

## Union Calendar No. 150

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2838

**[Report No. 112-229]**

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

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2011

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

OCTOBER 3, 2011

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

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

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

# **A BILL**

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

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Coast Guard and Maritime Transportation Act of 2011”.*

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

*Sec. 1. Short title.*

**TITLE I—AUTHORIZATION**

*Sec. 101. Authorization of appropriations.*

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

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

*Sec. 201. Academy emoluments.*

*Sec. 202. Policy on sexual harassment and sexual violence.*

*Sec. 203. Appointments of permanent commissioned officers.*

*Sec. 204. Minor construction.*

*Sec. 205. Treatment of reports of aircraft accident investigations.*

*Sec. 206. Acquisition workforce expedited hiring authority.*

*Sec. 207. Coast Guard housing report.*

**TITLE III—COAST GUARD REFORM**

*Sec. 301. Repeals.*

*Sec. 302. Interference with Coast Guard transmissions.*

*Sec. 303. National security cutters.*

*Sec. 304. Major acquisitions report.*

*Sec. 305. Environmental compliance and restoration backlog.*

*Sec. 306. Coast Guard auxiliarist enrollment eligibility.*

*Sec. 307. Decommissionings.*

*Sec. 308. Assessment of needs for additional coast guard presence in high latitude  
 regions.*

*Sec. 309. Limitation on expenditures.*

*Sec. 310. Restriction on the use of aircraft.*

**TITLE IV—SHIPPING AND NAVIGATION**

*Sec. 401. Committee on the Marine Transportation System.*

*Sec. 402. Report on determinations.*

*Sec. 403. Dockside examinations.*

*Sec. 404. Recourse for noncitizens.*

*Sec. 405. Maritime liens on fishing permits.*

*Sec. 406. Short sea transportation.*

*Sec. 407. Mission of the Maritime Administration.*

## TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations.

## TITLE VI—MISCELLANEOUS

Sec. 601. Technical corrections.

Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.

Sec. 603. Notice of arrival.

Sec. 604. Technical corrections to title 14.

Sec. 605. Distant water tuna fleet.

Sec. 606. Waivers.

Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.

Sec. 608. Standby vessels.

Sec. 609. Cap on penalty wages.

# 1           **TITLE I—AUTHORIZATION**

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

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

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

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

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

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

11                   *of which \$24,500,000 is authorized for each of the fis-*  
 12 *cal years 2012, 2013, and 2014 to be derived from the*  
 13 *Oil Spill Liability Trust Fund to carry out the pur-*  
 14 *poses of section 1012(a)(5) of the Oil Pollution Act of*  
 15 *1990 (33 U.S.C. 2712(a)(5)).*

16                          (2) *For the acquisition, construction, rebuilding,*  
 17 *and improvement of aids to navigation, shore and off-*

1 *shore facilities, vessels, and aircraft, including related*  
2 *equipment thereto—*

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

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

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

6 *to remain available until expended, of which*  
7 *\$20,000,000 for each of the fiscal years 2012, 2013,*  
8 *and 2014 shall be derived from the Oil Spill Liability*  
9 *Trust Fund to carry out the purposes of section*  
10 *1012(a)(5) of the Oil Pollution Act of 1990.*

11 *(3) For the Coast Guard Reserve program, in-*  
12 *cluding personnel and training costs, equipment, and*  
13 *services—*

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

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

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

17 *(4) For environmental compliance and restora-*  
18 *tion of Coast Guard vessels, aircraft, and facilities*  
19 *(other than parts and equipment associated with op-*  
20 *eration and maintenance)—*

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

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

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

24 *to remain available until expended.*

1           (5) *To the Commandant of the Coast Guard for*  
2           *research, development, test, and evaluation of tech-*  
3           *nologies, materials, and human factors directly re-*  
4           *lated to improving the performance of the Coast*  
5           *Guard's mission in search and rescue, aids to naviga-*  
6           *tion, marine safety, marine environmental protection,*  
7           *enforcement of laws and treaties, ice operations,*  
8           *oceanographic research, and defense readiness—*

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

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

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

12           *of which \$650,000 for each of the fiscal years 2012,*  
13           *2013, and 2014 shall be derived from the Oil Spill*  
14           *Liability Trust Fund to carry out the purposes of sec-*  
15           *tion 1012(a)(5) of the Oil Pollution Act of 1990.*

16 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
17 **AND TRAINING.**

18           (a) *ACTIVE DUTY STRENGTH.—The Coast Guard is*  
19           *authorized an end-of-year strength for active duty personnel*  
20           *of 47,000 for each of the fiscal years 2012 through fiscal*  
21           *year 2014.*

22           (b) *MILITARY TRAINING STUDENT LOADS.—The Coast*  
23           *Guard is authorized average military training student*  
24           *loads for the each of the fiscal years 2012 through fiscal*  
25           *year 2014 as follows:*

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

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

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

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

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

9           **SEC. 201. ACADEMY EMOLUMENTS.**

10          *Section 195 of title 14, United States Code, is amend-*  
11          *ed—*

12                 (1) *in subsection (c)—*

13                         (A) *in the first sentence—*

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

16                                 (ii) *by striking “pay and allowances,”*  
17                                 *and inserting “pay, allowances, and emolu-*  
18                                 *ments,”; and*

19                         (B) *in the second sentence—*

20                                 (i) *by striking “A person” and insert-*  
21                                 *ing “A foreign national”; and*

22                                 (ii) *by striking “pay and allowances,”*  
23                                 *and inserting “pay, allowances, and emolu-*  
24                                 *ments,”; and*

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

3 **SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VI-**  
4           **OLENCE.**

5           (a) *POLICY REQUIREMENT.*—Chapter 9 of title 14,  
6 *United States Code, is amended by adding at the end the*  
7 *following:*

8 **“§200. Policy on sexual harassment and sexual vio-**  
9           **lence**

10           “(a) *REQUIRED POLICY.*—The Commandant shall di-  
11 *rect the Superintendent of the Coast Guard Academy to pre-*  
12 *scribe a policy on sexual harassment and sexual violence*  
13 *applicable to the cadets and other personnel of the Coast*  
14 *Guard Academy.*

15           “(b) *MATTERS TO BE SPECIFIED IN POLICY.*—The  
16 *policy on sexual harassment and sexual violence prescribed*  
17 *under this section shall include specification of the fol-*  
18 *lowing:*

19           “(1) *Programs to promote awareness of the inci-*  
20 *dence of rape, acquaintance rape, and other sexual of-*  
21 *fenses of a criminal nature that involve cadets or*  
22 *other Academy personnel.*

23           “(2) *Procedures that a cadet should follow in the*  
24 *case of an occurrence of sexual harassment or sexual*  
25 *violence, including—*



1           “(A) if the cadet chooses to report an occur-  
2           rence of sexual harassment or sexual violence, a  
3           specification of the person or persons to whom  
4           the alleged offense should be reported and the op-  
5           tions for confidential reporting;

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

8           “(C) procedures on the preservation of evi-  
9           dence potentially necessary for proof of criminal  
10          sexual assault.

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

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

19          “(5) Required training on the policy for all ca-  
20          dets and other Academy personnel, including the spe-  
21          cific training required for personnel who process alle-  
22          gations of sexual harassment or sexual violence in-  
23          volving Academy personnel.

24          “(c) ANNUAL ASSESSMENT.—

1           “(1) *The Commandant shall direct the Super-*  
2 *intendent of the Academy to conduct at the Academy*  
3 *during each Academy program year an assessment to*  
4 *determine the effectiveness of the policies, training,*  
5 *and procedures of the Academy with respect to sexual*  
6 *harassment and sexual violence involving Academy*  
7 *personnel.*

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

13                 “(A) *to measure—*

14                         “(i) *the incidence, during that pro-*  
15 *gram year, of sexual harassment and sexual*  
16 *violence events, on or off the Academy res-*  
17 *ervation, that have been reported to officials*  
18 *of the Academy; and*

19                         “(ii) *the incidence, during that pro-*  
20 *gram year, of sexual harassment and sexual*  
21 *violence events, on or off the Academy res-*  
22 *ervation, that have not been reported to offi-*  
23 *cial of the Academy; and*

24                 “(B) *to assess the perceptions of Academy*  
25 *personnel of—*

1                   “(i) the policies, training, and proce-  
2                   dures on sexual harassment and sexual vio-  
3                   lence involving Academy personnel;

4                   “(ii) the enforcement of such policies;

5                   “(iii) the incidence of sexual harass-  
6                   ment and sexual violence involving Acad-  
7                   emy personnel; and

8                   “(iv) any other issues relating to sex-  
9                   ual harassment and sexual violence involv-  
10                  ing Academy personnel.

11               “(d) ANNUAL REPORT.—

12                   “(1) The Commandant shall direct the Super-  
13                   intendent of the Academy to submit to the Com-  
14                   mandant a report on sexual harassment and sexual  
15                   violence involving cadets or other personnel at the  
16                   Academy for each Academy program year.

17                   “(2) Each report under paragraph (1) shall in-  
18                   clude, for the Academy program year covered by the  
19                   report, the following:

20                   “(A) The number of sexual assaults, rapes,  
21                   and other sexual offenses involving cadets or  
22                   other Academy personnel that have been reported  
23                   to Academy officials during the program year  
24                   and, of those reported cases, the number that  
25                   have been substantiated.

1           “(B) *The policies, procedures, and processes*  
2           *implemented by the Commandant and the lead-*  
3           *ership of the Academy in response to sexual har-*  
4           *assment and sexual violence involving cadets or*  
5           *other Academy personnel during the program*  
6           *year.*

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

12          “(3) *Each report under paragraph (1) for an*  
13          *Academy program year that begins in an odd-num-*  
14          *bered calendar year shall include the results of the*  
15          *survey conducted in that program year under sub-*  
16          *section (c)(2).*

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

21          “(B) *The Commandant shall transmit each such*  
22          *report, together with the Commandant’s comments on*  
23          *the report, to the Committee on Commerce, Science,*  
24          *and Transportation of the Senate and the Committee*

1       *on Transportation and Infrastructure of the House of*  
2       *Representatives.”.*

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

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

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

10       **SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED**  
11       **OFFICERS.**

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

14       *“(d) For the purposes of this section, the term ‘origi-*  
15       *nal’, with respect to the appointment of a member of the*  
16       *Coast Guard refers to that member’s most recent appoint-*  
17       *ment in the Coast Guard that is neither a promotion nor*  
18       *a demotion.”.*

19       **SEC. 204. MINOR CONSTRUCTION.**

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

22       *“(d) MINOR CONSTRUCTION AND IMPROVEMENT.—*

23               *“(1) Subject to the reporting requirements set*  
24       *forth in paragraph (2), the Secretary may expend not*  
25       *more than \$1,500,000 from amounts available for the*

1        *operating expenses of the Coast Guard for minor con-*  
2        *struction and improvement projects at any one loca-*  
3        *tion.*

4                *“(2) No later than 90 days after the end of each*  
5        *fiscal year, the Secretary shall submit, to the Com-*  
6        *mittee on Commerce, Science, and Transportation of*  
7        *the Senate and the Committee on Transportation and*  
8        *Infrastructure of the House of Representatives, a re-*  
9        *port on each project undertaken during the course of*  
10        *the preceding fiscal year, for which the amount ex-*  
11        *pende d under paragraph (1) exceeded \$500,000.”.*

12        *(b) CLERICAL AMENDMENT.—*

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

18                *(2) The analysis at the beginning of chapter 17*  
19        *of such title is amended in the item relating to section*  
20        *656 by striking “waters.” and inserting “waters; use*  
21        *of moneys appropriated for operating expenses for*  
22        *minor construction and improvement.”.*

1 **SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCI-**  
2 **DENT INVESTIGATIONS.**

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

5 **“§ 678. Treatment of reports of aircraft accident inves-**  
6 **tigations**

7 “(a) *IN GENERAL.*—Whenever the Commandant con-  
8 ducts an accident investigation of an accident involving an  
9 aircraft under the jurisdiction of the Commandant, the  
10 records and report of the investigation shall be treated in  
11 accordance with this section.

12 “(b) *PUBLIC DISCLOSURE OF CERTAIN ACCIDENT IN-*  
13 *VESTIGATION INFORMATION.*—

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

18 “(2) The Commandant shall not disclose the in-  
19 formation requested in paragraph (1) unless the Com-  
20 mandant determines—

21 “(A) that such tapes, reports, or other infor-  
22 mation would be included within and releasable  
23 with the final accident investigation report; and

24 “(B) that release of such tapes, reports, or  
25 other information—

1                   “(i) would not undermine the ability of  
2                   accident or safety investigators to continue  
3                   to conduct the investigation; and

4                   “(ii) would not compromise national  
5                   security.

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

10                  “(c) *OPINIONS REGARDING CAUSATION OF ACCI-*  
11 *DENT.—Following an aircraft accident referred to in sub-*  
12 *section (a)—*

13                   “(1) if the evidence surrounding the accident is  
14                   sufficient for the investigators who conduct the acci-  
15                   dent investigation to come to an opinion as to the  
16                   cause or causes of the accident, the final report of the  
17                   accident investigation shall set forth the opinion of  
18                   the investigators as to the cause or causes of the acci-  
19                   dent; and

20                   “(2) if the evidence surrounding the accident is  
21                   not sufficient for the investigators to come to an opin-  
22                   ion as to the cause or causes of the accident, the final  
23                   report of the accident investigation shall include a de-  
24                   scription of those factors, if any, that, in the opinion



1       of the investigators, substantially contributed to or  
2       caused the accident.

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

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

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

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

19              “(2) the term ‘safety investigation’ means an in-  
20              vestigation by Coast Guard personnel of an aircraft  
21              accident referred to in subsection (a), that is con-  
22              ducted solely to determine the cause of the accident  
23              and to obtain information that may prevent the oc-  
24              currence of similar accidents.”.

1           (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*  
 2 *ginning of such chapter is amended by adding at the end*  
 3 *the following:*

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

4 **SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING**  
 5 **AUTHORITY.**

6           *Section 404 of the Coast Guard Authorization Act of*  
 7 *2010 (Public Law 111–281; 124 Stat. 2950) is amended—*

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

12                   (2) *in subsection (b)—*

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

15                           (B) *by striking “2012.” and inserting*  
 16 *“2015.”.*

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

18           *In conjunction with the transmittal by the President*  
 19 *of the budget of the United States for fiscal year 2013, the*  
 20 *Commandant of the Coast Guard shall submit to the Com-*  
 21 *mittee on Commerce, Science, and Transportation of the*  
 22 *Senate and the Committee on Transportation and Infra-*  
 23 *structure of the House of Representatives a report on the*  
 24 *status of Coast Guard servicemember housing, including—*

1           (1) *a statement of the Coast Guard’s housing*  
2           *needs requirements;*

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

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

9           (4) *a list of housing capacity shortfalls and ex-*  
10          *cess; and*

11          (5) *a revised prioritized list of housing mainte-*  
12          *nance and recapitalization projects.*

13                   **TITLE III—COAST GUARD**  
14                   **REFORM**

15   **SEC. 301. REPEALS.**

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

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

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

1           (d) *DETAIL OF MEMBERS TO ASSIST FOREIGN GOV-*  
2 *ERNMENTS.*—Section 149(a) of title 14, United States Code,  
3 *is amended by striking the second and third sentences.*

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

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

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

13 **SEC. 302. INTERFERENCE WITH COAST GUARD TRANS-**  
14 **MISSIONS.**

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

17           “(e) *An individual who knowingly and willfully oper-*  
18 *ates a device that interferes with the broadcast or reception*  
19 *of a radio, microwave, or other signal (including a signal*  
20 *from a global positioning system) transmitted, retrans-*  
21 *mitted, or augmented by the Coast Guard for the purpose*  
22 *of maritime safety is—*

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

24                   “(2) *subject to civil penalty of not more than*  
25 *\$1,000 per day for each violation.*”.

1 **SEC. 303. NATIONAL SECURITY CUTTERS.**

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

5 **“§ 569a. National security cutters**

6       “(a) *SIXTH NATIONAL SECURITY CUTTER.*—The Com-  
7 mandant may not begin production of a sixth national se-  
8 curity cutter on any date before which the Commandant—

9               “(1) has acquired a sufficient number of Long  
10 Range Interceptor II and Cutter Boat Over the Hori-  
11 zon IV small boats for each of the first three national  
12 security cutters and has submitted to the Committee  
13 on Commerce, Science, and Transportation of the  
14 Senate and the Committee on Transportation and In-  
15 frastructure of the House of Representatives a plan to  
16 provide such boats upon the date of delivery of each  
17 subsequent national security cutter;

18               “(2) has achieved the goal of 225 days away  
19 from homeport for each of the first two national secu-  
20 rity cutters; and

21               “(3) has submitted to the Committee on Com-  
22 merce, Science, and Transportation of the Senate and  
23 the Committee on Transportation and Infrastructure  
24 of the House of Representatives a program execution  
25 plan detailing increased aerial coverage to support  
26 national security cutter operations.

1       “(b) *SEVENTH NATIONAL SECURITY CUTTER.*—The  
 2 *Commandant may not begin production of a seventh na-*  
 3 *tional security cutter on any date before which the Com-*  
 4 *mandant has selected an offshore patrol cutter that meets*  
 5 *at least the minimum operational requirements set out in*  
 6 *the Operational Requirements Document approved by the*  
 7 *department in which the Coast Guard is operating on Octo-*  
 8 *ber 20, 2010.”.*

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

“569a. *National security cutters.*”.

12 **SEC. 304. MAJOR ACQUISITIONS REPORT.**

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

16 **“§ 569b. Major acquisitions report**

17       “(a) *MAJOR ACQUISITION PROGRAMS IMPLEMENTA-*  
 18 *TION REPORT.*—In conjunction with the transmittal by the  
 19 *President of the budget of the United States for fiscal year*  
 20 *2013 and every two fiscal years thereafter, the Secretary*  
 21 *shall submit to the Committee on Commerce, Science, and*  
 22 *Transportation of the Senate and the Committee on Trans-*  
 23 *portation and Infrastructure of the House of Representa-*  
 24 *tives a report on the status of all major acquisition pro-*  
 25 *grams.*

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

3               “(1) *a statement of Coast Guard’s mission needs*  
4 *and performance goals for such program, including a*  
5 *justification for any change to those needs and goals*  
6 *from any report previously submitted under this sub-*  
7 *section;*

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

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

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

17                       “(A) *any changes to the timeline for the ac-*  
18 *quisition of each new asset and the phase out of*  
19 *legacy assets; and*

20                       “(B) *any changes to the costs of new assets*  
21 *and legacy assets for that fiscal year, future fis-*  
22 *cal years, or the total acquisition cost;*

23               “(5) *a justification for how any change to such*  
24 *program fulfills the mission needs and performance*  
25 *goals of the Coast Guard;*

1           “(6) a description of how the Coast Guard is  
2           planning for the integration of each new asset ac-  
3           quired under such program into the Coast Guard, in-  
4           cluding needs related to shore-based infrastructure  
5           and human resources;

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

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

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

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

17          “(11) an identification of the scope of the antici-  
18          pated acquisitions workload for the next fiscal year;  
19          the number of officers, members, and employees of the  
20          Coast Guard currently assigned to positions in the  
21          acquisition workforce; and a determination on the  
22          adequacy of the current acquisition workforce to meet  
23          that anticipated workload, including the specific posi-  
24          tions that are or will be understaffed, and actions  
25          that will be taken to correct such understaffing.



1           “(c) *CUTTERS NOT MAINTAINED IN CLASS.*—Each re-  
2 port under subsection (a) shall identify which, if any, Coast  
3 Guard cutters that have been issued a certificate of classi-  
4 fication by the American Bureau of Shipping have not been  
5 maintained in class with an explanation detailing the rea-  
6 sons why they have not been maintained in class.

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

11           (b) *CLERICAL AMENDMENT.*—The analysis at the be-  
12 ginning of such chapter is further amended by adding at  
13 the end of the items relating to such subchapter the fol-  
14 lowing:

“569b. Major acquisitions report.”.

15           (c) *REPEAL.*—

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

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

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

23           (B) in section 573(c)(3), by striking sub-  
24 paragraph (B).

1 **SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORA-**  
2 **TION BACKLOG.**

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

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

6 “The Commandant of the Coast Guard shall submit  
7 to the Committee on Transportation and Infrastructure of  
8 the House of Representatives and the Committee on Com-  
9 merce, Science, and Transportation of the Senate the  
10 prioritized list of projects eligible for environmental compli-  
11 ance and restoration funding for each fiscal year concurrent  
12 with the President’s budget submission for that fiscal  
13 year.”.

14 (b) *CLERICAL AMENDMENT.*—The analysis for chapter  
15 19 of such title is amended by striking the item for such  
16 section and inserting the following:

“693. Annual report to Congress.”.

17 **SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGI-**  
18 **BILITY.**

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

1 *such term is defined in section 101(a)(20) of such Act (8*  
2 *U.S.C. 1101 (a)(20))),”.*

3 **SEC. 307. DECOMMISSIONINGS.**

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

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

12 **SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**  
13 **GUARD PRESENCE IN HIGH LATITUDE RE-**  
14 **GIONS.**

15 *Not later than 60 days after the date of enactment of*  
16 *this Act, the Secretary of the department in which the Coast*  
17 *Guard is operating shall submit a report to the Committee*  
18 *on Commerce, Science, and Transportation of the Senate*  
19 *and the Committee on Transportation and Infrastructure*  
20 *of the House of Representatives assessing the need for addi-*  
21 *tional Coast Guard prevention and response capability in*  
22 *the high latitude regions. The assessment shall address needs*  
23 *for all Coast Guard mission areas, including search and*  
24 *rescue, marine pollution response and prevention, fisheries*

1 *enforcement, and maritime commerce. The Secretary shall*  
2 *include in the report—*

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

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

9 *(3) an assessment of shore infrastructure, per-*  
10 *sonnel, logistics, communications, and resources re-*  
11 *quirements to support Coast Guard operations in the*  
12 *high latitude regions, including forward operating*  
13 *bases and existing infrastructure in the furthest north*  
14 *locations that are ice free, or nearly ice free, year*  
15 *round.*

16 **SEC. 309. LIMITATION ON EXPENDITURES.**

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

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

21 **SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.**

22 *(a) RESTRICTION.—Except as provided in subsection*  
23 *(b), the Secretary of the department in which the Coast*  
24 *Guard is operating and the Commandant of the Coast*  
25 *Guard may not travel aboard any Coast Guard owned or*

1 *operated fixed-wing aircraft if the Secretary has not pro-*  
2 *vided the Committee on Transportation and Infrastructure*  
3 *of the House of Representatives and the Committee on Com-*  
4 *merce, Science, and Transportation of the Senate all of the*  
5 *following:*

6           (1) *A cost-constrained Fleet Mix Analysis.*

7           (2) *The notification required under section 219*  
8 *of the Coast Guard Authorization Act of 2010 (Public*  
9 *Law 111–281; 124 Stat. 2918).*

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

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

17           (2) *to respond to a discharge classified as a spill*  
18 *of national significance under part 300.323 of title*  
19 *40, Code of Federal Regulations; or*

20           (3) *for evacuation purposes including for a med-*  
21 *ical emergency.*

1                   **TITLE IV—SHIPPING AND**  
2                   **NAVIGATION**

3 **SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION**  
4                   **SYSTEM.**

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

7 **“§55502. Committee on the Marine Transportation**  
8                   **System**

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

12           “(b) *PURPOSE.*—The Committee shall—

13                   “(1) assess the adequacy of the marine transpor-  
14 tation system (including ports, waterways, channels,  
15 and their intermodal connections);

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

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

20           “(c) *MEMBERSHIP.*—

21                   “(1) *IN GENERAL.*—The Committee shall consist  
22 of the Secretary of Transportation, the Secretary of  
23 Defense, the Secretary of Homeland Security, the Sec-  
24 retary of Commerce, the Secretary of the Treasury,  
25 the Secretary of State, the Secretary of the Interior,

1 *the Secretary of Agriculture, the Attorney General, the*  
2 *Secretary of Labor, the Secretary of Energy, the Ad-*  
3 *ministrator of the Environmental Protection Agency,*  
4 *the Chairman of the Federal Maritime Commission,*  
5 *and the head of any other Federal agency that the*  
6 *Committee Chair, with the approval of a majority of*  
7 *the voting members of the Committee, determines can*  
8 *further the purpose and activities of the Committee.*

9 “(2) *EX-OFFICIO MEMBERS.*—*The Committee*  
10 *may also consist of so many nonvoting members as*  
11 *the Committee Chair, with the approval of a majority*  
12 *of the voting members of the Committee, determines is*  
13 *appropriate to further the purpose and activities of*  
14 *the Committee.*

15 “(3) *CHAIRMAN.*—*The Chair of the Committee*  
16 *shall rotate each year among the Secretary of Trans-*  
17 *portation, the Secretary of Defense, the Secretary of*  
18 *Homeland Security, and the Secretary of Commerce.*  
19 *The order of rotation shall be determined with the ap-*  
20 *proval of a majority of the voting members of the*  
21 *Committee.*

22 “(d) *SUPPORT.*—

23 “(1) *COORDINATING BOARD.*—*Each member of*  
24 *the Committee may select a senior level representative*

1       to serve on a coordinating board which shall assist the  
2       Committee in carrying out its purpose and activities.

3               “(2) *EXECUTIVE DIRECTOR.*—The Secretary of  
4       Transportation, in consultation with the Secretary of  
5       Defense, the Secretary of Homeland Security, and the  
6       Secretary of Commerce, shall select an executive direc-  
7       tor to assist the Committee in carrying out its pur-  
8       pose and activities.

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

13              “(1) steps taken to implement actions rec-  
14      ommended in the July 2008 ‘National Strategy for  
15      the Marine Transportation System: A Framework for  
16      Action’;

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

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

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



1           “(5) steps taken to implement actions rec-  
2           ommended in previous reports required under this  
3           subsection.

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

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

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

11       **SEC. 402. REPORT ON DETERMINATIONS.**

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

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

23               (2) enforcement of the Coast Guard’s foreign re-  
24               build determination regulations; and

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

4 **SEC. 403. DOCKSIDE EXAMINATIONS.**

5           (a) *IN GENERAL.*—Section 4502(f) of title 46, United  
6 states Code, is amended—

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

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

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

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

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

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

21 **SEC. 404. RECOURSE FOR NONCITIZENS.**

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

24           (1) by inserting “(a) *IN GENERAL.*—” before the  
25 first sentence; and

1           (2) *by adding at the end the following new sub-*  
2           *section:*

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

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

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

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

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

21                         “(B) *the nation in which the seaman main-*  
22                         *tained citizenship or residency at the time the*  
23                         *claim arose.”.*

1 **SEC. 405. MARITIME LIENS ON FISHING PERMITS.**

2       (a) *IN GENERAL.*—Subchapter I of chapter 313 of title  
3 46, United States Code, is amended by adding at the end  
4 the following:

5 **“§31310. Limitation on maritime liens on fishing per-**  
6 **mit and permit description**

7       “(a) *IN GENERAL.*—This chapter—

8               “(1) does not establish a maritime lien on a per-  
9 mit that—

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

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

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

16       “(b) *FISHING PERMIT DESCRIBED.*—A fishing per-  
17 mit—

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

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

23       “(c) *LIMITATION ON STATUTORY CONSTRUCTION.*—

24 Nothing in subsections (a) and (b) shall be construed as  
25 imposing any limitation upon the authority of the Sec-  
26 retary of Commerce to modify, suspend, revoke, or sanction

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

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

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

7 **SEC. 406. SHORT SEA TRANSPORTATION.**

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

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

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

19 (3) *in subsection (d), by striking “that the*  
 20 *project may—” and all that follows through the end*  
 21 *of the subsection and inserting “that the project uses*  
 22 *documented vessels and—*

23 *“(1) mitigates landside congestion; or*

24 *“(2) promotes waterborne transportation between*  
 25 *ports of the United States.”;*

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

3           (5) in subsection (f), as so redesignated, by add-  
4           ing at the end the following—

5           “(4) *AUTHORIZATION OF APPROPRIATIONS.*—  
6           *There is authorized to be appropriated not more than*  
7           *\$5,000,000 for each of the fiscal years 2012 through*  
8           *fiscal year 2017 for grants under this subsection.*”;  
9           and

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

11          “(g) *TERMINATION OF AUTHORITY.*—*Authority grant-*  
12          *ed to the Secretary under this section shall terminate Sep-*  
13          *tember 30, 2017.*”.

14          (b) *SHORT SEA TRANSPORTATION DEFINITION.*—*Sec-*  
15          *tion 55605 of title 46, United States Code, is amended by*  
16          *striking “means the carriage by vessel of cargo—” and in-*  
17          *serting “means the carriage of passengers or freight (or*  
18          *both) by a vessel documented under the laws of the United*  
19          *States—”.*

20          **SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.**

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

23                 (1) in the subsection heading by striking “*ORGA-*  
24                 *NIZATION*” and inserting “*ORGANIZATION AND MIS-*  
25                 *SION*”; and

1           (2) *by inserting at the end the following: “The*  
 2           *mission of the Maritime Administration is to foster,*  
 3           *promote, and develop the domestic merchant maritime*  
 4           *industry of the United States.”.*

5           ***TITLE V—FEDERAL MARITIME***  
 6                           ***COMMISSION***

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

8           *Section 501 of the Coast Guard and Maritime Trans-*  
 9           *portation Act of 2004 (Public Law 108–293; 118 Stat.*  
 10          *1049) is amended by striking “Commission—” and all that*  
 11          *follows through the period at the end of the section and in-*  
 12          *serting “Commission for each of the fiscal years 2012*  
 13          *through 2015, \$22,100,000.”.*

14          ***TITLE VI—MISCELLANEOUS***

15          ***SEC. 601. TECHNICAL CORRECTIONS.***

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

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

19                 *and*

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

22          (b) *STUDY OF BRIDGES.—Section 905 of the Coast*  
 23          *Guard Authorization Act of 2010 (Public Law 111–281;*  
 24          *124 Stat. 3012) is amended to read as follows:*

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

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

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

17       *(a) IN GENERAL.—Not later than 180 days after the*  
18 *date of enactment of this Act, the Commandant of the Coast*  
19 *Guard shall submit to the Committee on Transportation*  
20 *and Infrastructure of the House of Representatives and the*  
21 *Committee on Commerce, Science, and Transportation of*  
22 *the Senate a report on the Coast Guard National Maritime*  
23 *Center’s merchant mariner medical evaluation program*  
24 *and alternatives to the program.*

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



1           (1) *An overview of the adequacy of the program*  
2           *for making medical certification determinations for*  
3           *issuance of merchant mariners' documents.*

4           (2) *An analysis of how a system similar to the*  
5           *Federal Motor Carrier Safety Administration's Na-*  
6           *tional Registry of Certified Medical Examiners pro-*  
7           *gram, and the Federal Aviation Administration's*  
8           *Designated Aviation Medical Examiners program,*  
9           *could be applied by the Coast Guard to make medical*  
10          *fitness determinations for issuance of merchant mari-*  
11          *ners' documents.*

12          (3) *An explanation of how the amendments to*  
13          *the International Convention on Standards of Train-*  
14          *ing, Certification and Watchkeeping for Seafarers,*  
15          *1978, that enter into force on January 1, 2012, will*  
16          *require changes to the Coast Guard's merchant mar-*  
17          *iner medical evaluation program.*

18 **SEC. 603. NOTICE OF ARRIVAL.**

19          *The regulations required under section 109(a) of Pub-*  
20          *lic Law 109-347 (33 U.S.C. 1223 note) on notice of arrival*  
21          *for foreign vessels on the Outer Continental Shelf shall not*  
22          *apply to a vessel documented under section 12105 of title*  
23          *46, United States Code, unless such vessel arrives from a*  
24          *foreign port or place.*

1 **SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.**

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

4 **“CHAPTER 1—ESTABLISHMENT AND**  
5 **DUTIES**

“Sec.

“1. Establishment of Coast Guard.

“2. Primary duties.

“3. Department in which the Coast Guard operates.

“4. Secretary defined.

6 **“§ 1. Establishment of Coast Guard**

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

9 **“§ 2. Primary duties**

10 “The Coast Guard shall—

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

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

18 “(3) administer laws and promulgate and en-  
19 force regulations for the promotion of safety of life  
20 and property on and under the high seas and waters  
21 subject to the jurisdiction of the United States cov-  
22 ering all matters not specifically delegated by law to  
23 some other executive department;

1           “(4) *develop, establish, maintain, and operate,*  
2           *with due regard to the requirements of national de-*  
3           *fense, aids to maritime navigation, ice-breaking fa-*  
4           *ilities, and rescue facilities for the promotion of safe-*  
5           *ty on, under, and over the high seas and waters sub-*  
6           *ject to the jurisdiction of the United States;*

7           “(5) *pursuant to international agreements, de-*  
8           *velop, establish, maintain, and operate icebreaking fa-*  
9           *ilities on, under, and over waters other than the high*  
10          *seas and waters subject to the jurisdiction of the*  
11          *United States;*

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

15          “(7) *maintain a state of readiness to function as*  
16          *a specialized service in the Navy in time of war, in-*  
17          *cluding the fulfillment of Maritime Defense Zone com-*  
18          *mand responsibilities.*

19          **“§3. Department in which the Coast Guard operates**

20          “(a) *The Coast Guard shall be a service in the Depart-*  
21          *ment of Homeland Security, except when operating as a*  
22          *service in the Navy.*

23          “(b) *Upon the declaration of war if Congress so directs*  
24          *in the declaration or when the President directs, the Coast*  
25          *Guard shall operate as a service in the Navy, and shall*

1 *so continue until the President, by Executive order, trans-*  
2 *fers the Coast Guard back to the Department of Homeland*  
3 *Security. While operating as a service in the Navy, the*  
4 *Coast Guard shall be subject to the orders of the Secretary*  
5 *of the Navy, who may order changes in Coast Guard oper-*  
6 *ations to render them uniform, to the extent such Secretary*  
7 *deems advisable, with Navy operations.*

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

10               “(1) *applicable appropriations of the Navy De-*  
11 *partment shall be available for the expense of the*  
12 *Coast Guard;*

13               “(2) *applicable appropriations of the Coast*  
14 *Guard shall be available for transfer to the Navy De-*  
15 *partment;*

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

20               “(4) *personnel of the Coast Guard shall be eligi-*  
21 *ble to receive gratuities, medals, and other insignia of*  
22 *honor on the same basis as personnel in the naval*  
23 *service or serving in any capacity with the Navy; and*

24               “(5) *the Secretary may place on furlough any of-*  
25 *ficer of the Coast Guard and officers on furlough shall*

1       *receive one half of the pay to which they would be en-*  
2       *titled if on leave of absence, but officers of the Coast*  
3       *Guard Reserve shall not be so placed on furlough.*

4       **“§4. Secretary defined**

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

8       **SEC. 605. DISTANT WATER TUNA FLEET.**

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

18       **SEC. 606. WAIVERS.**

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

24                (1) *M/V GEYSIR (United States official number*  
25                622178).

1           (2) *MACY-RENEE* (United States official num-  
2           ber 1107319)

3           (3) *OCEAN VERITAS* (IMO number 7366805).

4           (4) *LUNA* (United States official number  
5           280133).

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

8           (b) *DOCUMENTATION OF LNG TANKERS.*—

9           (1) *IN GENERAL.*—Notwithstanding sections  
10           12112 and 12132 and chapter 551 of title 46, United  
11           States Code, the Secretary of the department in which  
12           the Coast Guard is operating may issue a certificate  
13           of documentation with a coastwise endorsement for  
14           each of the following vessels:

15                   (A) *LNG GEMINI* (United States official  
16                   number 595752).

17                   (B) *LNG LEO* (United States official num-  
18                   ber 595753).

19                   (C) *LNG VIRGO* (United States official  
20                   number 595755).

21           (2) *LIMITATION ON OPERATION.*—Coastwise  
22           trade authorized under paragraph (1) shall be limited  
23           to carriage of natural gas, as that term is defined in  
24           section 3(13) of the Deepwater Port Act of 1974 (33  
25           U.S.C. 1502(13)).

1           (3) *TERMINATION OF EFFECTIVENESS OF EN-*  
2           *DORSEMENTS.—The coastwise endorsement issued*  
3           *under paragraph (1) for a vessel shall expire on the*  
4           *date of the sale of the vessel by the owner of the vessel*  
5           *on the date of enactment of this Act to a person who*  
6           *is not related by ownership or control to such owner.*

7           (c) *OPERATION OF A DRY DOCK.—A vessel transported*  
8           *in Dry Dock #2 (State of Alaska registration AIDEA*  
9           *FDD-2) is not merchandise for purposes of section 55102*  
10           *of title 46, United States Code, if, during such transpor-*  
11           *tation, Dry Dock #2 remains connected by a utility or*  
12           *other connecting line to pierside moorage.*

13   **SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION**  
14                           **OF U.S. COAST GUARD AND CANADIAN COAST**  
15                           **GUARD GREAT LAKES ICEBREAKING OPER-**  
16                           **ATIONAL INFORMATION.**

17           *Within 180 days after the date of enactment of this*  
18           *Act, the Commandant of the Coast Guard shall report to*  
19           *the Committee on Commerce, Science, and Transportation*  
20           *of the Senate and the Committee on Transportation and*  
21           *Infrastructure of the House of Representatives on options*  
22           *to improve the integration of the Great Lakes icebreaking*  
23           *operational information of the United States Coast Guard*  
24           *and Canadian Coast Guard to improve the safety, economic*

1 *security, and efficiency of Great Lakes icebreaking activities*  
 2 *of both services.*

3 **SEC. 608. STANDBY VESSELS.**

4 *(a) IN GENERAL.—Subtitle VIII of title 46, United*  
 5 *States Code, is amended by adding at the end thereof the*  
 6 *following new chapter:*

7 **“CHAPTER 807—STANDBY VESSELS**

*“Sec.*

*“80701. Standby vessels.*

8 **“§ 80701. Standby vessels**

9 *“(a) IN GENERAL.—The owner or operator of a*  
 10 *manned facility, installation, unit, or vessel shall locate a*  
 11 *standby vessel—*

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

16 *“(2) not more than 12 nautical miles from such*  
 17 *manned facility, installation, unit, or vessel while it*  
 18 *is performing operations other than drilling, plug-*  
 19 *ging, abandoning, or workover operations.*

20 *“(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—*

21 *“(1) IN GENERAL.—A Coast Guard District*  
 22 *Commander may reduce the distances prescribed in*  
 23 *subsection (a) for the area of command of the District*  
 24 *Commander if the District Commander determines*



1        *the reduction is necessary to address delays in stand-*  
2        *by vessel response times caused by inclement weather,*  
3        *high seas, or other conditions that prolong standby*  
4        *vessel response time or lessen the time survivors of an*  
5        *accident can remain in the water.*

6            *“(2) APPROXIMATION OF NORMAL RESPONSE*  
7        *TIME.—Any reduction under paragraph (1) shall be*  
8        *made to a distance that, in weather conditions neces-*  
9        *sitating the reduction, ensures that a standby vessel’s*  
10       *response time approximates that of a standby vessel*  
11       *covering the distance prescribed in subsection (a) dur-*  
12       *ing normal weather conditions.*

13           *“(3) PREVENTION OF HYPOTHERMIA.—Any re-*  
14       *duction under paragraph (1) made due to water tem-*  
15       *perature or other factors that reduce the time sur-*  
16       *vivors of an accident can remain in the water shall*  
17       *be made to a distance at which a standby vessel can*  
18       *be assumed to reach the survivor before the onset of*  
19       *hypothermia.*

20           *“(4) NOTICE TO OWNERS AND OPERATORS.—Be-*  
21       *fore exercising the authority in paragraph (1), a Dis-*  
22       *trict Commander shall provide 72 hours notice to the*  
23       *owners and operators of standby vessels and owners*  
24       *and operators of manned facilities, installations,*

1        *units, and vessels operating in the District Com-*  
 2        *mander's area of command.*

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

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

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

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

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

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

14        (d) *REGULATIONS.*—

15                (1) *IN GENERAL.*—*The Secretary of the depart-*  
 16                *ment in which the Coast Guard is operating may*  
 17                *promulgate regulations to implement the amendments*  
 18                *made by this section.*

19                (2) *EXISTING REGULATIONS.*—*Until such time*  
 20                *as the Secretary promulgates regulations to imple-*  
 21                *ment the amendments made by this section, the re-*  
 22                *quirements of subpart E of part 143 of title 33, Code*  
 23                *of Federal Regulations, as in effect on the date of en-*  
 24                *actment of this Act, including the requirements that*

1        *must be met by a standby vessel, shall apply to stand-*  
2        *by vessels required under the amendments.*

3        **SEC. 609. CAP ON PENALTY WAGES.**

4        (a) *FOREIGN AND INTERCOASTAL VOYAGES.*—Section  
5        *10313(g) of title 46, United States Code, is amended—*

6                (1) *in paragraph (2)—*

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

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

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

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

15                (1) *in paragraph (2)—*

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

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

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

Union Calendar No. 150

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2838**

[Report No. 112-229]

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## **A BILL**

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

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OCTOBER 3, 2011

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