

112TH CONGRESS
1ST SESSION

H. R. 2838

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2011

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

A BILL

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, 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 and Maritime Transportation Act of 2011”.

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 AND SERVICEMEMBER PARITY

- Sec. 201. Academy emoluments.
- Sec. 202. Policy on sexual harassment and sexual violence.
- Sec. 203. Appointments of permanent commissioned officers.
- Sec. 204. Minor construction.
- Sec. 205. Treatment of reports of aircraft accident investigations.
- Sec. 206. Acquisition workforce expedited hiring authority.
- Sec. 207. Coast Guard housing report.

TITLE III—COAST GUARD REFORM

- Sec. 301. Repeals.
- Sec. 302. Interference with Coast Guard transmissions.
- Sec. 303. National security cutters.
- Sec. 304. Major acquisitions report.
- Sec. 305. Environmental compliance and restoration backlog.
- Sec. 306. Coast Guard auxiliarist enrollment eligibility.
- Sec. 307. Decommissionings.
- Sec. 308. Assessment of needs for additional coast guard presence in high latitude regions.
- Sec. 309. Limitation on expenditures.

TITLE IV—SHIPPING AND NAVIGATION

- Sec. 401. Committee on the Marine Transportation System.
- Sec. 402. Report on determinations.
- Sec. 403. Dockside examinations.
- Sec. 404. Investigation of marine casualties.
- Sec. 405. Recourse for noncitizens.
- Sec. 406. Maritime liens on fishing permits.
- Sec. 407. Short sea transportation.
- Sec. 408. Mission of the Maritime Administration.

TITLE V—FEDERAL MARITIME COMMISSION

- Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

- Sec. 601. Technical corrections.
- Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.
- Sec. 603. Notice of arrival.

1 **TITLE I—AUTHORIZATION**

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

3 Funds are authorized to be appropriated for each of
4 the fiscal years 2012, 2013, and 2014 for necessary ex-
5 penses of the Coast Guard as follows:

- 6 (1) For the operation and maintenance of the
7 Coast Guard—

1 (A) \$6,819,505,000 for fiscal year 2012;
2 (B) \$6,922,645,000 for fiscal year 2013;
3 and
4 (C) \$7,018,499,000 for fiscal year 2014;
5 of which \$24,500,000 is authorized for each of the
6 fiscal years 2012, 2013, and 2014 to be derived
7 from the Oil Spill Liability Trust Fund to carry out
8 the purposes of section 1012(a)(5) of the Oil Pollu-
9 tion Act of 1990 (33 U.S.C. 2712(a)(5)).

10 (2) For the acquisition, construction, rebuild-
11 ing, and improvement of aids to navigation, shore
12 and offshore facilities, vessels, and aircraft, includ-
13 ing related equipment thereto—

14 (A) \$1,503,980,000 for fiscal year 2012;
15 (B) \$1,505,312,000 for fiscal year 2013;
16 and
17 (C) \$1,506,549,000 for fiscal year 2014;

18 to remain available until expended, of which
19 \$20,000,000 for each of the fiscal years 2012, 2013,
20 and 2014 shall be derived from the Oil Spill Liabil-
21 ity Trust Fund to carry out the purposes of section
22 1012(a)(5) of the Oil Pollution Act of 1990.

23 (3) For the Coast Guard Reserve program, in-
24 cluding personnel and training costs, equipment, and
25 services—

- 1 (A) \$136,778,000 for fiscal year 2012;
2 (B) \$138,111,000 for fiscal year 2013; and
3 (C) \$139,311,000 for fiscal year 2014.

4 (4) For environmental compliance and restora-
5 tion of Coast Guard vessels, aircraft, and facilities
6 (other than parts and equipment associated with op-
7 eration and maintenance)—

- 8 (A) \$16,699,000 for fiscal year 2012;
9 (B) \$16,699,000 for fiscal year 2013; and
10 (C) \$16,700,000 for fiscal year 2014;

11 to remain available until expended.

12 (5) To the Commandant of the Coast Guard for
13 research, development, test, and evaluation of tech-
14 nologies, materials, and human factors directly re-
15 lated to improving the performance of the Coast
16 Guard's mission in search and rescue, aids to navi-
17 gation, marine safety, marine environmental protec-
18 tion, enforcement of laws and treaties, ice oper-
19 ations, oceanographic research, and defense readi-
20 ness—

- 21 (A) \$19,779,000 for fiscal year 2012;
22 (B) \$19,848,000 for fiscal year 2013; and
23 (C) \$19,913,000 for fiscal year 2014;

24 of which \$650,000 for each of the fiscal years 2012,
25 2013, and 2014 shall be derived from the Oil Spill

1 Liability Trust Fund to carry out the purposes of
2 section 1012(a)(5) of the Oil Pollution Act of 1990.

3 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
4 **AND TRAINING.**

5 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
6 authorized an end-of-year strength for active duty per-
7 sonnel of 47,000 for each of the fiscal years 2012 through
8 fiscal year 2014.

9 (b) MILITARY TRAINING STUDENT LOADS.—The
10 Coast Guard is authorized average military training stu-
11 dent loads for the each of the fiscal years 2012 through
12 fiscal year 2014 as follows:

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

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

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

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

19 **TITLE II—COAST GUARD AND**
20 **SERVICEMEMBER PARITY**

21 **SEC. 201. ACADEMY EMOLUMENTS.**

22 Section 195 of title 14, United States Code, is
23 amended—

24 (1) in subsection (c)—

25 (A) in the first sentence—

1 (i) by striking “person” and inserting
2 “foreign national”; and

3 (ii) by striking “pay and allowances,”
4 and inserting “pay, allowances, and emolu-
5 ments,”; and

6 (B) in the second sentence—

7 (i) by striking “A person” and insert-
8 ing “A foreign national”; and

9 (ii) by striking “pay and allowances,”
10 and inserting “pay, allowances, and emolu-
11 ments,”; and

12 (2) in subsection (d), by striking “A person”
13 and inserting “A foreign national”.

14 **SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL**
15 **VIOLENCE.**

16 (a) **POLICY REQUIREMENT.**—Chapter 9 of title 14,
17 United States Code, is amended by inserting the following:

18 **“§ 200. Policy on sexual harassment and sexual vio-**
19 **lence**

20 **“(a) REQUIRED POLICY.**—The Commandant shall di-
21 rect the Superintendent of the Coast Guard Academy to
22 prescribe a policy on sexual harassment and sexual vio-
23 lence applicable to the cadets and other personnel of the
24 Coast Guard Academy.

1 “(b) MATTERS TO BE SPECIFIED IN POLICY.—The
2 policy on sexual harassment and sexual violence prescribed
3 under this section shall include specification of the fol-
4 lowing:

5 “(1) Programs to promote awareness of the in-
6 cidence of rape, acquaintance rape, and other sexual
7 offenses of a criminal nature that involve cadets or
8 other Academy personnel.

9 “(2) Procedures that a cadet should follow in
10 the case of an occurrence of sexual harassment or
11 sexual violence, including—

12 “(A) if the cadet chooses to report an oc-
13 currence of sexual harassment or sexual vio-
14 lence, a specification of the person or persons to
15 whom the alleged offense should be reported
16 and the options for confidential reporting;

17 “(B) a specification of any other person
18 whom the victim should contact; and

19 “(C) procedures on the preservation of evi-
20 dence potentially necessary for proof of criminal
21 sexual assault.

22 “(3) Procedures for disciplinary action in cases
23 of alleged criminal sexual assault involving a cadet
24 or other Academy personnel.

1 “(4) Any other sanction authorized to be im-
2 posed in a substantiated case of sexual harassment
3 or sexual violence involving a cadet or other Acad-
4 emy personnel in rape, acquaintance rape, or any
5 other criminal sexual offense, whether forcible or
6 nonforcible.

7 “(5) Required training on the policy for all ca-
8 dets and other Academy personnel, including the
9 specific training required for personnel who process
10 allegations of sexual harassment or sexual violence
11 involving Academy personnel.

12 “(c) ANNUAL ASSESSMENT.—

13 “(1) The Commandant shall direct the Super-
14 intendent of the Academy to conduct at the Acad-
15 emy during each Academy program year an assess-
16 ment to determine the effectiveness of the policies,
17 training, and procedures of the Academy with re-
18 spect to sexual harassment and sexual violence in-
19 volving Academy personnel.

20 “(2) For the assessment at the Academy under
21 paragraph (1) with respect to an Academy program
22 year that begins in an odd-numbered calendar year,
23 the Superintendent shall conduct a survey of Acad-
24 emy personnel—

25 “(A) to measure—

1 “(i) the incidence, during that pro-
2 gram year, of sexual harassment and sex-
3 ual violence events, on or off the Academy
4 reservation, that have been reported to of-
5 ficials of the Academy; and

6 “(ii) the incidence, during that pro-
7 gram year, of sexual harassment and sex-
8 ual violence events, on or off the Academy
9 reservation, that have not been reported to
10 officials of the Academy; and

11 “(B) to assess the perceptions of Academy
12 personnel of—

13 “(i) the policies, training, and proce-
14 dures on sexual harassment and sexual vio-
15 lence involving Academy personnel;

16 “(ii) the enforcement of such policies;

17 “(iii) the incidence of sexual harass-
18 ment and sexual violence involving Acad-
19 emy personnel; and

20 “(iv) any other issues relating to sex-
21 ual harassment and sexual violence involv-
22 ing Academy personnel.

23 “(d) ANNUAL REPORT.—

24 “(1) The Commandant shall direct the Super-
25 intendent of the Academy to submit to the Com-

1 mandant a report on sexual harassment and sexual
2 violence involving cadets or other personnel at the
3 Academy for each Academy program year.

4 “(2) Each report under paragraph (1) shall in-
5 clude, for the Academy program year covered by the
6 report, the following:

7 “(A) The number of sexual assaults, rapes,
8 and other sexual offenses involving cadets or
9 other Academy personnel that have been re-
10 ported to Academy officials during the program
11 year and, of those reported cases, the number
12 that have been substantiated.

13 “(B) The policies, procedures, and proc-
14 esses implemented by the Commandant and the
15 leadership of the Academy in response to sexual
16 harassment and sexual violence involving cadets
17 or other Academy personnel during the pro-
18 gram year.

19 “(C) A plan for the actions that are to be
20 taken in the following Academy program year
21 regarding prevention of and response to sexual
22 harassment and sexual violence involving cadets
23 or other Academy personnel.

24 “(3) Each report under paragraph (1) for an
25 Academy program year that begins in an odd-num-

1 bered calendar year shall include the results of the
2 survey conducted in that program year under sub-
3 section (c)(2).

4 “(4)(A) The Commandant shall transmit to the
5 Board of Visitors of the Academy each report re-
6 ceived by the Commandant under this subsection, to-
7 gether with the Commandant’s comments on the re-
8 port.

9 “(B) The Commandant shall transmit each
10 such report, together with the Commandant’s com-
11 ments on the report, to the Committee on Com-
12 merce, Science, and Transportation of the Senate
13 and the Committee on Transportation and Infra-
14 structure of the House of Representatives.”.

15 (b) CONFORMING REPEAL.—Section 217 of the Coast
16 Guard Authorization Act of 2010 (14 U.S.C. 93 note),
17 and the item relating to such section in the table of con-
18 tents in section 1(b) of such Act, are repealed.

19 (c) TECHNICAL AND CLERICAL AMENDMENTS.—The
20 analysis at the beginning of such chapter is amended by
21 adding at the end the following:

“200. Policy on sexual harassment and sexual violence.”.

22 **SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED**
23 **OFFICERS.**

24 Section 211 of title 14, United States Code, is
25 amended by adding at the end the following:

1 “(d) For the purposes of this section, the term ‘origi-
2 nal’, with respect to the appointment of a member of the
3 Coast Guard refers to that member’s most recent appoint-
4 ment in the Coast Guard that is neither a promotion nor
5 a demotion.”.

6 **SEC. 204. MINOR CONSTRUCTION.**

7 (a) IN GENERAL.—Section 656 of title 14, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

11 “(1) Subject to the reporting requirements set
12 forth in paragraph (2), the Secretary may expend
13 not more than \$1,500,000 from amounts available
14 for the operating expenses of the Coast Guard for
15 minor construction and improvement projects at any
16 one location.

17 “(2) No later than 90 days after the end of
18 each fiscal year, the Secretary shall submit, to the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate and the Committee on Trans-
21 portation and Infrastructure of the House of Rep-
22 resentatives, a report on each project undertaken
23 during the course of the preceding fiscal year, for
24 which the amount expended under paragraph (1) ex-
25 ceeded \$500,000.”.

1 (b) CLERICAL AMENDMENT.—

2 (1) Section 656 of title 14, United States Code,
 3 is further amended in the heading by inserting be-
 4 fore the period at the end the following: “; **use of**
 5 **moneys appropriated for operating ex-**
 6 **penses for minor construction and im-**
 7 **provement”.**

8 (2) The analysis at the beginning of chapter 17
 9 of such title is amended in the item relating to sec-
 10 tion 656 by striking “waters.” and inserting “wa-
 11 ters; use of moneys appropriated for operating ex-
 12 penses for minor construction and improvement.”.

13 **SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCI-**
 14 **DENT INVESTIGATIONS.**

15 (a) IN GENERAL.—Chapter 17 of title 14, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 **“§ 678. Treatment of reports of aircraft accident in-**
 19 **vestigations**

20 “(a) IN GENERAL.—Whenever the Commandant con-
 21 ducts an accident investigation of an accident involving an
 22 aircraft under the jurisdiction of the Commandant, the
 23 records and report of the investigation shall be treated in
 24 accordance with this section.

1 “(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT
2 INVESTIGATION INFORMATION.—

3 “(1) Subject to paragraph (2), the Com-
4 mandant, upon request, shall publicly disclose un-
5 classified tapes, scientific reports, and other factual
6 information pertinent to an aircraft accident inves-
7 tigation.

8 “(2) The Commandant shall not disclose the in-
9 formation requested in paragraph (1) unless the
10 Commandant determines—

11 “(A) that such tapes, reports, or other in-
12 formation would be included within and releas-
13 able with the final accident investigation report;
14 and

15 “(B) that release of such tapes, reports, or
16 other information—

17 “(i) would not undermine the ability
18 of accident or safety investigators to con-
19 tinue to conduct the investigation; and

20 “(ii) would not compromise national
21 security.

22 “(3) A disclosure under paragraph (1) may not
23 be made by or through officials with responsibility
24 for, or who are conducting, a safety investigation
25 with respect to the accident.

1 “(c) OPINIONS REGARDING CAUSATION OF ACCI-
2 DENT.—Following an aircraft accident referred to in sub-
3 section (a)—

4 “(1) if the evidence surrounding the accident is
5 sufficient for the investigators who conduct the acci-
6 dent investigation to come to an opinion as to the
7 cause or causes of the accident, the final report of
8 the accident investigation shall set forth the opinion
9 of the investigators as to the cause or causes of the
10 accident; and

11 “(2) if the evidence surrounding the accident is
12 not sufficient for the investigators to come to an
13 opinion as to the cause or causes of the accident, the
14 final report of the accident investigation shall in-
15 clude a description of those factors, if any, that, in
16 the opinion of the investigators, substantially con-
17 tributed to or caused the accident.

18 “(d) USE OF INFORMATION IN CIVIL PRO-
19 CEEDINGS.—For purposes of any civil or criminal pro-
20 ceeding arising from an aircraft accident referred to in
21 subsection (a), any opinion of the accident investigators
22 as to the cause of, or the factors contributing to, the acci-
23 dent set forth in the accident investigation report may not
24 be considered as evidence in such proceeding, nor may

1 such report be considered an admission of liability by the
2 United States or by any person referred to in such report.

3 “(e) REGULATIONS.—The Commandant shall pre-
4 scribe regulations to carry out this section.

5 “(f) DEFINITIONS.—For purposes of this section—

6 “(1) the term ‘accident investigation’ means
7 any form of investigation by Coast Guard personnel
8 of an aircraft accident referred to in subsection (a),
9 other than a safety investigation; and

10 “(2) the term ‘safety investigation’ means an
11 investigation by Coast Guard personnel of an air-
12 craft accident referred to in subsection (a), that is
13 conducted solely to determine the cause of the acci-
14 dent and to obtain information that may prevent the
15 occurrence of similar accidents.”.

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

“678. Treatment of reports of aircraft accident investigations.”.

19 **SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING**
20 **AUTHORITY.**

21 Section 404 of the Coast Guard Authorization Act
22 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-
23 ed—

24 (1) in subsection (a)(1), by striking “as short-
25 age category positions;” and inserting “as positions

1 for which there exists a shortage of candidates or
2 there is a critical hiring need;” and

3 (2) in subsection (b)—

4 (A) by striking “paragraph” and inserting
5 “section”; and

6 (B) by striking “2012.” and inserting
7 “2015.”.

8 **SEC. 207. COAST GUARD HOUSING REPORT.**

9 In conjunction with the transmittal by the President
10 of the budget of the United States for fiscal year 2013,
11 the Commandant of the Coast Guard shall submit to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Transportation and In-
14 frastructure of the House of Representatives a report on
15 the status of Coast Guard servicemember housing, includ-
16 ing—

17 (1) a statement of the Coast Guard’s housing
18 needs requirements;

19 (2) an assessment of the condition of the Coast
20 Guard’s current housing inventory, including both
21 leased and owned property;

22 (3) an assessment of housing available for
23 Coast Guard use from surrounding communities and
24 other government agencies for all duty stations;

1 (4) a list of housing capacity shortfalls and ex-
2 cess; and

3 (5) a revised prioritized list of housing mainte-
4 nance and recapitalization projects.

5 **TITLE III—COAST GUARD**
6 **REFORM**

7 **SEC. 301. REPEALS.**

8 (a) DISTRICT OMBUDSMAN.—Section 55 of title 14,
9 United State Code, and the item relating to such section
10 in the analysis for chapter 3 of such title, are repealed.

11 (b) FAA AIR AIDS TO NAVIGATION.—Section 82 of
12 title 14, United States Code, and the item relating to such
13 section in the analysis for chapter 5 of such title, are re-
14 pealed.

15 (c) OCEAN STATIONS.—Section 90 of title 14, United
16 States Code, and the item relating to such section in the
17 analysis for chapter 5 of such title, are repealed.

18 (d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOV-
19 ERNMENTS.—Section 149(a) of title 14, United States
20 Code, is amended by striking the second and third sen-
21 tences.

22 (e) ADVISORY COMMITTEE.—Section 193 of title 14,
23 United States Code, and the item relating to such section
24 in the analysis for chapter 9 of such title, are repealed.

1 (f) HISTORY FELLOWSHIPS.—Section 198 of title 14,
2 United States Code, and the item relating to such section
3 in the analysis for chapter 9 of such title, are repealed.

4 (g) ACQUISITION AWARDS.—Section 563 of title 14,
5 United States Code, and the item relating to such section
6 in the analysis for chapter 15 of such title, are repealed.

7 **SEC. 302. INTERFERENCE WITH COAST GUARD TRANS-**
8 **MISSIONS.**

9 Section 88 of title 14, United States Code, is amend-
10 ed by adding the following:

11 “(e) An individual who knowingly and willfully oper-
12 ates a device that interferes with the broadcast or recep-
13 tion of a radio, microwave, or other signal (including a
14 signal from a global positioning system) transmitted, re-
15 transmitted, or augmented by the Coast Guard for the
16 purpose of maritime safety is—

17 “(1) guilty of a class E felony; and

18 “(2) subject to civil penalty of not more than
19 \$1,000 per day for each violation.”.

20 **SEC. 303. NATIONAL SECURITY CUTTERS.**

21 (a) IN GENERAL.—Subchapter I of chapter 15 of title
22 14, United States Code is amended by adding at the end
23 the following new section:

1 **“§ 569a. National security cutters**

2 “The Commandant may not acquire a sixth national
3 security cutter on any date before which the Com-
4 mandant—

5 “(1) has selected an offshore patrol cutter that
6 meets at least the minimum operational require-
7 ments set out in the Operational Requirements Doc-
8 ument approved by the Department in October 20,
9 2010;

10 “(2) has acquired a sufficient number of Long
11 Range Interceptor II and Cutter Boat Over the Ho-
12 rizon IV small boats for each of the first five na-
13 tional security cutters;

14 “(3) has achieved the goal of 225 days away
15 from homeport for each of the first three national
16 security cutters; and

17 “(4) has submitted to the Committee on Com-
18 merce, Science, and Transportation of the Senate
19 and the Committee on Transportation and Infra-
20 structure of the House of Representatives a program
21 execution plan detailing increased aerial coverage to
22 support national security cutter operations.”.

23 (b) CLERICAL AMENDMENT.—The analysis at the be-
24 ginning of such chapter is amended by adding at the end
25 of the items relating to such subchapter the following:

“569a. National security cutters.”.

1 **SEC. 304. MAJOR ACQUISITIONS REPORT.**

2 (a) IN GENERAL.—Subchapter I of chapter 15 of title
3 14, United States Code, is further amended by adding at
4 the end the following:

5 **“§ 569b. Major acquisitions report**

6 “(a) MAJOR ACQUISITION PROGRAMS IMPLEMENTA-
7 TION REPORT.—In conjunction with the transmittal by
8 the President of the budget of the United States for fiscal
9 year 2013 and every two fiscal years thereafter, the Sec-
10 retary shall submit to the Committee on Commerce,
11 Science, and Transportation of the Senate and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives a report on the status of all major ac-
14 quisition programs.

15 “(b) INFORMATION TO BE INCLUDED.—The report
16 shall include for each major acquisition program—

17 “(1) a statement of Coast Guard’s mission
18 needs and performance goals for such program, in-
19 cluding a justification for any change to those needs
20 and goals from any report previously submitted
21 under this subsection;

22 “(2) a justification for how the projected num-
23 ber and capabilities of each planned acquisition pro-
24 gram asset meets those mission needs and perform-
25 ance goals;

1 “(3) an identification of any and all mission
2 hour gaps, accompanied by an explanation on how
3 and when the Coast Guard will close those gaps;

4 “(4) an identification of any changes to such
5 program, including—

6 “(A) any changes to the timeline for the
7 acquisition of each new asset and the phase out
8 of legacy assets; and

9 “(B) any changes to the costs of new as-
10 sets and legacy assets for that fiscal year, fu-
11 ture fiscal years, or the total acquisition cost;

12 “(5) a justification for how any change to such
13 program fulfills the mission needs and performance
14 goals of the Coast Guard;

15 “(6) a description of how the Coast Guard is
16 planning for the integration of each new asset ac-
17 quired under such program into the Coast Guard,
18 including needs related to shore-based infrastructure
19 and human resources;

20 “(7) an identification of how funds in that fis-
21 cal year’s budget request will be allocated, including
22 information on the purchase of specific assets;

23 “(8) a projection of the remaining operational
24 lifespan and lifecycle cost of each legacy asset that
25 also identifies any anticipated resource gaps;

1 “(9) a detailed explanation of how the costs of
2 the legacy assets are being accounted for within such
3 program;

4 “(10) an annual performance comparison of
5 new assets to legacy assets; and

6 “(11) an identification of the scope of the an-
7 ticipated acquisitions workload for the next fiscal
8 year and a determination on the adequacy of the
9 current acquisition workforce to meet that antici-
10 pated workload, including the specific positions that
11 are or will be understaffed, and actions that will be
12 taken to correct such understaffing.

13 “(c) CUTTERS NOT MAINTAINED IN CLASS.—Each
14 report under subsection (a) shall identify which, if any,
15 Coast Guard cutters that have been issued a certificate
16 of classification by the American Bureau of Shipping have
17 not been maintained in class with an explanation detailing
18 the reasons why they have not been maintained in class.

19 “(d) DEFINITION.—For the purposes of this section,
20 the term ‘major acquisition program’ means an ongoing
21 acquisition undertaken by the Coast Guard with a life-
22 cycle cost estimate greater than or equal to
23 \$300,000,000.”.

24 (b) CLERICAL AMENDMENT.—The analysis at the be-
25 ginning of such chapter is further amended by adding at

1 the end of the items relating to such subchapter the fol-
2 lowing:

“569b. Major acquisitions report.”.

3 (c) REPEAL.—

4 (1) Section 408 of the Coast Guard and Mari-
5 time Transportation Act of 2006 (120 Stat. 537) is
6 amended by striking subsection (a).

7 (2) Title 14, United States Code, is amended—

8 (A) in section 562, by striking subsection
9 (e) and redesignating subsections (f) and (g) as
10 (e) and (f), respectively; and

11 (B) in section 573(c)(3), by striking sub-
12 paragraph (B).

13 **SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORA-**
14 **TION BACKLOG.**

15 (a) IN GENERAL.—Section 693 of title 14, United
16 States Code, is amended to read as follows:

17 **“§ 693. Annual report to Congress**

18 “The Commandant of the Coast Guard shall submit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate the
22 prioritized list of projects eligible for environmental com-
23 pliance and restoration funding for each fiscal year con-
24 current with the President’s budget submission for that
25 fiscal year.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 19 of such title is amended by striking the item for
3 such section and inserting the following:

“693. Annual report to Congress.”.

4 **SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGI-**
5 **BILITY.**

6 Section 823 of title 14, United States Code, is
7 amended by inserting “and aliens lawfully admitted for
8 permanent residence, as defined in section 101(a)(20) of
9 the Immigration and Nationality Act (8 U.S.C. 1101
10 (a)(20)),” after “possessions,”.

11 **SEC. 307. DECOMMISSIONINGS.**

12 (a) POLAR SEA.—Not later than 6 months after the
13 date of enactment of this Act, the Commandant of the
14 Coast Guard shall decommission the USCGC POLAR
15 SEA (WAGB 11).

16 (b) POLAR STAR.—Not later than 3 years after the
17 date of enactment of this Act, the Commandant of the
18 Coast Guard shall decommission the USCGC POLAR
19 STAR (WAGB 10).

20 **SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
21 **GUARD PRESENCE IN HIGH LATITUDE RE-**
22 **GIONS.**

23 Not later than 60 days after the date of enactment
24 of this Act, the Secretary of the department in which the
25 Coast Guard is operating shall submit a report to the

1 Committee on Commerce, Science, and Transportation of
2 the Senate and the Committee on Transportation and In-
3 frastructure of the House of Representatives assessing the
4 need for additional Coast Guard prevention and response
5 capability in the high latitude regions. The assessment
6 shall address needs for all Coast Guard mission areas, in-
7 cluding search and rescue, marine pollution response and
8 prevention, fisheries enforcement, and maritime com-
9 merce. The Secretary shall include in the report—

10 (1) an assessment of the high latitude operating
11 capabilities of all current Coast Guard assets other
12 than icebreakers, including assets acquired under
13 the Deepwater program;

14 (2) an assessment of projected needs for Coast
15 Guard forward operating bases in the high latitude
16 regions; and

17 (3) an assessment of shore infrastructure, per-
18 sonnel, logistics, communications, and resources re-
19 quirements to support Coast Guard forward oper-
20 ating bases in the high latitude regions.

21 **SEC. 309. LIMITATION ON EXPENDITURES.**

22 Section 149(d) of title 14, United States Code, is
23 amended by adding at the end the following:

1 “(3) The amount of funds used under this sub-
2 section may not exceed \$100,000 in any fiscal
3 year.”.

4 **TITLE IV—SHIPPING AND** 5 **NAVIGATION**

6 **SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION** 7 **SYSTEM.**

8 (a) IN GENERAL.—Chapter 555 of title 46, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 55502. Committee on the Marine Transportation** 12 **System**

13 “(a) ESTABLISHMENT.—There is established a Com-
14 mittee on the Marine Transportation System (in this sec-
15 tion referred to as the ‘Committee’).

16 “(b) PURPOSE.—The Committee shall—

17 “(1) assess the adequacy of the marine trans-
18 portation system (including ports, waterways, chan-
19 nels, and their intermodal connections);

20 “(2) develop and implement policies to promote
21 an efficient marine transportation system; and

22 “(3) coordinate policies among Federal agencies
23 to promote an efficient marine transportation sys-
24 tem.

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Committee shall con-
2 sist of the Secretary of Transportation, the Sec-
3 retary of Defense, the Secretary of Homeland Secu-
4 rity, the Secretary of Commerce, the Secretary of
5 the Treasury, the Secretary of State, the Secretary
6 of the Interior, the Secretary of Agriculture, the At-
7 torney General, the Secretary of Labor, the Sec-
8 retary of Energy, the Administrator of the Environ-
9 mental Protection Agency, the Chairman of the Fed-
10 eral Maritime Commission, and the head of any
11 other Federal agency that the Committee Chair,
12 with the approval of a majority of the voting mem-
13 bers of the Committee, determines can further the
14 purpose and activities of the Committee.

15 “(2) EX-OFFICIO MEMBERS.—The Committee
16 may also consist of so many nonvoting members as
17 the Committee Chair, with the approval of a major-
18 ity of the voting members of the Committee, deter-
19 mines is appropriate to further the purpose and ac-
20 tivities of the Committee.

21 “(3) CHAIRMAN.—The Chair of the Committee
22 shall rotate each year among the Secretary of Trans-
23 portation, the Secretary of Defense, the Secretary of
24 Homeland Security, and the Secretary of Commerce.
25 The order of rotation shall be determined with the

1 approval of a majority of the voting members of the
2 Committee.

3 “(d) SUPPORT.—

4 “(1) COORDINATING BOARD.—Each member of
5 the Committee may select a senior level representa-
6 tive to serve on a coordinating board which shall as-
7 sist the Committee in carrying out its purpose and
8 activities.

9 “(2) EXECUTIVE DIRECTOR.—The Secretary of
10 Transportation, in consultation with the Secretary of
11 Defense, the Secretary of Homeland Security, and
12 the Secretary of Commerce, shall select an executive
13 director to assist the Committee in carrying out its
14 purpose and activities.

15 “(e) MARINE TRANSPORTATION SYSTEM ASSESS-
16 MENT AND STRATEGY.—Not later than one year after the
17 date of enactment of this Act and every 5 years thereafter,
18 the Committee shall provide a report to Congress which
19 includes—

20 “(1) steps taken to implement actions rec-
21 ommended in the July 2008 ‘National Strategy for
22 the Marine Transportation System: A Framework
23 for Action’;

24 “(2) an assessment of the condition of the ma-
25 rine transportation system;

1 “(3) a discussion of the challenges the system
2 faces in meeting user demand;

3 “(4) a plan with recommended actions for im-
4 proving the marine transportation system to meet
5 current and future challenges; and

6 “(5) steps taken to implement actions rec-
7 ommended in previous reports required under this
8 subsection.

9 “(f) CONSULTATION.—In carrying out its purpose
10 and activities, the Committee may consult with the Marine
11 Transportation System National Advisory Council, inter-
12 ested parties, and the public.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 31309 the following:

“55502. Committee on the Marine Transportation System.”.

16 **SEC. 402. REPORT ON DETERMINATIONS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Secretary of the department in which the
19 Coast Guard is operating shall provide to the Committee
20 on Transportation and Infrastructure of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate a report on—

23 (1) the loss of United States shipyard jobs and
24 industrial base expertise as a result of rebuild, con-
25 version, and double-hull work on United States-flag

1 vessels eligible to engage in the coastwise trade
2 being performed in foreign shipyards;

3 (2) enforcement of the Coast Guard’s foreign
4 rebuild determination regulations; and

5 (3) recommendations for improving the trans-
6 parency in the Coast Guard’s foreign rebuild deter-
7 mination process.

8 **SEC. 403. DOCKSIDE EXAMINATIONS.**

9 (a) IN GENERAL.—Section 4502(f) of title 46, United
10 states Code, is amended—

11 (1) in paragraph (2) by striking “at least once
12 every 2 years” and inserting “at least once every 5
13 years”;

14 (2) by striking “and” after the semicolon at the
15 end of paragraph (1);

16 (3) by striking the period at the end of para-
17 graph (2) and inserting “; and”; and

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

19 “(3) shall complete the first examination of a
20 dockside vessel under this section no later than Oc-
21 tober 15, 2015.”.

22 (b) DATABASE.—Section 4502(g)(4) of title 46,
23 United States Code, is amended by striking “a publicly
24 accessible” and inserting “an”.

1 **SEC. 404. INVESTIGATION OF MARINE CASUALTIES.**

2 Section 6301 of title 46, United States Code, is
3 amended by striking “The Secretary shall prescribe regu-
4 lations for the immediate investigation of” and inserting
5 “The Secretary shall investigate”.

6 **SEC. 405. RECOURSE FOR NONCITIZENS.**

7 Section 30104 of title 46, United States Code, is
8 amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 the first sentence; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) RECOURSE FOR NONRESIDENT ALIEN SEAMEN
14 EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim
15 for damages or expenses relating to personal injury, ill-
16 ness, or death of a seaman who is a citizen of a foreign
17 nation, arising during or from the engagement of the sea-
18 man by or for a passenger vessel duly registered under
19 the laws of a foreign nation, may not be brought under
20 the laws of the United States if—

21 “(1) such seaman was not a permanent resident
22 alien of the United States at the time the claim
23 arose;

24 “(2) the injury, illness, or death occurred on
25 the high seas or in the territorial waters of a nation
26 other than the United States; and

1 “(3) the seaman or the seaman’s personal rep-
 2 resentative has or had a right to seek compensation
 3 for the injury, illness, or death in, or under the laws
 4 of—

5 “(A) the nation in which the vessel was
 6 registered at the time the claim arose; or

7 “(B) the nation in which the seaman main-
 8 tained citizenship or residency at the time the
 9 claim arose.”.

10 **SEC. 406. MARITIME LIENS ON FISHING PERMITS.**

11 (a) IN GENERAL.—Subchapter I of chapter 313 of
 12 title 46, United States Code, is amended by adding at the
 13 end the following:

14 **“§ 31310. Limitation on maritime liens on fishing per-
 15 mit and permit description**

16 “(a) IN GENERAL.—This chapter—

17 “(1) does not establish a maritime lien on a
 18 permit that—

19 “(A) authorizes a person or use of a vessel
 20 to engage in fishing; and

21 “(B) is issued under State or Federal law;
 22 and

23 “(2) does not authorize any civil action to en-
 24 force a maritime lien on such a permit.

1 “(b) FISHING PERMIT DESCRIBED.—A fishing per-
2 mit—

3 “(1) is governed solely by the State or Federal
4 law under which it was issued; and

5 “(2) is not included in the whole of a vessel or
6 as an appurtenance or intangible of a vessel for any
7 purpose.

8 “(c) LIMITATION ON STATUTORY CONSTRUCTION.—
9 Nothing in subsections (a) and (b) shall be construed as
10 imposing any limitation upon the authority of the Sec-
11 retary of Commerce to modify, suspend, revoke, or sanc-
12 tion any Federal fishery permit issued by the Secretary
13 of Commerce or to bring a civil action to enforce such
14 modification, suspension, revocation, or sanction.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 31309 the following:

“31310. Limitation on maritime liens on fishing permit and permit descrip-
tion.”.

18 **SEC. 407. SHORT SEA TRANSPORTATION.**

19 (a) PURPOSE OF PROGRAM AND PROJECTS; REAU-
20 THORIZATION; TERMINATION.—Section 55601 of title 46,
21 United States Code, is amended—

22 (1) in subsection (a), by striking “landside con-
23 gestion.” and inserting “landside congestion and to
24 promote increased use of the navigable waters of the

1 United States for transportation of passengers or
2 freight (or both).”;

3 (2) in subsection (c), by inserting “and to pro-
4 mote waterborne transportation between ports with-
5 in the United States” after “coastal corridors”;

6 (3) in subsection (d), by striking “that the
7 project may—” and all that follows through the end
8 of the subsection and inserting “that the project
9 uses documented vessels and—

10 “(1) mitigates landside congestion; or

11 “(2) promotes waterborne transportation be-
12 tween ports of the United States.”;

13 (4) by striking subsection (f) and redesignating
14 subsection (g) as subsection (f);

15 (5) in subsection (f), as so redesignated, by
16 adding at the end the following—

17 “(4) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated not more
19 than \$5,000,000 for each of the fiscal years 2012
20 through fiscal year 2017 for grants under this sub-
21 section.”; and

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

23 “(g) TERMINATION OF AUTHORITY.—Authority
24 granted to the Secretary under this section shall terminate
25 September 30, 2017.”.

1 (b) SHORT SEA TRANSPORTATION DEFINITION.—
2 Section 55605 of title 46, United States Code, is amended
3 by striking “means the carriage by vessel of cargo—” and
4 inserting “means the carriage of passengers or freight (or
5 both) by a vessel documented under the laws of the United
6 States—”.

7 **SEC. 408. MISSION OF THE MARITIME ADMINISTRATION.**

8 Section 109(a) of title 49, United States Code, is
9 amended—

10 (1) in the section heading by striking “**Orga-**
11 **nization**” and inserting “**Organization and**
12 **mission**”; and

13 (2) by inserting at the end the following: “The
14 mission of the Maritime Administration is to foster,
15 promote, and develop the domestic merchant mari-
16 time industry of the United States.”.

17 **TITLE V—FEDERAL MARITIME**
18 **COMMISSION**

19 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 501 of the Coast Guard and Maritime Trans-
21 portation Act of 2004 (Public Law 108–293; 118 Stat.
22 1049) is amended by striking “Commission—” and all
23 that follows through the period at the end of the section
24 and inserting “Commission for each of the fiscal years
25 2012 through 2015, \$22,100,000.”.

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. TECHNICAL CORRECTIONS.**

3 (a) TITLE 14.—Title 14, United States Code, is
4 amended—

5 (1) in section 564, by striking subsection (d);

6 and

7 (2) in section 569(a), by striking “and annually
8 thereafter,”.

9 (b) STUDY OF BRIDGES.—Section 905 of the Coast
10 Guard Authorization Act of 2010 (Public Law 111–281;
11 124 Stat. 3012) is amended to read as follows:

12 **“SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

13 “The Commandant of the Coast Guard shall submit
14 to the Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Transportation
16 and Infrastructure of the House of Representatives a com-
17 prehensive study on the construction or alteration of any
18 bridge, drawbridge, or causeway over the navigable waters
19 of the United States with a channel depth of 25 feet or
20 greater that may impede or obstruct future navigation to
21 or from port facilities, for which a permit under the Act
22 of March 23, 1906 (chapter 1130; 33 U.S.C. 491 et seq.),
23 popularly known as the Bridge Act of 1906, was requested
24 on or after January 1, 2006 and on or before August 3,
25 2011.”.

1 **SEC. 602. REPORT ON COAST GUARD MERCHANT MARINER**
2 **MEDICAL EVALUATION PROGRAM.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Commandant of the
5 Coast Guard shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate a report on the Coast Guard National
9 Maritime Center’s merchant mariner medical evaluation
10 program and alternatives to the program.

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

13 (1) An overview of the adequacy of the program
14 for making medical certification determinations for
15 issuance of merchant mariners’ documents.

16 (2) An analysis of how a system similar to the
17 Federal Motor Carrier Safety Administration’s Na-
18 tional Registry of Certified Medical Examiners pro-
19 gram, and the Federal Aviation Administration’s
20 Designated Aviation Medical Examiners program,
21 could be applied by the Coast Guard to make med-
22 ical fitness determinations for issuance of merchant
23 mariners’ documents.

24 (3) An explanation of how the amendments to
25 the International Convention on Standards of Train-
26 ing, Certification and Watchkeeping for Seafarers,

1 1978, that enter into force on January 1, 2012, will
2 require changes to the Coast Guard's merchant mar-
3 iner medical evaluation program.

4 **SEC. 603. NOTICE OF ARRIVAL.**

5 The regulations required under section 109(a) of
6 Public Law 109-347 (33 U.S.C. 1223 note) on notice of
7 arrival for foreign vessels on the Outer Continental Shelf
8 shall not apply to a vessel documented under section
9 12105 of title 46, United States Code, unless such vessel
10 arrives from a foreign port or place.

○