

votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes."

**REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H. RES. 704**

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 704.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

**GENERAL LEAVE**

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3619 and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

**COAST GUARD AUTHORIZATION  
ACT OF 2010**

The SPEAKER pro tempore. Pursuant to House Resolution 853 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3619.

□ 1817

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with Mrs. DAHLKEMPER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes; the gentleman from Mississippi (Mr. THOMPSON) and the gen-

tleman from New York (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chair, I yield myself 4 minutes in strong support of H.R. 3619, the Coast Guard Authorization Act of 2010, the annual authorization for the Coast Guard, which we have several times passed in the House, but which the other body has not acted upon.

It's unfortunate that the Coast Guard has gone so many years without a formal authorization bill. The appropriation committees, which I applaud, in both previous Republican management and the past 2 years under Democratic leadership, the appropriation committees have continued authority for Coast Guard programs and provided funding to previously established levels. But the Coast Guard needs the legislative framework. It needs the policy framework that we provide in the authorizing legislation.

We have passed essentially this bill in the 110th Congress. We are now going to do it again, I am quite confident. We have wonderful bipartisan support, and I am very earnestly hoping and working, talking to our colleagues in the other body, to get their action so we can send this bill to the President for his signature.

And to that end, I express my very great appreciation to the gentleman from Florida (Mr. MICA) who is the senior Republican on the committee and who has been a partner in working, not only this legislation, but many, many other bills that we have brought through committee to the House floor and through to signature by the President, including even an occasion where we had to override a Presidential veto.

I express great appreciation to the gentleman from Maryland (Mr. CUMMINGS) who has taken on the responsibility of chairing the Coast Guard Subcommittee. The gentleman has applied himself diligently and vigorously to understand the workings of the Coast Guard, the issues of their mission, the needs of the various Coast Guard districts and of headquarters and has spent enormous amounts of time in chairing subcommittee hearings on the needs and issues of the Coast Guard and those maritime activities that depend upon or are regulated by the Coast Guard.

And I express appreciation to the gentleman from New Jersey (Mr. LOBIONDO), who in a previous Congress has chaired this subcommittee and was fair-minded, evenhanded and very diligent and has been a splendid partner in shaping the bill that we bring to the House, to the Committee of the Whole, today.

Our bill authorizes \$10 billion for the Coast Guard for fiscal 2010. It will increase the total end strength of the Coast Guard by 1,500 service personnel to a level of 47,000. Now that, I just have to point out, that compares to 39,000 authorized personnel in 1975, my

first year in Congress, my first year in which I also served on the then-Merchant Marine and Fisheries Committee and on the Coast Guard Subcommittee. But since that time, Congress has added 27 new missions and responsibilities for the Coast Guard without substantially increasing the personnel or the funding for the Coast Guard to carry out those missions.

Now, the men and women who wear that unique color of blue uniform have prided themselves on being a multi-mission agency, and they have prided themselves on being able to carry out all these many responsibilities. But they are working shorthanded, they are working underfunded and they need this authorization bill, and they need this increased service personnel strength that we provide in the bill before us.

We authorized \$153 million for the design and construction of a new replacement icebreaker for the Great Lakes.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional 2 minutes.

Last year, we had the situation where ships were moving in the upper lake, Lake Superior, and through the Sioux Locks beset with heavy ice cover, while the icebreaker Mackinaw was in the lower lakes on icebreaking mission. The Coast Guard has been provided funding for and have operated harbor icebreakers. Well, fine, they can operate in the harbor, they can move slush ice around, but they can't break the big ice. And when our iron ore needs to move from the upper lake to the lower lakes steel mills, it's got to get through that heavy ice. And we need an icebreaker on duty in both the upper lake and the lower lakes. And this legislation will provide funding for a second major Mackinaw-class icebreaker.

Last year, U.S.-flag vessels that were moving coal, critical for lower lakes power plants, coal that comes all the way by train from the Duluth River Basin to the lake head of Duluth-Superior, those ships and our iron ore vessels sustained one plus—1½ to a larger million dollars in damages to hulls because of a decreased icebreaking capability of the Coast Guard. Five of the Coast Guard's smaller size, 1,200-horsepower capability vessels are at the end of their service life. We need a Mackinaw-class vessel on the Great Lakes in addition to the one that is now operating.

We, in this bill, respond to the many shortcomings in Coast Guard acquisition efforts over the past several years and require the Coast Guard to develop lifecycle cost estimates for assets that will cost more than \$10 million, have a service life of at least 10 years, will prohibit contractors self-certification, an issue that arose in a 10-hour hearing Chairman CUMMINGS conducted, Mr. LOBIONDO was a part of this hearing.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself 1 additional minute.

We went until late in the night to address this extraordinary failure of arm's length contractual relationship between the Coast Guard and its contractors. So the legislation takes the lessons learned in that intensive hearing and months-long investigation to establish the appointment of a chief acquisition officer as a qualified acquisition professional.

We held a hearing on mariner education and workforce in the Coast Guard Subcommittee, and we heard concerns that there will be a shortage of qualified and experienced personnel as the Coast Guard oversees expansion of industry import and export activities over the next decade. We will establish a recruitment and training and loan program so that we'll be able to establish a robust labor pool in the maritime industry.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional 15 seconds.

There are a number of other items in this bill that Mr. CUMMINGS will further detail in his remarks.

I reserve the balance of my time.

Mr. MICA. The gentleman from New Jersey (Mr. LOBIONDO) is going to control the time if he may.

The CHAIR. The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Thank you, Madam Chair.

Before my remarks, I would like to yield to the ranking member of the full committee, the gentleman from Florida (Mr. MICA), such time as he may consume.

Mr. MICA. Thank you so much for recognizing me. My remarks tonight will be somewhat abbreviated since I'm a bit hoarse, much to the pleasure of those that don't like to hear me; but I will, with some dismay to others, proceed.

First of all, I would urge my colleagues to support this legislation. We are going to have a manager's amendment in a few minutes that has some provisions that I have questions about. This bill to authorize the Coast Guard for 1 year is basically a good bill. I do have some questions with some of the provisions.

First of all, I have to thank Mr. OBERSTAR and Mr. CUMMINGS and certainly our ranking member, the gentleman from New Jersey (Mr. LOBIONDO). They have worked tirelessly. Particularly, I have to give a lot of credit to Mr. LOBIONDO. He absolutely loves the Coast Guard, I think, with all his heart and soul; and he is dedicated to the men and women who serve. So from our side of the aisle, I want to thank, again, Mr. OBERSTAR and Mr. CUMMINGS and staff, everyone working together. We have not passed a Coast Guard authorization since July of 2006, and this is an example of bipartisan effort. It's also an example of having introduced legislation and fine-

tuning it. There were some problems with some of the initial submissions in the initial act that was submitted, and I think we've come a long way from that point.

I do want to, again, thank the men and women of the Coast Guard. They do a great job for safety and security of our Nation's coast, and they are there when we need them. We need this authorization now to provide both the policy, the programs and also the funding for that great organization.

□ 1830

When I became the ranking member, I remember one of the first calls I got was from the Coast Guard commandant. It wasn't a time that I particularly look on as a bright spot in the history of the Coast Guard. They had had a number of problems with developing a security class cutter. We had some 110-foot cutters that were being retrofitted to a greater length and for hopefully a longer useful life, and both of those programs had run aground. I think we have worked with the Coast Guard and helped them learn from their experience.

I think there was an attempt to possibly inject the government becoming a systems integrator, and heaven forbid that a smaller agency like the Coast Guard would be cast with that responsibility when it's even difficult for the Navy to take on that. But again, working with Members, I think they have crafted some good provisions in this legislation that will address some of the shortcomings that we see.

Mr. OBERSTAR has paid particular attention to the safety regime and also the structure of the senior Coast Guard leadership. This action today approves longstanding requests from the Coast Guard to modernize their command structure.

I think the bill also has some other excellent provisions in it. One of those that I take particular interest in is that the bill establishes a civil penalty for possession of illegal drugs on U.S. waters. It also includes enhanced tools for the Federal Government to apprehend and prosecute individuals who seek to smuggle undocumented persons into the United States. Both of these provisions will help the Coast Guard better carry out its law enforcement responsibilities. So there are a number of good provisions in here.

I do have questions about the manager's amendment. Mr. LOBIONDO and I are concerned about possible watering down of some of the provisions relating to piracy. Unfortunately, we've seen cases of mayhem and piracy on the open seas, and we want to give all the tools that we possibly can for enforcement on the high seas. We don't want to have a whole host of impediments to people protecting themselves or taking action against pirates. I believe that, again, an amendment that's offered by Mr. LOBIONDO, which I will strongly support, will restore some of the intention of having a strong anti-pirate pro-

vision and capability for our maritime personnel.

I also have some concerns in the legislation in several other areas; I won't get into them too much at this point. One in particular deals with the TWIC card, the Transportation Worker Identification Credential. The State of Florida has also had a demonstration of this technology and this card, along with three other States. They have some reservations about the provisions that are included in this legislation. I do have an amendment that deals with that, and that is another concern.

Finally, we also have a small provision in here I am pleased that I was able to help include, and that's establishing a congressional nomination system for admission to the Coast Guard Academy. Three of our other services have this; we don't have it for the Coast Guard. I think it will enhance the prestige of the Coast Guard Academy, and it will also help us assemble an even more capable, I think, and diverse student body.

I commend Chairman CUMMINGS, Mr. OBERSTAR and Mr. LOBIONDO, our Republican leader on this subcommittee, for their efforts.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished chairman of the Subcommittee on the Coast Guard, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chair, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the Coast Guard Authorization Act of 2010, H.R. 3619. I applaud Chairman OBERSTAR for his diligent work on this legislation, his detailed oversight of the Coast Guard, including his focus on ensuring that the service remains prepared to carry out all of its traditional missions, and for his leadership on the Committee on Transportation and Infrastructure.

I also thank Congressman MICA, the ranking member of the full committee, and Congressman LOBIONDO, the ranking member of the subcommittee, for their work on this legislation. I certainly thank Chairman BENNIE THOMPSON and Ranking Member PETER KING from the Homeland Security Committee for working so closely with us to move this very important legislation to the floor today.

This comprehensive legislation would authorize approximately \$10 billion to fund the Coast Guard's operations for fiscal year 2010. The legislation would also increase the level of military personnel authorized to be in the service by 1,500 servicemembers to 47,000 personnel. I have long said that the Coast Guard is our thin blue line at sea, and that thin blue line is now stretched as never before, as Mr. OBERSTAR has said, as it attempts to carry out its traditional missions while performing new Homeland Security responsibilities it assumed after 9/11.

The increase in the service's end strength that will be provided by the

bill would be a first step in what must be the continued growth that will finally make the Coast Guard's size equal to the demands our Nation makes of it. By incorporating a number of bills that have passed the Committee on Transportation and Infrastructure, and in some cases the full House, this legislation will also address the most pressing issues facing our Coast Guard and our Nation's merchant mariners.

For example, this legislation incorporates H.R. 1665, the Coast Guard Acquisition Reform Act of 2009, which passed the House on July 29 by a vote of 426-0. I offered that legislation to modernize the Coast Guard's management of its billion-dollar annual acquisition program. This legislation responds directly to the shortcomings the committee and subcommittee examined in the Coast Guard's implementation of several Deepwater procurements by requiring the appointment of a Chief Acquisition Officer who can be a senior military officer or a member of the senior executive service, but who must be a trained acquisition professional.

The legislation would also eliminate the use of private sector lead systems integrators and require the Coast Guard to develop tailored testing and evaluation programs and independent life-cycle cost estimates for its largest procurements.

H.R. 3619 also includes the Maritime Workforce Development Act, H.R. 2651, which would authorize the appropriation of \$10 million in each of fiscal years 2010 through 2015 to fund loans to help mariners in all stages of their careers obtain the training and certifications they need to move ahead.

In addition, H.R. 3619 would authorize a reorganization of the Coast Guard's senior leadership as proposed by the Commandant, Admiral Thad Allen; would make marine safety a core mission of the Coast Guard, and would require that those appointed to marine safety positions have the training necessary to effectively carry out this mission.

H.R. 3619 would also create a process through which Members of Congress could nominate students to attend the United States Coast Guard Academy as is done at all other Federal service academies. Data provided by the Coast Guard show that only approximately 15 percent of the incoming class of 2013 at the Coast Guard Academy was comprised of minority students. By comparison, the Naval Academy's class of 2013 was the most diverse class in that institution's history, with 35 percent of the incoming class of midshipmen being minorities. I strongly believe that initiating a nomination process will enable the Members of Congress to support and fully engage in the Coast Guard's ongoing efforts to expand diversity at the Academy and help ensure that the service's officer corps and future leaders truly reflect the diversity of our great Nation.

H.R. 3619 will provide a long overdue authorization for the Coast Guard and address the pressing issues that the committee and the subcommittee have examined through extensive oversight efforts during the past 3 years.

I strongly urge adoption of this legislation.

Mr. LOBIONDO. I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from New Jersey.

Mr. Chairman, I would like to engage in a colloquy about a provision in the manager's amendment.

Mr. OBERSTAR. Certainly. The gentleman has the time.

Mr. PETRI. I will yield to the gentleman for that purpose.

Could the chairman clarify that the provision concerning the delegation of certain Coast Guard functions to non-governmental classification societies is intended to direct that the authorization to perform inspection services should be delegated by the Coast Guard to any classification society, foreign or domestic, provided that the government of a foreign classification society's home country accepts plans, reviews, examinations, inspections, certifications and other related services from the American Bureau of Shipping in a manner equivalent to that which the Coast Guard allows foreign classification societies from that country?

Mr. OBERSTAR. The gentleman has correctly stated the intention of the provision, that the delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into agreement with that foreign government to provide for reciprocal treatment of ABS.

Mr. PETRI. Thank you. And thank you for your leadership on this important matter.

Mr. OBERSTAR. I thank the gentleman for bringing this to our attention and for his advocacy for this issue.

Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

(Mr. RUPPERSBERGER asked and was given permission to revise and extend his remarks.)

Mr. RUPPERSBERGER. Chairman OBERSTAR, thank you for your leadership. I stand in strong support of the Coast Guard Authorization bill.

First, I would like to recognize my colleague from Maryland, Chairman CUMMINGS. We have worked together as a team on many issues impacting the Baltimore region and the State of Maryland. He has shown leadership as chairman of the Coast Guard Subcommittee and has done a great deal to support the Coast Guard.

I think it is only fitting that within the space of 2 weeks we are passing the Coast Guard authorization and the FY10 Homeland Security appropriations bill which funds the Coast Guard. These

two bills will allow us to keep the security of our Nation our top priority. Homeland Security is not a Democratic or Republican initiative; it is U.S.A. first.

The Coast Guard is a central part of our Nation's defenses and has been since 1790. Since 9/11, the Coast Guard's mission has greatly expanded. They handle everything from water rescues, to management of our ports, to drug interdictions off our Nation's coasts. In 2008, the Coast Guard set a record for drug interdiction. They confiscated more than 360,000 pounds of cocaine.

I would also like to acknowledge the men and women who work at the Coast Guard Yard at Curtis Bay near the Port of Baltimore. The men and women of this yard do an excellent job maintaining and repairing the entire Coast Guard fleet. We need to ensure they are given the opportunity to do the best that they can.

The leadership of Chairman OBERSTAR and Chairman CUMMINGS, along with Ranking Members MICA and LOBIONDO, has given the Coast Guard the resources to do the job that they need to protect our country. Speedy passage of this authorization will help make our country safer, and I urge a favorable vote.

□ 1845

Mr. LOBIONDO. Madam Chairman, I yield myself such time as I may consume.

I would like to begin by thanking Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS. I think the model that this subcommittee works with could be an example for the entire Congress, the bipartisan nature in which we proceed. The opinions and ideas of all are respected and acted upon, and that is reflected in H.R. 3619, this Coast Guard Authorization Act.

However, I do have some serious concerns about a few matters—Mr. MICA touched on some of them—in the underlying bill, and some others that are being proposed in the manager's amendment. I hope the chairmen of the committee and the subcommittee will work with Ranking Member MICA and myself to address these concerns, if they are not cleared up today, as we move forward to a conference bill with the Senate.

This bill has been a long time in coming, as has been noted by Mr. MICA and Mr. OBERSTAR and Mr. CUMMINGS. We have worked on many of these provisions starting in the 109th Congress. Over that time, the absence of an authorization bill has had a real and negative impact on the Coast Guard.

Let me just stop for a minute and say I think we should all take a step back and recognize the tremendous job that the men and women of the Coast Guard have been doing, are doing, and will continue to do. They are true unsung heroes. They put themselves in harm's way, whether it is on a drug interdiction mission, whether it is in search and rescue, whether it is maritime

antiterrorism, or in the global war on terrorism, which they have also been involved in.

We owe them a great debt of gratitude. We should continue to recognize the many sacrifices they are making on behalf of our country. I thank Admiral Allen and the leadership team, but especially the men and women of the Coast Guard.

But to carry on with my statement, despite the addition of several new missions and focus areas, the service has been capped at an end-strength number that has not been increased since 2004. The lack of an authorization bill has also prevented the Coast Guard from moving forward with a planned reorganization of its senior staff, from receiving expedited hiring authorities to bolster its acquisition staff—something that is desperately needed in this time when they are replacing assets—and from exercising strengthened authorities to apprehend and prosecute alien smugglers by sea. The smugglers continue to try to improve their methods and the Coast Guard continues to respond. These are vital tools we are giving them with this authorization legislation.

This is an important bill, and I only hope our action this week will provoke an equal and prompt response from our counterparts in the United States Senate. We sometimes joke about it, we sometimes talk about it, but our ability to act on this side on an important measure like this should be followed up with the Senate. This is not the naming of a post office. There are literally lives that can be at stake here, and I hope the counterparts in the Senate will understand the severity of dealing with this in a timely manner.

In addition to authorizing much-needed funding for the Coast Guard in the coming fiscal year, the bill includes several important provisions which will improve the organization and capabilities of the Coast Guard. Under the bill, Coast Guard officers will enjoy improved flexibility to specialize in high-need mission areas without fear that they will be passed over for promotion in the process, something that is not true today.

The bill also includes the Coast Guard's proposed reorganization of its senior command structure, which will improve overall coordination of personnel, resources and capabilities to carry out all of their missions. This is increasingly important because of the needed flexibility of the changing of the mission, of the changing of the threat that the Coast Guard is protecting against, and this will be a vital component that will help them do their job.

H.R. 3619 also includes bipartisan language to overhaul the Coast Guard's acquisition program, something that Chairman OBERSTAR, Chairman CUMMINGS and Ranking Member MICA have worked on very closely, to make sure that we can fine-tune this and make it much better as they recap-

italize their major assets through the Deepwater program.

On balance, this is a very good bill, but it does include some provisions that need to be improved prior to enactment or signing by the President.

The bill continues to include language that would place unnecessary barriers in the way of approving and operating facilities that receive important energy and agricultural resources. While I understand this provision will be amended by the manager's amendment, we should look closely at whether the manager's amendment, the language therein, really improves the security, or merely sets up additional regulatory hurdles to the use of domestic energy resources, something that I don't think our country can afford.

I am likewise concerned with the proposal in the manager's amendment which would weaken language which was adopted on a bipartisan basis in the committee to provide protection from liability for vessel owners, operators, captains and crewmembers who take action to defend themselves from a pirate attack.

I want to spend just a couple more minutes talking about this. While I have an amendment on it, I think Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS were very thorough in helping us work out the language in a bipartisan way to deal with this liability issue with the pirates.

I had an opportunity at the end of August and beginning of September to visit the East Coast of Africa and to visit a Navy SEAL team on the Manda Bay, which is in Kenya, just across from Somalia where the pirates are doing most of their activities.

Our SEAL team is training Kenyans. They are doing a magnificent job, but they pointed out that the threat is very real and the pirates, because of some successes, are expected to pick up their activity. Little did we realize that this activity was going to pick up today.

For those who did not hear my remarks earlier during the debate on the rule, we had two pirate attacks today. One pirate attack took 26 hostages, took them from a Panamanian-flagged cargo vessel, as I understand it, something that gives us all great concern. There was another attack on an Italian ship. Fortunately, there was a Belgian warship that was close enough to be able to get involved and thwart that effort.

An attack on a U.S. flag vessel happened barely 6 months ago. We all watched with great anxiety how our very heroic captain and crew of a U.S.-flagged vessel conducted themselves and the heroics of a Navy SEAL team to save the lives of Americans.

The language that was worked out that was in the underlying bill, before the majority on the Judiciary Committee decided to change this, was something that will work, that will give the protection from liability to our crewmembers that they need.

The language that was put in the manager's amendment by the Judiciary Committee will set up a legal tangle and a horrific situation for a crewmember trying to thwart an attack by pirates who may be firing upon them with automatic weapons or grenade launchers. Whatever the ammunition and firepower they have, this crewmember has to go through a legal tangle in their mind of five, six or seven things to understand what they can and can't do. This is an attack on U.S. interests. So I hope Members pay particular attention to the piracy amendment as we move forward with that.

Lastly, I am concerned with our inability to include language that would establish uniform national standards for vessel discharges, including ballast water. I have spoken on numerous occasions with Mr. OBERSTAR, and I want to take particular note to thank Mr. OBERSTAR once again for his keen interest in solving this problem and bringing so many interested parties to the table. I know that Mr. OBERSTAR shares my concerns and that of many of my colleagues, both on the committee and in Congress, to address this issue through legislation this year. I thank him for his offer to work with us, and I look forward to bringing the bill to the floor in the very near future.

I plan to support the bill, even though I have a few reservations. I think it is a very important piece of legislation that we need to move forward, and I hope we will continue to improve the bill as we move through the process with amendments made in order today and as we move in a conference with the Senate. But I will continue to urge all of my colleagues on both sides of the aisle to support this legislation. It's good for the Coast Guard and it's good for America.

I reserve the balance of my time.

Mr. OBERSTAR. May I inquire of the time remaining on both sides?

The CHAIR. The gentleman from Minnesota has 5¼ minutes remaining; the gentleman from New Jersey has 2½ minutes remaining.

Mr. OBERSTAR. I thank the Chair.

I yield myself 10 seconds to thank the gentleman from New Jersey.

I like the slogan, "It's good for the Coast Guard and it's good for the country." I think that's all we need to say about this bill.

I yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman.

Mr. Chairman, I rise in support of today's Coast Guard Authorization Act, H.R. 3619. I commend the distinguished chairman and the ranking member for their work on this excellent piece of legislation. The Coast Guard is an integral part of making our country safe. They conduct daily missions to protect our ports, our waterways and the marine transportation system.

I authored a provision included in this bill to require the Coast Guard to step up border-security efforts on the

navigable portions of the Rio Grande, which are international waters. Currently, the Coast Guard is only able to patrol a very small portion of the Rio Grande twice each quarter. This forces local agencies and the U.S. Border Patrol to concentrate the majority of their time and effort on the 1,200 miles of the river banks, instead of the international boundary waters of the Rio Grande.

Along the Rio Grande, the Federal and local officials are being confronted with a multitude of security issues, including border violence, narcotics trafficking, human smuggling, and even diseased bodies floating down the river. By analyzing the current mission and identifying needs and determining how to increase the presence of the Coast Guard in this area, we can help address these local needs and keep our communities safe.

Also there is a piece of clarifying language included in the manager's amendment today that directs the Coast Guard, in conducting the analysis, to work with all necessary and appropriate entities, including Customs and Border Patrol, and local entities with local expertise. Increased cooperation and partnership between local entities and Federal entities will help identify the needs and more efficiently allocate resources. We will continue to fight to protect our communities and enhance security along the border.

Mr. Chairman, I applaud you for the continuing work you have been doing on this important bill, and I urge all my colleagues to vote "yes."

Mr. LOBIONDO. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

I rise in support of this bill, the Coast Guard reauthorization for fiscal year 2010. It is a shame that Congress has not been able to pass this reauthorization for the past 3 years, although it is not due to a lack of effort on the part of the House of Representatives.

Although there are many good provisions in this bill worth noting, I would like to talk briefly about a provision that was not included in this year's bill, ballast water management.

As an environmentalist and a protector of our Great Lakes, I believe we must act quickly and properly on ballast water management. Although aquatic invasive species enter into our ecosystems through many different pathways, such as natural migration, attaching themselves to ships and aquaculture, the most common pathway is through ballast water.

Ballast water is pumped onboard a ship to control its stability at sea. Ships often take on ballast water at a foreign port and discharge it at their USA destination port. When a ship pumps harbor water into its ballast tanks, it usually also sucks up aquatic species from that harbor. When those ballast tanks are emptied, those often-dangerous species are introduced into a

new ecosystem and they may perpetuate as an invasive species.

Since some ships are capable of holding millions of gallons of ballast water, the potential for spreading invasive species is unavoidable. Once an invasive species takes hold in a new environment, it has the ability to disrupt the balance of an ecosystem and cause significant environmental and economic harm.

The amount of harm caused to this Nation enters the tens of billions of dollars in damage each year. For example, zebra mussels have cost the various entities in the Great Lakes Basin an estimated \$5 billion for expenses related to cleaning water-intake pipes, purchasing filtration equipment and so forth. Sea lamprey control measures in the Great Lakes cost approximately \$10 million to \$15 million annually. On top of these expenses, there is the cost of lost fisheries due to these invaders.

For these reasons, combating aquatic invasive species is a central element of the Great Lakes Regional Collaboration strategy and the Great Lakes Restoration Initiative to protect and restore the Great Lakes.

Last year, I worked closely with Chairman OBERSTAR to include a title on Ballast Water Management in the Coast Guard bill, which would have created a uniform national standard for ballast water treatment. The goal was to have no living organisms in ballast water discharged by ships after 2013.

Although I would have liked this bill to once again include a provision on ballast water management, I am cognizant that this provision may be one of the reasons this bill has been held up in the Senate. However, I believe Congress must act, and that there must be a uniform national standard. A patchwork of different State laws is untenable, especially in the Great Lakes where a ship may visit numerous ports in numerous different States, not to mention Canada.

Therefore, I look forward to working with the Chairman to address ballast water management in another bill very soon. By spending millions of dollars preventing aquatic invasive species from entering our waters now, we can avoid spending billions of dollars trying to control and manage them once they are here. The adage, "an ounce of prevention is worth a pound of cure" may have never been more appropriate.

Mr. OBERSTAR. Madam Chairman, we have only one speaker left, which is myself. Does the gentleman from New Jersey have any time remaining?

The CHAIR. The gentleman from New Jersey has 30 seconds remaining.

Mr. LOBIONDO. Madam Chairman, once again I would like to thank Chairman OBERSTAR, Chairman CUMMINGS, Ranking Member MICA and our colleagues who have worked so hard on this. I want to reiterate how important this is for the men and women of the Coast Guard, who are putting their lives on the line every day for us, and to repeat what I said earlier, where I believe that this is one of those rare situations where we find a double win: It is very good for the Coast Guard, and it is very good for the United States of America.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

I want to assure the gentleman from New Jersey and the gentleman from Michigan that the issue of ballast water will be dealt with. We are proceeding already. We have had staff-level discussions with both the Coast Guard Subcommittee staff and the Water Resources staff on the Committee on Transportation and Infrastructure, Madam Chairman.

□ 1900

And I believe we can reach an agreement on setting a strong national standard and language that will establish that standard to override States' individual standards, as we have discussed in our several meetings, and I'm hopeful that we'll be able to do that within the month and bring that bill through committee to the floor on suspension if the product is acceptable on both sides of the aisle, and I'm confident we'll get there.

I'd consume the balance of my time to emphasize just a couple of points. One, which the gentleman from Maryland has already addressed, the Chair of the Subcommittee on Coast Guard, and that is diversity in the Coast Guard. It was a shock to me to see the appallingly low level of minority participation in the Coast Guard Academy and at the officer level within the Coast Guard.

I visited the Coast Guard Academy. I had lunch with the Commandant and with the head of the academic program and with a very, very astute, learned, talented young woman, African American cadet. But she was also not only distinguished by her caliber of academic performance and Coast Guard career performance, but she was practically the only one. And we have to change that. And we have included language inspired by Mr. CUMMINGS to give Members of Congress the same authority in nominating candidates for the Coast Guard as we do for the other service academies. I think that will make a major step toward diversifying the Coast Guard and reflecting America in all of its variations.

We also reorganize the senior leadership and overall structure of the Coast Guard. We spent a great deal of time in negotiations with the Commandant. I admire Commandant Allen. He's done a superb job for the Coast Guard. He resurrected FEMA during Katrina and put that agency back on a stable footing, and he, too, wants to restructure the Coast Guard.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. Madam Chairman, I will include in the RECORD the balance of my remarks.

Madam Chairman, I rise today in strong support of H.R. 3619, the "Coast Guard Authorization Act of 2010". This is the annual authorization for the Coast Guard and is largely based on H.R. 2830, which passed the House on April 24, 2008. Unfortunately, the budget

for the Coast Guard was last authorized in 2006. It is time for us to work together to ensure this Service gets what it needs to serve the American people.

I applaud Subcommittee on Coast Guard and Maritime Chairman CUMMINGS for his extensive oversight and support of the Coast Guard. Through his leadership, H.R. 3619 is a comprehensive bill that will enable the Coast Guard to carry out the Service's many missions with additional funding, new resources, and increased training standards. In addition, the safety provisions included in H.R. 3619 will reduce marine casualties and loss of life.

H.R. 3619 authorizes \$10 billion for the Coast Guard for fiscal year 2010 and increases the Service's total end strength by an additional 1,500 service members to a total of 47,000 personnel.

H.R. 3619 also authorizes \$153 million for the design and construction of a new replacement icebreaker for the Great Lakes. Last year, U.S.-flagged ships operating on the Great Lakes sustained \$1.3 million in damages to their hulls due to the Coast Guard's decreased ice breaking capabilities. Five of the Service's Great Lakes ice breakers are nearing the end of their service life.

H.R. 3619 responds directly to the many shortcomings in Coast Guard acquisition efforts, developed over the last couple of years. It also requires the Coast Guard to develop life-cycle cost estimates for assets that are expected to cost more than \$10 million and to have a service life of at least 10 years. It prohibits contractor self-certification and requires the appointment of a Chief Acquisition Officer who is a qualified acquisition professional.

In 2007, the Subcommittee on Coast Guard and Maritime held a hearing on Mariner Education and Workforce. Industry personnel expressed concern that, as the nation's volume of imports and exports increase over the next 10 years, there will be a shortage of qualified and experienced personnel. H.R. 3619 authorizes \$10 million for the Secretary of Transportation to establish a maritime career recruitment, training and loan program to ensure a robust labor pool in the maritime industry.

H.R. 3619 also authorizes the Coast Guard to implement a reorganization of its senior leadership and overall structure. The Vice Commandant is promoted to full Admiral, and the Coast Guard's previous Atlantic and Pacific Area Commanders and Chief of Staff positions are eliminated. These positions will be replaced with four three-star positions, including: the Deputy Commandant for Mission Support; Deputy Commandant for Operations; Commander of Force Readiness Command; and Commander of Operations.

In August 2007, the Subcommittee held a hearing on the challenges facing the Coast Guard's marine safety program. H.R. 3619 will alleviate the concerns of industry and Congress that the Coast Guard's marine inspectors have diminished technical expertise and that the Coast Guard has overall lost its focus on marine safety in response to its increased security responsibilities since September 11, 2001. H.R. 3619 establishes marine safety as a core mission of the Coast Guard. It sets minimum qualifications and training standards for personnel within the marine safety workforce to ensure that marine inspectors are technical experts, and have an established career path to succeed in the Coast Guard.

Commercial fishing has a high rate of injuries and death, and is noted as one of the

most dangerous jobs in the United States. From 1994 to 2004, more than 641 fishermen lost their lives and approximately 1,400 fishing vessels were lost. H.R. 3619 requires training for fishing vessel operators, and enhances and clarifies the equipment requirements for these commercial fishing vessels.

H.R. 3619 also enhances the safety and security of cruise vessel passengers. Currently, there are no Federal statutes that explicitly require foreign-flagged cruise vessels to report alleged crimes to U.S. government officials, with the exception of foreign-flagged vessels operating in areas subject to the direct jurisdiction of the United States. For cruise vessels to which H.R. 3619 applies, owners will be required to keep a log book of certain crimes and theft of property valuing more than \$1000, and will have to make that information readily accessible to law enforcement personnel. Owners will be required to modify the design and construction standards of applicable cruise vessels to increase the length of their railings to help prevent passengers from falling overboard. Also, vessel owners will be required to provide appropriate medical treatment to the victims of sexual assaults.

I urge my colleagues to join me in supporting H.R. 3619.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, October 20, 2009.

HON. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R.3619, the "Coast Guard Authorization Act of 2010," introduced on September 22, 2009. This legislation was initially referred to the Committee on Transportation and Infrastructure and sequentially referred to the Committee on Homeland Security on October 16, 2009.

In the interest of permitting this important legislation to proceed expeditiously to floor consideration, I have waived further consideration of H.R. 3619. I have done so with the understanding that waiving consideration of the bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, October 20, 2009.

HON. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing further consideration, your Com-

mittee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 16, 2009.

HON. JAMES L. OBERSTAR,  
Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 3619, the Coast Guard Authorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3619 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill moves forward, so that we may address any remaining issues on matter in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, October 19, 2009.

HON. JOHN CONYERS, JR.,  
Chairman, Committee on the Judiciary,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, October 21, 2009.  
Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, Rayburn House Office  
Building.

DEAR CHAIRMAN OBERSTAR: I am writing to confirm our understanding regarding H.R. 3619, the "Coast Guard Authorization Act of 2010." The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. I am pleased that consultation between the Transportation and Infrastructure Committee and the Committee on Energy and Commerce has led to resolution of issues relating to language in these provisions.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by seeking sequential referral of H.R. 3619. I do this, however, with the understanding that forgoing consideration of H.R. 3619 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference named to consider such provisions.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, October 21, 2009.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Energy and Commerce. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Energy and Commerce has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard. The legislation before us today builds on H.R. 2830, the Coast Guard authorization bill that the House approved by a vote of 395-7 last Congress. Like that bill, H.R. 3619 provides long overdue resources to an agency that has been underfunded for many years.

Specifically, H.R. 3619 authorizes approximately \$10 billion for FY 2010 to

ensure that the Coast Guard has the resources it needs to live up to its motto, "Always Ready." Not only does it provide \$2 billion to the Coast Guard to secure our Nation's maritime environment in this post-9/11 world, H.R. 3619 strengthens our Nation's port and maritime security by authorizing 1,500 additional servicemembers, more Maritime Security Response Teams, an expansion of canine detection teams, a maritime biometric verification system for individuals interdicted at sea, the Coast Guard Port Assistance Program, and a public awareness program for recreational boaters to report suspicious activities on the water.

With the addition of the Oberstar amendment, this bill also makes a few refinements to the TWIC program. This program is called the Transportation Worker Improvement Card, Madam Chairman, and in so many instances, as we found out, people are still waiting for their TWIC card.

H.R. 3619 also requires the Coast Guard to lead the efforts to enforce security zones around vessels carrying certain dangerous cargos, such as liquefied natural gas. The bill takes a risk-based approach to ensure that limited resources are utilized appropriately. It also requires that necessary training be provided to any State and local entity that partners with the Coast Guard to protect a security zone.

There's a lot in this bill, in addition to provisions in the port security realm. This measure also brings new transparency and accountability standards for the Coast Guard's contracting with the private sector. It reforms the 25-year, \$24 billion Deepwater acquisition program. It also enhances security on cruise ships, provides a new process for Members of Congress to nominate candidates to the Coast Guard Academy, and creates a new Minority Service Institution Management Internship program.

In closing, Madam Chairman, I'd like to thank Chairman OBERSTAR and Chairman CUMMINGS for their efforts to bring this bill to the floor. I'd also like to express my appreciation to Ranking Member KING and his staff for working so cooperatively to move this bill expeditiously. I can only hope that we will see a similar commitment from the Senate colleagues. We need to get a final bill to the President for his signature as soon as possible.

I urge passage of this important legislation.

Mr. OBERSTAR. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I ran out of time under our allocation to express my great appreciation to the chairman for the splendid cooperation we've had, one-on-one and staff-to-staff, in fashioning those portions of the bill that come under the jurisdiction of the Homeland Security Committee. It's

been a pleasure working with the chairman and his staff and to get this language fashioned, and appreciate the splendid cooperation that we've had. I thank the gentleman.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. SOUDER. Madam Chairman, I yield myself such time as I may consume.

And while I have a general interest in this entire bill from the icebreakers for the Great Lakes to ballast water to the years that I've worked with Mr. CUMMINGS on narcotics issues, in particular, I am here tonight to address the homeland security portions of this bill. And first let me say that I also appreciate the strong bipartisan support within the Committee on Homeland Security that we traditionally enjoy when considering this very important legislation.

The bill before us proposes to authorize the activities of the United States Coast Guard for the fiscal year 2010. It increases the authorized force levels by 1,500 members and provides \$10 billion to execute the Coast Guard's many missions. Its consideration is long overdue, and as we've been saying over and over, it's about time the Senate followed along. The last time the Coast Guard had an authorization bill signed into law was 2006, and I'm very pleased that we can bring another authorization bill for the Coast Guard today. And I join, again, my colleagues in voicing my support for its timely consideration in the Senate.

In the immediate aftermath of September 11, Coast Guard forces around New York and New Jersey surged to ensure the safe evacuation of half a million people from Lower Manhattan. Coast Guard forces around the world changed their posture as they were given orders to set DEFCON III. Coast Guard cutters on-loaded their military complement of weapons and ammunition, and captains of the port around the country restricted or completely shut down vessel movements.

In 2002, with the passage of the Homeland Security Act, the Coast Guard's missions were placed into categories—safety and security. The Congress specifically identified port security, drug interdiction, and defense readiness as key homeland security missions. However, while much of the Coast Guard's funding increases over the past 8 years have gone toward these homeland security missions, I would argue that these missions were seriously underfunded prior to 9/11. In fact, prior to 9/11, the Coast Guard only expended about 2 percent of its available resources on its port security missions.

To those who argue the Coast Guard has moved too far from its safety and regulatory missions, one need only revisit the agency's response to Hurricane Katrina. Following the landfall of Hurricane Katrina, pre-positioned Coast Guard forces moved in quickly to

answer tens of thousands of desperate calls for help. In fact, according to the Government Accountability Office, the Coast Guard participated in the rescue of over half of the estimated 60,000 left stranded by Hurricane Katrina. The agency itself was described as the “silver lining” in the storm that was the Federal response to Katrina. Now-Commandant Allen received many accolades for his efforts to improve and coordinate the Federal response in the aftermath.

I would like to state for the record that the Committee on Homeland Security should have held a markup on this legislation. By going through regular order in the committee, we could have added even more to this bill. That being said, I appreciate that Chairman THOMPSON, Ranking Member KING, Chairman OBERSTAR, and Ranking Member MICA, as well as the Subcommittee Chairmen CUMMINGS and LOBIONDO, for working with us to address some concerns in the manager’s amendment and in the underlying port security title.

The port security title, as amended, would—and I want to again thank Ranking Member KING for his leadership—would, one, create a public awareness campaign to ensure suspicious activities on or near the water are reported to authorities. This is very critical. The Great Lakes area, all coastal areas, all border areas, having cooperation is absolutely essential because we simply do not have enough Coast Guard vessels. If commercial or recreational boaters see something, they should say something, and they need a way to report it.

Provide the Coast Guard a second elite counterterrorism Maritime Security Response Team to ensure nationwide coverage is available to address the most severe maritime threats.

Address several shortcomings of the Transportation Worker Identification Credential program, including clarifying that TWIC cards are only required by licensed mariners who access secure areas of facilities and vessels.

Expand the Coast Guard’s successful biometrics at sea program. I’d like to thank my friend from Florida (Mr. BILIRAKIS) for his steadfast support of this program.

The Committee on Homeland Security has taken great efforts to ensure that the Coast Guard executes its security missions by allocating its limited resources based on risk. One of the more significant changes in the manager’s amendment addresses the importance of risk-based methodology for security of all vessels carrying dangerous cargos and does not limit itself only to liquefied natural gas tankers.

In 2008, the Coast Guard identified over 12,500 shipments of dangerous cargo. However, because of very limited resources, Federal, State, and local law enforcement was only able to escort about 7 percent of these shipments.

In the short-term, the bill, as amended, would require the Coast Guard to

guard those shipments that pose the greatest risk, with available Federal, State, and local resources. It will also require the Coast Guard to ensure all of its partners have the necessary training, equipment, and resources for that security mission.

While I think that this is a good bill with bipartisan support, I do have some concerns about issues not addressed in the bill, and I hope that the Committee on Homeland Security will take up in this Congress a number of these.

First, it is essential that the Coast Guard maintain a strong focus on counternarcotics. We need to have serious discussions about how to ensure greater coverage in the Pacific, including the need for oiler support. As the drug runners go farther out to sea, as they move terrorists and questionable people in those areas, we have to have the ability to go out and get them, and that means refueling capability; and how to better address the semisubmersible smuggling trend, that is, the minisubmarines that are increasingly bringing in huge loads of cocaine and, really, any contraband, could move chemical and biological weapons in through this procedure.

Additionally, we cannot ignore security in the Arctic region and what role the Coast Guard is playing and should be playing in that arena, where right now the Russians are dominating.

Thank you, Mr. Chairman, again for your bipartisan work on this bill. I look forward to working with you in the future on these important issues.

I reserve the balance of my time.

□ 1915

Mr. THOMPSON of Mississippi. Madam Chair, how much time do I have?

The CHAIR. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Madam Chair, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman.

As the Homeland Security Subcommittee chairwoman with jurisdiction over maritime issues, I come to the floor in support of the Coast Guard Authorization Act of 2010. I want to thank both the chairman of Transportation and the chairman of Homeland Security for putting together this bill, and, of course, to the ranking members and the rest of the committee members.

Specifically, I am pleased that two provisions that I championed were included in this bill and the manager’s amendment.

First, the legislation and manager’s amendment will ensure that the Coast Guard adheres to sexual assault reporting standards, policies, and procedures that are consistent with our other services, and I am pleased that these reports will be made available to all of the committees of jurisdiction.

Sexual assault among our Nation’s servicemembers is an extremely trou-

bling problem, and I believe that the accurate reporting of these assaults, comprehensive policies and procedures for responding to these crimes are a critical part of addressing this problem.

And the second provision that I referred to will amend the port security title of the bill to make much-needed changes to the Transportation Worker Identification Credentialing program, or the TWIC card. I submitted an amendment to the Rules Committee on this topic, and I am glad that the chairman accepted it and put it in his manager’s amendment. Thank you so much.

My provision does several things. It directs the Secretary to develop procedures with port owners and operators that will allow individuals who are in the process of getting their TWIC, but yet haven’t received the card, access to secure and restricted areas as long as they are escorted. This will assist the many workers at our ports who are still unable to work, and many of them have been waiting to get that TWIC card, so it’s important for them.

The provision also sets a 30-day limit for a time limit for processing the TWIC card application, and again, this is because it has taken so long when someone has applied to actually receive that card. In one case, one gentleman waited over a year to receive the card. It directs the Secretary to allow individuals to receive their TWIC card through the mail, sort of like we receive our reestablishment of our credit card rather than having to drive all the way back to the application center because for some people it could be 300 or 400 miles away. So why make a couple of trips when it could be sent through the mail and activated through the phone.

And, finally, the provision gives individuals greater access to TWIC enrollment by allowing them to submit their fingerprints to any Department of Homeland Security agency at any location rather than, again, having to go back to the enrollment center. This provision will help many individuals get back to work while protecting the security of our Nation’s ports.

I thank the chairmen, both of you, for the time, and I ask my colleagues to support this important legislation.

Mr. SOUDER. May I inquire how much time each side has.

The CHAIR. The gentleman from Indiana has 3½ minutes remaining. The gentleman from Mississippi has 3 minutes remaining.

Mr. SOUDER. I yield myself such time as I may consume.

Once again, I want to thank the chairman of the Transportation Committee and Subcommittee and Chairman THOMPSON from our committee on behalf of Ranking Member KING and the full Homeland Security Committee for the bipartisan leadership and the many things that we can work together on.

In our Subcommittee on Border and Port Security and Terrorism, the Coast

Guard is absolutely a key and integral part of that. The Homeland Security Committee needs to be engaged in this process as we work this through.

As you've heard from Congressman CUELLAR, who is also on our subcommittee, you think of the coast as the east and west coast or the Gulf of Mexico, but in fact the Rio Grande River, the Great Lakes, the Saint Lawrence Seaway, other rivers, the boundary waters area in northern Minnesota that Chairman OBERSTAR represents. A big percentage of our so-called land borders are actually water borders and trying to figure out proper training, how to handle the water, how we work with the air and marine divisions of CBP and integrate with the Coast Guard is critical to our borders. Obviously, port security comes under the Coast Guard. They're integrated in the State and local. They have amazing facilities.

We need to make sure, as this bill addresses, that the training is there but the resources are there and that we have these specialized teams. I think this bill goes a long way towards this, and we need to have the Senate take it up and pass it as well. But we need to stay ever vigilant because the Coast Guard is a key part of FEMA, it's a key part of fisheries, it's a key part of trying to protect our waters as well as trying to rescue people who fall into various places and save their lives. They are multi-task.

But a critical part of that is a homeland security mission, and I appreciate that we are able to work together in a bipartisan way on this bill.

I yield back the balance of my time.  
Mr. THOMPSON of Mississippi. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, as the motto states, the brave men and women of the United States Coast Guard are always ready to safeguard the Nation in our ports, at sea and around the world. I am confident that this bill before the House today will assist the Coast Guard just as they assist American people every day. I urge my colleagues to give H.R. 3619 their strong support.

Mr. INSLEE. Madam Chair, every year, 15 billion gallons of oil are transported through the Puget Sound and the Pacific Northwest waterways. Even a minor tanker spill could release enough oil to devastate our fragile and unique marine ecosystems of Puget Sound. In Washington State, we have been able to successfully keep our shores free from major oil spills by using tug boat escorts for laden tanker transit. The escorts reduce the risk of potentially disastrous oil spills by being ready and able to assist a tanker in a crisis or to begin the cleanup if the worst should happen. Puget Sound is also vulnerable to spills that happen in waters north of the border. Currently, Canada does not mandate tug escorts and the U.S. Coast Guard does not enforce escort requirements for ships entering U.S. waters from Canada. We share these waterways with our Canadian neighbors and I encourage working cooperatively to develop comprehensive rules to require tug escorts for

laden tanker ships to protect both sides of our national borders from oil spills.

Puget Sound is a delicate and vast coastal ecosystem that is home to iconic species such as salmon, orca whales, western grebe, and rockfish. For centuries, coastal and regional communities have been dependent on the health of the Puget Sound for cultural, economic, and recreational uses. A major oil spill could disrupt Washington's environment, economy and coastal communities' way of life by severely damaging our ecosystem, shellfish and fishing industry, tribal communities, tourism and recreation.

I have seen the impacts on oil spills in Puget Sound first hand. During a recent incident in 2003, nearly 4,800 gallons of oil spilled into the Puget Sound near Point Wells, just north of Seattle and spread across the Sound to the shores of Kitsap County. The oil contaminated clams and crabs and polluted the sand and marsh grass.

Washington State has worked hard to protect our pristine marine waters and shorelines from oil spills and it is my hope that the U.S. Coast Guard, Canada and Washington State will work together to further protect these vital and important international waterways.

Therefore, I authored an amendment, which was accepted in the Manager's amendment, to encourage these negotiations. I thank Chairman OBERSTAR for his support and hope that we can continue to work together to protect Puget Sound.

Unfortunately, due to a matter in Washington state, I will be absent during the vote on both the rule and final passage of this bill. Had I been present, I would have supported the rule and the Coast Guard Authorization Act of 2010.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the 2010 Coast Guard Authorization Act. This bill promotes the transportation safety, natural resources, and national security objectives of the country.

The bill authorizes \$10 billion for domestic and international Coast Guard operations and maintenance, search and rescue, workforce development and port, waterways and coastal safety programs. The bill will also help save money for U.S. taxpayers by requiring the Coast Guard to establish for the first time an acquisition policy based on a statement of need, an analysis of alternatives and an estimation of life-cycle costs.

The U.S. Coast Guard plays a vital role in the national security infrastructure of the country. In times of war, it falls under the command of the Navy. Among its current international missions are counter-piracy operations off the coast of Somalia. Because it is a major element of our national security efforts, it is key that Congress act on its reauthorization. Congress has not reauthorized the U.S. Coast Guard since 2006. I encourage my colleagues to join me in support of the 2010 Coast Guard Authorization Act. And I encourage my Senate colleagues to do the same.

Mr. GENE GREEN of Texas. Madam Chair, I rise in strong support of this bill and urge my colleagues to join me in supporting it.

The 29th District of Texas that I represent encompasses the Port of Houston—the largest port in the country per foreign tonnage. It drives economic activity in the region, and is home to one of the largest petro-chemical complexes in the world.

Because of this, security on the waterway is critical, and the Coast Guard has been exceptional in providing that security.

Last month a 458-foot motor vessel Chemical Supplier collided with a barge near Brady's Island, close to the Interstate 610 bridge. The Unified Command, led by the Coast Guard responded mitigating the oil spill, preventing further damage and minimizing disruption, and traffic was moving on the waterway again within three days.

Again, yesterday, a tanker ship collided with a supply vessel offshore Texas, about 40 miles southeast of Galveston, spilling 18,000 gallons of fuel oil into the Gulf of Mexico. The Coast Guard responded, contained the spill, and began cleanup later in the day with a DC-3 airplane dropping dispersants on the spill.

This bill is a strong bill, that provides the Coast Guard with the resources they need to meet the security and environmental demands they are tasked with.

The measure authorizes programs of the Coast Guard in FY 2010, and makes a number of changes dealing with acquisition systems, including the troubled Deepwater program to replace aging equipment, as well as changes to the leadership structure and career development. It requires the Coast Guard to set new regulations on marine and fishing safety, establishes marine safety as a Coast Guard function, and guarantees mariners the right of self-defense if under attack. The measure also increases penalties for knowingly bringing illegal aliens into the United States, and creates new penalties for ships under U.S. jurisdiction that do not comply.

As amended this bill will clarify existing law to ensure that the U.S. Coast Guard can continue to delegate the review and inspection of offshore facilities to the American Bureau of Shipping. Since the Merchant Marine Act of 1920, the United States Government has partnered with the Bureau to enhance safety and protect the environment. This partnership has been inadvertently jeopardized by a recent unrelated court case. Passage of the bill will continue today's high levels of offshore safety, ensure offshore projects are not delayed, and protect the jobs of hard working Americans.

Madam Chair, I again thank the Committee for their work on this bill and strongly urge my colleagues to join me in supporting it.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, is considered as adopted. The bill, as amended, is considered as an original bill for the purpose of amendment and is considered read.

The text of the bill, as amended, is as follows:

H.R. 3619

*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 Authorization Act of 2010".

(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

- Sec. 201. Appointment of civilian Coast Guard judges.
- Sec. 202. Industrial activities.
- Sec. 203. Reimbursement for medical-related travel expenses.
- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Emergency leave retention authority.
- Sec. 208. Enforcement authority.
- Sec. 209. Repeal.
- Sec. 210. Merchant Mariner Medical Advisory Committee.
- Sec. 211. Reserve commissioned warrant officer to lieutenant program.
- Sec. 212. Enhanced status quo officer promotion system.
- Sec. 213. Laser Training System.
- Sec. 214. Coast Guard vessels and aircraft.
- Sec. 215. Coast Guard District Ombudsmen.
- Sec. 216. Coast Guard commissioned officers: compulsory retirement.
- Sec. 217. Enforcement of coastwise trade laws.
- Sec. 218. Academy nominations.
- Sec. 219. Report on sexual assaults in the Coast Guard.
- Sec. 220. Home port of Coast Guard vessels in Guam.
- Sec. 221. Minority serving institutions.

## TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Goods and services.
- Sec. 302. Seaward extension of anchorage grounds jurisdiction.
- Sec. 303. Maritime Drug Law Enforcement Act amendment—simple possession.
- Sec. 304. Technical amendments to tonnage measurement law.
- Sec. 305. Adjustment of liability limits for natural gas deepwater ports.
- Sec. 306. Period of limitations for claims against Oil Spill Liability Trust Fund.
- Sec. 307. Merchant mariner document standards.
- Sec. 308. Report on Coast Guard determinations.
- Sec. 309. Ship emission reduction technology demonstration project.
- Sec. 310. Phaseout of vessels supporting oil and gas development.
- Sec. 311. Arctic marine shipping assessment implementation.
- Sec. 312. Supplemental positioning system.
- Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

## TITLE IV—GREAT LAKES ICEBREAKER

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

## TITLE V—ACQUISITION REFORM

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Subtitle A—Restrictions on the Use of Lead Systems Integrators
- Sec. 511. Procurement structure.
- Subtitle B—Coast Guard Acquisition Policy
- Sec. 521. Operational requirements.
- Sec. 522. Required contract terms.
- Sec. 523. Life-cycle cost estimates.
- Sec. 524. Test and evaluation.
- Sec. 525. Capability standards.
- Sec. 526. Acquisition program reports.
- Sec. 527. Undefined contractual actions.
- Sec. 528. Guidance on excessive pass-through charges.
- Sec. 529. Acquisition of major capabilities: Alternatives analysis.
- Sec. 530. Cost overruns and delays.
- Sec. 531. Report on former Coast Guard officials employed by contractors to the agency.
- Sec. 532. Department of Defense consultation.

## Subtitle C—Coast Guard Personnel

- Sec. 541. Chief Acquisition Officer.
- Sec. 542. Improvements in Coast Guard acquisition management.
- Sec. 543. Recognition of Coast Guard personnel for excellence in acquisition.
- Sec. 544. Coast Guard acquisition workforce expedited hiring authority.

## TITLE VI—MARITIME WORKFORCE DEVELOPMENT

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

## TITLE VII—COAST GUARD MODERNIZATION

- Sec. 701. Short title.
- Subtitle A—Coast Guard Leadership
- Sec. 711. Admirals and Vice Admirals.
- Subtitle B—Marine Safety Administration
- Sec. 721. Marine safety.
- Sec. 722. Marine safety staff.
- Sec. 723. Marine safety mission priorities and long-term goals.
- Sec. 724. Powers and duties.
- Sec. 725. Appeals and waivers.
- Sec. 726. Coast Guard Academy.
- Sec. 727. Report regarding civilian marine inspectors.

## TITLE VIII—MARINE SAFETY

- Sec. 801. Short title.
- Sec. 802. Vessel size limits.
- Sec. 803. Cold weather survival training.
- Sec. 804. Fishing vessel safety.
- Sec. 805. Mariner records.
- Sec. 806. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 807. Log books.
- Sec. 808. Safe operations and equipment standards.
- Sec. 809. Approval of survival craft.
- Sec. 810. Safety management.
- Sec. 811. Protection against discrimination.
- Sec. 812. Oil fuel tank protection.
- Sec. 813. Oaths.
- Sec. 814. Duration of credentials.
- Sec. 815. Fingerprinting.
- Sec. 816. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 817. Merchant mariner documentation.
- Sec. 818. Merchant mariner assistance report.
- Sec. 819. Offshore supply vessels.
- Sec. 820. Associated equipment.
- Sec. 821. Lifesaving devices on uninspected vessels.
- Sec. 822. Study of blended fuels in marine application.
- Sec. 823. Renewal of advisory committees.

## TITLE IX—CRUISE VESSEL SAFETY

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

## TITLE X—UNITED STATES MARINER PROTECTION

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

## TITLE XI—PORT SECURITY

- Sec. 1101. Maritime homeland security public awareness program.
- Sec. 1102. Transportation Worker Identification Credential.
- Sec. 1103. Review of interagency operational centers.
- Sec. 1104. Maritime security response teams.
- Sec. 1105. Coast Guard detection canine team program expansion.
- Sec. 1106. Coast Guard port assistance program.
- Sec. 1107. Maritime biometric identification.

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

## TITLE XII—ALIEN SMUGGLING

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

## TITLE XIII—MISCELLANEOUS PROVISIONS

- Sec. 1301. Certificate of documentation for GALLANT LADY.
- Sec. 1302. Waivers.
- Sec. 1303. Great Lakes Maritime Research Institute.
- Sec. 1304. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.
- Sec. 1305. Crew wages on passenger vessels.
- Sec. 1306. Technical corrections.
- Sec. 1307. Conveyance of decommissioned Coast Guard Cutter STORIS.
- Sec. 1308. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
- Sec. 1309. Decommissioned Coast Guard vessels for Haiti.
- Sec. 1310. Phaseout of vessels supporting oil and gas development.
- Sec. 1311. Vessel traffic risk assessment.
- Sec. 1312. Study of relocation of Coast Guard Sector Buffalo facilities.
- Sec. 1313. Conveyance of Coast Guard vessels to Mississippi.
- Sec. 1314. Coast Guard assets for United States Virgin Islands.
- Sec. 1315. Officer requirements for distant water tuna vessels.
- Sec. 1316. Assessment of needs for additional Coast Guard presence in high latitude regions.
- Sec. 1317. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
- Sec. 1318. Study of bridges over navigable waters.
- Sec. 1319. Limitation on jurisdiction of States to tax certain seamen.
- Sec. 1320. Decommissioned Coast Guard vessels for Bermuda.
- Sec. 1321. Conveyance of Coast Guard vessels to Nassau County, New York.
- Sec. 1322. Newtown Creek, New York City, New York.
- Sec. 1323. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
- Sec. 1324. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

Sec. 1325. Conveyance of Coast Guard property in Cheboygan, Michigan.

#### TITLE I—AUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(A) \$24,500,000 is authorized 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));

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

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

(D) \$2,274,312,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,597,580,000, of which—

(A) \$20,000,000 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, to remain available until expended;

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

(C) \$45,000,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating 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, \$29,745,000, to remain available until expended, of which \$500,000 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.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,361,245,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$13,198,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$133,632,000.

##### 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 the fiscal year ending on September 30, 2010.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2010, the Coast Guard is authorized average military training student loads 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

##### SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

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

###### “§153. Appointment of judges

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

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

“153. Appointment of judges.”.

##### SEC. 202. INDUSTRIAL ACTIVITIES.

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

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

(2) by adding at the end the following:

“(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders from and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.”.

##### SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

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

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

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.”.

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

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

##### SEC. 204. COMMISSIONED OFFICERS.

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

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

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

“(b) DISTRIBUTION PERCENTAGES BY GRADE.—

“(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

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

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

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

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) COMPUTATIONS.—

“(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

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

“(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”.

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

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

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

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

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

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

(C) by inserting at the end the following:

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

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

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

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

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

(B) by striking subsection (c).

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

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

(B) by striking paragraph (4); and  
(C) by redesignating paragraph (5) as paragraph (4).

**SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.**

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

“(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.”.

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

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

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

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

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

“426. Emergency leave retention authority.”.

**SEC. 208. ENFORCEMENT AUTHORITY.**

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

**“§ 99. Enforcement authority**

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

“(1) carry a firearm; and  
“(2) while at a facility (as defined in section 70101 of title 46)—

“(A) make an arrest without warrant for any offense against the United States committed in their presence; and  
“(B) seize property as otherwise provided by law.”.

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

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

“99. Enforcement authority.”.

**SEC. 209. REPEAL.**

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

**SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.**

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

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

“(a) ESTABLISHMENT.—  
“(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

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

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

“(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(C) medical examiner education; and

“(D) medical research.

“(b) MEMBERSHIP.—

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

“(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

“(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

“(c) APPOINTMENTS; TERMS; VACANCIES.—

“(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

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

“(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

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

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

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

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

“7115. Merchant Mariner Medical Advisory Committee.”.

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

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

“(a) The president may appoint temporary commissioned officers—

“(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

“(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.”.

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

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

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

(B) by striking “, and the number of officers the board may recommend for promotion”;

(2) in section 258—

(A) by inserting “(a) IN GENERAL.—” before the existing text;

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

(C) by adding at the end the following:

“(b) PROVISION OF DIRECTION AND GUIDANCE.—

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

“(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and  
“(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

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

(3) in section 259(a), by inserting after “whom the board” the following: “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title.”; and

(4) in section 260(b), by inserting after “qualified for promotion” the following: “to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)”.

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

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

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

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

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

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

(3) by adding at the end the following:

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

“(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

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

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14,

United States Code, is amended by striking “Coast Guard vessels and aircraft” and inserting “Vessels and aircraft authorized by the Secretary”.

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

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

**“§55. District Ombudsmen**

“(a) *IN GENERAL.*—The Commandant shall appoint an employee of the Coast Guard in each Coast Guard District as a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

“(b) *PURPOSE.*—The purpose of the District Ombudsman shall be the following:

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

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

“(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

“(c) *FUNCTIONS.*—

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

“(2) *GUIDELINES FOR DISPUTES.*—

“(A) *IN GENERAL.*—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

“(B) *LIMITATION.*—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

“(C) *PRIORITY.*—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

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

“(4) *ACCESS TO INFORMATION.*—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a complaint.

“(5) *REPORTS.*—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

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

“(A) in a timely fashion; and

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

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

“(e) *ANNUAL REPORTS.*—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

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

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

“(3) the eventual resolution of each such matter.”.

(b) *CLERICAL AMENDMENT.*—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

“55. District Ombudsmen.”.

**SEC. 216. COAST GUARD COMMISSIONED OFFICERS: COMPULSORY RETIREMENT.**

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

**“§293. Compulsory retirement**

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

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

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

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

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

(b) *CLERICAL AMENDMENT.*—The analysis at the beginning of such chapter is amended by striking the item relating to such section and inserting the following:

“293. Compulsory retirement.”.

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

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

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

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

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

“100. Enforcement of coastwise trade laws.”.

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

**SEC. 218. ACADEMY NOMINATIONS.**

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

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

“(1) The authorized strength of the Corps of Cadets (determined for any academic program year as of the day before the last day of the academic program year) is 1,000, excluding those foreign nationals admitted for instructions pursuant to section 195. Subject to that limitation, cadets are selected as follows:

“(A) Not more than 10 individuals, appointed by the Secretary of Homeland Security, in order of merit as established by competitive examination, from the children of members of the Armed

Forces who were killed in action or died of, or have a service-connected disability at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a ‘missing status’ (as defined in section 551(2) of title 37), and children of civilian employees who are in ‘missing status’ (as defined in section 5561(5) of title 5). The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability is rated, is binding upon the Secretary.

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

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

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

“(E) Not less than one, nominated by the Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 10 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (B)–(E). Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. A nominee not selected for appointment under this paragraph shall be considered an alternate for the purposes of appointment under paragraph (2).

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

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

“(B) applicants who applied directly for admission.

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

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

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

“(ii) are, or who died while they were, retired with pay or granted retired or retainer pay;

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

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

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

the total number of whom cannot exceed 5 percent of the class to be admitted; however, a person who is eligible for selection under subsection (a)(1)(A) may not be selected under this subparagraph;

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

“(C) graduates of the Coast Guard Scholars program, the total number of whom cannot exceed 30 percent of the class to be admitted; and

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

“(4) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

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

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

“(5) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

“(6) For purposes of the limitation in subsection (a)(1) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary may, for any academic program year, permit a variance in that limitation by not more than 5 percent. In applying that limitation, and any such variance, the last day of an academic program year shall be considered to be graduation day.”.

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

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

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

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

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

(c) **MINORITY RECRUITING PROGRAM.**—

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

“§ 199. **Minority recruiting program**

“The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

“(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

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

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

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

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

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

(2) **CLERICAL AMENDMENT.**—The table of sections for that chapter is amended by adding at the end the following new item:

“199. Minority recruiting program.”.

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

(a) **IN GENERAL.**—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

(1) The number of sexual assaults against members of the Coast Guard, and the number of

sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

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

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Coast Guard concerned.

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

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

Section 96 of title 14, United States Code, is amended—

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

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

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

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

(1) **ESTABLISHMENT AND PURPOSE.**—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the “MSI Management Internship Program”, to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(2) **OPERATION.**—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium and other non-profit educational organizations that can undertake effective recruitment efforts to attract minority students and students with disabilities.

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

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

(b) **MSI INITIATIVES.**—

(1) **ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the “MSI Student Pre-Commissioning Initiative Program”) to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

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

(3) **REPORTS.**—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this Act, the Commandant shall submit to the Committee on

Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in the MSI Student Pre-Commissioning Initiative Program, outreach efforts, and demographic information of enrollees including, age, gender, race, and disability.

(4) **ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

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

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

(1) **ESTABLISHMENT.**—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

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

(3) **PARTNERSHIPS.**—The heads of the laboratories established at the minority serving institutions pursuant to paragraph (1) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(A) develop increased research and development capacity;

(B) increase the number of baccalaureate and graduate degree holders in science, technology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(C) strengthen instructional ability among faculty.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,500,000 to the Commandant to carry out this subsection, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

(d) **DEFINITION.**—For purposes of this section, the terms “minority serving institution”, “minority serving institutions”, and “MSI” mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

**TITLE III—SHIPPING AND NAVIGATION**

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

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

(1) by striking “or” at the end of paragraph (2)(C);

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

(3) by adding at the end the following:

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

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

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

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

“(a) IN GENERAL.—The”.

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

(3) by adding at the end the following:

“(b) DEFINITION.—As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

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

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

“(c) SIMPLE POSSESSION.—

“(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”.

**SEC. 304. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.**

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

(1) by striking “engaged” the first place it appears and inserting “that engages”;

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

(3) in subparagraph (B)—

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

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

(4) in subparagraph (C), by striking “departing” and inserting “that departs”; and

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

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking “intended to be engaged on” and inserting “that engages on”.

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

(1) by amending subsection (a) to read as follows:

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

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting “, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.”;

(B) in paragraph (3), by inserting “of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is” after “vessel”;

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

(D) by striking paragraph (5);

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

(F) by amending paragraph (5), as so redesignated, to read as follows:

“(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.”;

(3) by striking subsection (c);

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

(5) in subsection (c), as redesignated, by striking “After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)” and inserting “An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel’s gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)”.

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

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

(e) TONNAGE CERTIFICATE.—

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

(A) in subsection (a), by adding at the end the following: “For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel’s measurement under this chapter.”;

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

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

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

(A) by designating the existing text as subsection (a); and

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

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

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

“14303. Tonnage Certificate.”.

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking “documented vessel measured under this chapter,” and inserting “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,”.

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

(1) by amending paragraph (1) to read as follows:

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

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

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

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line marks,” and inserting “vessel is assigned two sets of gross and net tonnages under this section.”; and

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

(2) in paragraph (2), by striking the period at the end and inserting “as assigned under this section.”.

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

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

“For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”.

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

“14514. Reciprocity for foreign vessels.”.

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

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

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

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

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

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

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating 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—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

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

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide 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 loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard’s foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard’s foreign rebuild determination process.

**SEC. 309. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.**

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

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

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

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

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 12111(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) EXPIRATION.—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

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

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

**SEC. 311. ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION.**

(a) PURPOSE.—The purpose of this section is to ensure safe, secure, and reliable maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill re-

sponse capability, and maritime search and rescue in the Arctic.

(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

(1) placement and maintenance of aids to navigation;

(2) appropriate icebreaking escort, tug, and salvage capabilities;

(3) oil spill prevention and response capability;

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

(5) search and rescue.

(c) COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.—The Committee on the Maritime Transportation System established under a directive of the President in the Ocean Action Plan, issued December 17, 2004, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

(d) AGREEMENTS AND CONTRACTS.—The Secretary of the department in which the Coast Guard is operating may, subject to the availability of appropriations, enter into cooperative agreements, contracts, or other agreements with, or make grants to individuals and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) ICEBREAKING.—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation by means of icebreaking where needed to assure the reasonable demands of commerce.

(f) DEMONSTRATION PROJECTS.—The Secretary of Transportation may enter into cooperative agreements, contracts, or other agreements with, or make grants to, individuals to conduct demonstration projects to reduce emissions or discharges from vessels operating in the Arctic.

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

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

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

(B) \$10,000,000 for each of fiscal years 2012 through 2015 to carry out agreements established under subsection (d); and

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

(h) ICEBREAKERS.—

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

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

(i) rebuilding, renovating, or improving the existing fleet of icebreakers for operation by the Coast Guard,

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

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

(B) conduct an analysis of the impact on mission capacity and the ability of the United States to maintain a presence in the Arctic regions through the year 2020 if recapitalization of the icebreaker fleet, either by constructing new icebreakers or rebuilding, renovating, or improving the existing fleet of icebreakers, is not fully funded.

(2) REPORTS TO CONGRESS.—

(A) Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High Latitude Study to assess Arctic ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(B) Not later than 1 year after the date of enactment of this Act, the Commandant shall submit reports containing the results of the analyses required under subparagraphs (A) and (B) of paragraph (1), together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

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

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

(1) In August 2006, the Department of Transportation and Department of Homeland Security sponsored the formation of an Independent Assessment Team to review the need for enhanced Loran (eLORAN) as a supplement to the Global Positioning System (GPS).

(2) In December 2006, the Independent Assessment Team unanimously recommended that eLORAN be completed and retained as the national backup system for critical safety of life, national and economic security, and quality of life applications currently that are reliant on position, time, or frequency from GPS.

(3) Based on the Independent Assessment Team report, the Department of Transportation and Department of Homeland Security jointly recommended in March 2007 that eLORAN be the national backup for GPS.

(4) The Department of Homeland Security formally announced on February 7, 2008, its intention to implement eLORAN as a national positioning, navigation, and timing system to complement the GPS in the event of an outage or disruption in service.

(5) A recent outage of GPS services in California due to an unintentional jamming incident resulted in the shutdown of the Coast Guard’s maritime Differential Global Positions System program and the Automatic Identification System, caused disruption to vessel and aircraft operations, and severely degraded transmissions at over 150 cell phone base stations.

(6) In January 2009, the Independent Assessment Team reiterated its unanimous recommendation that the Federal Government commit to operating the eLORAN system as a backup to GPS for not less than a 20-year period.

(b) REQUIRED ACTIONS.—The Secretary of the department in which the Coast Guard is operating—

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

(2) 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) a plan for modernizing the remaining LORAN-C stations;

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

(C) a comprehensive estimate of the costs associated with modernizing LORAN-C infrastructure to meet eLORAN specifications; and

(3) may not take action to terminate or decommission the LORAN-C program until 30 days

after the Secretary certifies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the eLORAN system is operational.

**SEC. 313. DUAL ESCORT VESSELS FOR DOUBLE HULLED TANKERS IN PRINCE WILLIAM SOUND, ALASKA.**

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

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

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

(2) by adding at the end the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—

“(A) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with section 3703(a)(3) of title 46, United States Code, as set forth in part 168 of title 33, Code of Federal Regulations (as in effect on March 1, 2009), implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

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

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

**TITLE IV—GREAT LAKES ICEBREAKER**

**SEC. 401. SHORT TITLE.**

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

**SEC. 402. FINDINGS.**

Congress finds that—

(1) five of the Coast Guard’s Great Lakes icebreakers are nearing the end of their useful lives;

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

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

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

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

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

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

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

**TITLE V—ACQUISITION REFORM**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Coast Guard Acquisition Reform Act of 2009”.

**SEC. 502. DEFINITIONS.**

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Transpor-

tation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

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

(A) an acquisition by the Coast Guard—

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

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

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) due to—

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

(II) the technological complexity of the asset;

(III) the commitment of resources; or

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

(ii) because such acquisition is a joint acquisition.

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

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

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

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

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

**SEC. 511. PROCUREMENT STRUCTURE.**

(a) IN GENERAL.—

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

(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard shall use full and open competition for any acquisition contract awarded after the date of enactment of this Act, unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

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

(b) EXCEPTIONS.—

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

(2) COMPLETION OF ACQUISITION BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order, including the exercise of previously established options on a delivery order or task order that was issued to a lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of capabilities or assets or the specific type of capabilities or assets covered by the order;

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

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

(D) for the acquisition of, or in support of, additional National Security Cutters or Maritime Patrol Aircraft, if the Commandant determines that—

(i) the acquisition is in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition are in the best interest of the Federal Government; and

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

(3) REPORT ON DECISIONMAKING PROCESS.—If the Commandant determines under subparagraph (B), (C), or (D) of subsection (b)(2) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant’s determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a manufacturer or shipyard shall include the costs of Government contract management and oversight.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition described in subparagraph (B), (C), or (D) of subsection (b)(2) may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

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

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

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subparagraph (B), (C), or (D) of subsection (b)(2).

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

(1) September 30, 2011; or

(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce

personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.

**Subtitle B—Coast Guard Acquisition Policy**

**SEC. 521. OPERATIONAL REQUIREMENTS.**

(a) **IN GENERAL.**—No Level 1 or Level 2 acquisition program may be initiated by the Coast Guard, and no production contract may be awarded for such an acquisition, unless the Commandant has approved an operational requirement for such acquisition.

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

(1) **IN GENERAL.**—The Commandant shall establish mature and stable operational requirements for acquisition programs.

(2) **ELEMENTS.**—Prior to establishing operational requirements under paragraph (1), the Commandant shall—

(A) prepare a preliminary statement of need, a concept of operations, an analysis of alternatives or the equivalent, an estimate of life-cycle costs, and requirements for interoperability with other capabilities and assets within and external to the Coast Guard; and

(B) in preparing the concept of operations under subparagraph (A), coordinate with acquisition and support professionals, requirements officials, operational users and maintainers, and resource officials who can ensure the appropriate consideration of performance, cost, schedule and risk trade-offs.

(c) **CONSIDERATION OF TRADE-OFFS.**—In establishing operational requirements under subsection (a), the Commandant shall develop and implement mechanisms to ensure that trade-offs among performance, cost, schedule, and risk are considered in the establishment of operational requirements for development and production of a Level 1 or Level 2 acquisition.

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

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

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

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

(2) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

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

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

(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days

underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) **PROHIBITED CONTRACT PROVISIONS.**—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of this Act does not include any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

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

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

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

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

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

(b) **TYPES OF ESTIMATES.**—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition program or project.

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

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

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

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

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

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and sub-system-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or sub-system of the capability or asset is approved for production; and

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

(3) **OTHER COMPONENTS OF TEMP.**—At a minimum, the TEMP shall identify—

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

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

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

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases;

(G) an estimate of the resources, including funds, that will be required for all test, evalua-

tion, assessment, modeling, and simulation activities; and

(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

(4) **UPDATE.**—The Coast Guard Chief Acquisition Officer shall approve an updated TEMP whenever there is a revision to program or project test and evaluation strategy, scope, or phasing.

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

(A) proceed past that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the TEMP is approved by the Coast Guard Chief Acquisition Officer; or

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

(b) **TESTS AND EVALUATIONS.**—

(1) **IN GENERAL.**—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the sub-systems of the capability or asset for which a TEMP has been prepared under subsection (a).

(2) **USE OF THIRD PARTIES.**—The Commandant shall ensure that the Coast Guard uses third parties with expertise in testing and evaluating the capabilities or assets and the sub-systems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a TEMP.

(3) **COMMUNICATION OF SAFETY CONCERNS.**—The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and sub-systems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the sub-systems concerned and to the Coast Guard Chief Acquisition Officer.

(4) **REPORTING OF SAFETY CONCERNS.**—Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award of any contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or unmitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of the capability or asset before the safety concern is corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concern, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concern.

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

(A) notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

(B) notify the appropriate congressional Committee of the safety concern not later than 30

days after notification is made to the program manager and Chief Acquisition Officer, and include in such notification—

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

(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and sub-systems of the capabilities or assets, and the date by which those actions will be taken; and

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

(c) DEFINITIONS.—In this section:

(1) DEVELOPMENTAL TEST AND EVALUATION.—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the sub-systems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

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

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

(A) the testing of a capability or asset and the sub-systems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and sub-systems for use by typical Coast Guard users to conduct those missions for which the capability or asset and sub-systems are intended to be used; and

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

(3) SAFETY CONCERN.—The term “safety concern” means any hazard associated with a capability or asset or a sub-system of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or sub-system or any hazard associated with the capability, asset, or sub-system that is likely to cause major damage to the capability, asset, or sub-system during the course of its normal operation by a typical Coast Guard user.

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

#### SEC. 525. CAPABILITY STANDARDS.

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

(b) TEMPEST TESTING.—The Commandant shall—

(1) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

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

(c) NATIONAL SECURITY CUTTERS.—

(1) NATIONAL SECURITY CUTTERS 1 AND 2.—Not later than 90 days before the Coast Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues

identified in the Department of Homeland Security Inspector General’s report OIG–07–23 dated January 2007, the Commandant shall submit to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(A) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(B) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(C) a description of any operational restrictions that would have to be applied to either National Security Cutter 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

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

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

#### SEC. 526. ACQUISITION PROGRAM REPORTS.

Any Coast Guard Level 1 or Level 2 acquisition program or project may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

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

(2) A detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability.

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

(4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

#### SEC. 527. UNDEFINITIZED CONTRACTUAL ACTIONS.

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

(b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action covered under subsection (a) must include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

(c) REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—

(1) DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an undefinitized contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

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

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

(2) LIMITATION ON OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

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

(B) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(C) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) LIMITATION ON APPLICATION.—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

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

(1) good business practice; and

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

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

(1) good business practice; and

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

(f) ALLOWABLE PROFIT.—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

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

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

(g) DEFINITIONS.—In this section:

(1) UNDEFINITIZED CONTRACTUAL ACTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “undefinitized contractual action” means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

(B) **EXCLUSION.**—Such term does not include contractual actions with respect to the following:

- (i) Foreign military sales.
  - (ii) Purchases in an amount not in excess of the amount of the simplified acquisition threshold.
  - (iii) Special access programs.
- (2) **QUALIFYING PROPOSAL.**—The term “qualifying proposal” means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

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

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

- (1) set forth clear standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;
- (2) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and
- (3) identify any exceptions determined by the Commandant to be in the best interest of the Government.

(b) **EXCESSIVE PASS-THROUGH CHARGE DEFINED.**—In this section the term “excessive pass-through charge”, with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor, other than reasonable charges for the direct costs of managing lower-tier contractors and subcontracts and overhead and profit based on such direct costs.

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

**SEC. 529. ACQUISITION OF MAJOR CAPABILITIES: ALTERNATIVES ANALYSIS.**

The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition, unless it has conducted an alternatives analysis for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset. Such analysis shall be conducted by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise. Such alternatives analysis shall include—

- (1) an assessment of the technical maturity of the capability or asset and technical and other risks;
- (2) an examination of capability, interoperability, and other advantages and disadvantages;
- (3) an evaluation of whether different combinations or quantities of specific capabilities or assets could meet the Coast Guard’s overall performance needs;
- (4) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;
- (5) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;
- (6) a calculation of life-cycle costs, including—

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

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(E) such additional measures the Commandant determines to be necessary for appropriate evaluation of the capability or asset; and

(7) the business case for each viable alternative.

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

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

- (1) a likely cost overrun greater than 10 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;
- (2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or
- (3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

(b) **CONTENT.**—The report submitted under subsection (a) shall include—

- (1) a detailed description of the breach and an explanation of its cause;
- (2) the projected impact to performance, cost, and schedule;
- (3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;
- (4) the updated acquisition schedule and the complete history of changes to the original schedule;
- (5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;
- (6) a remediation plan identifying corrective actions and any resulting issues or risks; and
- (7) a description of how progress in the remediation plan will be measured and monitored.

(c) **SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.**—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition program or project of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—

- (1) the capability or asset or capability or asset class to be acquired under the program or project is essential to the accomplishment of Coast Guard missions;
- (2) there are no alternatives to such capability or asset or capability or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;
- (3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and
- (4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

**SEC. 531. REPORT ON FORMER COAST GUARD OFFICIALS EMPLOYED BY CONTRACTORS TO THE AGENCY.**

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

viduals who were Coast Guard officials in the previous 5-year period. The report shall assess the extent to which former Coast Guard officials were provided compensation by Coast Guard contractors in the preceding calendar year.

(b) **OBJECTIVES OF REPORT.**—At a minimum, the report required by this section shall assess the extent to which former Coast Guard officials who receive compensation from Coast Guard contractors have been assigned by those contractors to work on contracts or programs between the contractor and the Coast Guard, including contracts or programs for which the former official personally had oversight responsibility or decisionmaking authority when they served in or worked for the Coast Guard.

(c) **CONFIDENTIALITY REQUIREMENT.**—The report required by this subsection shall not include the names of the former Coast Guard officials who receive compensation from Coast Guard contractors.

(d) **ACCESS TO INFORMATION.**—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

(e) **DEFINITIONS.**—In this section:

(1) **COAST GUARD CONTRACTOR.**—The term “Coast Guard contractor” includes any person that received at least \$10,000,000 in contractor awards from the Coast Guard in the calendar year covered by the annual report.

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

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

(a) **IN GENERAL.**—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for capabilities and assets acquired for the Coast Guard.

(b) **INTER-SERVICE TECHNICAL ASSISTANCE.**—The Commandant may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Commands, with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

- (1) the exchange of technical assistance and support that the Coast Guard Chief Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer may identify;
- (2) the use, as appropriate, of Navy technical expertise; and
- (3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) **TECHNICAL REQUIREMENT APPROVAL PROCEDURES.**—The Coast Guard Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the senior procurement executive of the Department of the Navy to approve all technical requirements.

(d) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the appropriate congressional committees that—

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

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

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

#### Subtitle C—Coast Guard Personnel

##### SEC. 541. CHIEF ACQUISITION OFFICER.

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

##### “§56. Chief Acquisition Officer

“(a) ESTABLISHMENT OF CHIEF ACQUISITION OFFICER.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

“(b) QUALIFICATIONS.—

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

“(A) Program executive officer.

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

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

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

“(E) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

“(2) The Commandant shall periodically publish a list of the positions designated under this subsection.

“(c) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and subcontract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

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

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

“(5) managing the direction of acquisition policy for the Coast Guard, including implementa-

tion of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

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

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

“(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.”.

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

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

“56. Chief Acquisition Officer.”.

(d) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—Within 45 days after the elevation to the Chief Acquisition Officer of any design or other dispute regarding a Level 1 or Level 2 acquisition, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

(e) SPECIAL RATE SUPPLEMENTS.—

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

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

##### SEC. 542. IMPROVEMENTS IN COAST GUARD ACQUISITION MANAGEMENT.

(a) PROGRAM AND PROJECT MANAGERS.—An individual may not be assigned as the program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(b) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

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

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

(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

(A) Program management.

(B) Systems planning, research, development, engineering, and testing.

(C) Procurement, including contracting.

(D) Industrial and contract property management.

(E) Life-cycle logistics.

(F) Quality control and assurance.

(G) Manufacturing and production.

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

(I) Acquisition education, training, and career development.

(J) Construction and facilities engineering.

(K) Testing and evaluation.

(3) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(e) MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

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

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(f) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall report to the Congress by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

(2) CONTENTS.—The report shall—

(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (d); and

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

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

(h) CAREER PATHS.—

(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

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

(i) BALANCED WORKFORCE POLICY.—In the development of acquisition workforce policies under this section with respect to any civilian employees or applicants for employment, the Commandant shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

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

(1) **ISSUANCE OF GUIDANCE.**—Not later than 1 year after the date of enactment of this Act, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of acquisition programs and projects. The guidance shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program; and

(C) the extent to which a program manager who initiates a new program or project will continue in management of that program or project without interruption until the delivery of the first production units of the program.

(2) **STRATEGY.**—

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

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

(i) the creation of a specific career path and career opportunities for individuals who are or may become program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for individuals who are or may become program managers;

(iii) the provision of mentoring support to current and future program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of Defense;

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisition efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

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

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commandant shall commence implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition program or project.

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

(1) Specific award categories, criteria, and eligibility and manners of recognition.

(2) Procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program.

(3) Procedures for the evaluation of nominations for recognition under the program by one

or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

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

**SEC. 544. COAST GUARD ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.**

(a) **IN GENERAL.**—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

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

**TITLE VI—MARITIME WORKFORCE DEVELOPMENT**

**SEC. 601. SHORT TITLE.**

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

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

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

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

“(a) **ESTABLISHMENT.**—The Secretary of Transportation shall establish a maritime career training loan program (in this section referred to as the “program”) in accordance with the requirements of this section.

“(b) **PURPOSE.**—The purpose of the program shall be to make maritime career training loans available to eligible students to provide for the training of United States mariners.

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

“(d) **DUTIES.**—The Secretary shall—

“(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

“(2) develop an application process and eligibility criteria for the award of loans under the program;

“(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

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

“(e) **DESIGNATION OF MARITIME TRAINING INSTITUTIONS.**—

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

“(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, except that undergraduate students at the United States Merchant Marine Academy shall not be eligible for loans under the program;

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

“(C) shall ensure that designated institutions have the ability to administer the program; and

“(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

“(2) **EXCLUSIONS.**—The Secretary—

“(A) may exclude from participation in the program a maritime training institution that has

had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

“(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary’s discretion determines that the existence or amount of any such debts has not been finally determined by the appropriate Federal agency;

“(C) may exclude from participation in the program a maritime training institution that has failed to comply with quality standards established by the Department of Labor, the Coast Guard, or a State; and

“(D) may establish such other criteria as the Secretary determines will protect the financial interest of the United States and promote the purposes of this section.

“(f) **STATE MARITIME ACADEMIES.**—

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

“(2) **ACADEMIC STANDARDS FOR STUDENTS.**—Students at State maritime academies receiving loans under the program shall maintain satisfactory progress toward the completion of their course of study as evidenced by the maintenance of a cumulative C average, or its equivalent, or academic standing consistent with the requirements for graduation, as determined by the institution.

“(g) **LOAN AMOUNTS AND USE.**—

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

“(2) **USE OF LOAN PROCEEDS.**—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary under subsection (d)(4) for books, tuition, required fees, travel to and from training facilities, and room and board.

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

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

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

“(3) meet the enrollment requirements of a maritime training institution designated by the Secretary under subsection (d)(4); and

“(4) sign an agreement to—

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

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

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

“(i) **ADMINISTRATION OF LOANS.**—

“(1) **CONTENTS OF LOAN AGREEMENTS.**—Any agreement between the Secretary and a student borrower for a loan under the program shall—

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

the principal amount of the loan and any origination fee, together with interest thereon, in equal installments (or, if the student borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date on which the student borrower completes study or discontinues attendance at the maritime program for which the loans are used at the institution approved by the Secretary and not exceeding 10 years;

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

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

“(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled, as determined in accordance with regulations to be issued by the Secretary;

“(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

“(F) include provisions for deferral of repayment, as determined by the Secretary.

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

“(A) For a loan for which the first disbursement is made on or after January 1, 2010, and before October 1, 2011, 5.6 percent on the unpaid principal balance of the loan.

“(B) For a loan for which the first disbursement is made on or after October 1, 2011, and before October 1, 2012, 4.5 percent on the unpaid principal balance of the loan.

“(C) For a loan for which the first disbursement is made on or after October 1, 2012, 3.4 percent on the unpaid principal balance of the loan.

“(3) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

“(A) IN GENERAL.—The Secretary shall at or prior to the time the Secretary makes a loan to a student borrower under the program, provide thorough and adequate loan information on such loan to the student borrower. The disclosures required by this paragraph may be made as part of the written application material provided to the student borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the student borrower.

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

“(i) the address to which communications and payments should be sent;

“(ii) the principal amount of the loan;

“(iii) the amount of any charges collected at or prior to the disbursement of the loan and whether such charges are to be deducted from the proceeds of the loan or paid separately by the student borrower;

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

“(v) the yearly and cumulative maximum amounts that may be borrowed;

“(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

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

“(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an

estimate of the projected monthly payment, given such cumulative balance;

“(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;

“(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

“(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

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

“(xiii) to the extent practicable, the effect of accepting the loan on the eligibility of the student borrower for other forms of student assistance; and

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

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

“(4) REPAYMENT AFTER DEFAULT.—The Secretary may require any student borrower who has defaulted on a loan made under the program to—

“(A) pay all reasonable collection costs associated with such loan; and

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

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

“(6) COLLECTION OF REPAYMENTS.—The Secretary shall collect repayments made under the program and exercise due diligence in such collection, including maintenance of all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under the program shall be pursued to the full extent of the law, including wage garnishment if necessary. The Secretary of the Department in which the Coast Guard is operating shall provide the Secretary of Transportation with any information regarding a mariner that may aid in the collection of repayments under this section.

“(7) REPAYMENT SCHEDULE.—A student borrower who receives a loan under the program shall repay the loan quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date the student borrower completes study or discontinues attendance at the maritime program for which the loan proceeds are used and ending not more than 10 years after the date repayment begins. Provisions for deferral of repayment shall be determined by the Secretary.

“(8) CONTRACTS FOR SERVICING AND COLLECTION OF LOANS.—The Secretary may—

“(A) enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this section; and

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

“(j) REVOLVING LOAN FUND.—

“(1) ESTABLISHMENT.—The Secretary shall establish a revolving loan fund consisting of

amounts deposited in the fund under paragraph (2).

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

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

“(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

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

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

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

“(4) MAINTENANCE OF RECORDS.—The Secretary shall maintain accurate records of the administrative costs referred to in paragraph (3)(A).

“(k) ANNUAL REPORT.—The Secretary, on an annual basis, 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 program, including—

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

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

“(3) the total amount of loans made under program that are in default as of the date of the report.

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

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

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

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

“(a) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than one year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan that describes the demonstration, research, and multistate project priorities of the Department of Transportation concerning merchant mariner recruitment, training, and retention for the 3-year period following the date of publication of the plan.

“(2) CONTENTS.—A plan published under paragraph (1) shall contain strategies and identify potential projects to address merchant mariner recruitment, training, and retention issues in the United States.

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

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

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

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

“(D) the likelihood that the results of potential projects will be useful to policymakers and stakeholders in addressing merchant mariner recruitment, training, and retention issues.

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

“(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**“(b) DEMONSTRATION PROJECTS.—**

“(1) **IN GENERAL.**—The Secretary may award grants to a maritime training institution to carry out demonstration projects that implement the priorities identified in the plan prepared under subsection (a)(1), for the purpose of developing and implementing methods to address merchant mariner recruitment, training, and retention issues.

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

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

“(A) information demonstrating the estimated effectiveness of the project; and

“(B) a method for evaluating the effectiveness of the project.

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

“(A) the establishment of maritime technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, economic development organizations, or Federal, State, and local government agencies to meet unmet skills needs of the maritime industry;

“(B) projects that provide training to upgrade the skills of workers who are employed in the maritime industry;

“(C) projects that promote the use of distance learning, enabling students to take courses through the use of media technology, such as videos, teleconferencing, and the Internet;

“(D) projects that assist in providing services to address maritime recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

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

“(F) the establishment of maritime training programs that foster technical skills and operational productivity in communities in which economies are related to or dependent upon the maritime industry.

**“(c) PROJECTS AUTHORIZED.—**

“(1) **PROJECTS.**—The Secretary may award grants to carry out projects identified in a plan published under subsection (a)(1) under which the project sponsor will—

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

“(B) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(C) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

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

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

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

**“(d) AUTHORIZATION OF APPROPRIATIONS.—**

There are authorized to be appropriated for each of fiscal years 2010 through 2015—

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

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

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

“51705. Maritime career training loan program.

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

**TITLE VII—COAST GUARD MODERNIZATION****SEC. 701. SHORT TITLE.**

This title may be cited as the “Coast Guard Modernization Act of 2009”.

**Subtitle A—Coast Guard Leadership****SEC. 711. ADMIRALS AND VICE ADMIRALS.**

(a) **ADMIRALS.**—Section 41 of title 14, United States Code, is amended by striking “an admiral,” and inserting “admirals;”.

(b) **VICE COMMANDANT.**—Section 47 of title 14, United States Code, is amended—

(1) in the section heading by striking “assignment” and inserting “appointment”; and

(2) in the text by striking “vice admiral” and inserting “admiral”.

(c) **VICE ADMIRALS.**—

(1) **IN GENERAL.**—Section 50 of title 14, United States Code, is amended to read as follows:

**“§50. Vice admirals**

“(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform any duties as the Commandant may prescribe.

“(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

“(A) The Deputy Commandant for Mission Support.

“(B) The Deputy Commandant for Operations and Policy.

“(C) The Commander, Force Readiness Command.

“(D) The Commander, Operations Command.

“(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

“(4)(A) Except as provided in subparagraph (B), the Deputy Commandant for Operations and Policy must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions.

“(B) The requirements of subparagraph (A) do not apply to such Deputy Commandant if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

“(b)(1) The appointment and the grade of vice admiral under this section shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

“(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

“(A) while under orders transferring the officer to another position designated under sub-

section (a), beginning on the date the officer is detached from duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

“(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

“(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer’s retirement, but not for more than 60 days.

“(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

“(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer’s permanent grade.

“(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.”

(2) **APPLICATION OF DEPUTY COMMANDANT QUALIFICATION REQUIREMENT.**—The requirement under section 50(a)(4)(A) of title 14, United States Code, as amended by this subsection, shall apply on and after October 1, 2011.

(d) **REPEAL.**—Section 50a of title 14, United States Code, is repealed.

(e) **CONFORMING AMENDMENT.**—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

“(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

“(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

“(c) An officer, other than the Commandant, who, after serving less than two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”; and

(2) in subsection (d)(2) by striking “Area Commander, or Chief of Staff” and inserting “or Vice Admirals”.

(f) **CONTINUITY OF GRADE.**—Section 52 of title 14, United States Code, is amended—

(1) in the section heading by inserting “and admirals” after “Vice admirals”; and

(2) in the text by inserting “or admiral” after “vice admiral” the first time that term appears.

(g) **CONTINUATION ON ACTIVE DUTY.**—The second sentence of section 290(a) of title 14, United States Code, is amended to read as follows: “Officers, other than the Commandant, serving for the time being or who have served in the grade of vice admiral or admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral.”

(h) **TREATMENT OF INCUMBENTS; TRANSITION.—**

(1) **VICE COMMANDANT.**—Notwithstanding any other provision of law, the officer who, on the date of enactment of this Act, is serving in the Coast Guard as Vice Commandant—

(A) shall continue to serve as Vice Commandant;

(B) shall have the grade of admiral with pay and allowances of that grade; and

(C) shall not be required to be reappointed by reason of the enactment of this Act.

(2) **CHIEF OF STAFF, COMMANDER, ATLANTIC AREA, OR COMMANDER, PACIFIC AREA.**—Notwithstanding any other provision of law, an officer

who, on the date of enactment of this Act, is serving in the Coast Guard as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his or her duties and appointed and confirmed to another position as a vice admiral or admiral; and

(B) for the purposes of transition, may continue, for not more than one year after the date of enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes.

(i) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended—

(A) by striking the item relating to section 47 and inserting the following:

“47. Vice Commandant; appointment.”;

(B) by striking the item relating to section 50 and inserting the following:

“50. Vice admirals.”;

(C) by striking the item relating to section 50a; and

(D) by striking the item relating to section 52 and inserting the following:

“52. Vice admirals and admirals, continuity of grade.”.

(j) **TECHNICAL CORRECTION.**—Section 47 of title 14, United States Code, is further amended in the fifth sentence by striking “subsection” and inserting “section”.

**Subtitle B—Marine Safety Administration**

**SEC. 721. MARINE SAFETY.**

(a) **ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.**—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

**“§ 101. Marine safety**

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

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

“(2) Based on the following priorities:

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

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

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

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is further amended by adding at the end the following new item: “101. Marine safety.”.

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

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

**“§ 57. Marine safety workforce**

“(a) **DESIGNATION OF MARINE SAFETY WORKFORCE.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Commandant, shall designate those positions in the Coast Guard that constitute the marine safety workforce.

“(2) **REQUIRED POSITIONS.**—In designating positions under paragraph (1), the Secretary shall include, at a minimum, the following marine safety-related positions:

“(A) Program oversight.

“(B) Vessel and facility inspection.

“(C) Casualty investigation.

“(D) Pollution investigation.

“(E) Merchant Mariner licensing, documentation, and registry.

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

“(3) **MARINE SAFETY MANAGEMENT HEADQUARTER ACTIVITIES.**—The Secretary shall also designate under paragraph (1) those marine safety-related positions located at Coast Guard headquarters units, including the Marine Safety Center and the National Maritime Center.

“(b) **CAREER PATHS.**—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in marine safety are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior marine safety positions. The Secretary shall make available published information on such career paths.

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

“(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

“(2) marine casualty investigator shall have training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

“(3) marine safety engineer shall have knowledge, skill, and practical experience in—

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

“(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

“(C) the qualifications and training of vessel personnel.

“(d) **APPRENTICESHIP REQUIREMENT.**—Any officer, member, or employee of the Coast Guard in training to become a marine inspector, marine casualty investigator, or a marine safety engineer shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant, under the guidance of a qualified marine inspector, marine casualty investigator, or marine safety engineer. The Commandant may authorize shorter apprenticeship periods for certain qualifications, as appropriate.

“(e) **BALANCED WORKFORCE POLICY.**—In the development of marine safety workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

“(f) **MANAGEMENT INFORMATION SYSTEM.**—The Secretary, acting through the Commandant, shall establish a management information system for the marine safety workforce that shall provide, at a minimum, the following standardized information on persons serving in marine safety positions:

“(1) Qualifications, assignment history, and tenure in assignments of persons in the marine safety workforce.

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

“(g) **ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.**—

“(1) **REPORT.**—The Secretary, acting through the Commandant, shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by December 1 of each year on the ade-

quacy of the current marine safety workforce to meet that anticipated workload.

“(2) **CONTENTS.**—The report shall specify the number of civilian and military Coast Guard personnel currently assigned to marine safety positions and shall identify positions that are understaffed to meet the anticipated marine safety workload.

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

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

“(A) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

“(B) qualified marine casualty investigator.

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

“(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations; and

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

“(i) **SIGNATORIES OF LETTER OF QUALIFICATION.**—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

**“§ 58. Centers of Expertise for Marine Safety**

“(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard may establish and operate one or more Centers of Expertise for Marine Safety (in this section referred to as a ‘Center’).

“(b) **MISSIONS.**—The Centers shall—

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

“(2) develop a repository of information on marine safety; and

“(3) perform any other missions as the Commandant may specify.

“(c) **JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.**—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

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

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

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

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

“(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

“(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

**“§ 59. Marine industry training program**

“(a) **IN GENERAL.**—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard

may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

“(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

“(A) the duration and termination of assignments;

“(B) reimbursements; and

“(C) status, entitlements, benefits, and obligations of program participants; and

“(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

“(b) ANNUAL REPORT.—Not later than the date of the submission each year of the President’s budget request under section 1105 of title 31, the Commandant 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 that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and

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

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

“57. Marine safety workforce.

“58. Centers of Expertise for Marine Safety.

“59. Marine industry training program.”.

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

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

**“§2116. Marine safety strategy, goals, and performance assessments**

“(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

“(1) Reducing the number and rates of marine casualties.

“(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

“(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

“(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

“(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

“(A) To increase the number of safety examinations on all high-risk vessels.

“(B) To eliminate the backlog of marine safety-related rulemakings.

“(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

“(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

“(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

“(B) the staff skills and training needed for timely and effective accomplishment of each goal.

“(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President’s budget submission under section 1105 of title 31.

“(d) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant and shall identify any deficiencies that should be remedied before the next progress assessment.

“(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

“(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and

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

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

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

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

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

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

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsections:

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

“(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

“(2) approval of materials, equipment, appliances, and associated equipment;

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

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

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

“(6) enforcement of manning requirements, citizenship requirements, control of log books;

“(7) documentation and numbering of vessels;

“(8) State boating safety programs;

“(9) commercial instruments and maritime liens;

“(10) the administration of bridge safety;

“(11) administration of the navigation rules;

“(12) the prevention of pollution from vessels;

“(13) ports and waterways safety;

“(14) waterways management, including regulation for regattas and marine parades;

“(15) aids to navigation; and

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

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

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

“(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.”.

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

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

**“§102. Appeals and waivers**

“Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

“(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

“(2) have a senior staff member who—

“(A) meets the requirements of paragraph (1);

“(B) actively advises the individual adjudicating the appeal; and

“(C) concurs in writing on the decision on appeal.”.

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

“102. Appeals and waivers.”.

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

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

**“§200. Marine safety curriculum**

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

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

“200. Marine safety curriculum.”.

**SEC. 727. REPORT REGARDING CIVILIAN MARINE INSPECTORS.**

Not later than one year 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 Coast Guard’s efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

**TITLE VIII—MARINE SAFETY**

**SEC. 801. SHORT TITLE.**

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

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

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

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

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);  
 (4) by striking the period at the end of subparagraph (B) and inserting “; or”; and  
 (5) by inserting at the end the following:  
 “(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.”

(b) CONFORMING AMENDMENTS.—

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

“(g) VESSEL REBUILDING AND REPLACEMENT.—

“(1) IN GENERAL.—

“(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

“(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

“(2) RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

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

“(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

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

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

“(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009.

“(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”

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

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

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)”;

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

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

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

(B) by adding at the end the following:

“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

“(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the

United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”

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

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

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

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

(1) in subsection (a), by—

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

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

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

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

(C) in paragraph (2)(B), by striking “lifeboats or liferafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

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

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel” and

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

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

(3) by amending subsection (f) to read as follows:

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

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

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 2 years, and shall issue a certificate of compliance

to a vessel meeting the requirements of this chapter.”; and

(4) by adding at the end the following:

“(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

“(2) The training program shall—

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

“(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

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

“(D) provide for issuance of a certificate to an individual that has successfully completed the program.

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

“(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

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

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

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

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

“(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

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

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

“(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

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

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

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

“(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 through 2014 for grants under this subsection.

“(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

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

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

“(4) There is authorized to be appropriated \$3,000,000 for each fiscal years 2010 through 2014 for activities under this subsection.”.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§4508. Commercial Fishing Safety Advisory Committee”;

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”; and

(ii) in clause (ii), by striking “an uninspected” and inserting “a”;

(C) by striking subparagraph (B) and inserting the following:

“(B) three members who shall represent the general public, including, whenever possible—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

“(iii) a person familiar with issues affecting fishing communities and families of fishermen;”;

and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—” and inserting “each of whom shall represent—”; (ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”; (iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following new clause:

“(v) owners of vessels to which this chapter applies.”.

(3) TERMINATION.—Section 4508(e)(1) of that title is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

(d) LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built or undergoes a major conversion completed after July 1, 2010”.

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§4503. Fishing, fish tender, and fish processing vessel certification”;

(B) in subsection (a) by striking “fish processing”; and

(C) by adding at the end the following:

“(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and—

“(1) is built after July 1, 2010; or

“(2) undergoes a major conversion completed after that date.

“(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

“(A) is at least 50 feet overall in length;

“(B) is built before July 1, 2010; and

“(C) is 25 years of age or older.

“(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

“(3) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2010, shall—

“(A) remain subject to the requirements of a classification society approved by the Secretary; and

“(B) have on board a certificate from that society.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

#### SEC. 805. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting “(a)” before “The”;;

(2) by striking “computerized records” and inserting “records, including electronic records,”; and

(3) by adding at the end the following:

“(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

“(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

#### SEC. 806. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

#### SEC. 807. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

“§11304. Additional logbook and entry requirements

“(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

“(b) The log book required by subsection (a) shall include the following entries:

“(1) The time when each seaman and each officer assumed or relieved the watch.

“(2) The number of hours in service to the vessels of each seaman and each officer.

“(3) An account of each accident, illness, and injury that occurs during each watch.”.

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

“11304. Additional logbook and entry requirements.”.

**SEC. 808. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is further amended by adding at the end the following new sections:

**“§2117. Termination for unsafe operation**

“An individual authorized to enforce this title—

“(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

“(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

“(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

**“§2118. Establishment of equipment standards**

“(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

“(1) based on performance using the best available technology that is economically achievable; and

“(2) operationally practical.

“(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

“(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.”.

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

“2117. Termination for unsafe operation.

“2118. Establishment of equipment standards.”.

**SEC. 809. APPROVAL OF SURVIVAL CRAFT.**

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

**“§3104. Survival craft**

“(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

“(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

“(1) it was approved by the Secretary before January 1, 2010; and

“(2) it is in serviceable condition.”.

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

“3104. Survival craft.”.

**SEC. 810. SAFETY MANAGEMENT.**

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting “FOREIGN VOYAGES AND FOREIGN VESSELS.—”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

“(1) a passenger vessel or small passenger vessel; and

“(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.”;

(4) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (d)(4), as so redesignated, by inserting “that is not described in subsection (b) of this section” after “waters”.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

“(1) the characteristics, methods of operation, and nature of the service of these vessels; and

“(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.”.

**SEC. 811. PROTECTION AGAINST DISCRIMINATION.**

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “or” after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

“(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

“(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

“(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

“(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

“(G) the seaman accurately reported hours of duty under this part.”; and

(4) by amending subsection (b) to read as follows:

“(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman’s request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.”.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

**SEC. 812. OIL FUEL TANK PROTECTION.**

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into

after the date of enactment of the Maritime Safety Act of 2009, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection’.

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

**SEC. 813. OATHS.**

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

**SEC. 814. DURATION OF CREDENTIALS.**

(a) MERCHANT MARINER’S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

**“§7106. Duration of licenses**

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

**“§7107. Duration of certificates of registry**

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

**SEC. 815. FINGERPRINTING.**

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

**§7507. Fingerprinting**

"The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105."

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

"7507. Fingerprinting."

**SEC. 816. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 815(a) of this title, is further amended by adding at the end the following:

**§7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents**

"(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

"(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

"(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner's document.

"(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

"(1) extend for not more than one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

"(2) issue for not more than five years an expiring merchant mariner's document issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such merchant mariner's document with the expiration date of a merchant mariner's document.

"(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen."

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section 815(b), is further amended by adding at the end the following:

"7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents."

**SEC. 817. MERCHANT MARINER DOCUMENTATION.**

(a) INTERIM CLEARANCE PROCESS.—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 develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the

consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

**SEC. 818. MERCHANT MARINER ASSISTANCE REPORT.**

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 regarding the feasibility of—

(1) expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) including proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG-719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

**SEC. 819. OFFSHORE SUPPLY VESSELS.**

(a) DEFINITION.—Section 2101(19) of title 46, United States Code, is amended by striking "of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

(b) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102-587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: "of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

(c) REMOVAL OF TONNAGE LIMITS.—

(1) ABLE SEAMEN-OFFSHORE SUPPLY VESSELS.—Section 7310 of title 46, United States Code, is amended by striking "of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

(2) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section 7312(d) of title 46, United States Code, is amended by striking "of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

(d) WATCHES.—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after "offshore supply vessel" the following: "of less than 500 gross tons as measured under section 14502 of this title, or less than 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title";

(2) in subsection (d), by inserting "(1)" after "(d)", and by adding at the end the following:

"(2) Paragraph (1) does not apply to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compli-

ance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary."; and

(3) in subsection (e), by striking "subsection (d)" and inserting "subsection (d)(1)".

(e) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) An offshore supply vessel of less than 6,000 gross tons, as measured under section 14302 of this title, on a voyage of less than 600 miles shall have at least one licensed mate. Such a vessel on a voyage of 600 miles or more shall have two licensed mates.

"(2) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.

"(3) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary."

(f) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations to implement the amendments enacted by this section and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, before January 1, 2010.

(2) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(3) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

(4) INTERIM PERIOD.—After the date of enactment of this Act and prior to the effective date of the regulations promulgated to implement the amendments enacted by this section under paragraph (2), and notwithstanding the tonnage limits of applicable regulations promulgated prior to the date of enactment of this Act, the Secretary may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 500 gross tons as measured under section 14502 of title 46, United States Code, or of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, if the Secretary determines that such vessel's arrangements, equipment, classification, and certifications provide for the safe carriage of individuals in addition to the crew and oil and hazardous substances, taking into consideration the characteristics of offshore supply vessels, their methods of operation, and their service in support of exploration, exploitation, or production of offshore mineral or energy resources;

(B) for the purpose of enforcing chapter 37 of title 46, United States Code, use tank vessel standards for offshore supply vessels of at least

6,000 gross tons after considering the characteristics, methods of operation, and nature of the service of the vessel; and

(C) authorize a master, mate, or engineer whom the Secretary decides possesses the experience on an offshore supply vessel under 6,000 gross tons to serve on an offshore supply vessel over at least 6,000 gross tons.

**SEC. 820. ASSOCIATED EQUIPMENT.**

Section 2101(1)(B) of title 46, United States Code, is amended by inserting “with the exception of emergency locator beacons,” before “does”.

**SEC. 821. LIFESAIVING DEVICES ON UNINSPECTED VESSELS.**

Section 4102(b) of title 46, United States Code, is amended to read as follows:

“(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.”.

**SEC. 822. STUDY OF BLENDED FUELS IN MARINE APPLICATION.**

(a) SURVEY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) INCLUDED INFORMATION.—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) STUDY.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) EVALUATION.—The study shall include an evaluation of—

(A) the impact of blended fuel on the operation, durability and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section \$1,000,000.

**SEC. 823. RENEWAL OF ADVISORY COMMITTEES.**

(a) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(f)(1) of title 46, United States Code, is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(b) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110 of title 46, United States Code, is amended—

(1) in subsection (d), by striking the first sentence; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241 as amended by Public Law 104–324) is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “twenty-four” and inserting “twenty-five”; and

(B) by adding at the end the following new paragraph:

“(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana.”; and

(2) in subsection (g), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(e) TOWING SAFETY ADVISORY COMMITTEE.—The Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the ‘Committee’). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

“(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

“(2) One member representing the offshore mineral and oil supply vessel industry.

“(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(4) One member representing the holders of active licensed Masters of towing vessels in offshore service.

“(5) One member representing Masters who are active ship-docking or harbor towing vessel.

“(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience.

“(7) Two members representing each of the following groups:

“(A) Port districts, authorities, or terminal operators.

“(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

“(8) Two members representing the general public.”; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) ESTABLISHMENT OF COUNCIL.—

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the ‘Council’), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

“(A) Commercial vessel owners or operators.

“(B) Professional mariners.

“(C) Recreational boaters.

“(D) The recreational boating industry.

“(E) State agencies responsible for vessel or port safety.

“(F) The Maritime Law Association.

“(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

“(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

“(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.”; and

(2) in subsection (d), by striking “September 30, 2010.” and inserting “September 30, 2020.”.

**TITLE IX—CRUISE VESSEL SAFETY**

**SEC. 901. SHORT TITLE.**

This title may be cited as the “Cruise Vessel Security and Safety Act of 2009”.

**SEC. 902. FINDINGS.**

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crew members on other passengers and crew members.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged

crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crew members may involve the laws and authorities of multiple nations.

(12) The Coast Guard has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

**SEC. 903. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.**

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

**“§3507. Passenger vessel security and safety requirements**

“(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

“(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

“(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

“(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

“(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

“(i) security latches; and

“(ii) time-sensitive key technology.

“(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

“(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(b) VIDEO RECORDING.—

“(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall

provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

“(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

“(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

“(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

“(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

“(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

“(A) possesses a current physician’s or registered nurse’s license and—

“(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

“(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

“(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

“(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

“(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

“(5) provide the patient free and immediate access to—

“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

“(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

“(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient’s next-of-kin, except that nothing in this paragraph prohibits the release of—

“(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

“(B) information to secure the safety of passengers or crew on board the vessel; or

“(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

“(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient’s next-of-kin.

“(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

“(1) establish and implement procedures and restrictions concerning—

“(A) which crew members have access to passenger staterooms; and

“(B) the periods during which they have that access; and

“(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

“(g) LOG BOOK AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

“(i) all complaints of crimes described in paragraph (3)(A)(i),

“(ii) all complaints of theft of property valued in excess of \$1,000, and

“(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

“(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

“(A) the vessel operator;

“(B) the name of the cruise line;

“(C) the flag under which the vessel was operating at the time the reported incident occurred;

“(D) the age and gender of the victim and the accused assailant;

“(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crew member;

“(F) the vessel’s position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

“(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

“(H) the time and date the incident occurred, if known;

“(I) the total number of passengers and the total number of crew members on the voyage; and

“(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

“(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner’s designee)—

“(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244 (a) or (c) of title 18 applies, firing or tampering with the vessel, or

theft of money or property in excess of \$10,000 to report the incident;

“(ii) shall furnish a written report of the incident to the Secretary via an Internet based portal;

“(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

“(iv) may report any other criminal incident involving passengers or crew members, or both, to the proper State or local government law enforcement authority.

“(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

“(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

“(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

“(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

“(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

“(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by—

“(i) cruise line, with each cruise line identified by name; and

“(ii) whether each crime was committed by a passenger or a crew member.

“(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

“(h) ENFORCEMENT.—

“(1) PENALTIES.—

“(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

“(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

“(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(A) commits an act or omission for which a penalty may be imposed under this subsection; or

“(B) fails to pay a penalty imposed on the owner under this subsection.

“(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

“(j) REGULATIONS.—The Secretary of Transportation and the Commandant shall each issue

such regulations as are necessary to implement this section.

“(k) APPLICATION.—

“(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

“(A) is authorized to carry at least 250 passengers;

“(B) has onboard sleeping facilities for each passenger;

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

“(D) is not engaged on a coastwise voyage.

“(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel that is owned and operated by the United States Government or a vessel that is owned and operated by a State.

“(1) OWNER DEFINED.—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

**“§3508. Crime scene preservation training for passenger vessel crew members**

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administrator, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crew members, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

“(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

“(1) the training and certification of vessel security personnel, crew members, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign countries;

“(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

“(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

“(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

“(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who has been properly trained in the prevention, detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of such a vessel shall maintain certification or other documentation, as prescribed by

the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

“(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

“(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

“(2) fails to pay a penalty imposed on the owner under subsection (e).”.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

**SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.**

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the United States Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(b) REPORT CONTENTS.—In recommending appropriate security on those vessels, the report shall take into account typical crew member shifts, working conditions of crew members, and length of voyages.

**TITLE X—UNITED STATES MARINER PROTECTION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “United States Mariner and Vessel Protection Act of 2009”.

**SEC. 1002. USE FORCE AGAINST PIRACY.**

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

**“§8107. Use of force against piracy**

“An owner, operator, time charterer, master, or mariner who uses force, or authorizes the use of force, to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force to any person participating in the act of piracy.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“8107. Use of force against piracy.”.

**SEC. 1003. AGREEMENTS.**

To carry out the purpose of this title, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to acts of piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by section 8107 of title 46, United States Code, as amended by this title.

**TITLE XI—PORT SECURITY**

**SEC. 1101. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.**

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating

industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

**SEC. 1102. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.**

(a) *IN GENERAL.*—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(1) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(3) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(b) *GAO ASSESSMENT.*—The Comptroller General shall review the report and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

**SEC. 1103. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.**

(a) *IN GENERAL.*—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109-347).

(b) *REPORT.*—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

**SEC. 1104. MARITIME SECURITY RESPONSE TEAMS.**

(a) *IN GENERAL.*—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) *MARITIME SECURITY RESPONSE TEAMS.*—

“(1) *IN GENERAL.*—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

“(2) *MINIMIZATION OF RESPONSE TIME.*—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

“(d) *COORDINATION WITH OTHER AGENCIES.*—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.”.

**SEC. 1105. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.**

(a) *DEFINITIONS.*—For purposes of this section:

(1) *CANINE DETECTION TEAM.*—The term “detection canine team” means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) *SECRETARY.*—The term “Secretary” means the Secretary of Homeland Security.

(b) *DETECTION CANINE TEAMS.*—

(1) *INCREASED CAPACITY.*—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) *CANINE PROCUREMENT.*—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) *DEPLOYMENT.*—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109-347).

(d) *AUTHORIZATION.*—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

**SEC. 1106. COAST GUARD PORT ASSISTANCE PROGRAM.**

(a) *IN GENERAL.*—Section 70110 of title 46, United States Code, is amended by adding at the end the following:

“(f) *COAST GUARD ASSISTANCE PROGRAM.*—

“(1) *IN GENERAL.*—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

“(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

“(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

“(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

“(2) *CONDITIONS.*—The Secretary—

“(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

“(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

“(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.”.

(b) *SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.*—

(1) *IN GENERAL.*—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following:

“The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.”.

(2) *CONFORMING AMENDMENTS.*—

(A) Section 70110 of title 46, United States Code, is amended—

(i) by inserting “or facilities” after “ports” in the section heading;

(ii) by inserting “or facility” after “port” each place it appears; and

(iii) by striking “PORTS” in the heading for subsection (e) and inserting “PORTS, FACILITIES.”.

(B) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories”.

**SEC. 1107. MARITIME BIOMETRIC IDENTIFICATION.**

(a) *IN GENERAL.*—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) *REQUIREMENTS.*—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) *COST ANALYSIS.*—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guard's Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) *DEFINITION.*—For the purposes of this section, the term “biometric identification” means

use of fingerprint and digital photography images.

**SEC. 1108. REVIEW OF POTENTIAL THREATS.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

**SEC. 1109. PORT SECURITY PILOT.**

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

**SEC. 1110. SEASONAL WORKERS.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as “TWIC”) required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies;

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(4) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(5) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

**SEC. 1111. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.**

(a) **IN GENERAL.**—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

**SEC. 1112. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.**

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Secretary of

Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) **EXPIRATION.**—This section expires on December 31, 2012.

**SEC. 1113. TRANSPORTATION SECURITY CARDS ON VESSELS.**

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after “title” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”; and

(2) in subparagraph (D), by inserting after “tank vessel” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”.

**SEC. 1114. INTERNATIONAL LABOR STUDY.**

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**SEC. 1115. MARITIME SECURITY ADVISORY COMMITTEES.**

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

“(5)(A) The National Maritime Security Advisory Committee shall be composed of—

“(i) at least 1 individual who represents the interests of the port authorities;

“(ii) at least 1 individual who represents the interests of the facilities owners or operators;

“(iii) at least 1 individual who represents the interests of the terminal owners or operators;

“(iv) at least 1 individual who represents the interests of the vessel owners or operators;

“(v) at least 1 individual who represents the interests of the maritime labor organizations;

“(vi) at least 1 individual who represents the interests of the academic community;

“(vii) at least 1 individual who represents the interests of State or local governments; and

“(viii) at least 1 individual who represents the interests of the maritime industry.

“(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.”; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking “2008;” and inserting “2010;”;

(B) by repealing paragraph (2);

(C) by striking “(1);” and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

**SEC. 1116. SEAMEN'S SHORESIDE ACCESS.**

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

**SEC. 1117. WATERSIDE SECURITY AROUND ESPECIALLY HAZARDOUS MATERIAL TERMINALS AND TANKERS.**

(a) **ENFORCEMENT OF SECURITY ZONES.**—Consistent with other provisions of Federal law, any

security zone established by the Coast Guard around a tanker containing an especially hazardous material shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(b) **LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.**—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing an especially hazardous material, or around an especially hazardous material terminal on or adjacent to the navigable waters of the United States and served by tankers carrying especially hazardous materials, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, equipment, and experience necessary to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) **DETERMINATION REQUIRED FOR NEW TERMINALS.**—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new especially hazardous material terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard sector in which the terminal is located has available the resources, including State and local government resources in accordance with subsection (b), to carry out the navigation and maritime security risk management measures identified by the Coast Guard pursuant to the Ports and Waterways Safety Act.

(d) **ESPECIALLY HAZARDOUS MATERIAL DEFINED.**—The term “especially hazardous material” means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance identified by the Secretary of the department in which the Coast Guard is operating as an especially hazardous material.

**SEC. 1118. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

(a) **NOTICE OF DETERMINATION.**—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) **FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.**—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

**SEC. 1119. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.**

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

**SEC. 1120. REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.**

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 submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify—

(1) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(2) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provided through these agreements;

(3) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments which they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(6) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(7) the extent of resource, training, and equipment differences between State and local law

enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports.

**SEC. 1121. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open after September 23, 2009; and

(2) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) **TIMELINES AND BENCHMARKS.**—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

**TITLE XII—ALIEN SMUGGLING**

**SEC. 1201. SHORT TITLE.**

This title may be cited as the “Alien Smuggling and Terrorism Prevention Act of 2009”.

**SEC. 1202. FINDINGS.**

The Congress makes the following findings:

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation’s sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation’s front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys’ Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

**SEC. 1203. CHECKS AGAINST TERRORIST WATCHLIST.**

The Secretary of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those persons suspected

of alien smuggling and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

**SEC. 1204. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.**

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: “BRINGING IN, HARBORING, AND SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—”;

(2) by amending paragraphs (1) through (2) to read as follows:

“(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

“(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such individual;

“(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

“(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

“(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place, other than a designated port of entry or place designated by the Secretary of Homeland Security, regardless of whether such individual has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such individual, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(C) Whoever commits an offense under this paragraph shall, for each individual in respect to whom such a violation occurs—

“(i) if the offense results in the death of any person, be fined under title 18, United States Code, and subject to the penalty of death or imprisonment for any term of years or for life;

“(ii) if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code, without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under title 18, United States Code, or imprisoned for any term of years or life, or both;

“(iii) if the offense involves an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code, or imprisoned not more than 30 years, or both;

“(iv) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code, or imprisoned not more than 20 years, or both;

“(v) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

“(vi) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph

(1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

“(vii) if the offense involves the transit of the defendant’s spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (i) through (vi), be fined under title 18, United States Code, or imprisoned not more than 1 year, or both; and

“(viii) in any other case, be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

“(B) In a prosecution for a violation of, or an attempt or conspiracy to violate, subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

“(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

“(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

“(C) It is not a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of paragraph (1)(A), or paragraph (1)(A)(ii) (except if a person recruits, encourages, or induces an alien to come to or enter the United States), for a religious denomination having a bona fide non-profit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

“(D) For purposes of this paragraph and paragraph (1)—

“(i) the term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

“(ii) the term ‘lawful authority’ means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.”

#### SEC. 1205. MARITIME LAW ENFORCEMENT.

(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b) Whoever intentionally violates this section shall—

“(1) if the offense results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both;

“(2) if the offense results in serious bodily injury (as defined in section 1365 of this title) or

transportation under inhumane conditions, be fined under this title, imprisoned not more than 15 years, or both;

“(3) if the offense is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 10 years, or both; and

“(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.”

(b) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

“(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

“(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

“(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.”

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) the term ‘transportation under inhumane conditions’ means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.”

#### SEC. 1206. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in subsection (a) that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

### TITLE XIII—MISCELLANEOUS PROVISIONS

#### SEC. 1301. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feanship hull number 672, approximately 168 feet in length).”;

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”.

#### SEC. 1302. WAIVERS.

Notwithstanding section 12112 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 the following vessels:

(1) OCEAN VERITAS (IMO Number 7366805).

(2) MAYA (United States official number 11073).

(3) ZIPPER (State of New York regulation number NY3205EB).

(4) GULF DIVER IV (United States official number 553457).

(5) M/V GEYSIR (United States official number 622178).

#### SEC. 1303. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking “The Secretary of Transportation shall conduct a study that” and inserting “The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that”;

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking “evaluates” and inserting “evaluate”;

(C) in subparagraphs (D) and (G) by striking “analyzes” and inserting “analyze”;

(D) by striking “and” at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

“(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

“(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

“(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

“(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

“(O) establish and maintain a model Great Lakes marine transportation system database; and

“(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.”; and

(2) by striking subsection (b)(4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

- “(A) \$2,400,000 for fiscal year 2010;
- “(B) \$2,500,000 for fiscal year 2011;
- “(C) \$2,600,000 for fiscal year 2012; and
- “(D) \$2,700,000 for fiscal year 2013.”.

**SEC. 1304. CONVEYANCE OF COAST GUARD BOAT HOUSE, NANTUCKET, MASSACHUSETTS.**

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) TERMS OF CONVEYANCE.—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

**SEC. 1305. CREW WAGES ON PASSENGER VESSELS.**

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking “When” and inserting “(1) Subject to subsection (2), when”; and

(B) by adding at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other ac-

count to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking “When” and inserting “(1) Subject to subsection (d), and except as provided in paragraph (2), when”; and

(B) by inserting at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

**SEC. 1306. TECHNICAL CORRECTIONS.**

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting “paragraphs (1) and (2) of” before “section 8104(o)”;

(2) in section 603(a)(2) (120 Stat. 554) by striking “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C. 2704(a)(2)”;

(3) in section 901(r)(2) (120 Stat. 566) by striking “the” the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting “of the United States” after “Revised Statutes”;

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (1);

(B) by striking “and” at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(7) in section 902(e)(2)(D) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking “Bisti/De-Na-Zin” and all that follows through “Protection” and inserting “Omnibus Parks and Public Lands Management”; and

(B) by inserting a period after “Commandant of the Coast Guard”; and

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting “the Act of March 23, 1906, commonly known as” before “the General Bridge”; and

(B) by striking “491” and inserting “494,”; and

(C) by inserting “each place it appears” before “and inserting”.

(b) TITLE 14.—

(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—

(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—

(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following “\$800,000”.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking “reports” and inserting “report”.

**SEC. 1307. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.**

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least \$700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

**SEC. 1308. CONVEYANCE OF COAST GUARD HU-25 FALCON JET AIRCRAFT.**

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the “University”), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU-25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the air-

craft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

**SEC. 1309. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.**

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

**SEC. 1310. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.**

(a) IN GENERAL.—Notwithstanding section 1211(d) of title 46, United States Code, foreign-flag vessels may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 1211(d) of title 46, United States Code, are rea-

sonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 1211(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 1211(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) EXPIRATION.—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

(c) LESSEE DEFINED.—In this section, the term “lessee” means the holder of a lease (as defined in section 1331(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented or to be documented under section 1211(d) of title 46, United States Code.

(d) SAVINGS PROVISION.—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of title 46, United States Code.

**SEC. 1311. VESSEL TRAFFIC RISK ASSESSMENT.**

(a) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment for Cook Inlet, Alaska, within one year after the date of enactment of this Act.

(b) CONTENTS.—The assessment shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The assessment shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) **PROVISION TO CONGRESS.**—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Commandant \$1,000,000 for fiscal year 2010 to the conduct the assessment.

**SEC. 1312. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) **DEFINITIONS.**—In this section:

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

(2) **SECTOR BUFFALO.**—The term “Sector Buffalo” means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) **STUDY AREA.**—The term “study area” means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) **STUDY.**—

(1) **IN GENERAL.**—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) **REQUIREMENTS.**—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) **LIMITATION.**—Nothing in this section shall affect the current administration and management of the study area.

**SEC. 1313. CONVEYANCE OF COAST GUARD VESSELS TO MISSISSIPPI.**

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to each recipient described in subsection (b) (in this section referred to as the “Sheriff’s Department”), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff’s Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **RECIPIENTS.**—The recipients referred to in subsection (a) are the following:

(1) The Sheriff’s Department of Coahoma County, Mississippi.

(2) The Sheriff’s Department of Warren County, Mississippi.

(3) The Sheriff’s Department of Washington County, Mississippi.

(c) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff’s Department under which the Sheriff’s Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff’s Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(d) **DELIVERY OF VESSEL.**—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff’s Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

**SEC. 1314. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.**

(a) **IN GENERAL.**—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for fiscal year 2010 such sums as are necessary to carry out this section.

**SEC. 1315. OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.**

Section 8103 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(1) **OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.**—

“(1) **CITIZENSHIP.**—Notwithstanding subsection (a), a purse seine tuna fishing vessel documented under chapter 121 fishing exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America in the treaty area (as that term is used in that treaty), or transiting to or from the treaty area exclusively for such purpose, may engage an individual who is not a citizen of the United States to fill a vacancy in a position referred to in subsection (a) (except for the master) if, after timely public notice of the vacancy, no United States citizens are readily available to fill the vacancy.

“(2) **RESTRICTIONS.**—

“(A) **IN GENERAL.**—An individual may not be engaged under paragraph (1) unless the individual holds a valid license or certificate issued—

“(i) in accordance with the standards established by the 1995 amendments to the Conven-

tion on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and

“(ii) by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a issued under chapter 71.

“(B) **LIMITATION ON APPLICATION.**—Paragraph (1) applies only to engagement of an individual on a vessel that—

“(i) is homeported in American Samoa, Guam, or the Northern Mariana Islands; and

“(ii) has passed an annual commercial fishing vessel safety exam administered by a individual authorized to enforce this title.

“(3) **TREATMENT OF EQUIVALENT LICENSE.**—The Secretary of the department in which the Coast Guard is operating shall treat a license held by an individual engaged under paragraph (1) that was issued by a foreign government as meeting the requirements of section 8304 with respect to that engagement, if the Secretary determines that the standards for issuing that license are equivalent to the standards that apply under that section.”

**SEC. 1316. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.**

Within 270 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, including assets acquired under the Deep-water program;

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

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard’s high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard’s existing high latitude icebreaking fleet; and

(B) replace the Coast Guard’s existing high latitude icebreaking fleet.

**SEC. 1317. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.**

No 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 study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

**SEC. 1318. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

The Secretary of Transportation 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 proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

**SEC. 1319. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.**

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

“(B) who performs regularly assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.”.

**SEC. 1320. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.**

(a) *IN GENERAL.*—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 1309, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to

hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) *LIMITATION.*—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(c) *MAINTENANCE AND DELIVERY OF VESSEL.*—(1) *MAINTENANCE.*—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) *DELIVERY.*—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) *TREATMENT OF CONVEYANCE.*—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

**SEC. 1321. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.**

(a) *AUTHORITY TO CONVEY.*—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the “Police Department”), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) *CONDITION.*—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) *DELIVERY OF VESSEL.*—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) *OTHER EXCESS EQUIPMENT.*—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) *ADDITIONAL TERMS AND CONDITIONS.*—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

**SEC. 1322. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

(a) *STUDY.*—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) *FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.*—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) *REPORT.*—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$5,000,000.

**SEC. 1323. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.**

(a) *CONVEYANCE AUTHORIZED.*—(1) The Commandant of the Coast Guard may convey as surplus property, under section 550 of title 40, United States Code, and other relevant Federal Laws governing the disposal of Federal surplus property, to the City of Marquette, Michigan (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consisting of approximately 5.5 acres of real property, as depicted on the Van Neste survey (#204072), dated September 7, 2006, together with the land between the intermediate traverse line as shown on such survey and the ordinary high water mark, the total comprising 9 acres, more or less, and commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(2) Except as provided in paragraph (3), any cost associated with the conveyance shall be borne by the City, including, but not limited to, closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation.

(3)(A) Except as provided in subparagraph (B), prior to the conveyance of the property, the Coast Guard shall perform and bear the cost of environmental remediation required under Federal law. Nothing in this section shall be construed to compel the Coast Guard to complete such remediation before 10 years from the date of enactment of this section.

(B) The City may assume the Coast Guard's responsibility to perform and bear the cost of the environmental remediation, provided that—

(i) the City provides written notice that it will assume responsibility for the performance of such remediation and the cost thereof; and

(ii) the City and the Coast Guard enter into a written agreement thereon.

(b) *RETENTION OF CERTAIN EASEMENTS.*—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) *LIMITATIONS.*—The property to be conveyed under subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed; and

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) *CONDITIONS OF TRANSFER.*—All conditions placed within the deed of title of the property to

be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

**SEC. 1324. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations.

**SEC. 1325. CONVEYANCE OF COAST GUARD PROPERTY IN CHEBOYGAN, MICHIGAN.**

(a) **CONVEYANCE AUTHORIZED.**—Notwithstanding any other provision of law, the Commandant of the Coast Guard is authorized to convey, at fair market value, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 3 acres, more or less, that is under the administrative control of the Coast Guard and located at 900 S. Western Avenue in Cheboygan, Michigan.

(b) **RIGHT OF FIRST REFUSAL.**—The Cornerstone Christian Academy, located in Cheboygan, MI, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (a).

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(d) **FAIR MARKET VALUE.**—The fair market value of the property shall be—

(1) determined by appraisal, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice; and

(2) subject to the approval of the Commandant.

(e) **COSTS OF CONVEYANCE.**—Any cost associated with the conveyance shall be borne by the purchaser, including, but not limited to—

(1) closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation; and

(2) environmental analyses, assessments, clearances, and, if required under Federal law, environmental remediation.

(f) **ENVIRONMENTAL REMEDIATION.**—Before conveyance of the real property described in paragraph (a), purchaser shall perform any environmental remediation of the property that is required under Federal law.

(g) **CREDIT OF FUNDS.**—Notwithstanding any other provision of law, the net proceeds of a conveyance, authorized under subsection (a), shall—

(1) be credited to the Coast Guard Environmental Compliance and Restoration appropriations account current at the time collection is made;

(2) be made available, subject to appropriation, for environmental compliance and restoration purposes in conjunction with any disposal of any property under the administrative control of the Coast Guard; and

(3) remain available for such purposes until expended.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance under subsection (a) as is considered appropriate to protect the interests of the United States.

The CHAIR. No amendment to the bill, as amended, is in order except those printed in House Report 111-311. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-311.

Mr. OBERSTAR. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 10, line 14, strike "Department" and insert "department".

Page 11, line 5, after "Department of Defense" insert "and the Department of Homeland Security".

Page 17, line 1, strike "**EMERGENCY**".

Page 24, line 12, after "Coast Guard" insert "is operating".

Page 38, before line 7, insert the following new subsection:

(d) **REPORT.**—Within 12 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on the Coast Guard's efforts to recruit minority candidates to the Coast Guard Academy. The report shall include the following:

(1) The status of implementation of the Coast Guard's minority recruitment program.

(2) An assessment of the effectiveness of the program, including the number of minority applicants contacted by the Coast Guard Academy, the number of minority candidates who completed applications to the Academy, the number of minority candidates offered appointments to the Academy, and the number of candidates who accepted such appointments.

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

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

(5) An assessment of the current geographic diversity of cadets currently enrolled at the Coast Guard Academy including information on the number of candidates from each State and region of the United States who were contacted by the Academy, the number of candidates from each State and region of the United States who completed applications to the Academy, the number of candidates from each State and region of the country offered appointments to the Academy, and the number of candidates from each State and region of the country who accepted such appointments.

(6) Recommendations for increasing the geographic diversity of the student population at the Coast Guard Academy.

Page 38, line 13, after "ture" insert "and the Committee on Homeland Security".

Page 44, line 11, strike "or".

Page 44, line 12, before the period insert ", or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)".

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

(a) **STUDY.**—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that surveys new technology and new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).

(b) **REPORT.**—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

Page 57, line 25, strike "safe, secure, and reliable" and insert "safe and secure".

Page 58, line 7, strike "shall work" and insert "is encouraged to enter into negotiations".

Page 58, line 8, strike "establish" and insert "conclude and execute".

Page 58, line 14, strike "icebreaking escort" and insert "marine safety".

Page 59, line 13, strike "assure the reasonable demands of commerce" and insert "carry out the purposes of this section".

Page 59, line 17, after "emissions" insert "(including black carbon and other emissions that could contribute to climate change)".

Page 62, strike line 12 and all that follows through page 64, line 22, and insert the following:

**SEC. 559. LORAN-C SIGNAL.**

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

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

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

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

(c) If the Commandant makes the certifications described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications made pursuant to subsection (b), the Commandant 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 setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the Commandant makes the certifications described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

Page 65, strike lines 12 and 13 and insert the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—The requirement in

Page 66, strike lines 1 through 6 and insert close quotation marks and a following period.

Page 66, after line 9, insert the following new subsection:

(c) RULEMAKING.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

Page 77, line 1, insert “or more” after “10”.

Page 79, line 6, insert “or more” after “10”.

Page 98, line 19, strike “10” and insert “15”.

Page 109, line 5, strike “or Level 2”.

Page 139, line 24, strike “and”.

Page 140, line 12, strike “and”.

Page 151, line 17, before the period insert “or marine safety engineer”.

Page 158, beginning at line 3, strike “and the Assistant Commandant for Marine Safety”.

Page 158, line 4, strike “jointly”.

Page 158, beginning at line 6, strike “and the Assistant Commandant”.

Page 158, line 7, strike “jointly convey their” and insert “convey the Commandant’s”.

Page 158, line 8, strike “Assistant Commandant” and insert “marine safety workforce”.

Page 176, line 4, strike “established” and insert “establish”.

Page 180, line 19, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 181, line 10, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 193, line 15, strike “Department” and insert “department”.

Page 210, after line 25, insert the following new sections:

**SEC. \_\_\_\_ PILOT REQUIRED.**

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting “and Buzzards Bay, Massachusetts” before “, if any,”; and

(2) by adding at the end the following:

“(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank

vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a Federal first class pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

“(A) by the State of Massachusetts who is operating under a Federal first class pilot’s license; or

“(B) under section 7101 of this title as a Federal first class pilot who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

“(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

“(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.”.

**SEC. \_\_\_\_ DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.**

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

“(B) conduct inspections and examinations.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

“(A) the foreign society has offices and maintains records in the United States; and

“(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

“(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

“(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

“(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

“(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

“(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

“(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

“(i) as a marine inspector and serving in a position as a marine inspector; or

“(ii) in writing by the Secretary to have access to those files.

“(4) For purposes of this subsection—

“(A) the term ‘offshore facility’ means any installation, structure, or other device (in-

cluding any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

“(B) the term ‘United States offshore facility’ means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).”.

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

“(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).”.

Page 215, line 11, strike “United States Coast Guard” and insert “Coast Guard”.

Page 215, beginning at line 15, strike “U.S. Coast Guard” and insert “Coast Guard”.

Page 218, line 17, strike “United States Coast Guard” and insert “Coast Guard”.

Page 221, beginning at line 12, strike “United States Coast Guard” and insert “Coast Guard”.

Page 226, beginning at line 5, strike “this section or a regulation under this section” and insert “the log book or reporting requirements required under subsection (g)”.

Page 230, line 22, strike “United States Coast Guard” and insert “Coast Guard”.

Page 231, strike lines 17 through 21 and insert the following:

“A person who uses force at sea to defend a vessel against an act of piracy shall not be liable for monetary damages in any action brought with respect to harm caused by such use of force to anyone engaging in such act of piracy, unless the person using such force knew at the time that it was substantially in excess of what was reasonable in defending the vessel against such act of piracy.”.

Page 235, line 5, after “local” insert a comma.

Page 235, line 13, strike “and”.

Page 235, line 15, strike the period and insert “; and”.

Page 235, after line 15, insert the following new subparagraph:

(C) architecture for integrated interagency targeting.

Page 237, strike lines 21 and 22 and insert the following: “Department of Homeland Security; and”.

Page 238, line 9, strike “2008” and insert “2010”.

Page 242, line 5, before the period insert “and facial and iris scan technology”.

Page 242, after line 5, add the following new subsection:

(e) STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall carry out a study on the use by the Coast Guard of the combination of facial and iris recognition to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology; and

(C) establishment of integrated face and iris features for accurate identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics (face image, iris) in an accurate and expeditious manner to assist the Coast Guard in fulfilling its mission to protect and support national security.

Page 243, line 4, strike “Card” and insert “Credential”.

Page 243, line 23, strike “(3)” and insert “(4)”.

Page 244, line 1, strike “(4)” and insert “(5)”.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

**SEC. \_\_. WATERSIDE SECURITY OF CERTAIN DANGEROUS CARGO.**

(a) NATIONAL STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of certain dangerous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo.

(2) MATTERS TO BE INCLUDED.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Assessment Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that

State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary, acting through the Commandant, shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous

cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF CERTAIN DANGEROUS CARGO.—

(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing certain dangerous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

(2) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved after the date of enactment of this Act to assist in the enforcement of any security zone established by the Coast Guard around a vessel carrying a certain dangerous cargo or around a waterfront facility handling a certain dangerous cargo may not be based upon the provision of security by a State or local government unless the Secretary, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, and experience necessary to carry out the security responsibilities that they have been engaged to perform in order, to the maximum extent practicable, to deter and respond to a transportation security incident.

(3) DETERMINATION REQUIRED FOR NEW FACILITIES.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new facility the construction of which is begun after the date of enactment of this Act, that receives or ships through maritime commerce certain dangerous cargo unless the Secretary determines that there are sufficient resources available to ensure compliance with the facility security plan.

(4) RESOURCE DEFICIENCY REPORTING.—The Secretary, acting through the Commandant of the Coast Guard, shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate 90 days after the end of each fiscal year a report indicating—

(A) the number of security zones established for certain dangerous cargo shipments;

(B) the number of certain dangerous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(C) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those certain dangerous cargo shipments for which a security zone is established.

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CERTAIN DANGEROUS CARGO.—The term “certain dangerous cargo” means a material, or a group or class of material, in a particular amount and form that the Secretary, through the Commandant, determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—The term “Area Maritime Security Committee” means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—The term “transportation security incident” has the same meaning as that term has in section 70101 of title 46, United States Code.

Page 250, line 14, strike “DETERMINATION” and insert “RECOMMENDATION”.

Page 250, lines 17 and 23, strike “determination” each place it appears and insert “recommendation”.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike “September 23, 2009” and insert “the date of enactment of this Act”.

Page 256, after line 6, insert the following new section:

**SEC. \_\_\_\_ . ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.**

The Secretary of the department in which the Coast Guard is operating shall assess and report to Congress on the feasibility of efforts to mitigate the threat of small boat attack in security zones of major ports, including specifically the use of transponders or radio frequency identification devices to track small boats.

Page 255, line 25, strike “United States Coast Guard” and insert “Coast Guard”.

At the end of title XI (page 255, after line 6), add the following new sections:

**SEC. \_\_\_\_ . REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.**

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

**SEC. \_\_\_\_ . ANIMAL-PROPELLED VESSELS.**

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner’s document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

**SEC. \_\_\_\_ . REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE; REDUNDANT BACKGROUND CHECKS.**

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(n) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another individual who holds a transportation security card.

“(o) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant’s appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

“(p) RECEIPT OF CARDS.—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual’s place of residence.

“(q) FINGERPRINTING.—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.

“(r) REDUNDANT BACKGROUND CHECKS.—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.”.

**SEC. \_\_\_\_ . HARMONIZING SECURITY CARD EXPIRATIONS.**

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.”.

**SEC. \_\_\_\_ . ADMINISTRATION OF MARITIME SECURITY.**

(a) ESTABLISH MARITIME SECURITY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

**“§ 103. Maritime security**

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime security as follows:

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

“(2) Based on priorities established by the Commandant including—

“(A) protecting maritime borders from all intrusions, reducing the risk from terrorism to United States passengers at foreign and domestic ports and in designated waterfront facilities, and preventing and responding to terrorist attacks and other homeland security threats;

“(B) protecting critical maritime infrastructure and other key resources; and

“(C) preventing, to the maximum extent practicable, a transportation security incident as defined in section 70101 of title 46.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

“103. Maritime security.”.

(c) MARITIME SECURITY STAFF.—

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

**“§ 60. Maritime security workforce**

“(a) DESIGNATION OF MARITIME SECURITY WORKFORCE.—

“(1) IN GENERAL.—The Secretary, acting through the Commandant, shall ensure appropriate coverage of maritime security missions within the workforce in each sector.

“(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include the following maritime security-related positions:

“(A) Program oversight.

“(B) Counterterrorism functions.

“(C) Counterintelligence functions.

“(D) Criminal investigations related to maritime security.

“(E) Port security enforcement.

“(F) Any other activities that the Commandant deems as necessary.

“(3) MARITIME SECURITY MANAGEMENT ACTIVITIES.—The Secretary shall also designate under paragraph (1) those maritime security-related management positions located at Coast Guard headquarters, Coast Guard Readiness Command, Coast Guard Operations Command, the Deployable Operations Group, and the Intelligence Coordination Center.

“(b) CAREER PATHS.—The Secretary, acting through the Commandant, may establish appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in maritime security are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and member of the Armed Forces to the most senior maritime security positions. The Secretary shall make available published information on such career paths.

“(c) BALANCED WORKFORCE POLICY.—In the development of maritime security workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balance workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

“(d) SECTOR CHIEF OF MARITIME SECURITY.—

“(1) IN GENERAL.—The Commandant may assign, as appropriate, a Chief of Maritime Security who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

“(2) FUNCTIONS.—The Chief of Maritime Security for a sector—

“(A) is responsible for all individuals who, on behalf of the Coast Guard, conduct port security operations, counterterrorism operations, intelligence and counterintelligence operations, and support national defense operations; and

“(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding maritime security matters in that sector.

“(f) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of

qualification for maritime security personnel must hold a letter of qualification for the type being certified.

**“§ 61. Centers of expertise for maritime security”**

“(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of Maritime Security (in this section referred to as a ‘Center’).

“(b) MISSIONS.—The Centers shall—

“(1) be used to facilitate education, training, and research in maritime security including maritime domain awareness, counterterrorism policy and operations, and intelligence collection, fusion, and dissemination;

“(2) develop a repository on information on maritime security; and

“(3) perform any other function as the Commandant may specify.

“(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

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

“(2) provide necessary administrative service for a Center, including administration and allocation of funds.

“(d) ACCEPTANCE OF DONATIONS.—

“(1) IN GENERAL.—The Commandant may accept, on behalf of a center, donations to be used to defray the costs of the Center or to enhance the operation of the Center.

“(2) GUIDANCE.—The Commandant shall prescribe written guidance setting forth the criteria to be used in determining if the acceptance of a donation is appropriate.”

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new items:

“60. Maritime security workforce.

“61. Centers of expertise for maritime security.”

(d) POWERS AND DUTIES.—Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(e) In exercising the Commandant’s duties and responsibilities with regard to maritime security, the Commandant shall designate a flag officer to serve as the principal advisor to the Commandant for maritime security. The designee shall have at least 10 years combined experience in operations, intelligence, counterterrorism, counterintelligence, port security, criminal investigations (except maritime casualty investigations), and port security or other maritime security functions, and at least four years of leadership experience at a staff or unit carrying out maritime security functions.”

Page 268, line 10, insert “(a) IN GENERAL.—” before “Notwithstanding”.

Page 268, after line 23, insert the following: (6) St. Mary’s Cement (United States official number 699114).

(b) DRYDOCK WAIVER.—Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation the appropriate endorsement for engaging in the coastwise trade in Ketchikan, Alaska, for the Dry Dock #2, State of Alaska registration AIDEA FDD-2.

Page 269, after line 22, insert the following new subparagraph (and make appropriate conforming changes):

“(L) evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age;

Page 290, strike line 13 and all that follows through page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

(2) COSTS OF CONVEYANCE.—The City shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

Page 310, line 16, add at the end the following new sentence: “In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.”

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

(e) COSTS OF CONVEYANCE.—The purchaser shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

At the end of title XIII (page 312, after line 22), add the following new sections:

**SEC. \_\_. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.**

Public Law 110-299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of enactment of this Act and ending December 18, 2013”.

**SEC. \_\_. TALL SHIP CHALLENGE RACE.**

(a) FINDINGS.—The Congress finds that—

(1) The Tall Ship Challenge race will occur on the Great Lakes in 2010;

(2) the ships will race through all five Great Lakes, two Canadian provinces, and five American States for the first time;

(3) the ships will also promote water conservation education and training of youth; and

(4) thousands of Americans will visit the ships when they are in United States ports.

(b) ENSURING PARTICIPATION.—The Congress urges the Commandant of the Coast Guard to take all initiative necessary to ensure that tall ships can participate in the Tall Ship Challenge race in a safe manner including modifications to the pilotage requirements under the authority of section 2113 of title 46, United States Code.

**SEC. \_\_. HAITIAN MARITIME CADETS.**

Section 51304 of title 46, United States Code, is amended by adding at the end the following:

“(e) HAITI.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Haiti to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.”

**SEC. \_\_. ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.**

(a) IN GENERAL.—Upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State where-

by the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, for the preceding year, the State issued;

(C) the number of license investigations that, for the preceding year, the State conducted;

(D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.

(b) ADMINISTRATION.—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor’s designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(3) At the request of the Secretary, the Governor of the State (or the Governor’s designee) shall grant, on a biennial basis, the Secretary access to State records and State personnel for the purpose of auditing State execution and enforcement of the State plan.

(c) APPLICATION.—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license

issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under to this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code,

then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) **TERMINATION.**—

(1) If—

(A) the Secretary finds that the State plan for the licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b),

the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) **EXISTING AUTHORITY.**—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) **DEFINITIONS.**—For the purposes of this section, the term “uninspected passenger vessel” has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

**SEC. \_\_\_\_ . IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.**

(a) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents to address any such gaps in the data.

(b) **MEASURES.**—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills caused by human error.

**SEC. \_\_\_\_ . CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.**

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109-347 (120 Stat. 1946)) is amended—

(1) in subsection (c)(1), by striking “December 31, 2009” and inserting “December 31, 2011”;

(2) in subsection (d)(1), by striking “its proposed public aquarium” and inserting “a new building in compliance with the waterfront provisions of the City of Portland Code of Ordinances adjacent to the pier and bulkhead”;

(3) in subsection (i), by adding at the end the following new paragraph

“(3) **PUBLIC AQUARIUM.**—For purposes of this section, the term ‘aquarium’ or ‘public aquarium’ as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.”

**SEC. \_\_\_\_ . TUG ESCORTS FOR LADEN OIL TANKERS.**

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant of the Coast Guard, is encouraged to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

The **CHAIR.** Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. **OBERSTAR**) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. **OBERSTAR.** Thank you, Madam Chair.

This amendment makes a number of improvements to the bill, some of which have been already alluded to by other speakers this evening.

First, we improve the enforcement of Coast Guard-imposed security zones around hazardous materials terminals and tankers. The Coast Guard will be required to coordinate, to be responsible for enforcing Federal security zones established by the Coast Guard around vessels containing certain dangerous cargo.

It specifies that the Coast Guard may not approve of a facility security plan for a new facility built after date of enactment of the act that will receive or ship certain dangerous cargo unless there are sufficient resources available to ensure compliance of the facility security plant.

It establishes an alternative licensing program for operators of uninspected passenger vessels on Lake Texoma. The States of Oklahoma and Texas bisect this lake, and there has been a great concern because of the long distance of this lake from the nearest Coast Guard facility and concerns of boaters on both sides of the border, and they have expressed those concerns to me, to the Republican members of the committee, and to Mr. **CUMMINGS**.

So what we have provided for in this amendment is an authorization for the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State in which that State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets the equivalent standards of environmental protection.

The State's plan must provide equivalent safety to a Coast Guard-issued license and include drug testing, criminal background checks, and physical standards for operators. It must also provide for the suspension and revocation of State licenses for negligent operation of the vessel and safety standards.

I want to be very clear about the provisions. I think it's very important; but this is, I think, a very beneficial agreement that we've reached to resolve the concerns of parties on both sides of the border of Lake Texoma.

We authorize delegation of authority by the Coast Guard to classification societies and have already had an ample discussion of that matter with the gentleman from Wisconsin (Mr. **PETRI**).

We require the Coast Guard to conduct a study on the combination of facial and iris recognition for a nonintrusive collection of biometrics to assist the Coast Guard in its homeland security mission. We've had some discussion already of that aspect of the manager's amendment. I won't elaborate further.

We require the Government Accountability Office to investigate and report on the Coast Guard's efforts to recruit minority candidates to the Coast Guard's academy. The gentleman from Maryland (Mr. **CUMMINGS**) has discussed this, and I alluded to it in my general remarks. But we also want that assessment to include a report on geographic diversity at the academy and recommendations for increasing geographic diversity as well as minority diversity.

And we establish a process in this amendment for access to secure areas for individuals with a pending application for a transportation security card, which the gentleman from California has adequately discussed, and a uniform national standard for background checks for transportation security cards, which also has previously been discussed.

That is the sum of the manager's amendment, and I reserve the balance of my time.

Mr. LOBIONDO. Madam Chair, I rise to claim time in opposition to the amendment although I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 10 minutes.

There was no objection.

Mr. LOBIONDO. On balance, this amendment does more good than harm, and for that reason, as I mentioned, I will not oppose the amendment or the adoption thereof.

I do, however, want to raise several concerns I have with the amendment. The amendment before us now overhauls several important provisions that passed with wide bipartisan support in the committee. The language was added despite the continued objections of the minority.

The manager's amendment rewrites language that would confer protections against liability for U.S. mariners that act in self-defense against a pirate attack on U.S.-flagged vessels. We have all read the accounts on the attacks of the Maersk Alabama and the Liberty Sun. Do we really want future mariners to hesitate in the face of a pirate armed with automatic weapons while they determine whether or not their actions will be deemed by a court reasonable with a check-off list in their minds as an attack is taking place? I don't think so.

And with the two pirate attacks today, while they weren't U.S.-flagged vessels, they could have been, and we certainly don't want to have that kind of a situation.

So I strongly oppose this section of the amendment. And a little bit later in the debate, I'll offer an amendment to replace the language with the bipartisan agreement that we worked out within our committee.

I want to once again thank Chairman OBERSTAR for his acceptance of the language that would extend an existing exemption for fishing vessels and small commercial vessels from complying with certain vessel discharge requirements. This action will allow this segment to continue operations while Environmental Protection Agency surveys the magnitude of discharges from the vessels and whether regulations are necessary.

And I very much appreciate the chairman's commitment to continue to work with us on the goal of setting a single national standard, which makes the most sense of all, to regulate the discharge of ballast water and other incidental discharges from vessels.

□ 1930

It simply is unacceptable to require our maritime sector to comply with two Federal standards and with as many as 30 different State standards and, often, conflicting State standards for vessel discharges. So it is a situation, I think, we are all looking forward to trying to solve.

I also want to thank, once again, Chairman OBERSTAR for improving language regarding the security of the vessels and of the facilities handling certain dangerous cargos. While I still believe too much of this provision is unnecessary and duplicative to current requirements under the Maritime Transportation Security Act of 2002, the language, Mr. Chairman, is a very marked improvement over the committee-reported amendment, and I thank you for your consideration.

I also thank Chairman OBERSTAR for his willingness to work with us on a variety of issues that we have encompassed in this bill, and I look forward to further consultation as the bill moves further down the line to enactment.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, how much time remains on our side?

The CHAIR. The gentleman has 6 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the subcommittee.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Madam Chair, I rise today in strong support of the manager's amendment.

I again commend Chairman OBERSTAR for his work on this legislation and for his dedication to effectively overseeing the Coast Guard and the entire marine transportation system. I also take this opportunity to thank the chairman for the support he has given me as a subcommittee Chair and throughout my membership on the Transportation and Infrastructure Committee.

The amendment offered by the chairman covers a number of subjects, and in the interest of time, I will note just a few of these:

This amendment would require that State and local law enforcement engaged in enforcing Coast Guard-imposed security zones around certain dangerous materials have the training, resources, personnel and experience they need to carry out the security responsibilities they have been engaged to perform. Further, the amendment would require the Coast Guard to report annually on the resource deficiencies they have pertaining to the enforcement of security zones around hazardous material shipments.

These provisions are not directed at any single material or terminal, but rather, they are intended to ensure that the most dangerous materials transported on the water are moved safely and that chemicals which could put entire communities at risk are secured against the threats which we know exist.

The manager's amendment would also address a number of other issues, including requiring an assessment of technologies that can combat the small-boat security threat, modifying several statutes governing the issuance of TWIC cards and addressing a critical licensing issue on Lake Texoma.

In the interest of time, I will end my statement here by urging the adoption of the manager's amendment and by, again, commending the work of the Chair.

Mr. LOBIONDO. Madam Chair, I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to acknowledge the concerns raised by the gentleman from New Jersey. They are proper and properly expressed.

Madam Chair, on the piracy issue, we had reached an agreement in committee, which I thought was done in a fair and equitable way, but there are other committees that have pieces of jurisdiction over this bill, and other concerns were expressed and accommodated. However, I continue to believe that the gentleman had the right approach. Mr. CUMMINGS, Mr. LOBIONDO and I had reached an agreement, and I still believe that is the better approach.

We had a discussion earlier about ballast water. I need not repeat what I said except to reaffirm that we will proceed vigorously in the pursuit of an accommodation of the concerns of the gentleman from New Jersey and of those of the gentleman from Michigan, which are almost identical to mine. We will reach agreement, and we will bring a bill to the floor in this session of Congress.

Madam Chair, this amendment makes a number of improvements to the bill, as reported by the Committee on Transportation and Infrastructure.

IMPROVES THE ENFORCEMENT OF COAST GUARD IMPOSED SECURITY ZONES AROUND HAZARDOUS MATERIALS TERMINALS AND TANKERS

Requires the Coast Guard to coordinate and be responsible for enforcing Federal security zones established by the Service around a vessel containing certain dangerous cargo.

If a security arrangement has been made with a State or local government to enforce a Coast Guard imposed security zone, the Coast Guard must ensure the waterborne patrols have the training, resources, personnel and experience necessary to carry out the security responsibilities to the maximum extent practicable to deter and respond to a transportation security incident.

Specifies that the Coast Guard may not approve a facility security plan for a new facility constructed after the date of enactment of this Act that will receive or ship certain dangerous cargo on the water unless there are sufficient resources available to ensure compliance of the facility security plan.

ESTABLISHES AN ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA

Authorizes the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State, whereby the State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets equivalent standards of safety and environmental protection. The State's plan must provide equivalent safety to a Coast Guard issued license and include drug testing, criminal background checks, and

physical standards for operators. It also must provide for the suspension and revocation for State licenses for the negligent operation of the vessel and safety standards.

AUTHORIZES THE DELEGATION OF AUTHORITY BY THE COAST GUARD TO CLASSIFICATION SOCIETIES

Authorizes the Secretary to delegate the Coast Guard's authority to review and approve offshore facility plans and conduct inspections and examinations of offshore facilities to the American Bureau of Shipping (ABS) or another classification society that meets acceptable standards.

The delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into an agreement with that foreign government that provides for reciprocal treatment of ABS.

REQUIRES THE COAST GUARD TO CONDUCT A STUDY ON THE COMBINATION OF FACIAL AND IRIS RECOGNITION

The study requires an assessment of the capability of a non-intrusive collection of biometrics in an accurate and expeditious manner to assist the Coast Guard in its homeland security mission.

REQUIRES THE GOVERNMENT ACCOUNTABILITY OFFICE TO INVESTIGATE AND REPORT ON COAST GUARD'S EFFORTS TO RECRUIT MINORITY CANDIDATES TO THE COAST GUARD ACADEMY

The report shall include the status of the Coast Guard's minority recruitment program and assessment of the program's effectiveness. The study should include the following statistics on minority applicants: the number of applicants that were contacted by the Academy; the number who completed applications; the number that were offered appointments; and the number of applicants that accepted appointments.

The report should also include an assessment of the geographic diversity at the Academy and should make recommendations for increasing geographic diversity.

PROVIDES A PROCESS FOR ACCESS TO SECURE AREAS FOR INDIVIDUALS WITH A PENDING APPLICATION FOR A TRANSPORTATION SECURITY CARD

Requires the Coast Guard to coordinate with owners and operators subject to the Maritime Transportation Security Act of 2002 to allow an individual who has applied for, but has not received, a transportation security card to be escorted into secure areas to work by another worker who has a transportation security card.

ESTABLISHES PROCEDURES FOR WORKERS TO SUBMIT FINGERPRINTS FOR THE PURPOSE OF OBTAINING TRANSPORTATION SECURITY CARDS AT FACILITIES OPERATED BY, OR UNDER CONTRACT WITH, THE RELEVANT FEDERAL AGENCIES

Establishes a uniform, national standard for background checks for transportations security cards.

Directs the Secretary of the department in which the Coast Guard is operating to prohibit States or political subdivisions of States from requiring separate background checks for transportation security cards unless there is a compelling reason for the separate background checks.

I urge my colleagues to join me in supporting this amendment.

I yield back the balance of my time, and I ask for a vote of approval of the manager's amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-311.

Mr. MICA. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

Page 312, after line 22, add the following new section:

**SEC. . . BACKGROUND CHECKS.**

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs conflict with Federal programs;

(3) a determination as to whether such background checks and forms of identification assist State and local governments in carrying out the safety, security, and law enforcement responsibilities of those governments; and

(4) recommendations on methods, procedures, and regulations that will—

(A) minimize redundant background checks and forms of identification required for access to port facilities; and

(B) facilitate the sharing of background check and identification data with State and local governments when the sharing of such data assists those governments in carrying out their safety, security, and law enforcement responsibilities.

(b) LIMITATION WITH RESPECT TO VESSEL AND FACILITY SECURITY PLANS.—The Secretary of the department in which the Coast Guard is operating shall not prohibit a State or political subdivision thereof from requiring a separate background check for entry into any area covered by a vessel or facility security plan required under subsection 70103(c) of title 46, United States Code.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself such time as I may consume.

Madam Chair, first of all, my colleagues, the amendment I have offered relates to the TWIC provisions, which refer to the trusted Transportation Worker Identification Credential. This is one of those cards I'm holding in my hand. It's called a TWIC card. Now, this is not the Colbert Report. It's not the Jon Stewart report, but it's almost a comedy of errors that we're here talking about a TWIC card 7 years after 9/11—the Transportation Worker Identification Credential.

Spent 7 years. We have a card. We've had four State demonstrations. We've spent millions of taxpayer dollars in developing this card, and I can't take this card and go over and put it in a reader like we can do with our voting

cards, because we don't have a reader that reads this card. It gets worse.

We have no agreements with the States, like Florida, to allow States to require additional checks. In fact, the language of the manager's amendment—and some of it was put in, I understand, by the Homeland Security Committee—makes the line between the States and the Federal Government even more difficult.

Now, the goal, I thought, was to have one card. The way we're going, we're going to end up with two cards. In fact, we have two cards in Florida now because this card doesn't even have a reader.

The second goal was to connect the dots so that information that we have we would have at the State, local and Federal levels. Remember 9/11 and what happened before we weren't able to connect the dots?

So the proviso that is in the bill does not allow us to connect the dots. The recently adopted manager's amendment includes a provision that directs the Government Accountability Office, the GAO, to make recommendations on limiting State and local criminal background checks—I'm not kidding. That's what's in here—and, from conducting such background checks, limiting our States. These provisions restrict the ability of State and local law enforcement officials to do their jobs. I oppose these provisions for those obvious reasons.

Some time ago in Florida, we had a commission that looked at the criminal activity at some of our ports, and we found very significant numbers of port workers, transportation workers, with criminal backgrounds. This goes in the opposite direction, this provision in this bill, and that is why I've offered this amendment today.

So my amendment directs the GAO to determine whether State and local background checks assist State and local law enforcement officials in carrying out their safety, security and law enforcement responsibilities, including their drug enforcement responsibilities.

In addition to asking the GAO for recommendations in minimizing redundant background checks, my amendment also seeks GAO recommendation, not to impede or to stop, but to facilitate the sharing of background check identification data with State and local governments.

I don't think this is an unreasonable request. I'm willing to work with folks on both sides of the aisle to make certain, if we ever get a Transportation Worker Identification Credential, that it does the job that we set out for it to do. So I pledge to work with the Homeland Security Committee, and I pledge to continue to work with my colleague, Mr. OBERSTAR. This is not the provision that we intended.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Chairman, currently, all transportation workers who work at our Nation's ports have a Transportation Worker Identification Credential, commonly referred to as a TWIC card.

This card costs around \$132, and it requires applicants to pass a security background check. Some ports have required transportation workers, including truckers and longshoremens, to have additional access badges and background checks prior to entering.

The TWIC program was supposed to simplify the process by eliminating duplicate background checks and by minimizing the burden on transportation workers. It does not make sense for States to require and to charge transportation workers for additional background checks when workers have already passed a stringent Federal background check.

Language in the manager's amendment eliminates duplicative background checks by prohibiting States from requiring transportation workers to undergo State security background checks in addition to TWIC. At the same time, the bill provides discretion to the Secretary of Homeland Security to allow a State to maintain its program if there is a compelling homeland security reason for a separate security check.

The House supported a single Federal credential for port workers with the approval of the Castor amendment to H.R. 2200, the Transportation Security Authorization Act, which was passed earlier.

The Mica amendment before us today would prohibit the TWIC from being the sole government-issued security card that maritime workers have to secure in order to work in our Nation's ports. Under the Mica amendment, a truckdriver or a port worker who needs to access ports in various States could be required to obtain a security credential from multiple States rather than being able to obtain a single Federal credential which would be accepted at ports around the country.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. May I inquire as to the time remaining on each side?

The Acting CHAIR (Mr. POLIS). There are 30 seconds remaining on the Republican side, and there are 2½ minutes remaining on the Democratic side.

Mr. MICA. I will just conclude by saying that, in fact, the way this is crafted, this does prohibit going in and getting additional information about bad guys. That is what this is all about. The way it is crafted it misses the mark about connecting the dots. It misses the mark of having one card. Unfortunately, the Federal Government has made a farce out of the TWIC card, and we're going further with this provision that has been provided in the manager's amendment.

I move my amendment at the appropriate time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the Chair of the full committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chair, I share the frustration of the gentleman from Florida about the reader equipment, about the lack of continuity and about a number of other issues that he raised.

The problem I have is that the State of Florida requires one standard for truckdrivers with hazardous material, and it requires a different standard for those truckdrivers who enter ports. The State was moving in the direction of unifying those requirements, and if the State would do that, then I think we wouldn't have this kind of dichotomy and this problem. Therefore, I think the position of the Committee on Homeland Security has merit, and we should accept their position.

□ 1945

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to include in the RECORD a letter from the AFL-CIO Transportation Trades Department also opposing this amendment.

TRANSPORTATION  
TRADES DEPARTMENT, AFL-CIO,  
Washington, DC, October 22, 2009.

Re oppose the Mica amendment to the Coast Guard authorization bill.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to oppose the Mica amendment to the Coast Guard Authorization Act of 2010 (H.R. 3619). TTD also supports final passage of the underlying bill and the Manager's amendment to be offered by Chairman Oberstar.

The Mica Amendment would allow states and local governments to impose additional and duplicative security background checks on workers who have access to vessels and port facilities. These workers are already required to hold a Transportation Worker Identification Credential (TWIC) and pass an extensive security vetting process that includes a criminal background check. One of the objectives of the TWIC program was to create a national security standard along with a national credential that would be accepted throughout the U.S. maritime industry. If states and others are allowed to impose different security standards, a worker who holds a TWIC and works at one port might be unable to enter other ports of vessels located in different jurisdictions. The patchwork of credentials and security checks that would be created by the Mica amendment is inconsistent with the national scope of the TWIC program and would impose additional fees on workers and their employers.

Finally, the Mica amendment would undermine language originally introduced by Rep. Castor that seeks to limit state and local security checks. This language has already been approved by the House as part of the TSA Reauthorization bill and is included in the Manager's amendment to H.R. 3619. Specifically, this language would prohibit a state or local government from adding on a separate security check for a purpose for which a federal transportation security card has already been issued. This clarifies that workers, for example, who have already applied for and received a TWIC should not be subject to additional and duplicate security checks for entering a port or a maritime ves-

sel. This is a modest prohibition and can be waived by DHS if a state can demonstrate a compelling homeland security reason for imposing additional security checks.

Again, I urge you to oppose the Mica Amendment and vote for the Coast Guard Authorization Act of 2010 (H.R. 3619) when it is considered on the House floor.

Sincerely,

EDWARD WYTKIND,  
President.

Again, Mr. Chairman, I rise in opposition to this amendment.

It's clear that it would provide an undue hardship on a number of individuals and States. It's duplicative.

We need one Federal card for security and identification purposes. The TWIC card has been approved by this Congress, and I urge opposition to this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. OBERSTAR

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-311.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Florida (Mr. HASTINGS), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. OBERSTAR:

Page 312, after line 22, add the following new section:

SEC. \_\_\_\_ STUDY AND REPORT REGARDING EFFECTS RESULTING FROM CHANGES IN UNITED STATES IMMIGRATION POLICY TOWARD HAITI.

The Secretary of the department in which the Coast Guard is operating shall conduct a study and submit a report to Congress within 180 days after the date of the enactment of this Act examining the Coast Guard's current ability to respond to any possible short- and long-term effects resulting from changes in United States immigration policy toward Haiti. The study and report shall examine several likely scenarios and draw upon past experiences with changes to immigration policy with regards to Haiti.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the amendment of the very distinguished gentleman from Florida (Mr. HASTINGS), who has a large constituency of persons of Haitian origin in his district, requires the Coast Guard to submit a report within 180 days after enactment to examine the Coast Guard's short- and long-term ability to respond to a possible mass migration resulting from changes in U.S.-Haitian immigration policy. There was an increase in the number of Haitians attempting to enter the U.S. in the first quarter of this fiscal year, and every year thousands try to make unauthorized entries by water into the United States.

In 1992, President George H.W. Bush issued Executive Order 12807, which directed the Coast Guard to prevent undocumented migrants from entering the U.S. by stopping them at sea and sending them back to their country of origin. Well, there was one standard for Haitians and a different standard for Cubans.

Mr. Chairman, I lived 3½ years in Haiti. I have a great number of friends and students to whom I taught English during that year. I just recently visited Haiti for the 50th anniversary of the officers of the Haitian military academy, who were my English students.

Conditions in Haiti are wretched; 9 million people in a land of 10,000 square miles. That's land about one-third the size of my district with three times the population of the entire State of Minnesota.

These people, who are trying to leave Haiti for an opportunity in America are being exploited by unsavory ship captains who charge them \$5,000 to get on board a vessel that can accommodate 100 people. They will put 200 people on the ship, and then they will throw some of them overboard before they get into U.S. waters if they think that the overpopulation of the boat is endangering its passageway. This is awful.

This study will help the Congress, the U.S. Government better understand the problems of the people of Haiti and the challenges to the Coast Guard. It's an important amendment.

I reserve the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO) for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition, but only to say we have no objection to the chairman's amendment.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I rise in strong support of the amendment offered by Mr. HASTINGS.

This amendment will require the Coast Guard to study its ability to respond to the possible effects of a change in U.S. policy regarding immigration from Haiti.

While I agree with Mr. HASTINGS that it is past time for the U.S. to review our immigration policies towards Haiti, particularly as that Nation continues to suffer in the wake of the ongoing worldwide economic downturn and recurring natural disasters, we need to understand the full range of consequences that such a policy change might bring.

The study requested by the gentleman's amendment will ensure that we have a thorough analysis of current conditions, as well as an analysis of past experiences to inform our consideration of immigration policy towards Haiti, as well as the development of the Coast Guard's plans and missions in the event that a policy change is made.

I support the gentleman's thoughtful amendment and his leadership on the issue and urge the adoption of the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LOBIONDO: Page 312, after line 22, add the following new title:

**TITLE \_\_\_\_—SERVICEMEMBER BENEFITS IMPROVEMENT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "United States Coast Guard Servicemember Benefits Improvements Act".

**SEC. 02. COAST GUARD HOUSING.**

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a study of military family housing and military unaccompanied housing available to members and officers of the Coast Guard.

(b) COMPONENTS OF THE STUDY.—The study required in subsection (a) shall include—

(1) an inventory of all military family housing and military unaccompanied housing units administered by the Coast Guard and their locations;

(2) a review of the physical condition of such units;

(3) a review of the availability of housing units administered by the Coast Guard to members and officers assigned to field units of the Coast Guard;

(4) a review of the availability of housing units administered by the other armed services to members and officers assigned to field units of the Coast Guard; and

(5) recommendations on statutory authorities that are necessary to improve availability of military housing to members and officers of the Coast Guard.

(c) REPORT.—The Secretary shall submit a report including the findings and recommendations of the study required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

**SEC. 03. CHILD DEVELOPMENT SERVICES.**

Section 515 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

“(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

“(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates would not be competitive

with rates at local child development centers.

“(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

“(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed servicemembers and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.”;

(2) by repealing subsections (d) and (e); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

**SEC. 04. CHAPLAIN ACTIVITY EXPENSE.**

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.”; and

(2) by adding at the end the following new subsection:

“(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

“(2) In this subsection, the term ‘support services’ include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

“(3) In this subsection, the term ‘dependents’ has the same meaning as defined in section 1072(2) of title 10.”.

**SEC. 05. COAST GUARD CROSS; SILVER STAR MEDAL.**

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 491 the following new section:

**“§ 491a. Coast Guard cross**

“The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(b) SILVER STAR MEDAL.—Such chapter is further amended—

(1) by striking the heading of section 492a and inserting the following:

“§ 492b. Distinguished flying cross”;

and

(2) by inserting after section 492 the following new section:

“§ 492a. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” in both places it appears;

(2) in section 496—

(A) in the matter preceding paragraph (1) of subsection (a), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(B) in subsection (b)(2), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(3) in section 497, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross.”.

(d) CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 491 the following new item:

“491a. Coast Guard cross.”.

(2) by striking the item relating to section 492a and inserting the following new items:

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I am offering this amendment, along with Mr. COBLE of North Carolina, to conform Coast Guard authorities to provide child care in development services, to support chaplain-led activities, and to issue medicals and commendations on a par with those available to the other branches of the military.

The Coast Guard is unique within the military community because it is located outside of the Department of Defense. While these authorities have

been made available to the other military services, this amendment is necessary to provide the Coast Guard similar capabilities. This is a commonsense amendment which will improve services to servicemembers and their families.

The amendment also directs the Coast Guard to conduct a comprehensive study of military housing currently available to members of the Coast Guard and their families. While we had initially intended to reinstate authorities necessary to construct new Coast Guard housing—which I might add is desperately needed—through public-private partnerships, a scoring issue with the CBO has presented us from better addressing the deplorable condition of Coast Guard housing.

I know all Members want to provide the finest housing to these servicemen and -women who are giving so much to their country and who put their lives on the line each and every day to protect us. It is my hope that we will be able to work out a solution with Chairman OBERSTAR and the CBO to provide the service with the authority to improve their housing.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. I rise today in strong support of the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO), the ranking member of the Subcommittee on Coast Guard and Maritime Transportation, and Mr. COBLE, a distinguished member of the subcommittee and a former member of the United States Coast Guard.

This amendment would require the Coast Guard to conduct a study of its family housing units, including requiring the development of a comprehensive inventory of such units and their physical condition. The study should also recommend legislative changes that could expand the availability of housing units. The state of the housing stock at some Coast Guard units is, frankly, appalling, and this is certainly the quality of life issue which is most often raised to the subcommittee by the Coast Guard members and their dependents.

I want to thank Mr. LOBIONDO for his concern about it. We have talked about it many times. It is one of my major conditions and that of our subcommittee.

The amendment offered by the gentleman would help us begin to understand the true extent of the Coast Guard's need for family housing, as well as the steps that we could take to ensure that the need is met and given the budget scoring issues that seem to be impeding the development of new housing.

This amendment would also support several other quality of life initiatives and authorize the Coast Guard to award a Coast Guard Cross and the Silver Star Medal in recognition of heroic actions in service to our Nation.

These are all initiatives that I strongly support, and I applaud the leadership of our ranking member, Mr. LOBIONDO, and Mr. COBLE.

Let me also say that it's one thing for us to want our Coast Guard's men and women to go out and do a good job, but at the same time we must be concerned about their housing. Where they live, where they raise their children, where they take care of their families is so very, very important.

While we talk about thin blue line and how much we honor them and applaud them, if we say that in one breath and then the next breath do not do the things like this to help them live the very best lives that they can, that's something that's simply awfully wrong with the picture.

I applaud my colleague, and I urge adoption of the amendment.

I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LOBIONDO:  
At the end of title II, add the following:

**SEC. . . SUPPLEMENTAL POSITIONING SYSTEM.**

(a) STUDY REQUIRED.—The Secretary, in consultation with the Secretary of Transportation and other heads of appropriate Federal departments, shall conduct a study to determine whether there is a continued need for a supplemental air and maritime navigation system as a backup to the Global Positioning System.

(b) STUDY COMPONENTS.—The study shall—

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

(2) review national navigational capabilities available in the event of a loss of the Global Positioning System;

(3) investigate the capabilities of currently available radionavigational technologies and systems, including the LORAN-C program currently operated by the Coast Guard as well as modernized LORAN systems, and costs and infrastructure requirements necessary to establish a supplemental system nationwide; and

(4) include recommendations for future courses of action.

(c) PUBLIC COMMENT.—The Secretary shall—

(1) publish in the Federal Register a draft report containing findings, conclusions, and recommendations from the study required by subsection (a);

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

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

(d) FINAL REPORT.—The Secretary shall submit a final report, including the findings and recommendations, of the study required under subsection (a) and responses to comments gathered under subsection (c) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the enactment of this Act.

(e) SECRETARY DEFINED.—As used in this section, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this amendment with my colleague, Mr. MICHAUD. This is a simple amendment which would require that the Department of Homeland Security, in consultation with the Department of Transportation, report to Congress on the decommissioning of the LORAN-C system. LORAN-C is a radio-based navigation and positioning system which many mariners use as a backup to GPS. It is also a primary means of navigation for bush pilots in Alaska.

At the request of the Obama administration, the FY10 Homeland Security Appropriations Act does not include funding to continue the system's operation. This is being done despite the fact that the Department of Homeland Security came to the conclusion in February of 2008 that a backup system to GPS is needed.

I am very concerned about the impact this will have on the safety of our waterways. In many regions around the country, the GPS can be found unreliable. I do not believe, as some in the administration have suggested, that we should go back to the days of navigating by sextant and lighthouse.

Our amendment would simply require the two departments to study the issue of whether a backup to the GPS is needed for safe navigation and report the findings to Congress.

Mr. Chairman, I urge all Members to support this commonsense amendment. I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I claim time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. Mr. Chairman, I rise in strong support of the amendment offered by the ranking member of the subcommittee, Mr. LOBIONDO, and Mr. MICHAUD of Maine.

This amendment would require the Coast Guard, together with the Department of Transportation along with other appropriate Federal agencies, to study whether we need a national navigational system to supplement and to serve as a backup to the Global Positioning System known as GPS.

In August of 2006, the U.S. Department of Transportation commissioned a study to assess whether a backup to GPS was needed. The study, conducted by the Institute for Defense Analyses, argued that a backup was needed because GPS is vulnerable to local interference and even intentional jamming.

The amendment offered by Mr. LOBIONDO and Mr. MICHAUD is a thoughtful amendment intended to ensure that we continue to deepen our understanding of our Nation's need for backup navigation aid systems in the event that the GPS is taken offline for some reason.

I support the amendment.

I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

□ 2000

AMENDMENT NO. 6 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-311.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HIMES:

Page 232, beginning at line 13, strike section 1101 and insert the following:

**SEC. \_\_\_\_ . AMERICA'S WATERWAY WATCH PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the “America's Waterway Watch Act”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should establish, within the Department of Homeland Security, citizen watch programs that promote voluntary reporting of suspected terrorist activity and suspicious behavior.

(c) AMERICA'S WATERWAY WATCH PROGRAM.—

(1) IN GENERAL.—There is hereby established, within the Coast Guard, the America's Waterway Watch Program (hereinafter in this section referred to as the “Program”).

(2) PURPOSE.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway.

(3) INFORMATION; TRAINING.—

(A) INFORMATION.—The Secretary, acting through the Commandant, may establish, as

an element of the Program, a network of individuals and community-based organizations that enhance the situational awareness within the Nation's ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(B) TRAINING.—The Secretary, acting through the Commandant, may provide training in—

(i) observing and reporting on covered activities; and

(ii) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(4) INSTRUCTIONAL MATERIALS.—

(A) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may—

(i) develop instructional materials that—

(I) provide information on inland waterways, ports and harbors, and coastal regions for a specific region, as well as specific vulnerabilities and threats common to a specific region; and

(II) promote voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway; and

(ii) distribute such materials to States, political subdivisions of the States, or non-governmental organization that provide instruction on boating or vessel operation in conjunction with any other instruction provided.

(B) DISSEMINATION.—The Secretary, acting through the Commandant —

(i) shall ensure that such materials are made available to any person or persons; and

(ii) is authorized to require, as a condition of receipt of funding or materials, pursuant to subparagraph (A), that the recipient of such funding or materials develops a program to reach the widest possible audience.

(C) ELIGIBILITY, FEDERAL ASSISTANCE.—The receipt, use, and dissemination of such materials shall not diminish the eligibility of any State, political subdivision of such State, or non-governmental organization to receive Federal assistance or reduce the amount of Federal assistance that such State, political subdivision of such State, or non-governmental organization that otherwise receive.

(5) VOLUNTARY PARTICIPATION.—Participation in the Program—

(A) shall be wholly voluntary;

(B) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(C) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(6) DEFINITIONS.—In this subsection:

(A) The term “covered activity” means any suspicious transaction, activity, or occurrence that involves, or is directed against, a vessel or facility (as that term is defined in section 70101(2) of title 46, United States Code) indicating that an individual or individuals may be preparing to engage, or engaging, in a violation of law relating to—

(i) a threat to a vessel, facility, port, or waterway; or

(ii) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) The term “facility” has the same meaning such term has in section 70101(2) of title 46, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for

the purposes of this section \$3,000,000 for fiscal years 2010 through 2015. Such funds shall remain available until expended.

(d) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President's budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chair, I yield myself such time as I may consume.

I would like to begin by thanking Chairman OBERSTAR and Chairman THOMPSON for their very diligent and intense work on this very important bill touching so closely to the topic of national security and making sure that our borders are secure and people are safe.

We have taken great strides in the last few years to ensure that our coasts, our rivers, our bridges, our tunnels, our ports and ships are safer than perhaps they were before. But the reality is that they are, as we all know, still vulnerable to attack.

With more than 95,000 miles of shoreline, more than 290,000 square miles of water and approximately 70 million recreational boats in the United States, the United States Coast Guard and local first responders simply cannot protect our Nation's waterways on their own. Individual citizens are often in the best position to notice suspicious activities that may be early indicators of terrorist activity. Any observations of suspicious or unusual activity could be extremely valuable to our national security, so we need a system in place to train volunteers to report their findings.

The amendment that I offer this evening strengthens, streamlines, and improves the national effort to engage local citizens in the fight to protect our waterways through the America's Waterway Watch Program. This program is an essential step toward improving our national maritime and homeland security outreach and awareness strategy, educating industry and the public on the need to be vigilant and to report suspicious activity. The amendment aims to develop a system to collect and share these reports.

My amendment would authorize full funding for this program for the very first time, allowing the Coast Guard to fulfill the promise of the program by providing resources, training support and awareness of best practices to our Nation's small vessel owners, recreational boaters, tugboat operators, fishermen and marina operators, those people who are day in and day out closest to where activity is likely to occur.

In the spirit of national security and with the support of the United States

Coast Guard and the House Homeland Security Committee, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I seek to claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. LOBIONDO. Mr. Chairman, we have no objection to the gentleman's amendment. The amendment would require the Coast Guard to establish the American Waterways Watch Program, which I understand is already in operation today. The language is identical to language that was offered by former Transportation Committee member from the State of Washington, DAVE REICHERT, as an amendment to the bill in the 110th Congress. So we have no object to its inclusion once again.

Mr. Chairman, I yield back the balance of my time.

Mr. HIMES. I thank my colleague and friend from New Jersey (Mr. LOBIONDO) and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The amendment was agreed to.

Mr. CUMMINGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HIMES) having assumed the chair, Mr. POLIS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, had come to no resolution thereon.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### ASTHMA IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I appreciate having the opportunity to review with the Members of the House, and also with other people watching, one of the most important ailments of the country, and that is there is today an asthma epidemic all across these United States. The rate of asthma in terms of its incidence of morbidity and mortality has been increasing each and every year.

What we find here today is asthma in America has some numbers we all need to be aware of: 22 million people here in these United States suffer from symp-

toms of asthma. There are 4,000 deaths every year from people who have asthma that's totally out of control, under-medicated and undercared for. Too often today, patients will suffer from allergic reactions not just in the nose and the sinuses, which we call hay fever or allergic rhinitis, but also in the lungs, where we call it asthma, for asthma is nothing more than an allergic reaction within the lungs.

\$20 billion is what we spend every year treating and diagnosing this condition. We can and must do better. In terms of lost days of work, over 10 million days are lost because people are ill with their asthma symptoms, and 13 million school days are lost each and every year because children are under-diagnosed and undertreated with this important condition. We can and we must do better, and one way to do that is to guarantee that patients receive an accurate diagnosis.

Recently, in the health care debate here in the House, much attention has been paid to primary care or to the medical home model where every citizen in the country would have a primary care physician to go to to receive their medical care, not just for themselves, but for members of their family as well.

So how well are the primary care doctors doing when taking care of these asthma patients? In a number of double-blind crossover control studies, we find that asthma specialists have been delivering higher quality and lower costs to the care of these asthmatic patients. There has been a documented 95 percent reduction in hospitalization when taking patients once hospitalized with asthma and then following the patients, whether they are referred to primary care or to an asthma specialist. There has been a 95 percent reduction in hospitalization, a 77 percent reduction in visits to an emergency room, and a 77 percent reduction in days missed from work.

Clearly, the evidence reveals that specialty care for the diagnosis, treatment and management of this chronic and often fatal disease is best handled by those who are specialists in the area. These facts have to be considered as we consider legislation that would compress people and, not force people, but guide them into primary care versus specialty care.

Throughout the country, specialists and primary care physicians have been working hand in hand and need to collaborate and cooperate when caring for patients, not just with asthma, but with all sorts of medical ailments.

And now that we are on the subject of health care reform, there are three essential elements that must be in a piece of legislation to pass this House and the Senate and to be signed by the President. They include not only no discrimination against any citizen due to preexisting conditions, but also transparency in the medical marketplace where every entity, every individual or business entity, that offers