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

October 3, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 2, 2011]
A BILL

To authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the “Coast Guard and Maritime Transportation Act of 2011”.

(b) Table of Contents.—The table of contents for 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. 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.
Sec. 310. Restriction on the use of aircraft.

TITLE IV—SHIPPING AND NAVIGATION

Sec. 401. Committee on the Marine Transportation System.
Sec. 402. Report on determinations.
Sec. 403. Dockside examinations.
Sec. 404. Recourse for noncitizens.
Sec. 405. Maritime liens on fishing permits.
Sec. 406. Short sea transportation.
Sec. 407. 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.
Sec. 604. Technical corrections to title 14.
Sec. 605. Distant water tuna fleet.
Sec. 606. Waivers.
Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.
Sec. 608. Standby vessels.
Sec. 609. Cap on penalty wages.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of the fiscal years 2012, 2013, and 2014 for necessary expenses of the Coast Guard as follows:

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

(A) $6,819,505,000 for fiscal year 2012;

(B) $6,922,645,000 for fiscal year 2013; and

(C) $7,018,499,000 for fiscal year 2014;

of which $24,500,000 is authorized for each of the fiscal years 2012, 2013, and 2014 to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and off-
shore facilities, vessels, and aircraft, including related equipment thereto—

(A) $1,503,980,000 for fiscal year 2012;

(B) $1,505,312,000 for fiscal year 2013; and

(C) $1,506,549,000 for fiscal year 2014;

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

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) $136,778,000 for fiscal year 2012;

(B) $138,111,000 for fiscal year 2013; and

(C) $139,311,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) $16,699,000 for fiscal year 2012;

(B) $16,699,000 for fiscal year 2013; and

(C) $16,700,000 for fiscal year 2014;

to remain available until expended.
(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) $19,779,000 for fiscal year 2012;

(B) $19,848,000 for fiscal year 2013; and

(C) $19,913,000 for fiscal year 2014;

of which $650,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) Active Duty Strength.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of the fiscal years 2012 through fiscal year 2014.

(b) Military Training Student Loads.—The Coast Guard is authorized average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:
(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

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

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

**SEC. 201. ACADEMY EMOLUMENTS.**

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

(1) in subsection (c)—

(A) in the first sentence—

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

(ii) by striking “pay and allowances,” and inserting “pay, allowances, and emoluments,”; and

(B) in the second sentence—

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

(ii) by striking “pay and allowances,” and inserting “pay, allowances, and emoluments,”; and
SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) Policy Requirement.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“§200. Policy on sexual harassment and sexual violence

“(a) Required Policy.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

“(b) Matters To Be Specified in Policy.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

“(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

“(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—
“(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

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

“(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

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

“(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

“(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

“(c) ANNUAL ASSESSMENT.—
“(1) The Commandant shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

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

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

“(B) to assess the perceptions of Academy personnel of—
“(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

“(ii) the enforcement of such policies;

“(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

“(d) ANNUAL REPORT.—

“(1) The Commandant shall direct the Superintendent of the Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

“(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.
“(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

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

“(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

“(4)(A) The Commandant shall transmit to the Board of Visitors of the Academy each report received by the Commandant under this subsection, together with the Commandant’s comments on the report.

“(B) The Commandant shall transmit each such report, together with the Commandant’s comments on the report, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee
on Transportation and Infrastructure of the House of Representatives.”.

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

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

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

SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

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

“(d) For the purposes of this section, the term ‘original’, with respect to the appointment of a member of the Coast Guard refers to that member’s most recent appointment in the Coast Guard that is neither a promotion nor a demotion.”.

SEC. 204. MINOR CONSTRUCTION.

(a) IN GENERAL.—Section 656 of title 14, United States Code, is amended by adding at the end the following:

“(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

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

“(2) No later than 90 days after the end of each fiscal year, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on each project undertaken during the course of the preceding fiscal year, for which the amount expended under paragraph (1) exceeded $500,000.”.

(b) CLERICAL AMENDMENT.—

(1) Section 656 of title 14, United States Code, is further amended in the heading by adding at the end the following: “; use of moneys appropriated for operating expenses for minor construction and improvement”.

(2) The analysis at the beginning of chapter 17 of such title is amended in the item relating to section 656 by striking “waters.” and inserting “waters; use of moneys appropriated for operating expenses for minor construction and improvement.”.
SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) In general.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§ 678. Treatment of reports of aircraft accident investigations

“(a) In general.—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

“(b) Public Disclosure of Certain Accident Investigation Information.—

“(1) Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

“(2) The Commandant shall not disclose the information requested in paragraph (1) unless the Commandant determines—

“(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

“(B) that release of such tapes, reports, or other information—
“(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

“(ii) would not compromise national security.

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

“(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

“(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

“(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the
of the investigators, substantially contributed to or caused the accident.

“(d) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

“(e) REGULATIONS.—The Commandant shall prescribe regulations to carry out this section.

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

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

“(2) the term ‘safety investigation’ means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.”.
(b) Clerical Amendment.—The analysis at the beginning of such chapter is amended by adding at the end the following:

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

SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking “as shortage category positions;” and inserting “as positions for which there exists a shortage of candidates or there is a critical hiring need;”; and

(2) in subsection (b)—

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

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

SEC. 207. COAST GUARD HOUSING REPORT.

In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of Coast Guard servicemember housing, including—
(1) a statement of the Coast Guard’s housing needs requirements;

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

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

(4) a list of housing capacity shortfalls and excess; and

(5) a revised prioritized list of housing maintenance and recapitalization projects.

TITLE III—COAST GUARD REFORM

SEC. 301. REPEALS.

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

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

(c) OCEAN STATIONS.—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.
(d) Detail of Members To Assist Foreign Governments.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

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

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

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

SEC. 302. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding the following:

“(e) An individual who knowingly and willfully operates a device that interferes with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

“(1) guilty of a class E felony; and

“(2) subject to civil penalty of not more than $1,000 per day for each violation.”.
SEC. 303. NATIONAL SECURITY CUTTERS.

(a) In General.—Subchapter I of chapter 15 of title 14, United States Code is amended by adding at the end the following new section:

“§ 569a. National security cutters

“(a) Sixth National Security Cutter.—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

“(1) has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters and has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to provide such boats upon the date of delivery of each subsequent national security cutter;

“(2) has achieved the goal of 225 days away from homeport for each of the first two national security cutters; and

“(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.
“(b) SEVENTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

“569a. National security cutters.”.

SEC. 304. MAJOR ACQUISITIONS REPORT.

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

“§ 569b. Major acquisitions report

“(a) MAJOR ACQUISITION PROGRAMS IMPLEMENTATION REPORT.—In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013 and every two fiscal years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

tives a report on the status of all major acquisition pro-

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

“(1) a statement of Coast Guard’s mission needs and performance goals for such program, including a justification for any change to those needs and goals from any report previously submitted under this subsection;

“(2) a justification for how the projected number and capabilities of each planned acquisition program asset meets those mission needs and performance goals;

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

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

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

“(B) any changes to the costs of new assets and legacy assets for that fiscal year, future fiscal years, or the total acquisition cost;

“(5) a justification for how any change to such program fulfills the mission needs and performance goals of the Coast Guard;
“(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

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

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

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

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

“(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.
“(c) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class with an explanation detailing the reasons why they have not been maintained in class.

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

“569b. Major acquisitions report.”.

(c) REPEAL.—

(1) Section 408 of the Coast Guard and Maritime Transportation Act of 2006 (120 Stat. 537) is amended by striking subsection (a).

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

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

(B) in section 573(c)(3), by striking subparagraph (B).
SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORATION BACKLOG.

(a) In General.—Section 693 of title 14, United States Code, is amended to read as follows:

“§ 693. Annual report to Congress

“The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.”.

(b) Clerical Amendment.—The analysis for chapter 19 of such title is amended by striking the item for such section and inserting the following:

“693. Annual report to Congress.”.

SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended by striking “citizens of the United States and its territories and possessions,” and inserting “nationals of the United States (as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) and aliens lawfully admitted for permanent residence (as
such term is defined in section 101(a)(20) of such Act (8 U.S.C. 1101 (a)(20))),”.

SEC. 307. DECOMMISSIONINGS.

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

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

SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries
enforcement, and maritime commerce. The Secretary shall include in the report—

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

(2) an assessment of projected needs for Coast Guard operations in the high latitude regions; and

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

SEC. 309. LIMITATION ON EXPENDITURES.

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

“(3) The amount of funds used under this subsection may not exceed $100,000 in any fiscal year.”.

SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.

(a) RESTRICTION.—Except as provided in subsection (b), the Secretary of the department in which the Coast Guard is operating and the Commandant of the Coast Guard may not travel aboard any Coast Guard owned or
operated fixed-wing aircraft if the Secretary has not pro-
vided the Committee on Transportation and Infrastructure
of the House of Representatives and the Committee on Com-
merce, Science, and Transportation of the Senate all of the
following:

(1) A cost-constrained Fleet Mix Analysis.

(2) The notification required under section 219
of the Coast Guard Authorization Act of 2010 (Public

(b) EXCEPTION.—The Secretary and the Commandant
may travel aboard a Coast Guard owned and operated
fixed-wing aircraft—

(1) to respond to a major disaster or emergency
declared under section 401 of the Robert T. Stafford
Disaster Relief and Emergency Assistance Act (42
U.S.C. 5170);

(2) to respond to a discharge classified as a spill
of national significance under part 300.323 of title
40, Code of Federal Regulations; or

(3) for evacuation purposes including for a med-
ical emergency.
TITL E IV—SHIPPING AND NAVIGATION

SEC. 40 1. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“§ 55502. Committee on the Marine Transportation System

(a) ESTABLISHMENT.—There is established a Committee on the Marine Transportation System (in this section referred to as the ‘Committee’).

(b) PURPOSE.—The Committee shall—

(1) assess the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

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

(3) coordinate policies among Federal agencies to promote an efficient marine transportation system.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, the Secretary of the Interior,
the Secretary of Agriculture, the Attorney General, the Secretary of Labor, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Maritime Commission, and the head of any other Federal agency that the Committee Chair, with the approval of a majority of the voting members of the Committee, determines can further the purpose and activities of the Committee.

“(2) Ex-officio Members.—The Committee may also consist of so many nonvoting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.

“(3) Chairman.—The Chair of the Committee shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined with the approval of a majority of the voting members of the Committee.

“(d) Support.—

“(1) Coordinating Board.—Each member of the Committee may select a senior level representative
to serve on a coordinating board which shall assist the Committee in carrying out its purpose and activities.

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

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

“(1) steps taken to implement actions recommended in the July 2008 ‘National Strategy for the Marine Transportation System: A Framework for Action’;

“(2) an assessment of the condition of the marine transportation system;

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

“(4) a plan with recommended actions for improving the marine transportation system to meet current and future challenges; and
“(5) steps taken to implement actions recom-
mended in previous reports required under this 
subsection.

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

(b) CLERICAL AMENDMENT.—The table of sections at 
the beginning of such chapter is amended by inserting after 
the item relating to section 55501 the following:

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

SEC. 402. REPORT ON DETERMINATIONS.

Not later than 180 days after the date of enactment 
of this Act, the Secretary of the department in which the 
Coast Guard is operating shall provide to the Committee 
on Transportation and Infrastructure of the House of Rep-
resentatives and the Committee on Commerce, Science, and 
Transportation of the Senate a report on—

(1) the loss of United States shipyard jobs and 
industrial base expertise as a result of rebuild, conver-
sion, and double-hull work on United States-flag ves-
sels eligible to engage in the coastwise trade being per-
formed in foreign shipyards;

(2) enforcement of the Coast Guard’s foreign re-
build determination regulations; and
(3) recommendations for improving the transparency in the Coast Guard’s foreign rebuild determination process.

SEC. 403. DOCKSIDE EXAMINATIONS.

(a) In General.—Section 4502(f) of title 46, United States Code, is amended—

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

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

(3) by striking the period at the end of paragraph (2) and inserting “; and”;

(4) by adding at the end the following:

“(3) shall complete the first examination of a dockside vessel under this section no later than October 15, 2015.”.

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

SEC. 404. RECOURSE FOR NONCITIZENS.

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

(1) by inserting “(a) In General.—” before the first sentence; and
(2) by adding at the end the following new sub-
section:

“(b) RECRUSE FOR NONRESIDENT ALIEN SEAMEN
EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim
for damages or expenses relating to personal injury, illness,
or death of a seaman who is a citizen of a foreign nation,
arising during or from the engagement of the seaman by
or for a passenger vessel duly registered under the laws of
a foreign nation, may not be brought under the laws of the
United States if—

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

“(2) the injury, illness, or death arose outside the
territorial waters of the United States; and

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

“(A) the nation in which the vessel was reg-
istered at the time the claim arose; or

“(B) the nation in which the seaman main-
tained citizenship or residency at the time the
claim arose.”.
SEC. 405. MARITIME LIENS ON FISHING PERMITS.

(a) In General.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

“§ 31310. Limitation on maritime liens on fishing permit and permit description

“(a) In General.—This chapter—

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

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

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

“(2) does not authorize any civil action to enforce a maritime lien on such a permit.

“(b) Fishing Permit Described.—A fishing permit—

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

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

“(c) Limitation on Statutory Construction.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction

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any Federal fishery permit issued by the Secretary of Com-
merce or to bring a civil action to enforce such modifica-
tion, suspension, revocation, or sanction.”.

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

“31310. Limitation on maritime liens on fishing permit and permit description.”.

SEC. 406. SHORT SEA TRANSPORTATION.

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

(1) in subsection (a), by striking “landside con-
gestion.” and inserting “landside congestion and to
promote increased use of the navigable waters of the
United States for transportation of passengers or
freight (or both).”;

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

(3) in subsection (d), by striking “that the
project may——” and all that follows through the end
of the subsection and inserting “that the project uses
documented vessels and——
“(1) mitigates landside congestion; or
“(2) promotes waterborne transportation between
ports of the United States.”;

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

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

“(4) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 2012 through fiscal year 2017 for grants under this subsection.”;

and

(6) by adding at the end the following:

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

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

SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.

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

(1) in the subsection heading by striking “ORGANIZATION” and inserting “ORGANIZATION AND MISSION”; and
(2) by inserting at the end the following: “The mission of the Maritime Administration is to foster, promote, and develop the domestic merchant maritime industry of the United States.”.

**TITLE V—FEDERAL MARITIME COMMISSION**

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

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

**TITLE VI—MISCELLANEOUS**

**SEC. 601. TECHNICAL CORRECTIONS.**

(a) **Title 14.**—Title 14, United States Code, is amended—

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

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

(b) **Study of Bridges.**—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 3012) is amended to read as follows:
“SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

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

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

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard National Maritime Center’s merchant mariner medical evaluation program and alternatives to the program.

(b) Contents.—The report required under subsection (a) shall include the following:
(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners’ documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration’s National Registry of Certified Medical Examiners program, and the Federal Aviation Administration’s Designated Aviation Medical Examiners program, could be applied by the Coast Guard to make medical fitness determinations for issuance of merchant mariners’ documents.

(3) An explanation of how the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, that enter into force on January 1, 2012, will require changes to the Coast Guard’s merchant mariner medical evaluation program.

SEC. 603. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of Public Law 109–347 (33 U.S.C. 1223 note) on notice of arrival for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless such vessel arrives from a foreign port or place.
SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.

Chapter 1 of title 14, United States Code, is amended to read as follows:

“CHAPTER 1—ESTABLISHMENT AND DUTIES

Sec. 1. Establishment of Coast Guard.

Sec. 2. Primary duties.

Sec. 3. Department in which the Coast Guard operates.

Sec. 4. Secretary defined.

§ 1. Establishment of Coast Guard

“The Coast Guard shall be a military service and a branch of the armed forces of the United States at all times.

§ 2. Primary duties

“The Coast Guard shall—

“(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

“(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;
“(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

“(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

“(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

“(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

§ 3. Department in which the Coast Guard operates

“(a) The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

“(b) Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall
so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

“(c) Whenever the Coast Guard operates as a service in the Navy:

“(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

“(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

“(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

“(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

“(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall
receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

“§ 4. Secretary defined

“In this title, the term ‘Secretary’ means the Secretary of the respective department in which the Coast Guard is operating.”.

SEC. 605. DISTANT WATER TUNA FLEET.

Section 421(d) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 548) is amended by striking “on December 31, 2012” and inserting “on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2011”.

SEC. 606. WAIVERS.

(a) In General.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).
(2) MACY-RENEE (United States official number 1107319)

(3) OCEAN VERITAS (IMO number 7366805).

(4) LUNA (United States official number 280133).

(5) IL MORO DI VENEZIA IV (United States official number 1028654)

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).
(3) **Termination of Effectiveness of Endorsements.**—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) **Operation of a Dry Dock.**—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

**SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPERATIONAL INFORMATION.**

Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on options to improve the integration of the Great Lakes icebreaking operational information of the United States Coast Guard and Canadian Coast Guard to improve the safety, economic
security, and efficiency of Great Lakes icebreaking activities
of both services.

SEC. 608. STANDBY VESSELS.

(a) In General.—Subtitle VIII of title 46, United
States Code, is amended by adding at the end thereof the
following new chapter:

“CHAPTER 807—STANDBY VESSELS

“Sec. 80701. Standby vessels.

§ 80701. Standby vessels

“(a) In General.—The owner or operator of a
manned facility, installation, unit, or vessel shall locate a
standby vessel—

“(1) not more than 3 nautical miles from such
manned facility, installation, unit, or vessel while it
is performing drilling, plugging, abandoning, or
workover operations; and

“(2) not more than 12 nautical miles from such
manned facility, installation, unit, or vessel while it
is performing operations other than drilling, plugging,
abandoning, or workover operations.

“(b) Improved Standby Vessel Response Time.—

“(1) In General.—A Coast Guard District
Commander may reduce the distances prescribed in
subsection (a) for the area of command of the District
Commander if the District Commander determines
the reduction is necessary to address delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.

“(2) APPROXIMATION OF NORMAL RESPONSE TIME.—Any reduction under paragraph (1) shall be made to a distance that, in weather conditions necessitating the reduction, ensures that a standby vessel’s response time approximates that of a standby vessel covering the distance prescribed in subsection (a) during normal weather conditions.

“(3) PREVENTION OF HYPOTHERMIA.—Any reduction under paragraph (1) made due to water temperature or other factors that reduce the time survivors of an accident can remain in the water shall be made to a distance at which a standby vessel can be assumed to reach the survivor before the onset of hypothermia.

“(4) NOTICE TO OWNERS AND OPERATORS.—Before exercising the authority in paragraph (1), a District Commander shall provide 72 hours notice to the owners and operators of standby vessels and owners and operators of manned facilities, installations,
units, and vessels operating in the District Commander’s area of command.

“(c) MULTIPLE PLATFORMS AND USES.—Nothing in this section shall be construed to prohibit—

“(1) use of one standby vessel for more than one manned facility, installation, unit, or vessel; or

“(2) use of a standby vessel for other purposes.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of such subtitle is amended by adding at the end the following:

“807. Standby vessels .............................................................................. 80701”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of enactment of this Act.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may promulgate regulations to implement the amendments made by this section.

(2) EXISTING REGULATIONS.—Until such time as the Secretary promulgates regulations to implement the amendments made by this section, the requirements of subpart E of part 143 of title 33, Code of Federal Regulations, as in effect on the date of enactment of this Act, including the requirements that
must be met by a standby vessel, shall apply to stand-
by vessels required under the amendments.

SEC. 609. CAP ON PENALTY WAGES.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—Section
10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action
suit by seamen” and inserting “each claim by a
seaman”; and

(B) by striking “the seamen” and inserting
“the seaman”; and

(2) in paragraph (3), by striking “class action”.

(b) COASTWISE VOYAGES.—Section 10504(c) of such
title is amended—

(1) in paragraph (2)—

(A) by striking “all claims in a class action
suit by seamen” and inserting “each claim by a
seaman”; and

(B) by striking “the seamen” and inserting
“the seaman”; and

(2) in paragraph (3), by striking “class action”.
A BILL

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

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.

OCTOBER 3, 2011

[Report No. 112-229]