every effort to maintain the in-*
20 *tegrity of the vessel and its equipment until the time*
21 *of delivery.*

22 (2) *DELIVERY.*—*If a conveyance is made under*
23 *this section, the Commandant shall deliver a vessel to*
24 *a suitable mooring in the local area in its present*
25 *condition.*

1 (3) *TREATMENT OF CONVEYANCE.*—*The convey-*
2 *ance of a vessel under this section shall not be consid-*
3 *ered a distribution in commerce for purposes of sec-*
4 *tion 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).*

5 **SEC. 1321. CONVEYANCE OF COAST GUARD VESSELS TO**
6 **NASSAU COUNTY, NEW YORK.**

7 (a) *AUTHORITY TO CONVEY.*—*Notwithstanding the*
8 *Federal Property and Administrative Services Act of 1949,*
9 *the Commandant of the Coast Guard may convey to the*
10 *Police Department of Nassau County, New York (in this*
11 *section referred to as the “Police Department”), without*
12 *consideration all right, title, and interest of the United*
13 *States in and to two Coast Guard 41-foot patrol boats that*
14 *the Commandant determines—*

15 (1) *is appropriate for use by the Police Depart-*
16 *ment; and*

17 (2) *is excess to the needs of the Coast Guard and*
18 *the Department of Homeland Security.*

19 (b) *CONDITION.*—*As a condition of conveying a vessel*
20 *under the authority provided in subsection (a), the Com-*
21 *mandant shall enter into an agreement with the Police De-*
22 *partment under which the Police Department agrees—*

23 (1) *to utilize the vessel for homeland security*
24 *and other appropriate purposes as jointly agreed*

1 upon by the Commandant and the Police Department
2 before conveyance; and

3 (2) to take the vessel “as is” and to hold the
4 United States harmless for any claim arising with re-
5 spect to that vessel after conveyance of the vessel, in-
6 cluding any claims arising from the condition of the
7 vessel and its equipment or exposure to hazardous
8 materials.

9 (c) *DELIVERY OF VESSEL.*—The Commandant shall
10 deliver a vessel conveyed under the authority provided in
11 subsection (a)—

12 (1) at the place where the vessel is located on the
13 date of the conveyance;

14 (2) in its condition on the date of conveyance;
15 and

16 (3) without cost to the United States.

17 (d) *OTHER EXCESS EQUIPMENT.*—The Commandant
18 may further convey any excess equipment or parts from
19 other Coast Guard vessels, which are excess to the needs of
20 the Coast Guard and the Department of Homeland Secu-
21 rity, to the Police Department for use to enhance the oper-
22 ability of a vessel conveyed under the authority provided
23 in subsection (a).

24 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Com-
25 mandant may require such additional terms and conditions

1 *in connection with a conveyance authorized by subsection*
2 *(a) as the Commandant considers appropriate to protect*
3 *the interests of the United States.*

4 **SEC. 1322. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

5 *(a) STUDY.—The Administrator of the Environmental*
6 *Protection Agency shall conduct a study on the public*
7 *health, safety, and environmental concerns related to the*
8 *underground petroleum spill on the Brooklyn shoreline of*
9 *Newtown Creek, New York City, New York, in Greenpoint,*
10 *Brooklyn, New York.*

11 *(b) FULL-SITE CHARACTERIZATION AND COLLECTION*
12 *OF NEW FIELD EVIDENCE.—In carrying out the study*
13 *under this section, the Administrator shall conduct a full-*
14 *site characterization of the underground petroleum spill, in-*
15 *cluding the investigation, collection, and analysis of new*
16 *and updated data and field evidence on the extent of the*
17 *petroleum spill, including any portion of the spill that has*
18 *been diluted into surrounding waters, and any surrounding*
19 *soil contamination or soil vapor contamination.*

20 *(c) REPORT.—Not later than one year after the date*
21 *of enactment of this Act, the Administrator shall submit*
22 *a report containing the results of the study to the Committee*
23 *on Environment and Public Works and the Committee on*
24 *Commerce, Science, and Transportation of the Senate and*

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

3 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$5,000,000.*

6 **SEC. 1323. LAND CONVEYANCE, COAST GUARD PROPERTY**
7 **IN MARQUETTE COUNTY, MICHIGAN, TO THE**
8 **CITY OF MARQUETTE, MICHIGAN.**

9 (a) *CONVEYANCE AUTHORIZED.—(1) The Com-*
10 *mandant of the Coast Guard may convey as surplus prop-*
11 *erty, under section 550 of title 40, United States Code, and*
12 *other relevant Federal Laws governing the disposal of Fed-*
13 *eral surplus property, to the City of Marquette, Michigan*
14 *(in this section referred to as the “City”), all right, title,*
15 *and interest of the United States in and to a parcel of real*
16 *property, together with any improvements thereon, located*
17 *in Marquette County, Michigan, that is under the adminis-*
18 *trative control of the Coast Guard, consisting of approxi-*
19 *mately 5.5 acres of real property, as depicted on the Van*
20 *Neste survey (#204072), dated September 7, 2006, together*
21 *with the land between the intermediate traverse line as*
22 *shown on such survey and the ordinary high water mark,*
23 *the total comprising 9 acres, more or less, and commonly*
24 *identified as Coast Guard Station Marquette and Light-*
25 *house Point.*

1 (2) *Except as provided in paragraph (3), any cost as-*
2 *sociated with the conveyance shall be borne by the City, in-*
3 *cluding, but not limited to, closing costs, attorney fees, and*
4 *the cost of surveys, inspections, title examinations, and deed*
5 *preparation.*

6 (3)(A) *Except as provided in subparagraph (B), prior*
7 *to the conveyance of the property, the Coast Guard shall*
8 *perform and bear the cost of environmental remediation re-*
9 *quired under Federal law. Nothing in this section shall be*
10 *construed to compel the Coast Guard to complete such reme-*
11 *diation before 10 years from the date of enactment of this*
12 *section.*

13 (B) *The City may assume the Coast Guard's responsi-*
14 *bility to perform and bear the cost of the environmental*
15 *remediation, provided that—*

16 (i) *the City provides written notice that it will*
17 *assume responsibility for the performance of such re-*
18 *mediation and the cost thereof; and*

19 (ii) *the City and the Coast Guard enter into a*
20 *written agreement thereon.*

21 (b) *RETENTION OF CERTAIN EASEMENTS.—In con-*
22 *veying the property under subsection (a), the Commandant*
23 *of the Coast Guard may retain such easements over the*
24 *property as the Commandant considers appropriate for ac-*
25 *cess to aids to navigation.*

1 (c) *LIMITATIONS.*—*The property to be conveyed under*
2 *subsection (a) may not be conveyed under that subsection*
3 *until—*

4 (1) *the Coast Guard has relocated Coast Guard*
5 *Station Marquette to a newly constructed station;*

6 (2) *any environmental remediation required*
7 *under Federal law with respect to the property has*
8 *been completed; and*

9 (3) *the Commandant of the Coast Guard deter-*
10 *mines that retention of the property by the United*
11 *States is not required to carry out Coast Guard mis-*
12 *sions or functions.*

13 (d) *CONDITIONS OF TRANSFER.*—*All conditions placed*
14 *within the deed of title of the property to be conveyed under*
15 *subsection (a) shall be construed as covenants running with*
16 *the land.*

17 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
18 *and legal description of the property to be conveyed under*
19 *subsection (a) shall be determined by a survey satisfactory*
20 *to the Commandant of the Coast Guard.*

21 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Com-*
22 *mandant of the Coast Guard may require such additional*
23 *terms and conditions in connection with the conveyance au-*
24 *thorized by subsection (a) as the Commandant considers ap-*
25 *propriate to protect the interests of the United States.*

1 **SEC. 1324. MISSION REQUIREMENT ANALYSIS FOR NAVI-**
2 **GABLE PORTIONS OF THE RIO GRANDE**
3 **RIVER, TEXAS, INTERNATIONAL WATER**
4 **BOUNDARY.**

5 *Not later than 90 days after the date of the enactment*
6 *of this Act, the Secretary of the department in which the*
7 *Coast Guard is operating shall prepare a mission require-*
8 *ment analysis for the navigable portions of the Rio Grande*
9 *River, Texas, international water boundary. The analysis*
10 *shall take into account the Coast Guard's involvement on*
11 *the Rio Grande River by assessing Coast Guard missions,*
12 *assets, and personnel assigned along the Rio Grande River.*
13 *The analysis shall also identify what would be needed for*
14 *the Coast Guard to increase search and rescue operations,*
15 *migrant interdiction operations, and drug interdiction op-*
16 *erations.*

17 **SEC. 1325. CONVEYANCE OF COAST GUARD PROPERTY IN**
18 **CHEBOYGAN, MICHIGAN.**

19 *(a) CONVEYANCE AUTHORIZED.—Notwithstanding*
20 *any other provision of law, the Commandant of the Coast*
21 *Guard is authorized to convey, at fair market value, all*
22 *right, title, and interest of the United States in and to a*
23 *parcel of real property, consisting of approximately 3 acres,*
24 *more or less, that is under the administrative control of the*
25 *Coast Guard and located at 900 S. Western Avenue in Che-*
26 *boygan, Michigan.*

1 (b) *RIGHT OF FIRST REFUSAL.*—*The Cornerstone*
2 *Christian Academy, located in Cheboygan, MI, shall have*
3 *the right of first refusal to purchase, at fair market value,*
4 *all or a portion of the real property described in subsection*
5 *(a).*

6 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
7 *and legal description of the property to be conveyed under*
8 *subsection (a) shall be determined by a survey satisfactory*
9 *to the Commandant of the Coast Guard.*

10 (d) *FAIR MARKET VALUE.*—*The fair market value of*
11 *the property shall be—*

12 (1) *determined by appraisal, in accordance with*
13 *the Uniform Appraisal Standards for Federal Land*
14 *Acquisitions and the Uniform Standards of Profes-*
15 *sional Appraisal Practice; and*

16 (2) *subject to the approval of the Commandant.*

17 (e) *COSTS OF CONVEYANCE.*—*Any cost associated with*
18 *the conveyance shall be borne by the purchaser, including,*
19 *but not limited to—*

20 (1) *closing costs, attorney fees, and the cost of*
21 *surveys, inspections, title examinations, and deed*
22 *preparation; and*

23 (2) *environmental analyses, assessments, clear-*
24 *ances, and, if required under Federal law, environ-*
25 *mental remediation.*

1 (f) *ENVIRONMENTAL REMEDIATION.*—*Before convey-*
2 *ance of the real property described in paragraph (a), pur-*
3 *chaser shall perform any environmental remediation of the*
4 *property that is required under Federal law.*

5 (g) *CREDIT OF FUNDS.*—*Notwithstanding any other*
6 *provision of law, the net proceeds of a conveyance, author-*
7 *ized under subsection (a), shall—*

8 (1) *be credited to the Coast Guard Environ-*
9 *mental Compliance and Restoration appropriations*
10 *account current at the time collection is made;*

11 (2) *be made available, subject to appropriation,*
12 *for environmental compliance and restoration pur-*
13 *poses in conjunction with any disposal of any prop-*
14 *erty under the administrative control of the Coast*
15 *Guard; and*

16 (3) *remain available for such purposes until ex-*
17 *pended.*

18 (h) *ADDITIONAL TERMS AND CONDITIONS.*—*The Com-*
19 *mandant of the Coast Guard may require such additional*
20 *terms and conditions in connection with the conveyance*
21 *under subsection (a) as is considered appropriate to protect*
22 *the interests of the United States.*

Union Calendar No. 170

111TH CONGRESS
1ST Session

H. R. 3619

[Report No. 111-303, Part I]

A BILL

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

OCTOBER 16, 2009

Reported from the Committee on Transportation and Infrastructure with an amendment

OCTOBER 16, 2009

Referred to the Committee on Homeland Security for a period ending not later than October 16, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X

OCTOBER 16, 2009

Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed